Summary of the Call for Views on the Wellbeing and Sustainable Development (Scotland) Bill

The Wellbeing and Sustainable Development Bill was introduced by Sarah Boyack MSP on 27 March 2025. A SPICe briefing on the Bill's provisions will be published on the Scottish Parliament Digital Hub. The Social Justice and Social Security Committee held a call for views on the Bill, which concluded on 24 August 2025. 41 submissions were received through the Committee's call for views on Citizen Space, and an additional 7 submissions were received by correspondence. All responses have been published either on Citizen Space or on the Bill's webpages.

This briefing provides a summary of the written evidence submitted to the Committee ahead of its consideration of the Bill.

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Respondents to the Call for Views

There were 38 responses from organisations and 10 from individuals across the written submissions and Citizen Space responses. 4 of the individual responses came from academics.

Organisations comprised public bodies (e.g., Public Health Scotland, Scottish Environment Protection Agency, Strathclyde Partnership for Transport, Historic Environment Scotland, Care Inspectorate, Registers of Scotland), civil society organisations (e.g., Wellbeing Alliance Scotland, Scotland's Internation Development Alliance, Scottish Environment LINK, Open Seas), sectoral institutes (e.g., The Royal Town Planning Institute Scotland, Chartered Institute of Architectural Technologists), and cultural and social charities (e.g., Culture Counts, Culture for Climate Scotland One Parent Families Scotland).

Scotland's International Development Alliance developed a guidance document to support its members in responding to the Call for Views. Several organisations, including the Wellbeing Economy Alliance Scotland, Carnegie UK, and Oxfam Scotland, among others, use and reference this document in their submissions.

Embedding sustainable development and wellbeing as into policymaking

Respondents were asked whether more should be done to embed sustainable development and wellbeing as primary considerations in public policymaking. Of the 41 respondents via Citizen Space, 34 said yes, 3 were unsure, 1 said no, and 3 did not answer. Among written submissions, 6 out of 7 provided a clear affirmative response.

Respondents pointed to several challenges as reasons to strengthen the integration of sustainable development and wellbeing into public policymaking. These included the climate and biodiversity crises, rapid societal and industrial change (such as the rise of technologies like artificial intelligence), perceptions of public services as reactive and siloed rather than preventative and collaborative, and political pressures linked to short-term funding and electoral cycles.

For example, the response from Professor Colin Reid (Emeritus Professor of Environmental Law at University of Dundee, and Adviser to the Net Zero, Energy and Transport Committee) states:

> "Despite the climate, biodiversity, housing and cost-of-living crises that we face, too much policy appears to be continuing on a "business as usual" basis, based on an economic growth model that is palpably failing to deliver a sustainable future for the ecosystem of the planet on which we all depend and a healthy, dignified and comfortable long-term future for most in society".

Dr Graham Long's (Senior Lecturer in School of Geography, Politics and Sociology at Newcastle University) response states:

> "It is unarguable that Scotland, and the world, faces an urgent and long-term set of interlinked challenges across economic, environmental, social and governance spheres. Sustainable development and wellbeing considerations direct policymaking processes towards all of these aspects and impacts – including going beyond the "here and now" to those "elsewhere" and "in the future"".

Dr Craig Anderson's (Senior Lecturer in Law at the University of Stirling) response states:

> "We are going through a period of significant social change which is likely to accelerate with the coming impact of AI. It is likely that our current systems will not cope well with the rate of change. It is necessary for there to be a holistic systems thinking approach that weaves different futures and considers the inevitable impact on future generations. We are living through a time where there are increasing wellbeing impacts already placed on the population by a deeply uncertain future".

Scottish Environment LINK, a membership forum for Scotland's voluntary environment community, states in its submission:

> "The relentless pursuit of short-term economic growth has come at significant environmental cost. The unsustainable use of our natural resources has directly caused crises of climate change and biodiversity loss. Similarly, prioritising economic growth above wider public interest considerations can cause negative outcomes for society as a whole. In this context, both sustainable development and the wellbeing economy are concepts which have considerable merit in ensuring that policy is designed with long-term sustainability in mind".

Winning Scotland, a charity for children and young people, states in its submission:

> "Winning Scotland believes there is an urgent need to better embed wellbeing and sustainable development into policymaking. […] siloed decision-making and short-term pressures hinder long-term progress".

Scottish Care, the representative body for the independent social care sector in Scotland, states in its submission:

> Embedding wellbeing and sustainable development as statutory duties would ensure that decisions reflect the long-term needs of individuals, communities, and the workforce. It would also help shift the focus from crisis response to prevention, aligning with the relational, rights-based nature of social care.

Respondents also linked these factors (i.e., the climate and biodiversity crises, societal and industrial change, and 'short-termism') to a perceived need for greater policy coherence. A common suggestion was to align the embedding of wellbeing and sustainable development with the National Performance Framework (NPF), the Scottish Government's overarching framework for aligning with the Sustainable Development Goals and measuring national progress. Further information on the

NPF, and the review referenced in responses to the Call for Views, is available in this SPICe blog.

For example, the Scottish Cooperative Party, cited a report published by Carnegie UK which called for a "strengthened" National Performance Framework, arguing that this could provide a stronger vehicle for embedding wellbeing and sustainable development into policymaking. Similarly, Learning for Sustainability Scotland and SDG Network Scotland emphasised the role of the UN Sustainable Development Goals in driving policy coherence, noting that:

> "In a policy sense, the UN Sustainable Development Goals were designed to create a holistic vision for the future. This requires a policy coherent approach in which not only are human and planetary well-being recognised to be aligned, but different policies should be tested for synergies and possible negative trade-offs.
>
> The National Performance Framework (NPF) was an ambitious attempt to align public policy with the holistic vision and strategic planning potential of sustainable development and the UN Sustainable Development Goals, but the NPF did not fully engage at all levels of government and has now been in review for some time. This, or a similar approach, needs to be developed and fully implemented in Scotland".

Dr Graham Long highlighted both the potential and the limitations of the NPF in its current form, observing that:

> "[…] the NPF is a potent vehicle for action and focus around sustainable development and wellbeing, but this potential is not yet being realised (as evidenced by the ongoing review of the NPF). In these respects, it is clear that more could be done to systematise and embed these ideas".

Stop Climate Chaos Scotland, amending the template response from Scotland's Internation Development Alliance, states in its submission:

> "Yes, in the context of the climate crisis wellbeing and sustainable development should be central themes for all governments and align with Sustainable Development Goals and the Paris Agreement.
>
> […] We believe this legislation can help us ensure the National Outcomes become the golden thread underpinning public life in Scotland. It should be Scotland's contract with current and future generations everywhere and ensure long-term societal outcomes".

Oxfam Scotland framed the National Outcomes as its preferred mechanism for delivering on sustainable development and wellbeing, arguing that:

> "Critically, we see the National Outcomes as the primary vehicle for translating the overarching goals of sustainable development and wellbeing into concrete outcomes for Scotland. As such, progressive and transparent delivery of the National Outcomes would help drive progress towards achieving sustainable development and wellbeing. With the current proposed

> review of the NPF by the deputy First minister, there is an opportunity to clarify obligations and approaches across government at every level in Scotland".

Public Health Scotland (PHS) similarly states in its submission:

> "[…] PHS view the National Performance Framework as Scotland's wellbeing framework. Improving life expectancy and reducing health inequalities requires a cross-government effort. The National Performance Framework is intended to be used as a shared set of outcomes, shaping public policy and planning".

Both Scotland's International Development Alliance and the Wellbeing Economy Alliance Scotland reflected on the evolution of the National Performance Framework and suggested this approach has lost momentum. They states in their respective submissions:

> "Through the evolution of the National Performance Framework (the NPF) into Scotland's wellbeing framework and the introduction of an outcome-based approach to government in 2018, Scotland was a timely responder and developed an international reputation as a dynamic, resourceful nation. However, more recently Scotland has failed to maintain the momentum […] there has been an increased perception of a failure of government (a failure of the system) to respond to people's needs".

The four respondents indicating they did not believe, or were not sure whether, more needs to be done to embed wellbeing and sustainable development into public policymaking cited concerns that this could be seen as "vague" or lead to increased bureaucracy without impact.

Policy objectives of the Bill

The Policy Memorandum to the Bill states the policy objectives of the Bill as:

- establishing statutory definitions of the terms "sustainable development" and "wellbeing";
- imposing a statutory duty on public bodies to consider wellbeing and sustainable development in the exercise of their functions; and
- creating the office of the Future Generations Commissioner for Scotland.

Respondents were asked for their views on the Bill's policy objectives. While most expressed support for its overall principles, many questioned how well its provisions align with the National Performance Framework and with similar duties in existing legislation. These concerns reflected earlier comments on embedding wellbeing and sustainable development.

Alignment with the National Performance Framework

Historic Environment Scotland, an executive non-departmental public body responsible for caring for and promoting Scotland's historic environment, indicated that the Member's consultation on their (then) Proposed Wellbeing and Sustainable Development Bill would improve the efficacy of the National Performance Framework. Historic Environment Scotland indicates in its submission that the Bill now introduced does not appear to integrate with the National Performance Framework:

> "We would note that in the original consultation, there was an intention for the Bill to strengthen the public bodies' delivery of the NPF, but this has been lost. Losing this connection has implications on reporting and other areas where Scottish Government has set out guidelines to measure and define wellbeing and the wellbeing economy. We recommend that the Bill should look to integrate and interact with other legislation, so that it doesn't impose an unnecessary additional burden on public bodies, which are already suffering from widespread cuts to funding and staff".

Similarly, Carnegie UK, an independent foundation which aims to improve collective wellbeing by influencing public policy and practice, states in its submission:

> "[…] we do not believe that the Bill as currently drafted will effectively or sufficiently deliver its objectives. Critically, Carnegie UK believes that this Bill must:
>
> - Build on and further entrench Scotland's National Outcomes and National Performance Framework (NPF), along with appropriately strengthened duties and accountabilities.
> - Define 'wellbeing' differently.
> - Include specific ways of working, recognised to promote wellbeing and sustainability".

Oxfam Scotland and Stop Climate Chaos Scotland, amending the template response from Scotland's Internation Development Alliance, referenced the Community Empowerment (Scotland) Act 2015 (i.e., the legislation that provides for the National Performance Framework and National Outcomes). Oxfam Scotland indicated that the current Bill should consider strengthening the National Performance Framework and the National Outcomes to meet its policy objectives. Oxfam Scotland states in its submission:

> "[…] The primary way in which this bill can do that is by building on and strengthening the duties relating to the existing National Outcomes and the National Performance Framework (NPF) in which they sit. The legislation should therefore absorb and, crucially, strengthen the existing duties on Ministers and public bodies contained within the Community Empowerment (Scotland) Act 2015. The existing duty on public bodies to "have regard to the national outcomes" must be replaced with a strengthened duty promote and deliver the National Outcomes, as revised, so that they more clearly drive

> policy and spending decisions on the one hand and implementation on the other. To do this, requires the duty to use more tangible, directional and affirmative language than 'have regard to'.
>
> The WSD Bill should also place requirements on Scottish Ministers to: show how they support wellbeing and sustainable development when they set new National Outcomes; to produce delivery plans for the National Outcomes; to engage in meaningful and ongoing public engagement on the National Outcomes and to demonstrate how it is acting upon the findings; to ensure regular and accessible reporting on progress; and to strengthen the links between the National Outcomes and the Scottish Budget".

Stop Climate Chaos Scotland similarly states in its submission:

> "The existing duties in the Community Empowerment (Scotland) Act 2015 are too weak to establish the National Outcomes as key drivers of decision-making and concrete outcomes for Scotland. These duties are not streamlined with other obligations, creating a complicated and sometimes contradictory landscape for public bodies, which hinders the advancement of wellbeing and sustainable development by Scottish Ministers. Additionally, the National Outcomes are not currently developed based on strong participatory processes, which are vital for democratic mandate. […].
>
> The legislation should also relocate and strengthen the duties of Ministers and public bodies to promote and deliver the National Outcomes, as revised, so that they more clearly drive policy and spending decisions on the one hand and implementation on the other".

The Health Foundation, a charity and think tank focussing on health and healthcare, also suggested that the policy objectives of the Bill should be aligned with the National Performance Framework. The Health Foundation response states:

> "While we have sympathy with the objectives of the bill, we are mindful that to have two separate mechanisms (WSD legislation and the NPF) in place with similar aims carries risks; further cluttering an already busy policy landscape, spreading confusion and watering down the policy coherence which the Bill seeks to address.
>
> As already indicated, our primary interest in the Bill is in relation to improving health and reducing inequalities. If it is to support progress in this regard, it will be necessary to legislatively link the Bill to the National Outcomes and the NPF and clarify its role in creating a coherent policy landscape, rather than adding complexity".

The Scottish Environment Protection Agency (SEPA) also indicated concerns about the number of similar duties in legislation and whether additional duties would support the embedding of wellbeing and sustainable development into public policymaking. The response from the Scottish Environment Protection Agency states:

> "SEPA, for example, benefits from a clear statutory purpose set out in the Regulatory Reform (Scotland) Act 2014 to protect and improve the environment in ways that, as far as possible, also contribute to improving health and wellbeing and achieving sustainable economic growth.
>
> […] Other public bodies also have similar existing duties on them – for example the public bodies duty in the Climate Change (Scotland) Act 2009 requires all public bodies in Scotland, including SEPA, to "act in a way that it considers most sustainable" in the delivery of their functions.
>
> […] Furthermore, public bodies are also guided by the National Performance Framework (NPF). […] The NPF itself is informed by the UN Sustainable Development Goals.
>
> […] We feel that the more similar duties and policies there are, the more difficult it will be to have clarity on how to ensure that they are all implemented. Similarly, it opens up for interpretation whether one duty takes precedence over another of a similar nature or whether they all have equal weighting and have to be somehow balanced.
>
> We consider that there is scope for support to public bodies in implementing the duties that already exist".

Policy coherence with other legislation

A recurring theme in responses was the relationship between the Bill's proposed duties and existing legislation. Many respondents welcomed the Bill's objectives but raised concerns about how effectively it would align with the National Performance Framework, the Sustainable Development Goals, and existing statutory obligations. Several warned of risks of duplication, fragmentation, or dilution if the new duty was not carefully integrated with current frameworks.

The UK Environmental Law Association, a membership organisation comprising law professionals, academics, and consultants involved in environmental law, also affirmed the alignment of the Bill's objectives with the Sustainable Development Goals and National Performance Framework. The UK Environmental Law Association also advocated for stronger alignment with the National Planning Framework 4, and states in its response:

> "The National Planning Framework 4 (NPF4) sets out Scotland's spatial strategy to 2045 with explicit focus on sustainable places, liveable places, and productive places. The WSD Bill should create stronger statutory connections to NPF4's principles, ensuring all public bodies consider these agreed-upon spatial priorities in their decision-making".

The Royal Town Planning Institute Scotland likewise highlighted the compatibility of the Bill's policy objectives with planning law. The Royal Town Planning Institute Scotland response states:

> "[…] we note that the Planning (Scotland) Act 2019, introduced a new purpose of planning to "manage the development and use of land in the long-term

public interest". This purpose clearly aligns with the wellbeing and sustainable development objectives of the proposed Bill. Promoting and encouraging community wellbeing, as well as pursuing sustainable development are key elements of Scotland's National Planning Framework 4 (NPF4) and Scotland's National Outcomes, which form part of the National Performance Framework (NPF)".

By contrast, Professor Colin Reid questioned the effectiveness of existing statutory duties on environmental considerations, observing that they have not significantly influenced policymaking or decision-making:

> "It is unclear that the existing statutory duties intended to ensure that attention is paid to environmental considerations are having much effect on policy and decision-making and therefore it is hard to have confidence that this further duty will make a real difference.
>
> The duties that already exist include those in relation to climate change and sustainability (Climate Change (Scotland) Act 2009, s.44), environmental principles (UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, ss 14-15), biodiversity (Nature Conservation (Scotland) Act 2004, s.1), natural heritage (Countryside (Scotland) Act 1967, s.66), and more specifically to ensure compliance with EU Directives on the water environment (Water Environment and Water Services (Scotland) Act 2003, s.2) and habitats and species (Conservation (Natural Habitats, &c.) Regulations 1994, reg.3). These duties do not appear to have had a marked impact on how Ministers and public authorities act and there is a danger that adding a further duty complicates the picture rather than furthering the objectives. In relation to wellbeing, the discrimination, equality and disability laws also impose duties which will overlap with what is proposed. When there are so many duties, the importance of each one is diminished and the risk of duties pulling in opposite directions and cancelling each other out increases.
>
> In particular, the proposed new duty appears to overlap with the existing one under section 44 of the Climate Change (Scotland) Act 2009, requiring public bodies to act in a way that they consider is most sustainable and it is unclear how these will fit together".

Several organisations echoed these concerns. Scottish Environment LINK supported new public sector duties to embed wellbeing and sustainable development but also suggested the Bill could be used to repeal outdated or ineffective obligations. Strathclyde Partnership for Transport suggested a review of existing duties in legislation could support the policy objectives of the Bill, and stated:

> "In regards to furthering sustainable development and contributing to the quality of life in Scotland, SPT refers to existing legislation such the Climate Change (Scotland) Act 2009, and The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 that require public bodies to further nature and biodiversity conservation, demonstrate transparency in regards to their operational greenhouse gas emissions, and disclose environmental impacts of planned and proposed projects. SPT advises that a review of existing legislation be considered when implementing

new policy to improve streamlining and efficiency within governance while avoiding redundant duties that may unduly increase the burden on public bodies".

Open Seas, a civil society organisation focussed on marine environment protection, suggested the Bill could promote policy cohesion, and states in its response:

> "Within the context of the marine environment, consideration for environmental, social and economic factors is already a legal requirement but we're not seeing this translate into policy decisions. Section 25 of the UK Fisheries Act 2022, of which powers are devolved directly to Scottish Ministers states that "when distributing catch quotas and effort quotas for use by fishing boats, the national fisheries authorities [read Scottish Minsters] must use criteria that are transparent and objective, and include criteria relating to environmental, social and economic factors", yet we continually see decisions being made purely on an economic basis only, meaning that coastal communities seeking a sustainable future of secure inter-generational local fishing jobs and a well preserved marine environment are being disadvantaged in the short and long term.
>
> A Bill embedding sustainable development and wellbeing into policy making would strengthen accountability of government and public bodies in delivering their existing legal obligations and improve future policy decisions, in particular promoting and ensuring a cohesion across policy sectors".

Several respondents, such as Culture for Climate Scotland, indicated a view that the Climate Change (Scotland) Act 2009 duty could be strengthened through the current Bill. Culture for Climate Scotland states in its submission:

> "The duty on public bodies in the Climate Change (Scotland) Act to 'act in a way that [the public body] considers is most sustainable' has been very largely ignored or at least left to last by the public bodies here, because it is so vague and unclear. When there are clear targets to be met and specified reporting requirements, bodies will focus on them. When there is nothing to be measured or reported on, it will be passed over".

Relatedly, Stop Climate Chaos Scotland advocates using the current Bill to streamline existing sustainable development duties:

> "Legal duties in the Bill should be defined in a way that does not, wherever possible, add unnecessary extra reporting requirements on public authorities, and instead, in a way that strengthens, clarifies and streamlines existing duties around sustainable development, wellbeing and the National Outcomes.
>
> […] Public authorities would be better able to mainstream sustainable development, as defined in the WSD Bill, by amending Section 44 of the Climate Change Act 2009 to include references to 'sustainable development' and a new clause which serves to resolve existing conflicts in public authorities' statutory duties. For example, a clause after 44(1), stating that 'where the implementation of any other statutory duty appears to conflict with

44(1)(c), a transparent resolution must be sought with regard to policy coherence for sustainable development as defined in the Wellbeing and Sustainable Development (Scotland) Act 202X'".

The Children and Young People's Commissioner Scotland indicated that a human-rights-based approach through effective implementation of the United Nations on the Rights of the Child (Incorporation) (Scotland) Act 2024 could better achieve the Bill's objectives in relation to embedding wellbeing. The Commissioner states in its submission:

> "[…] The universal and indivisible set of rights under the UNCRC and wider international human rights framework create the conditions for wellbeing, and ensuring full and effective implementation of the UNCRC (Incorporation) (Scotland) Act must therefore be a priority.
>
> We agree that more should be done to promote the wellbeing of children and young people, but support this being done from a human rights perspective through the protection of their rights".

Views on the Bill's provisions

Public bodies and "due regard" for wellbeing and sustainable development

Section 1(1) of the Bill proposes requiring public bodies to have "due regard" for the need to promote wellbeing and sustainable development. Respondents were first asked to select the statement which best expresses their view on the Bill's section 1 proposal. 17 (out of 41 Citizen Space) respondents indicated they "strongly support" the proposal, 7 respondents indicated they "support" the proposal, 5 respondents indicated they "neither support nor oppose", 1 respondent indicated they oppose the proposal, 7 indicated they "strongly oppose" the proposal, with 1 respondent indicating they "don't know", and the remaining 3 respondents did not select a response. Among written submissions, three organisations gave clear positions: one expressed support, one opposed, and one strongly opposed the proposal.

The UK Environmental Law Association explained its view that such a duty as that proposed in the Bill could undermine the embedding of wellbeing and sustainable development in public policy making. UK Environmental Law Association states:

> "To 'have regard to' merely holds procedural weight, not substantive action. It would enable public bodies to fully discharge their duty by simply noting sustainable development in meeting minutes, proceeding to prioritise economic or political considerations, and claiming complete statutory compliance. This creates a hierarchy where sustainable development and wellbeing become secondary considerations by default: something to be acknowledged but not acted upon. Primary considerations require mandatory duties such as 'must pursue' or 'must not act inconsistently with' to ensure they genuinely drive decision-making".

Several respondents, such as Social Enterprise Scotland, reiterated a view that it should be made clear what “due regard” means. Individual respondents also indicated there was a lack of clarity over what it means.

Many respondents described the proposed duty to “have due regard” as inadequate. The most frequent request was to strengthen this to a more robust obligation--such as a duty “to deliver,” “meaningfully consider,” or “actively pursue”--and to align it with clear guidance on how public authorities should demonstrate compliance. Organisations calling for a stronger duty included One Parent Families Scotland, Carnegie UK, Public Health Scotland, The Health Foundation, Open Seas, and Learning for Sustainability Scotland/SDG Network Scotland. The CLD Standards Council Scotland were content with the “due regard” formulation but stressed the need for detailed implementation guidance. The Children and Young People’s Commissioner Scotland similarly noted that a duty to have due regard in relation to sustainable development could improve decision-making but cautioned that this would require significant Government action to make the duty effective in practice.

Several respondents argued that the drafting of the duty in the Bill should be rewritten in line with wording proposed by Scotland’s International Development Alliance. Organisations supporting this approach included Stop Climate Chaos Scotland, Oxfam Scotland, the Parliamentary Engagement Working Group of Quakers, and the Scottish Fair Trade Forum. Scotland’s International Development Alliance suggested reframing the duty on the National Outcomes so that public authorities would be required to:

> “promote and deliver sustainable development while protecting the wellbeing of current and future generations, ensuring that they take all reasonable steps to support the realisation of the national outcomes, minimise trade-offs, and resolve policy conflicts in a way that does not undermine sustainable development or the wellbeing of current and future generations everywhere”.

The Scottish Environment Protection Agency also questioned the “due regard” formulation, favouring language like that used in the Regulatory Reform (Scotland) Act 2014*:*

> “In carrying out its functions for that purpose SEPA must, except to the extent that it would be inconsistent with subsection to do so, contribute to:
>
> (a) improving the health and wellbeing of people in Scotland, and
>
> (b) achieving sustainable economic growth”.

However, this proposal was contested. Scottish Environment LINK argued that the existing SEPA duty is framed around “sustainable economic growth” rather than “sustainable development,” and therefore should not be replicated.

Concerns were also raised by the UK Environmental Law Association, which cautioned that the Bill’s current framework “appears insufficiently robust to drive the cultural shift required” and risks creating “soft law […] rather than the binding framework necessary to address climate change and long-term socioenvironmental improvement”. To strengthen the Bill, it recommended considering the Well-being of

Future Generations (Wales) Act 2015, which places sustainable development objectives on a statutory footing, supported by national indicators, regular reporting, and clear accountability mechanisms.

Proposed statutory definitions in the Bill

Respondents were asked if there is a need for statutory definitions of wellbeing, and sustainable development. 36 (of 41 Citizen Space) respondents indicated yes, 2 respondents indicated no, 1 indicated don't know, and the remaining 2 respondents did not select a statement.

A recurring theme across submissions was the role statutory definitions could have to unify interpretations of sustainable development and wellbeing in legislation and policy. For example, Dr Graham Long indicated statutory definitions of wellbeing and sustainable development are necessary to address diverse references to these concepts in existing legislation and ensure that there is coherence between legislation referring to these concepts and the National Performance Framework. Dumfries and Galloway Council highlighted that definitions "provide clarity" on the application of duties under the Bill and additionally states in its response that:

> "there is a risk that if the statutory definitions of sustainable development and wellbeing is imprecise or too wide it will have an impact on the Council's ability to perform the duty".

Registers of Scotland suggested they have similar concerns about imprecise statutory definitions and stated:

> "We would not recommend creating statutory definitions of the terms 'wellbeing' and 'sustainable development'; broad concepts such as these will have different meanings in different contexts, and prescribing a meaning would be limiting. While we agree with the proposed definitions set out in sections 2 and 3, we would recommend that they are instead framed as recommended interpretations and that they are accompanied by an acknowledgement that there may be variation in the way that the terms are interpreted".

The Children and Young People's Commissioner Scotland reiterated its support for a statutory definition of sustainable development, but not wellbeing, and stated:

> "[…] we think there is value in developing a statutory definition of sustainable development which aligns with international definitions and would enable a universal understanding of the term as it exists in legislation and standards. However, we think the concept of wellbeing lends itself less well to statutory definition and is better suited to a policy context. Existing human rights laws provide sufficient protection when properly implemented, and greater clarity".

Historic Environment Scotland commented that while the Bill's definition of sustainable development is based on the Brundtland Definition of sustainability, it also links to concepts of wellbeing. Historic Environment Scotland states:

> "Without the definition of wellbeing, it would be more difficult to understand what is meant by sustainable development. This is quite different from the way in which sustainable development is often used, especially in relation to the environment, so clarity on this would be very welcome. It should also be clear how this differs or is linked to other definitions of sustainable development, to ensure that public bodies have clarity on how to deliver the duties set out".

Several submissions offered suggestions for broadening the proposed definitions. For example, Keep Scotland Beautiful, UK Environmental Law Association and Scottish Environment LINK called for the inclusion of environmental or planetary limits to the definitions proposed in the Bill. Scottish Environment LINK specifically stated:

> "LINK would only be able to support the definitions proposed if significant amendments were made. These amendments would need to ensure that (a) the intrinsic value of the environment was included and (b) that social/economic activity must recognise local and global environmental limits.
>
> […] The Bill's effectiveness (and potential benefits) all revolve around this definition - as the operation of the duty and the work of the Commissioner will be wholly dependent on the definition and its interpretation. This issue is, therefore, the most important one to 'get right' and, at present, significant amendments as described above are necessary".

In addition, an individual respondent proposed the inclusion of environmental sustainability, collective wellbeing, intergenerational wellbeing, and protection from harm (e.g., disasters, climate risks).

Several respondents made comments regarding the balance of emphasis in the statutory definitions in the Bill. Winning Scotland suggested there was "over-emphasis" on environmental factors and that this may "unintentionally overshadow other urgent wellbeing challenges such as inequality, trauma, poor mental health, and systemic disadvantage". It advocated that "social sustainability and the conditions that allow people to thrive" should be particularly highlighted. On the other hand, Keep Scotland Beautiful states in its response:

> "We believe that amendments need to be made to reflect the social/economic activity must recognise local, national and global environmental limits, and the intrinsic value of our environment is included".

Finally, one individual respondent noted that many people "will still be unclear" about what these terms mean and recommended further public consultation before finalising them.

Definition of public body

Section 17 of the Bill indicates that reference to a public body should be interpreted as a "Scottish public authority" and cross-border public authorities (but only in relation to devolved functions in Scotland). While respondents generally indicated

support for the definition of public body, there was uncertainty over which bodies in Scotland would be subject to the legislation, if passed.

Some respondents referred to the definition as a “starting point”. Oxfam Scotland, Carnegie UK, Stop Climate Chaos Scotland, Open Seas, and Learning for Sustainability Scotland and SDG Network Scotland indicated the definition could be more specific and that it should explicitly include the Scottish Government, local authorities, all bodies accountable to the Scottish government or local authorities, as well as any third sector or private sector organisations working for or paid by the Scottish Government. Several organisations such as Winning Scotland, British Holiday & Home Parks Association, and The Health Foundation indicated they would like clarification on whether public bodies, referred to in submissions as “arms-length bodies”, would be accommodated within the Bill’s definition.

Dr Graham Long affirmed a view that there needs to be careful consideration of whether the Bill’s definition would be comprehensive in its coverage of public bodies in Scotland.

> “[…] given that Scotland’s climate change duties also apply to "public bodies", and given that the sustainability component of those duties is not consistently well-understood or actioned by Scottish public bodies, careful consideration must be given to ensure that any sustainable development and wellbeing duties encompass the full, standard set of such public authorities”.

Professor Colin Reid and the UK Environmental Law Association highlighted the differing definitions of public body and Scottish public authority across legislation, reflecting the purposes of specific laws or regimes. The response from Professor Colin Reid states:

> “As a general observation, the complexities of institutional structures, including partnership arrangements, publicly owned companies and "contracted-out" delivery mean that any definitions are problematic at the margins. The varying scope of the term “public body/authority” for different purposes such as human rights, freedom of information, access to environmental information and various statutory duties should be borne in mind and consistency sought as far as possible”.

The UK Environmental Law Association additionally stated:

> “The definition must avoid creating loopholes whereby bodies performing essential public functions could evade duties simply due to their organisational structure. […] The cross border public authorities’ inclusion is welcome but should explicitly clarify the extent of duties when operating within Scotland's jurisdiction”.

The Children and Young People’s Commissioner Scotland and One Parent Families Scotland noted the “extensive consultation” undertaken in relation to the meaning of public body as part of the development of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. Both organisations recommended that the definition of public body should follow the definition provided in the

aforementioned Act. The Children and Young People's Commissioner Scotland states in its submission:

> "Any definition of public body for the purposes of the duties proposed in the Bill should align with the definition used in similar legislation such as the UNCRC Act, which includes private bodies performing acts of a public nature".

Definition of sustainable development

Section 2 defines "sustainable development" in this Bill as "development that improves wellbeing in the present without compromising the wellbeing of future generations". Common themes in responses to the question on the definition of sustainable development cited that the definition should go beyond an anthropocentric framing to reference planetary boundaries, ecological limits and intergeneration equity, and to recognise the global impacts of policy decisions made in Scotland. The Royal Town Planning Institute Scotland, The Scottish Ecological Design Association, Open Seas, Oxfam Scotland, Scottish Fair Trade and UK Environmental Law Association all made statements to this effect in their submissions.

This concern was also noted by Stop Climate Chaos Scotland and Scotland's International Development Alliance**,** who argued that the current definition fails to reflect the climate and nature crises that "threaten both present and future wellbeing". They also indicated that Scotland's wellbeing is interconnected with global ecosystems and communities, and indicated the definition of sustainable development in the Bill "should recognise Scotland's responsibilities as a good global citizen" committed to the UN Sustainable Development Goals. Both organisations, in addition to the Parliamentary Engagement Working Group of Quakers, endorsed this alternative definition:

> "the development of human societies based on fair shares of planetary boundaries, and which equitably support the capability of present and future generations across the world to meet their needs".

Professor Colin Reid similarly critiqued the Bill's definition as inadequate, stating:

> "This definition is inadequate since it fails to emphasise the overriding imperative of living within the capacity of the planet to support life, including humankind. Ecological sustainability is a prerequisite for all other objectives we may wish to pursue and therefore a reference to living within the limits of the planet should be included".

Strathclyde Partnership for Transport added that the definition does not sufficiently account for "the need to balance development with the needs of ecosystem conservation and biodiversity protection". Public Health Scotland offered a complementary perspective, suggesting that the definition should go beyond passive protection of future generations and instead:

> "[…] highlight that sustainable development 'actively promotes the wellbeing of future generations,' rather than simply not compromising them".

Several responses note that the definition of sustainable development proposed in the Bill is based on the Brundtland definition. For example, the Scottish Environment Protection Agency states:

> "While this [definition] is rooted in the long established Brundtland definition, it is nevertheless different. It is also different from other definitions of sustainable development that apply to public bodies. For example, there is an existing duty on all public bodies under the Climate Change (Scotland) Act 2009 to "act in a way that it considers most sustainable" in the delivery of their functions.
>
> There is clearly interaction here between a number of definitions of roughly the same thing that public bodies may find challenging.
>
> […] SEPA would therefore suggest that, rather than an additional bespoke definition, the opportunity is taken (either through guidance or if necessary, via the Bill) to codify a single definition that supersedes others or to at least describe their relationship where two duties relating to sustainable development entwine".

The Children and Young People's Commissioner Scotland also expressed concern that the Bill's variation on the Brundtland definition, by incorporating the term wellbeing, risks reducing alignment with international standards. The Commissioner states:

> "[…] we supported the definition of "sustainable development" which was in line with the definition used widely by the UN including as part of the Sustainable Development Goals. This definition is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". We remain of the view that aligning the definition used in legislation with international standards in this way would be beneficial. The definition set out in the current Bill however seeks to include the term wellbeing, which has a vague and potentially unhelpful definition within the Bill […]. We are concerned this not only reduces alignment with international standards and agreements on combatting climate change, but also would reduce clarity for potential duty bearers".

Definition of wellbeing

Section 3 of the Bill defines "wellbeing" as the ability of individuals, families and other groups within society to enjoy:

- personal dignity, including respect for their choices and beliefs;
- freedom from fear, oppression, abuse and neglect;
- good physical, mental and emotional health;
- participation in meaningful activity including work, education, training and recreation;

- an adequate standard of living including suitable and affordable accommodation, food, clothes and energy; and

- access to the natural environment for health, leisure and relaxation.

Section 3 also proposes a power for Scottish Ministers to amend the definition by regulations.

As indicated in responses to several parts of the Call for Views, the Children and Young People's Commissioner Scotland does not support a statutory definition of wellbeing. The Children and Young People's Commissioner Scotland expanded on this view in response to the question seeking views on the Bill's definition of wellbeing. The Commissioner states in its submission:[1]

> "In the current Bill, wellbeing is defined in a way which appears to largely reflect the enjoyment of core human rights already guaranteed in UK and Scottish law and otherwise binding on the state. These include, for example:
>
> - for section 3(1)(a), the right to private and family life, freedom of thought, conscience and religion, and freedom of expression, protected in Articles 8, 9 and 10 ECHR, and equivalent rights under UNCRC as well as children's right to be heard under Article 12 UNCRC.
>
> - for section 3(1)(b), freedom from torture under Article 3 ECHR and children's right to be free from violence, abuse and neglect under Article 19 UNCRC
>
> - for section 3(1)(c), the right to health under Article 12 ICESCR and Article 24 UNCRC
>
> - or section 3(1)(d), the right to work under Article 6 ICESCR, the right to education under Article 2 of Protocol 1 ECHR, and the rights to education and play under Articles 28 and 31 UNCRC
>
> - for section 3(1)(e), the right to an adequate standard of living under Article 27 UNCRC and Article 11 ICESCR.
>
> Many of these rights are already incorporated into law in Scotland by the Human Rights Act and the UNCRC (Incorporation) (Scotland) Act, meaning that public authorities already have duties to comply with them. Adding an additional duty which uses similar language but is not associated with existing international, regional and national jurisprudence and standards will only create unnecessary confusion, and is unlikely to support greater progress towards realisation of these rights.
>
> […] We would also recommend against legislating for a definition which can be amended by Scottish Government via regulations. Although we acknowledge this seeks to address the subjective and changing nature of

[1] UNCRC refers to the United Nations Convention on the Rights of the Child.
ICESCR refers to the International Covenant on Economic, Social and Cultural Rights.

> concepts of “wellbeing”, it is likely to undermine certainty among local authorities”.

Historic Environment Scotland suggested “it would be helpful to ensure that this [definition] is delineated from other definitions of wellbeing that are in use” given that “the definition appears to include several areas that are included in a human rights-based approach”. Dr Graham Long also mentioned the “contested concept” of wellbeing. Dr Long’s submission states:

> “[…] An analysis of this definition should be undertaken--SHRC [Scottish Human Rights Commission] would be well-placed to do this--of whether the definition of wellbeing aligns with a full set of human rights. It would be problematic if the understanding of wellbeing embedded in Scottish legislation offered something that fell short of human rights standards given that this account looks intended to track human rights […]”.

The UK Environmental Law Association specified that the meaning of “personal dignity”, “adequate standard of living”, and “access to the natural environment for health, leisure and relaxation” should be subject to further consideration or clarification as there is uncertainty over how flexibly the definitions could be interpreted. The Care Inspectorate suggested that “any definition of wellbeing should be supported by clear guidance and good practice examples”. The Scottish Environment Protection Agency similarly stated that the “definition should be supported by principles to show what is meant to ensure effective implementation”.

However, the UK Environmental Law Association additionally stated that “there is little enforcement capacity to ensure the definition is properly implemented”. Specifically, the submission from the UK Environmental Law Association states the definition of wellbeing in the Bill:

> “[…] is restricted by its voluntary nature – as set out in Part 2, relating to the enforcement powers of the Future Generations Commissioner (FGC). The FGC's restricted power to sanction public bodies that breach sections 1-3, even when its investigative function is triggered as set out in sections 6-11, means that regardless of how ‘wellbeing’ is defined, there is little enforcement capability to ensure that definition is properly implemented”.

Several submissions raised concerns that the proposed definition of wellbeing in the Bill is “too narrow” and “anthropocentric”, particularly in its treatment of the natural environment. Dr Graham Long argued that the current phrasing of ‘access to the natural environment for health and leisure’ “… does not do justice to the environmental preconditions of all human wellbeing”. Dr Long included that “wellbeing is increasingly being understood as “coupled” to, or part of, planetary wellbeing”. The Chartered Institute of Architectural Technologists similarly critiqued the definition as “too human-centric”. It recommended that “a stronger approach would encompass not only human, but planetary wellbeing, for example by making reference to all the themes captured by the UN sustainable development goals”. Strathclyde Partnership for Transport highlighted the omission of ecosystem services such as clean air, water supply, flood management, healthy soils, and cultural benefits. It recommended that any statutory definition of wellbeing should

“adequately acknowledge” the role of these services in supporting human life and health.

Scottish Environment LINK also expressed concern that the definition may reduce the environmental dimension of wellbeing to recreational access. Its submission states:

> “The definition of wellbeing refers to the natural environment solely in relation to “access… for health, leisure and relaxation”. While these are certainly relevant considerations to a definition of wellbeing, they are far too narrow to fully incorporate the relationship between the natural environment and human wellbeing. This is particularly significant because, as noted above, the proposed definition of sustainable development is tied solely to this definition of wellbeing.
>
> As it stands, the Bill does not consider overall ecosystem health or environmental limits, including, notably, a safe climate. Issues such as the impact of pollution on human wellbeing are absent, and though arguably implicit within the provision around human health, this seems to fall short of the intended policy outcomes of the legislation”.

Several organisations such as the Scottish Environment Protection Agency, Scottish Fair Trade, Stop Climate Chaos Scotland and Oxfam Scotland proposed the inclusion of collective wellbeing in the Bill. Stop Climate Chaos Scotland and Oxfam Scotland specifically suggested this definition of collective wellbeing:

> “Collective wellbeing is the progressive realisation of social, economic, environmental and democratic outcomes which enable all people to meet their needs, as identified through consultation with the people of Scotland, pursued in a way that reduces, then eliminates, inequalities in wellbeing between different groups. It also recognises the importance of protecting the interests and needs of future generations and fostering intergenerational equity”.

Learning for Sustainability Scotland and SDG Network Scotland suggested a definition of wellbeing encompassing the wellbeing of the individual, collective and nature. The organisation’s proposal reads:

> “Individual and collective human well-being are interconnected with the well-being of nature. The achievement of well-being means that people have physical and mental well-being and are able to fulfil their potential, whilst ecosystems are flourishing, and the rights of future generations are protected.”

Historic Environment Scotland additionally recommended adding the historic environment to the definition component on access to the natural environment for health, leisure and relaxation. Organisations representing the culture sector (such as Creative Scotland and Culture Counts), and an individual respondent advocated the inclusion of culture in the definition. Evangelical Alliance Scotland advocated for the inclusion of “the spiritual aspect of wellbeing” and stated that "personal dignity, including respect for their choices and beliefs" could be made stronger with specific reference to religion, faith and belief collectively”.

The Health Foundation and the Royal Town Planning Institute Scotland advocated for the Bill's definition of wellbeing to be aligned with the National Performance Framework and National Outcomes. The Royal Town Planning Institute Scotland additionally noted the proposed definition of wellbeing may duplicate provisions of the National Performance Framework. Its submission states:

> "The proposed definition in the Bill defines wellbeing in accordance with 6 entitlements that "individuals, families and other groups within society" are reasonably expected to have to enjoy a good quality of life. These entitlements are focused on personal dignity, freedom, health, meaningful societal participation, adequate living standards and access to nature.
>
> We do not disagree that these entitlements are important to the attainment of wellbeing. However, we think it is important to highlight that all these entitlements are captured within the National Outcomes of Scotland's current National Performance Framework (NPF). But, significantly, the National Outcomes go much further than these entitlements, to also encompass the collective responsibility of society to contribute to the delivery of wellbeing outcomes. […]".

Establishing a Future Generations Commissioner

Section 4 of the Bill proposes the establishment of a Future Generations Commissioner for Scotland. Respondents were asked to indicate their level of support for the proposal in section 4 of the Bill. 16 (out of 41 Citizen Space) respondents indicated they "strongly support" the proposal, 12 respondents indicated they "support" the proposal, 8 respondents indicated they neither support nor oppose, 2 respondents indicated they "oppose" and "strongly oppose" the proposal respectively, 1 respondent indicated they "don't know" and the remaining 2 respondents did not select a statement to describe their view of the proposal. Five of respondents providing written submissions gave clear statements of support for the establishment of a Future Generations Commissioner for Scotland.

Respondents supportive of the principle of establishing a Future Generations Commissioner generally acknowledged that, while such a role could help foster a cultural shift toward sustainable development within Scottish public authorities, it is not the only means of promoting the wellbeing of future generations. Some respondents also referenced the recent Scottish Parliament SPCB Supported Bodies Review Committee report, which concluded that new SPCB-supported bodies—such as the proposed Commissioner—should only be created where a clear need is demonstrated.

The Scottish Environment Protection Agency, who indicated it neither supports nor opposes the introduction of Future Generations Commissioner, advised that:

> "[…] there are already several public bodies providing the Scottish Government with guidance on climate change – the UK Committee on Climate Change, the Just Transition Commission and Scotland's Climate Assembly, while the Scottish Government has also indicated its intention to give Environmental Standards Scotland a remit as a monitoring body to scrutinise delivery of the climate change public bodies duties. There is a risk

> of conflicting, competing and/or overlapping duties and investigative powers of various bodies and it could result in a lack of clarity for public bodies subject to oversight by these different bodies.
>
> Equally, Environmental Standards Scotland can investigate SEPA in relation to implementation of environmental law and, under the Bill, so could the new Commissioner. This we feel creates opportunity for confusion and duplication, which would need clear guidance – or even legislation – to ensure that bodies acted in a joined-up way with clear lines of responsibility and focus and to avoid investigations into the same issues at the same time.
>
> It is useful when considering these functions to learn from experience in Wales. The 2025 report on progress in implementing the Well-being of Future Generations (Wales) Act 2015 highlighted that while there have been significant achievements, there also remains significant challenges. Key among the difficulties has been the lack of system wide transformation. […].
>
> We consider that it is more effective to use existing levers to best effect, creating a stronger culture of thinking and acting for the long term".

Stop Climate Chaos Scotland and Public Health Scotland similarly state in their respective submissions:

> "We also agree that the proposed role of Futures Generation Commissioner represents a clear way to achieve such aims. However, the creation of a Future Generations Commissioner is not the only option, and there is also a case for tightening up existing legislation as well as looking at alternative means of delivering the aims of improved policy coherence and greater accountability to future generations. Six possible alternatives were set out in the research published by Max French and Jennifer Wallace on 31 March 2025: see Putting collective wellbeing and sustainable development into action: An options paper for Scotland - Carnegie UK[2]".

The Children and Young People's Commissioner Scotland is not supportive of introducing a Future Generations Commission even though it welcomes efforts to progress sustainable development. The submission from the Commissioner indicates:

> "[…] this is due to our concerns expressed elsewhere in this response that the use of the term "wellbeing", defined broadly to include enjoyment of a range of human rights already guaranteed in law, is likely to create confusion in the remit and role of a Commissioner. This is likely to result in duplication and overlaps with existing offices, potentially undermining effectiveness and

[2] The alternative options to a Future Generations Commissioner recommended in this report are: (1) sharing the responsibilities of a Future Generations Commissioner across several SPCB-supported bodies, (2) strengthening the role of Audit Scotland to enhance accountability for wellbeing and sustainable development, (3) establishing representation within the Scottish Parliament committee system to oversee sustainable development progress, (4) a government-appointed advisory council, and (5) a non-governmental advisory council to advocate for wellbeing and sustainable development and build capacity until statutory mechanisms are introduced.

> efficiency. We can see overlap with the work of the Children and Young People's Commissioner Scotland.
>
> We are also concerned that a new Commissioner role to enforce broadly worded legal duties may struggle to be effective. Given the new duties already placed on public authorities by the UNCRC Act, as well as the potential Human Rights Bill and associated duties, we believe it will be more effective to enhance the powers of existing bodies to enable them to improve future focussed planning across the public sector and to effectively hold public authorities to account on human rights.
>
> The SPCB Supported Bodies Landscape Review recommended specific considerations when adopting new commissioners, alongside a moratorium on the creation of new ones. These conditions include that it be necessary as a last resort, where existing bodies could not perform the function with expanded powers, and that its remit be clear. We do not think the Future Generations Commissioner would meet these criteria as proposed".

Professor David Bell suggested that "it is not clear that the best interests of future generations of Scots will be best served by creating another centralised organisation with a remit that is difficult to define precisely". As an alternative approach, Professor David Bell suggested budgetary approaches could be used instead, specifically, by shifting "the balance of spending towards future generations" through increasing "the share of public expenditure allocated to capital projects while concomitantly reducing resource spending".

Views on the Commissioner's proposed functions

Section 5(1) of the Bill sets out the general function of the Commissioner to promote the wellbeing of future generations by promoting sustainable development by public bodies in all aspects of their decisions, policies and actions.

A recurring theme among respondents with regards to the remit of the proposed Future Generations Commissioner was the lack of emphasis on safeguarding future generations compared to the Well-being of Future Generations (Wales) Act 2015. For example, the Royal Town Planning Institute Scotland states in its submission:

> "In the 2015 Wales Act, there is an emphasis placed (evident by the language used) on safeguarding and giving a voice to future generations, who currently cannot speak for themselves […] but note that it has been given far less emphasis in the wording of the draft Bill […]. This is particularly evident when comparing the duties and functions of the Commissioner. Rather than being a "guardian" for future generations, the function of the Scotland Commissioner is proposed to merely "promote the wellbeing of future generations". This language is noticeably weak compared to the language used in the 2015 Wales Act, and throughout the Bill we are left with the impression that, despite its intention to move away from short-termism in policy- and decision-making, the Bill is unlikely to achieve this outcome if the duty to future generations is not more emphatically stated throughout".

Dr Graham Long questioned the clarity of the Commissioner's function to promote the interests of future generations and "whether future generations are only those not yet born, or whether the mandate also addresses equity between generations".

The UK Environmental Law Association observed that Section 5 defines the Commissioner's role as promoting best practice rather than exercising formal powers and that the Commissioner's investigative and reporting functions lack enforcement mechanisms. The UK Environmental Law Association states in its submission:

> "The general function in s. 5 is to guide and influence 'best practice' among public bodies as they embed sustainable development and wellbeing into their activities. It is therefore important for the reasons given above, that the concepts of sustainable development and sustainability are robust principles. If not, they will steer Scotland away from genuine sustainability as it is discussed above. Section 5 recognises that the general function is generally about promoting sustainable development and wellbeing rather than being any more formal function with e.g. sanctioning. Similarly, the investigation and reporting powers in sections 6 to 11 of the Bill do not include any formal sanctioning provisions to the Commissioner. Ultimately, reporting is to the Scottish Parliament (s. 10 of the Bill) rather than to, say, a court".

Several organisations, including Stop Climate Chaos Scotland, Oxfam Scotland, and Open Seas, called for the Commissioner to be granted stronger scrutiny and accountability powers. Stop Climate Chaos Scotland and Oxfam Scotland indicated in their respective submissions:

> "Ideally, such a Commissioner should have the powers to provide effective scrutiny and accountability (such as those available to the Scottish Information Commissioner or Environmental Standards Scotland). The emphasis on the investigative power and capability of the Commissioner is crucially important.
>
> As currently set out, and without clarity on the duties of public bodies to implement a requirement to consider future generations in policies and actions, the role of the Commissioner is not strong enough to have an impact on how policy is crafted, nor to ensure the accountability of public bodies to implement the requirements of the proposed bill. (arguably this role could be taken on by others, e.g. a parliamentary committee, or individual responsible departments). […]
>
> It is important that the Commissioner has a public education role which might be more clearly set out".

Financial implications of the Bill

Respondents were invited to comment on the financial implications of the Bill as outlined in its Financial Memorandum. While there was a general view that embedding wellbeing and sustainable development into public sector decision-making is a worthwhile aim, several submissions raised concerns that the cost estimates provided may be incomplete or underestimated, particularly in relation to

staffing, implementation support, and the proposed functions of the Future Generations Commissioner.

Professor David Bell provided a detailed response on the Financial Memorandum, primarily arguing that the Islands (Scotland) Act 2020 is an inappropriate financial comparator for the Bill and that the full financial implications for public bodies such as Audit Scotland and the Scottish Government have not been considered. Professor David Bell states:

> "I would suggest that this is not an appropriate comparator because considerations relating to island communities are much less open to interpretation than are the premises and concepts upon which this Bill is built. It is intended to influence public bodies in a fundamental way, while the Island's Act has a much more limited scope. Information gathering and training relating to the Islands Act is much less onerous than that which would be required for effective implementation of this Bill.
>
> The costings are premised on the assumption that data is readily available to assess the efficacy of policy changes that shift the balance in favour of future generations. The Bill implicitly assumes that, for example, preventive actions to reduce future demands on frontline services can be readily implemented. But effective implementation of "preventative policies" as recommended by the Christie Commission will require an assessment of their effectiveness. This requires adequate data and analysis. In general, such data are not currently available at the granular level that is required. Similar arguments can be made in relation to the understanding of the components of wellbeing. Lack of attention to these wider implications of the Bill suggests that its costs have been significantly underestimated. Similar issues were raised by Audit Wales in its recent review of the Welsh Wellbeing of Future Generations Act.
>
> It is intended that the Commissioner's role will be supported by the Parliament. Assessment of the effectiveness of the role will likely fall to Audit Scotland, while the collection of additional data will likely remain primarily a Scottish Government function. The implications for these bodies of the implementation of this Bill, if it is to demonstrably achieve its objectives are not given due weight in the costings".

Historic Environment Scotland suggests there may be additional operational implications for public bodies to what is set out in the Financial Memorandum to the Bill. Historic Environment Scotland states:

> "While the consultation asks about the financial costs of implementing the new duties, there is nothing about the actual staffing resources that might be needed. It may be that only one senior member of staff is required to oversee the process, but if, as the Bill is proposing, this approach should be embedded in the decision-making process of a public body, then more resource will be needed to achieve this. Undertaking impact assessments for every strategy or plan developed by an organisation will take time and resource and will demand additional capacity, or capacity which is taken away from other areas of the organisation. We encourage the Committee to take this cost and resource implication into account when considering the Bill".

Public Health Scotland reiterated this view in its submission, which states:

> A potential barrier to the successful implementation of the Bill is through a lack of related support which could lead to the inconsistent adoption of suitable ways of working, ultimately slowing progress. Evidence from Wales found an implementation gap following introduction of the Act, with high levels of support requested. We recommend implementation support be considered and appropriately resourced from the outset.

Dumfries and Galloway Council encouraged further consideration of the budgetary implications for public bodies of prioritising long-term outcomes. It stated in its submission that:

> "In the initial short term, there will be financial implications for public bodies in the training that will be required to embed the duty in the consideration of members and officers and the delivery of the duty.
>
> The Bill's policy objective references the challenge of financial resources as being one of the drivers of the short-termism it is trying to address. Consideration of the financial implications of prioritising long-term outcomes and the investment required/budget prioritisation to achieve this should be given due consideration. This is a challenge at a time when public authorities are being asked to reduce spending and are already under-resourced".

The Royal Town Planning Institute Scotland agreed that the Bill will impose costs on local authorities, particularly in terms of staff time. However, it felt the Financial Memorandum understates the broader financial impacts of the Commissioner's functions. Its response states:

> "We agree with the Financial Memorandum, that the Bill will likely incur costs on local authorities. In completing this costing exercise, the Financial Memorandum seems to limit these costs to the staff time required by local authorities to familiarise themselves with the legislation and incorporate the duties of the Bill into their processes. There doesn't appear to be clear details of the costs likely to be incurred as a consequence of the Commissioner's other functions. For example, it is acknowledged in the Memorandum that there will likely be "minimal costs" for local authorities who are subject to an investigation, but little detail is given as to what these will be".

Courtney Aitken, SPICe

Date: 01/10/2025