



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Justice and Social Security Committee

Thursday 30 October 2025

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Thursday 30 October 2025

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
WELLBEING AND SUSTAINABLE DEVELOPMENT (SCOTLAND) BILL: STAGE 1.....	2

SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE
27th Meeting 2025, Session 6

CONVENER

Collette Stevenson (East Kilbride) (SNP)

DEPUTY CONVENER

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Ind)

Michael Marra (North East Scotland) (Lab)

*Marie McNair (Clydebank and Milngavie) (SNP)

*Carol Mochan (South Scotland) (Lab)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Skye Allan (Scottish Youth Parliament)

Lloyd Austin (Scottish Environment LINK)

Sarah Boyack (Lothian) (Lab)

Frances Guy (Scotland's International Development Alliance)

Kristers Lukins (Scottish Youth Parliament)

Adam Milne (Carnegie UK)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament
Social Justice and Social
Security Committee

Thursday 30 October 2025

*[The Deputy Convener opened the meeting at
09:03]*

**Decision on Taking Business in
Private**

The Deputy Convener (Bob Doris): Good morning, everyone, and welcome to the 27th meeting in 2025 of the Social Justice and Social Security Committee. We have received apologies from Collette Stevenson and Michael Marra. I welcome Sarah Boyack to the meeting.

Our first item of business is a decision on whether to take items 3 and 4 in private. Do members agree to do so?

Members indicated agreement.

**Wellbeing and Sustainable
Development (Scotland) Bill:
Stage 1**

09:03

The Deputy Convener: Our next item of business is our second evidence session on the Wellbeing and Sustainable Development (Scotland) Bill at stage 1.

I welcome to the meeting Adam Milne, senior policy advocate, Carnegie UK; Frances Guy, chief executive officer, Scotland's International Development Alliance; Kristers Lukins, member of the Scottish Youth Parliament for Dundee City West; Skye Allan, member of the Scottish Youth Parliament for Dumfriesshire; and Lloyd Austin, convener of the governance group at Scottish Environment LINK.

I also welcome to the meeting our two British Sign Language interpreters, Tessa and Mags. I thank them for joining us. That allows me to say to Kristers in BSL good morning, and welcome to the Scottish Parliament. I apologise for my poor signing. One point that I will take from this meeting is that I could perhaps learn a bit more about how to sign, which would be a good skill to have.

Kristers Lukins (Scottish Youth Parliament): *(simultaneous interpretation from British Sign Language)* Indeed. Thank you.

The Deputy Convener: We will move straight to questions, and I will open with a general question. The bill's policy memorandum explores the concept of policy coherence for sustainable development. Do witnesses agree with that as a policy objective? What opportunities and challenges might that particular approach present?

Adam Milne (Carnegie UK): We are in favour of the bill's principles and ambitions to place wellbeing and sustainable development at the centre of public policy making and service delivery in Scotland. The bill is timely and necessary in order to address the complex and long-term challenges that public policy making in Scotland faces. An effective bill on wellbeing and sustainable development would encourage a long-term approach to policy making by giving public bodies clear structure and guidance and an accountability mechanism to enable them to work coherently and collaboratively towards national outcomes.

The Deputy Convener: Thank you. That is one comment in support of the policy objective. Frances Guy, what is your view?

Frances Guy (Scotland's International Development Alliance): I will take your question

literally. Scotland's International Development Alliance has been arguing for the importance of policy coherence for sustainable development for more than 10 years. The idea has a wee acronym, and it arguably sounds a bit annoying. It came in during the 1990s, from the idea that anything that you do domestically has an impact internationally. It started by emphasising the importance of understanding that but has moved on to meaning simply having better, joined-up government, which is absolutely vital.

A commitment to introducing a wellbeing and sustainable development bill was in every party manifesto during the most recent election for the Scottish Parliament. That suggested a recognition that we are not doing this bit well, that there are gaps in much of the existing legislation and that we are not bringing our commitments to future generations together in a good place.

The Scottish Government has been committed to policy coherence and sustainable development, and it set up an interministerial group. However, since 2019, to my knowledge—I might be wrong; I apologise if I am—it has held only three meetings. One was in 2019 and another was in 2022, both of which were chaired by the minister responsible for international development at the material time. The third meeting was in around 2023 or 2024 and was chaired by Shona Robison, who was Deputy First Minister at the time. There is a case for saying that the Deputy First Minister's responsibilities are where bringing policy coherence across the Government should sit. As I said, there has been a long-term commitment to policy coherence and sustainable development, but we have failed to develop and implement them. That shows that the bill is important and very timely.

The Deputy Convener: Thank you, Frances. It is worth noting that the Scottish Government will also give evidence to the committee. It will be helpful for us to put questions to the Government as we scrutinise the bill.

Lloyd Austin, I am about to bring you in. Before I do so, I add that I should have said at the start of the meeting that I am conscious that we have two members of the Scottish Youth Parliament here, but I will not always be sure which of you might wish to answer a question. Sometimes, neither of you might wish to contribute to an answer, which is also okay. When I come to Kristers Lukins and Skye Allan, I will name check both of you and perhaps you could decide between yourselves who is best placed to answer the question. That was my housekeeping mistake from earlier on—I am sorry about that.

Lloyd Austin (Scottish Environment LINK): Like the previous witnesses' organisations, Scottish Environment LINK welcomes the bill, and

we strongly support its policy objectives and intentions. As Frances Guy said, sustainable development has been a long-term policy objective of the Scottish Government and all the parties in the Scottish Parliament. Underlining and enacting that objective in a statutory way would be a good thing to do, which is why we broadly support the general principles of the bill. The crucial aspect, which we will come on to later, will be the definitions of sustainable development and wellbeing.

However, you are right that policy coherence is also an important aspect. Frances Guy talked about the impact on international matters, but, from our point of view, all sorts of policies have an impact on the environment in one way or another. Having everything joined up so that environmental policy and objectives are not undermined by other policies is a key part of the sustainable development approach.

A challenge of achieving policy coherence is, in a sense, the siloed approach that happens in many organisations, and particularly in Government. The priorities of each of those silos can conflict, and finding a way of addressing those conflicts and resolving them presents an opportunity for a proper sustainable development approach. Achieving policy coherence is a great goal, and the aim is that we will end that siloed approach.

The Deputy Convener: Thank you. Would Kristers Lukins or Skye Allan like to add to the conversation about whether the bill could achieve policy coherence?

Kristers Lukins: (*simultaneous interpretation from British Sign Language*) The Scottish Youth Parliament has discussed this with young people. They see wellbeing as vital and something that needs to be improved in Scotland. Those rights are currently unclear, so it would be helpful for them to be ratified in statutory policy. As has been said already, everything affects the environment and everything is connected. Policy coherence will improve things, because everything is connected. Wellbeing and sustainability cannot be separated; they are vital for our future.

The Scottish Youth Parliament talked to its constituents, who want to see improved equality and consistency in the Government's approach. The environment, wellbeing and sustainability are all aspects that work together. Having a healthy environment and healthy people will obviously have positive impacts on society by reducing antisocial behaviour and so on. There are lots of positive knock-on effects.

We believe that policy coherence is a positive aspiration. It can support human rights, too. It is all part of the same coherence—for example, having

a good strategy on health and mental health also helps to eradicate poverty. Everything is connected, so having policy coherence makes sense.

The Deputy Convener: Thank you, Kristers. I note that every organisation on the panel believes that policy coherence is important. I suspect that the Scottish Government does, too. The question that we are asking today is whether policy coherence requires legislation. The Scottish Government initially chose to introduce legislation, but then it decided not to and instead to support Sarah Boyack's bill. It has now decided that legislation might not be required to get the policy coherence that we all want. This is a long question that might bring only a short answer, but is legislation required to bring policy coherence?

09:15

Lloyd Austin: In theory—it might not be. However, I think that legislation would strongly help; by providing a clear definition, it would significantly enhance the understanding of what sustainable development is. Currently, the numerous references to sustainable development in legislation—and, as I might come on to later, the various other allusions to sustainable development not exactly in those words in other legislation—can be interpreted in all sorts of different ways. That works against coherence. Having a simple and clear single definition that applied to all the references in all the various pieces of legislation would significantly enhance coherence and the objectives that Kristers Lukins and others talked about.

Legislation might not be required, but it is extremely desirable and would completely improve the implementation of existing legislation, including by providing the clarity that I have mentioned. The support and work of a commissioner to help to interpret and provide guidance on the implementation of various pieces of legislation on the environment and sustainable development would be another factor that would completely enhance and strengthen the Scottish Government's work in those areas.

The Deputy Convener: We will absolutely be looking at the commissioner's role during the evidence session. Thank you for that.

I turn to Skye Allan and Kristers Lukins. Does the Scottish Youth Parliament believe that passing the bill is the only way to secure policy coherence?

Skye Allan (Scottish Youth Parliament): The SYP cannot give a definitive answer on whether the bill would do that, because we have not had that much time to consult on it, but our organisation believes in meaningful change. Legislation might be a good thing, but it should not

just involve a check-box exercise. If it is an afterthought, it might not be as meaningful. If it is something that is in the minds of decision makers when they make bills, and if they take account of sustainable action, it should not be necessary. However, if we need that reminder it might be. Our main concern is whether the bill would lead to visible change or be just an afterthought in the decision-making process.

The Deputy Convener: That is helpful.

Frances Guy: I agree with that and with what Lloyd Austin said. I am at risk of repeating myself, but every party acknowledged in 2021 that such an approach was necessary. However, since then everything has become more rather than less complicated. We need more joined-up action. We have seen, in the national performance framework and existing legislation, a failure to deliver on wellbeing and sustainable development, which suggests that a different step is needed. It might involve political will or a change in implementation. I kind of agree with Lloyd Austin that, theoretically, new legislation is not required, but, from the evidence that we have seen over the past 10 years, something is needed if we are to make a change.

The Deputy Convener: Thank you, Frances. It is almost as though you have seen my next question, which is on the national performance framework. Before I ask it, does Adam Milne want to come in?]

Adam Milne: I agree with what has been said so far. As Frances Guy said, voluntary frameworks and policy guidance alone have not delivered the required level of change. That is why legislation is needed to provide the clarity, accountability and guidance that would enable us to achieve shared outcomes across the public sector.

The Deputy Convener: That is helpful. We have a variance of views across the panel, then. Adam was very clear that legislation is required, but our other witnesses were a bit more open minded.

We should probably take Frances Guy first to answer the next question. She mentioned the national performance framework. The Scottish Government's proposals are aligned to Scotland's national outcomes in the national performance framework that exists. Whether it is working well is another matter, but it exists. Is legislation required to bolster activity relating to sustainable development and wellbeing under the outcomes in the framework?

I will take a step back from that question and reword it slightly. Is there a framework there that could work very well if the Government used it properly and there was a proper focus?

Frances Guy: We need to be clear about where we are at. Last year, there was a big review of the national performance framework; the committee will be well aware that it came to Parliament and there was a lot of discussion about its failure to be joined up and to deliver, and the failure of public bodies to deliver on the targets in the national outcomes. The Deputy First Minister then took the various points away and said that, in the light of those, she would review the whole framework.

Therefore, right now, we are not in a position where there is an existing framework. Ideally, I would agree that if there were a proper framework that was properly aligned—from my point of view, including as a member of the sustainable development goals network—with the United Nations sustainable development goals, it could provide sufficient direction. That does not exist, however. From what we have seen so far, the review of the national performance framework is going backwards, and the commitment to ensuring that it is based on a human rights approach seems to have been lost. On behalf of our members, I say that we are extremely concerned about that. To answer your initial question, that would suggest that there is still space for something else.

The Deputy Convener: Lloyd Austin, do you have a view on this?

Lloyd Austin: I simply endorse what Frances Guy said. The national performance framework is theoretically a good thing that could deliver, but all the evidence from over the past few years shows that it is not delivering. Some legislation to require it to perform better with regard to setting outcomes that relate to sustainable development, with a duty on public bodies to deliver those outcomes, would enhance the system.

To repeat what I said earlier, legislation is theoretically not needed, but the evidence shows that, without it, we do not see the progress that is needed. I therefore think that we should follow through with some legislative proposal, such as this bill, in order to give future iterations of the national performance framework a push in the right direction.

The Deputy Convener: That is helpful. Skye Allan mentioned that the Scottish Youth Parliament has not looked, in particular, at other ways in which the policy outcomes could be secured without legislation. Skye or Kristers Lukins may wish to comment on whether the national performance framework could be used to see what the Scottish Parliament wants to happen in relation to this work. It is an opportunity for either of you to add something at this point, if you wish to do so.

Skye Allan: If the framework is not navigable in a professional setting where we have an insider

knowledge of how the system works, that is worrying. We have to remember that if young people and members of the public in general want to check how things are going and scrutinise progress, and if they are not currently aware of the internal system, the framework is really confusing from an outsider's perspective. You might need to look at taking a clearer approach.

The Deputy Convener: Thank you. That is helpful, because it suggests that, whether or not we legislate, something has to change in relation to the framework.

Adam Milne, do you want to add anything?

Adam Milne: Yes. I would definitely echo the other witnesses' views on the issue. The Scottish Government has placed an emphasis on the important work of the national performance framework review, but there needs to be a legislative underpinning to address the duties and ways of working, in order to realise the framework's ambitions. The Scottish Government has stated that the current legal duties need to be strengthened to ensure better accountability and support for the framework, so that it can effectively have an impact by shaping policy and delivery decisions.

The Deputy Convener: Okay. Thank you. The committee has heard about the changes in Wales. We have taken evidence on the Well-being of Future Generations (Wales) Act 2015 and on the impact of the Future Generations Commissioner for Wales. I will go back and review that evidence, but we initially heard—it was only one evidence session—that much of the impact was mild, soft and driven by cultural change rather than legislation. However, it is still early days for that act and commissioner. When you look at Wales, what do you feel the impact has been? Has there been a direct impact, or is it more to do with cultural change?

Adam Milne: I agree that it is not entirely clear at this point in time. Although it has been 10 years, it was still a pioneering piece of legislation, and it is important to evaluate and ask the questions that you have asked about its achieving its vision and purpose. I understand that work is under way in Wales to better understand those things, but it is definitely important to ask questions about how the act has been put into practice and what the impact has been on delivery and public services.

How much closer are we to achieving the seven wellbeing goals in that legislation? What next steps can the Welsh Government take to support the act's impact and progress? I do not have definitive answers to those questions, but I understand that that work is on-going. They are justifiable questions, given that it has been 10 years.

The Deputy Convener: Should this legislation progress, can we learn any lessons from Wales? Based on what happened there, what changes could be made to legislation?

Adam Milne: The timing is problematic, and the Welsh legislation was criticised for its level of public engagement. That is also lacking with this bill—public engagement is needed on the definitions, what the bill looks like, how it connects with the national outcomes and what we are looking to achieve as a nation.

The Deputy Convener: We will come on to that shortly. Frances Guy, do you have any observations about the Welsh experience and what we could learn in Scotland?

Frances Guy: Scotland's International Development Alliance did a lot of research on a possible wellbeing and sustainable development bill in 2022, at the beginning of the parliamentary session, and one of the chapters looked at what was happening in Wales. Basically, we took two lessons. One was that the legislation in Wales had been very weak when it came to considering global impact, wider environmental damage and any other harms to people and planet elsewhere in the world. Those matters were not very well taken in, which could be a specific lesson. The other lesson was that it was felt by many that the Future Generations Commissioner for Wales did not have sufficient powers to hold other parts of the Government to account. So, we could possibly learn from that and tighten up that part of the bill.

The Deputy Convener: That is helpful. Has the Scottish Youth Parliament had the opportunity to look at what has happened in Wales? If so, do Kristers Lukins and Skye Allan wish to comment?

Kristers Lukins: (*simultaneous interpretation from British Sign Language*) I am not entirely sure. Would you like to say something, Skye?

09:30

Skye Allan: When it comes to Wales and looking at a broader perspective, it is about whether the legislation brings visible change. The legislation needs to not be lost in the cracks. Although there might be a genuine desire to make change, if it is not something that is consistent and pulled through in all legislation, all that it will take is one objective being slightly missed or put into the background to create a backsliding effect on all the progress that has been made.

If there is going to be a commitment to making sustainable change for future generations, it needs to be consistent throughout all policy. It needs to be not just a check-box exercise; there needs to be meaningful change in the policies. It cannot be something about which you say, "This is not really

my main priority, but I'll think about it." It needs to be a consistent priority in all actions.

The Deputy Convener: It is worth noting that there are some specific questions that we want to ask the Scottish Youth Parliament, because I know that you have done some particular work with your members in relation to this issue. It is a courtesy to ask you to come in for each question, and you do not have to answer each one. It is also perfectly acceptable to say, "No, that is okay—we will wait for the next one." However, that was a helpful answer, Skye, so thank you.

Lloyd Austin: Scottish Environment LINK and its members have liaised with our counterpart members in Wales, and the view that we have heard is similar to what you said in your introduction, convener—that the impact of the commissioner in Wales has been positive but it has generally been soft and focused on cultural change and so forth. As Frances Guy said, the commissioner does not have the power to hold the Government or public bodies to account, which influences the nature of their work. However, the nature of the work is still positive in relation to the reports, advice and guidance that they produce. At times, that has an impact on Government policy, but it is not enough or all the time, if that makes sense.

My second point about Wales relates to timing. The Welsh commissioner was set up before all the changes that resulted from Brexit were made. Therefore, when the Welsh commissioner was set up, there was no Welsh version of Environmental Standards Scotland. Some 10 years later, we are now thinking about having a commissioner in Scotland, and we already have Environmental Standards Scotland in place. At the moment, Wales is debating the establishment of an equivalent of Environmental Standards Scotland, and, as part of that debate, it is discussing the relationship between its new body and the Future Generations Commissioner for Wales. One of the things that is important in our debate in Scotland is the question of what the relationship would be between a commissioner and Environmental Standards Scotland.

Environmental Standards Scotland is very much focused on compliance with, and the enforcement of, environmental law, which is good and should happen. Scottish Environment LINK supported its establishment and its focus. We need to ensure that there is an appropriate relationship between a commissioner and the oversight body, Environmental Standards Scotland. I imagine that a commissioner would focus on policy while Environmental Standards Scotland would focus on law. However, it would be important to achieve clarity on the respective responsibilities of each body.

The Deputy Convener: That is helpful. We will move on to questions from Mr Balfour. I would appreciate a comfort break in about five or 10 minutes. If you have not finished all your questions, Mr Balfour, that is absolutely fine—we will take a short break and then we will recommence.

Jeremy Balfour (Lothian) (Ind): Good morning to the panel members, and thank you all for coming along. The devil is always in the detail, and my colleagues will look at the definitions of wellbeing and such things. However, I will focus on how you would define a public body. What is an appropriate term for a public body? That is clearly one of the key definitions.

Maybe we will start with Adam Milne and work along the line. How would you define a public body? Should it be defined absolutely in the bill, or should that be done by regulations? If the bill goes forward, how would you future proof the definition for future generations?

Adam Milne: I would have to refer to our written submission on that matter. My fellow panel members might be better placed to speak to that in more detail.

Frances Guy: In our written submission, we were fairly clear that the definition should be as broad as possible, so that it will include any third sector or private sector organisations that are working for, or paid by, the Scottish Government, in addition to local authorities and anyone who is working directly with local government. We also believe that, if we are going to have widespread accountability in society—we are looking at guaranteeing the future—it would be good to consider an advisory duty for the private sector to consider the impact of activities on the future of planet and people.

Jeremy Balfour: Having read your submission and seeing how you want to define the term quite widely to take in the third sector, I am seeking clarification. If a third sector organisation were found by the commissioner to not be fulfilling its duties, would that result in the third sector organisation losing its funding? What sanctions would the definition bring if a third sector organisation or private company that was getting Government contracts was not doing that? What sanctions would you want to go with it?

Frances Guy: I understand from human rights lawyers that it is normal to include in a definition of public sector bodies anybody who is working on a public sector contract. In that sense, in response to your question, yes—if you are failing to deliver on your obligations, you should, at least for a period of time, not qualify for future public sector contracts of whatever sort.

Jeremy Balfour: The third sector organisation should not get the funding if it does not do that.

Frances Guy: I would assume so, yes, but I am not an expert in that area.

Jeremy Balfour: Thank you. As the convener said, witnesses from the Scottish Youth Parliament do not have to answer the questions, but do you have a view on the definitions?

Kristers Lukins: (*simultaneous interpretation from British Sign Language*) In the consultation that we ran, we did a workshop with young people, and their definitions and ours were similar to yours. They focused on things to do with physical or mental health and confidence, and they mentioned things like wanting Scotland to be a great place to live in. They were similar to the definitions that were provided.

On sustainable development and climate change, the young people had slightly different definitions in relation to sustainable solutions, protecting the natural environment and lifelong education. They thought that different things were important, so their definitions and understandings were slightly different.

Skye, do you want to add anything to that?

Jeremy Balfour: I see that Skye Allan does not want to come in. What about you, Lloyd Austin?

Lloyd Austin: Scottish Environment LINK did not have any problems with the definition that is in the bill. We would refer to other definitions of public bodies, such as the one in the Freedom of Information (Scotland) Act 2002, which work well. I agree with Frances Guy about the extension from public bodies that exist in statute to other commercial and third sector bodies that are undertaking functions of a public nature—that is the phrase that is normally used—sometimes under contract and with payment and so forth. That makes sense.

On the issue in your follow-up question about the sanctions, Mr Balfour, it depends on what powers are in the bill. If the commissioner's powers are only advisory, they will have no powers to hold anybody to account. Therefore, it will be at the discretion of whomever the commissioner is advising on sanctions—it will be the Scottish ministers in most cases—whether they take account of that advice when they make decisions about contracts and so on.

Jeremy Balfour: Convener, do you want me to stop now, or can I ask one more question?

The Deputy Convener: It would make sense if we stopped now and had a comfort break. Then we can get on with the next line of questioning.

Jeremy Balfour: Absolutely.

09:40

Meeting suspended.

09:45

On resuming—

The Deputy Convener: Welcome back, everyone. I return to Mr Balfour.

Jeremy Balfour: I go back to the duty in the bill to

“have due regard for the need to promote wellbeing and sustainable development.”

Should the duty be about delivering wellbeing or its promotion? Perhaps Lloyd Austin can start on that, as he was the last witness to answer the previous question. Should the duty be about promotion or delivery, or both? Can those be mixed together?

Lloyd Austin: In a sense, you are asking what the strength of the duty should be. It is worth pointing out that, while “have regard to” is often considered to be a relatively weak form of phrasing a duty, “have due regard to” is considered to be stronger. It would be even stronger if the word “furthering” was used. With regard to the words “delivery” and “promotion”, it is true that “delivery” is quite a popular term in public policy circles these days, but I am not sure that it has a legal track record, if you see what I mean.

The duty should possibly be about “furthering”, “implementing”, or “facilitating the implementation of” the aims. The intention of considering delivery is a good one, and we should be focused on outcomes. It should therefore be about “promoting the implementation” or perhaps “securing the achievement” of those aims—the latter is possibly a stronger verb. If the word “delivery” was used, it would be difficult to judge whether that was being achieved.

The wording could be slightly improved, but the intent of the duty is very positive, and applying that duty to all public bodies is important in securing the coherence that we discussed earlier.

Jeremy Balfour: Frances, do you have anything to add to that?

Frances Guy: I entirely agree that the focus should be on implementation, and if Lloyd Austin’s wording is the best way to deliver that, that is fine.

Adam Milne: I echo those sentiments. In addition, it is important that—as has been referred to—specific ways of working should be included in the duty, taking into account things such as long termism, prevention and participation, which are known to promote wellbeing and sustainability.

Jeremy Balfour: Do Skye Allan or Kristers Lukins want to add anything?

Skye Allan: I do not think that we have enough legislation to give you a clear answer, so we might have to skip that question.

Jeremy Balfour: That is absolutely fine.

My final question for the moment is directed to Lloyd Austin. Lloyd, in your submission, you refer to the

“opportunity to repeal or amend outdated duties that can contribute to public bodies acting in a manner that undermines sustainable development and/or wellbeing”.

Will you expand on what you mean by that?

Lloyd Austin: Certainly. You will recall that, in Sarah Boyack’s original consultation paper on the bill, she listed all the examples of where the phrase “sustainable development” occurs in existing legislation. That underlines the importance of having a clear and consistent definition, which is one of the benefits of the bill, as I explained earlier.

However, in addition to those instances that were listed in the consultation paper, there are, scattered through legislation, other forms of wording that allude to sustainable development but not in those exact words, if that makes sense. There are phrases such as “act in a manner that is best considered to be sustainable”. Equally, there are phrases such as “sustainable economic growth”, which was a popular term with Government for a short time; it came into fashion and it has now gone out of fashion, so to speak. That is kind of contradictory, and it is the type of phrase that I would describe as undermining the sustainable development and wellbeing principle, because it is inherently contradictory.

A search on the legislation.gov.uk site suggests that there are 19 acts of the Scottish Parliament that include the phrase “sustainable economic growth”. There is a case, if we are trying to get consistency across the legislation and in applying a definition, for changing all those references to “sustainable development”, along the lines of all the examples in Sarah Boyack’s list. One of those search results is section 4 of the Regulatory Reform (Scotland) Act 2014, which applies to all bodies exercising regulatory functions. That is a crucial one, and it could be altered to “sustainable development” through a bill that is seeking greater consistency of approach to the topic. That would expand the scope of the bill’s objective of achieving consistency.

Jeremy Balfour: This is probably not a fair question, so please feel free to ignore it. I am interested in what you have said. Do you know whether there are previous examples of where a bill has gone back to amend a lot of different acts? You may not know that—we can go away and look it up ourselves—but what you describe seems like quite a novel approach.

Lloyd Austin: A lot of primary legislation amends previous primary legislation. Scottish Environment LINK is also involved with the Natural Environment (Scotland) Bill, which the Parliament will debate at stage 1 this afternoon. That bill seeks to amend the Nature Conservation (Scotland) Act 2004, the National Parks (Scotland) Act 2000 and the Deer (Scotland) Act 1996.

Jeremy Balfour: That is helpful.

The Deputy Convener: Before we move on, I want to check something that Lloyd Austin said. Lloyd, I do not have a particular view on this, but I would like to clarify what you said. You mentioned that the phrase “sustainable economic growth” has been used a lot over the years but is not used so much now. Do you believe that sustainable economic growth is desirable or possible?

The reason why I am asking about that is that some people—not necessarily me; I am open minded—might think that questioning sustainable economic growth and passing the legislation that is before us could be a constraint on the pursuit of sustainable economic growth in itself. You can write to us on that if you want. I just want to give you an opportunity to put something on the record in that regard.

Lloyd Austin: I think that the nature of your question underlines the challenge of the phrase. There is a feeling that economic growth as it is normally, or traditionally, measured does not take into account sustainability issues. That does not mean that economic activity and economic development is not desirable. Economic growth as it is traditionally measured includes economic activity that is undesirable, such as expenditure on accidents and things that one would try to avoid. There is no clear definition of “sustainable economic growth”, and it would be better to use a phrase such as “sustainable development”, which will, once the bill is passed, have—I hope—a clear definition.

The Deputy Convener: Thank you. I did not want to take you off on a tangent, so I am sorry for that. I just wanted to give you an opportunity to clarify what you meant.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): I want to spend a little time looking at the definitions. We have touched on that aspect quite a few times this morning, but it would be helpful if we had an understanding of where each witness sits on them. I will start with the definition of “sustainable development”. Section 2 of the bill gives a definition that was inspired by the 1987 report “Our Common Future”. It states:

“‘Sustainable development’ is development that improves wellbeing in the present without compromising the wellbeing of future generations.”

Kristers Lukins touched on the Scottish Youth Parliament’s work to look at what sustainable development means to young people, and I will give him an opportunity to come back in. First, however, I want to hear from the other witnesses about what they feel about the definition of “sustainable development” as set out in the bill. Perhaps Frances Guy can start.

Frances Guy: Certainly. We are clear in our submission that the definition as stated

“fails to acknowledge the climate and nature crises that threaten both current and future wellbeing.”

We cannot commit to wellbeing without defining it more broadly than the bill does. In addition, we make it clear that

“It also fails to recognise that the wellbeing of people in Scotland is tied to the wellbeing of people and ecosystems”

everywhere in the world. We say that it also

“overlooks the principle of equity within and between generations, and across nations”

and that

“Sustainable development must be pursued in ways that reduce inequalities and share resources fairly.”

We do not think that the definition in the bill as it stands is adequate.

Elena Whitham: That is helpful. Perhaps Adam Milne would like to comment from a Carnegie perspective.

Adam Milne: I would not contradict what Frances Guy has just said but, broadly speaking, we support the definition that is used in the bill. It is a modified version of the UN Brundtland definition, which frames wellbeing as the outcome of sustainable development. That is key because it promotes strong alignment with the wider global sustainable development movement. Our focus is on the framing of wellbeing as an outcome of sustainable development, so I am not necessarily contradicting what Frances said.

Elena Whitham: Lloyd, do you want to comment from a Scottish Environment LINK perspective?

Lloyd Austin: I very much agree with Frances Guy’s comments. Basing everything on the Brundtland definition is very positive, but the bill needs to include the further text from Brundtland that talks about the environment’s ability to meet present and future needs. There is a need to extend the definition in the bill to ensure that those environmental aspects are built in.

The wellbeing of future generations will not be positive if the environment today is undermined and future generations have to suffer a climate breakdown, loss of biodiversity and so on. The definition should be expanded to include reference

to environmental limits or planetary boundaries, or words to that effect. Some of the definitions that were quoted in Sarah Boyack's consultation paper included that wording. For example, the sustainable development act of 1996 in Minnesota talks about

"protecting and restoring the natural environment upon which people and economics depend."

The inclusion of a phrase like that in the bill would be very positive.

The question of definitions is probably the most important question of this morning's session. The definition of sustainable development and wellbeing, as they go together, is crucial to the success of the whole bill, because the duty relates to what is defined as sustainable development and wellbeing, and the work of the commissioner will depend on that definition. It is crucial. The incorporation of environmental limits is the one change that we suggest is made.

10:00

Elena Whitham: That is very helpful. I had a question about how we could make the bill stronger to show that we have to pay due regard to planetary boundaries and environmental limits and to make that explicit link. Kristers and Skye, from the perspective of the Scottish Youth Parliament, is that something that you thought about when you worked through this with MSYPs? Did you consider how we could make the links between wellbeing and sustainable development and the planet?

Kristers Lukins: (*simultaneous interpretation from British Sign Language*) We had discussions with other young people and we looked at wellbeing and sustainable development and how they might be cohesive and link together. We then looked at the definition in that context and we found that there are a number of similarities between the two concepts, so we feel that there is a very strong link there. Skye, do you want to say anything further?

Skye Allan: When we had the conversations that Kristers Lukins has just mentioned, there seemed to be a lot of interrelatedness between the two concepts. Wellbeing seems to be very much linked to the idea of climate change and sustainable solutions. A lot of the wellbeing issues that people mentioned tended to have a link, even if it was just a background link, to sustainable development. There is both the idea that it cannot compromise the future and the idea that it is still a very big issue in relation to wellbeing for young people now.

When we looked at sustainable development, we looked at incorporating climate change, sustainable solutions, nature and education, but

our wellbeing is currently very much linked to our environment—to our access to nature and whether our environments actually sustain higher wellbeing—because there is not much that an individual can do if their environment is not supportive of that atmosphere.

Elena Whitham: Thanks for that.

Frances, you started the evidence session by speaking about the need for human rights in this regard and about the UN sustainable development goals. Does the bill present an opportunity to weave a thread through all those things to achieve real coherence with regard to how we conduct ourselves, before future generations have to deal with what we have perhaps not dealt with?

Frances Guy: The UN sustainable development goals are supposed to be implemented by 2030, which is sooner than the end of the next parliamentary session. The national performance framework was supposed to be based on the sustainable development goals. The global discussion about those goals has moved very much towards the idea that devolved institutions have a really important role to play. It is not too late for the Scottish Government and the Scottish Parliament to do more on that, but I suspect that, ideally, the national performance framework should be the means by which that is done. The bill should be linked to that framework. It could set out some real targets, but it might need to look beyond the sustainable development goals and take the lessons that have been learned from that, including the lesson about policy coherence.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning. What are the witnesses' views on whether we really need a future generations commissioner in Scotland? Some of the written submissions highlight the fact that the creation of the commissioner role could further clutter the landscape and take money away from important issues, such as reducing poverty. Do any of the witnesses have sympathy with those points or wish to make any other comments? Lloyd Austin, you spoke about the commissioner earlier, so I will start with you.

Lloyd Austin: We feel that the establishment of a commissioner with that form of remit would be a positive move. Whether or not it is essential is a different matter. Our response is that we neither support nor oppose the establishment of a commissioner in principle. We understand the complexities of a complicated landscape of different commissioners, but, nevertheless, the experience in Wales suggests that a commissioner of this type can have a very positive impact. The key challenge is the issue of sorting out the respective responsibilities and the relationship with other commissioners and with oversight bodies such as Environmental

Standards Scotland, as I mentioned. However, subject to that, it would be a positive move.

It is a false comparison to ask whether the money could be better spent elsewhere. I think that the commissioner would require a very limited amount of money—because it would just be an individual and a small supporting office—but they could have a significant impact in terms of providing advice, guidance and a steer on policy making that would result in greater policy coherence and better expenditure of resources elsewhere, so the impact could be net positive.

Frances Guy: On the basis of all the research that has been done on this over the past five or six years, we have been very clear that there is a role for a commissioner. As Lloyd Austin said, it is quite important to have an individual or a body with a clear focus to drive this work through, because we have seen that that has not happened.

Adam Milne: The only thing that I would add is that we certainly support the creation of a new accountability mechanism through the bill, but one that is effective, proportionate and appropriate. However, we recognise the challenges that Scotland's commissioners face in relation to duplication, resourcing and legislative constraints. In that context, it is important to be pragmatic, and, if alternative accountability mechanisms would allow the bill to proceed more effectively, those alternatives should be seriously considered.

Kristers Lukins: (*simultaneous interpretation from British Sign Language*) With regard to the commissioner, in looking at the future and the changes that we might want to incorporate into our future planning—having the vision to see what we might want to do—it would be important to have one person who has that vision. However, equally, they would need to work in a group of like-minded people. For example, when Covid impacted and people were taken off guard, the Government should perhaps have listened more to what the populace was saying. I do not think that it did; people recognised that the Government was not listening to them. Some individuals felt that it would be meaningful if it listened to them, but that is not what transpired. From that point of view, it is important that we really listen and adhere to what people are telling us, so perhaps the commissioner is a good idea.

Skye Allan: I echo what Kristers Lukins has said. I do not want to contradict anyone, but young people recognise that the commissioner role is not necessarily a magic bullet. It would be meaningless if it did not actually lead to real change.

Having a future focus should not be the responsibility of one person, because that means

that it can just be lost in the cracks. It might be good to have somebody who can hold people accountable, but again they need to be empowered to do so.

Marie McNair: Absolutely. Thank you.

The Deputy Convener: Jeremy Balfour has a follow-up question on this. Jeremy, your question might well be the same as the one that I was about to ask—who knows? Depending on what you ask, I might come in afterwards, too.

Jeremy Balfour: I would find it deeply worrying if we did ask the same question, convener.

My question is aimed at Frances Guy and Lloyd Austin. We have to be realistic here, because the Parliament voted a few weeks ago not to have any more commissioners in this parliamentary session. I was the only one out of 129 who voted against that; indeed, even the member who has been involved with the bill voted for it.

My direct question to you is this: can the bill work if we do not have a commissioner? If the Parliament decides to go ahead with the rest of the bill but takes out the provisions on a new commissioner, can the bill still work? Is there any point in having it?

Lloyd Austin: It would still achieve a very positive thing, which is, subject to the definition being a good one, having a consistent definition of “sustainable development” and a duty on public bodies—that is, the parts of the bill that do not involve a commissioner. That would still be a good thing to do. The commissioner would enhance things and make that definition and duty work better, but it would still be good, if that makes sense.

As for the comment about the other commissioners and having a cluttered landscape, I think that we understand that view, but we always find ourselves in the situation of either doing this good thing now or putting it on hold while we sort out some wider strategic issue—but then we never find the time to sort out the wider strategic issue, if you see what I mean. That is a choice for the Parliament as a whole.

Frances Guy: I agree with that, especially if the bill sets out those commitments, duties and, indeed, definitions, as Lloyd Austin referred to. I mentioned earlier the fact that there is supposed to be an interministerial committee on policy coherence for sustainable development; frankly, it should be everybody's duty to deliver wellbeing and sustainable development, and if that could somehow be owned politically at the centre of Government, there would be ways of delivering it.

I think that the bill is useful without a commissioner, but there needs to be a recognition that someone, somewhere has to drive this

forward and that there needs to be some accountability mechanism. Carnegie UK has put together a paper setting out some alternatives along with accountability mechanisms. I think that, with that proviso, the bill would work.

Jeremy Balfour: Thank you.

The Deputy Convener: Your question was not quite the same as the one that I was going to ask, Mr Balfour, although it was similar.

You will all be aware of this, but the Children and Young People's Commissioner was wary of establishing a new commissioner, due to potential overlap with that commissioner's work and remit. I have lost my place in the briefing, but I think that the Scottish Environment Protection Agency mentioned other organisations such as Environmental Standards Scotland that could play a role without a commissioner having to be established. Given the possibility of overlap and other organisations being able to do this work, would spending money on a new commissioner be money well spent, or could it be better spent in other ways?

Frances Guy: We are considering a mechanism to drive through something that will look at future development and avoid enormous costs in the future, however we look at it. Whatever we do, as long as we do something to address that and ensure that we are looking forward and thinking about sustainable development and wellbeing for everybody—the people and the planet—we will save money in the long term. I do not think that it matters how you do it—you will save money.

The Deputy Convener: Politicians avoid answering questions all the time, Frances, so I am not criticising you for not coming down on one side or another, but—

Frances Guy: We have just been discussing the question whether a commissioner is needed, to which we gave a variety of answers. I am not sure that it is fair to press the question whether it would be good value for money. I am sorry, but I will not answer it.

The Deputy Convener: I was just giving you a second opportunity, but that is okay. Adam Milne, did you want to comment?

10:15

Adam Milne: The only thing that I would add is that, naturally, we should recognise that investment will be required, whether for a commissioner or for any other accountability mechanism. However, I emphasise that the focus of the bill is on long-term outcomes for the people of Scotland, and with that will come the financial benefits. It is essential that we measure what

matters and that there is better tracking of those costs and savings in a unified and consistent manner across Government, and I think that embedding the national performance framework in the legislation would be a means of doing that in a tangible way.

The Deputy Convener: Okay. Lloyd, do you think that a commissioner would be value for money?

Lloyd Austin: As I said earlier, there could be a net positive, and I agree with Frances Guy and Adam Milne about the long-term savings that could emerge. However, convener, I also agree with your earlier comment about the need to avoid overlap and duplication. I think that that would be a waste of money, and, on that point, I would refer you back to my comments about clarity of responsibility. In respect of the environmental aspect of sustainable development, that means—you quoted SEPA on this point earlier—clarity between the responsibilities of the commissioner and those of Environmental Standards Scotland. As I have indicated, I think that that clarity can emerge if we think about the commissioner as having a policy focus and Environmental Standards Scotland as having a legal focus. That is the distinction.

The Deputy Convener: Thank you. I am not sure whether the Scottish Youth Parliament has a view on whether a commissioner would be value for money, so perhaps I will word the question slightly differently. Does the Youth Parliament have any clarity on whether there should be a commissioner or on other ways in which we can enforce some of the obligations that will come into law, should the bill be passed?

Kristers Lukins: (*simultaneous interpretation from British Sign Language*) I think that young people had differing views and perspectives. Of course, any funding that is required now is an investment to save money in the long term and to avoid the consequences of not investing in the future. Obviously, what we spend now will be money well spent to prevent exponential costs in the future. How that is spent will vary, but, as has already been said, anything that is spent now will save us money in the future.

The Deputy Convener: Okay. Skye, you do not have to add anything, but do you wish to?

Skye Allan: No. I think that we are just going to have to give you the really unsatisfactory answer that the issue is complicated and that there are mixed opinions.

The Deputy Convener: It is also a very good answer, Skye, which is why I pushed for answers to the question. We on the committee are still forming our views; just because we ask a question in a certain way, that does not mean that that is

our underlying view. We are trying to form our views as we take evidence on the legislation, so that was a perfectly acceptable answer.

I will suspend the meeting for another five minutes or so, if that would be helpful.

10:18

Meeting suspended.

10:25

On resuming—

The Deputy Convener: Welcome back, everyone. We will continue with our questioning.

Alexander Stewart (Mid Scotland and Fife) (Con): Good morning. This follows on from talking about the commissioner. If a commissioner is required, what are the witnesses' thoughts on the general functions of the commissioner? The commissioner will have a variety of duties to perform, one of which is

"to promote the wellbeing of future generations by promoting sustainable development by public bodies in all aspects of their decisions, policies and actions."

It would be good to get a view on whether, if there is a commissioner, it would be achievable and sustainable to ensure that all public bodies do that.

Adam Milne: On the finer details of the commissioner in this line of questioning, I refer to our written submission and to the expertise of the rest of the panel.

Alexander Stewart: Frances Guy, do you have any views on that?

Frances Guy: In Wales, it has been very helpful for the commissioner to have an educative role. The convener talked about having a cultural impact, and trying to ensure that bodies consider and promote that idea is very important. I am concerned that the wording is open to interpretation. We have talked a bit about the devil being in the detail, and, as I said, the commissioner needs to have clear investigative power, so that it is not only about promotion, although promotion is an important role.

Lloyd Austin: I agree with Frances Guy's comments. That general function is probably appropriate, because, as I said in relation to environmental matters, there has to be a distinction between the commissioner's role and the role of Environmental Standards Scotland. In our view, the commissioner would be very much policy focused, and promotion would be done by advice, guidance, education and cultural change, as Frances commented. I think that that would be good.

The challenge would be in how the Scottish Government and other public bodies responded to that promotion and, presumably, in how the duty on those public bodies, which we talked about earlier, was phrased. There must also be a duty to have regard to—or some stronger form of words—the advice and guidance of the commissioner, otherwise the commissioner could be talking into a black hole, with nobody listening to their promotion.

Kristers Lukins: (*simultaneous interpretation from British Sign Language*) I do not think that we have looked into it in great depth, but it is important that a clear remit is established for the commissioner, so that progress can be identified and we can make some genuine achievements.

Alexander Stewart: There will be real challenges for the commissioner in ensuring that public bodies have the ability to deliver what is expected of them. If they are expected to ensure that all their actions, policies and decisions incorporate what is proposed in the bill, that will end up creating challenges for each public body.

What challenges might public bodies face in trying to achieve that goal? They might not be doing exactly what they want to do, but they will be forced into it if a commissioner is in place to ensure compliance. Are there any views on how that might play out if the commissioner is in place?

10:30

Lloyd Austin: As we discussed earlier, one of the challenges will be policy coherence given the existence of silos. You can almost hear it now: a public body will say, "That is very nice, Mr or Mrs Commissioner, but I have all these other things that I have to do. I have all these other public duties and functions that Government has given me. How can I fit them in?"

The key thing is that sustainable development and wellbeing are not additional functions; they are what all the existing functions should deliver. Therefore, the question is how public bodies use all their existing silos and not whether the duties are additional, competing silos, if you see what I mean. It will be a challenge for the commissioner to describe that—I have not done it very well there.

The real difficulty will be in how you make changes to existing functions as a result of the new advice or guidance.

Frances Guy: I endorse that view. I agree entirely that the duties should be a part of the whole, which is a message that the Youth Parliament has given very clearly. However, the issue will be measurement, especially of the harmful elements. We have not been very good at

measuring the unintended or intended consequences—in jargon, you would call them spillover effects—of policies. Measuring the harmful effects of policies is tricky, and there is a need to link the duties to the national performance framework. If the two things work together, the outcome will be very powerful.

Carol Mochan (South Scotland) (Lab): I want to ask about people’s views on sections 6 to 11 and schedule 2, which effectively give the commissioner powers to carry out investigations. Do witnesses have any views on the powers that relate to investigations by the commissioner?

The Deputy Convener: At committee, people have a wonderful tendency to look down rather than make eye contact, so I might ask Carol Mochan to name someone.

Carol Mochan: To explain a bit more, the bill allows the commissioner to

“take such steps as the Commissioner considers appropriate”

when seeking to resolve a matter without recourse to an investigation. What powers might help with investigation, and what other resolutions might be found?

Lloyd Austin: I understand why the word “investigation” is used, but I am not sure that it is helpful, because it implies a degree of enforcement. As I said on the distinction between Environmental Standards Scotland and the commissioner, the approach is not about enforcement; it is more about inquiry and understanding how things currently work in order to provide advice and guidance for the future. In that regard, it is right that the commissioner will have powers to undertake sensible, detailed inquiries into how things are working and will have the right to get information on that. However, the bill specifically rules out investigations related to the taking of legal proceedings and so on; it is not a matter of conducting investigations with a view to enforcement action. In the environmental sphere, that would be for ESS—there may be other relevant bodies in other spheres.

It is appropriate for the commissioner to have some kind of ability to understand, inquire and investigate to ensure that advice and promotion are well informed, that analysis can be provided as to why things are not working as they should be, and that recommendations can be made on the basis of that analysis. That is the sort of investigation that I would expect the commissioner to do.

Carol Mochan: That is very helpful. Thank you.

Frances Guy: I endorse what Lloyd Austin has said. It is about advice, guidance and showing alternative ways; the investigation is not a

punishment. Some of our earlier questions went in that direction a wee bit. We should see it as helpful and supportive, not the opposite.

Carol Mochan: Thank you. That is very helpful.

The Deputy Convener: I will pass on to Sarah Boyack in a moment. First, there is a question that we probably should have asked when Mr Milne was speaking earlier. I should give you this opportunity, Adam. You mentioned that Carnegie UK had outlined six possible operating models to deliver the ambitions around wellbeing and sustainable development, and the commissioner’s establishment and office was one of those models in the pursuit of those aims—so there would be five others. I am, of course, happy for you to refer us to written evidence, but do you wish to say anything for the *Official Report* in relation to those other potential models?

Adam Milne: I can speak broadly to a couple of them. The idea for the options paper that we commissioned, which was written by Jen Wallace and Max French, was to reflect on the current landscape of commissioners in Scotland and to outline some alternative accountability mechanisms. A couple of those involve expanding the mandate of Audit Scotland to include wellbeing and sustainable development, with powers to act on recommendations from a commissioner or equivalent body. A bit closer to home, another option is to establish a dedicated parliamentary committee to oversee progress towards national outcomes and the ambitions of the bill.

I am happy to forward the paper itself to the clerks.

The Deputy Convener: Thank you, Adam. I just wanted to give you the opportunity to put some of that on the record.

Adam Milne: Thank you.

The Deputy Convener: I thank Sarah Boyack, the member in charge of the bill, for coming along and sitting through this second evidence session. I now give her the opportunity to ask questions for 10 minutes or so—perhaps a wee bitty more if possible.

Sarah Boyack (Lothian) (Lab): I thank the convener for that introduction. I also thank the witnesses for the evidence that they have given to the committee in writing and for the engagement that some of them had with the previous consultations that I carried out on my member’s bill.

I wish to follow up on the question that has just been asked by the convener about the different ways to create wellbeing and sustainable development, about how to get them further up the agenda and about what mechanisms would help to deliver them. The issue is around the

combination of advice, guidance and investigatory powers, on top of a public sector duty. I would like to hear comments from the witnesses about the benefits that could be delivered by implementing the bill alongside the national performance framework.

Given the helpful piece of research that was done by Carnegie UK, perhaps Adam Milne would like to kick off on that question.

Adam Milne: First, thank you for raising a number of extremely important issues through the bill and for bringing them to the fore.

In order to realise the ambitions and the goals of the bill, it is absolutely vital to connect them with the national performance framework. The framework already provides a kind of shared vision of Scotland's wellbeing, and embedding the link between the bill and the national outcomes would ensure coherence, avoid duplication and reinforce the framework as being central to measuring progress on the bill and its goals.

Frances Guy: The advantage of having a bill on top of the framework is that it provides clarity with regard to duties. On the national performance framework, over the past 10 years, we have seen that it has not been clear what we were supposed to be doing; it has not been clear that public bodies even understand what the targets and outcomes are. The bill would really help to ensure that we make progress.

Kristers Lukins: (*simultaneous interpretation from British Sign Language*) First, thank you for introducing the bill. Young people are really pleased to see it, and we value it because we want more clarity and more visibility, which is what the bill provides. This is an important bill for young people, so thank you.

Skye Allan: To build on what Kristers Lukins said, environmental sustainability is a really big concern for young people. Because we are moving through short-term targets, there is a broad sense that environmental sustainability tends to take a back seat, so it is really encouraging to see that the Scottish Government is trying to integrate that into our long-term goals and to look out for the sustained health and wellbeing of future generations.

Lloyd Austin: I agree with all the other witnesses that it is a very positive move. Sustainable development and wellbeing have, in one sense, been the policy objectives of multiple Governments over many years. However, as Frances Guy said earlier, they have not actually been delivered, and one of the reasons for that is that there has not been the central clarity or coherence that we talked about earlier. If the bill is passed and delivers clarity of definitions, a public duty and a commissioner, the huge benefit will be

that it provides that overarching focus. A commissioner would provide a focus at the centre of the Government—subject, as we said, to the Government's responding to the commissioner's advice and guidance—that would be able to drive actual changes. In the past, we have seen suggestions of changes, through the national performance framework and across Government committees and so on, but none of those have created the necessary transformation. The bill provides an opportunity to put into law a means of achieving that transformation.

Sarah Boyack: Thank you. My second question is, what do the witnesses think are the lessons to be learned from the Welsh Future Generations Commissioner, which has been mentioned once or twice? I am thinking particularly about accelerating impact and implementation. We are in a changing world, so what impact would clear guidance and advice have, given the raft of public sector organisations that would have a duty to implement the bill and the backdrop of the possibility of investigations? To what extent have lessons been learned, and what impact would a commissioner have on accelerating action on those issues? Frances Guy, you have a global perspective in relation to other countries, which are doing a variety of things, so do you want to come in?

Frances Guy: I do not know whether I have more to add about the lessons learned. From our point of view, the lessons learned from the Welsh commissioner includes the lack of a global perspective, so we are very keen to ensure that that aspect is brought out and becomes part of the public duty.

10:45

Lloyd Austin: I reiterate that the experience in Wales has been that the commissioner's influence has been soft—it has been about cultural change and so on—and it would be beneficial to try to enhance that, but, as I said earlier, not in a way that creates a shift to the commissioner becoming an enforcement body. Therefore, a key aspect might be to ensure that there is a duty on the Government and other public bodies to have regard to, respond to or take note of the advice and guidance from the commissioner. It is all very well for the commissioner to produce good advice and guidance, but if nobody takes any notice of it, it lacks value, if you see what I mean. That is one thing that would be an addition to the way in which the commissioner works in Wales.

The other key thing is getting the definitions of "sustainable development" and "wellbeing" right, because those are the actual remit of the commissioner, and, if those definitions are not right, the duties and the commissioner's functions will become limited, or there could be potentially

unintended consequences or missed opportunities. Getting the environmental perspective into the definitions is crucial.

Skye Allan: There are two main things that we could learn. One is that there is a need for further action on sustainable development and increasing future welfare. The second is that, if there are not improved channels of communication and coherence between different public bodies, any steps that we take to improve the situation will have a limited effect.

Sarah Boyack: The issue of communication is absolutely fundamental, whether it is in relation to members of the public, organisations or public bodies—it is about those links. Adam Milne, Carnegie UK did the options paper, so what are the lessons learned and what are the particular issues that you would want to see a difference being made on, if we were to have a future generations commissioner?

Adam Milne: I do not have a huge amount to add to my previous response. A key point to emphasise is about the ways of working that are needed for us to be in a position where we are not just assuming that the duties will be carried out. The legislation needs to state how that is going to come about, which is why, in my previous answers, I have emphasised the potential role for the national performance framework in that respect—it could provide the ability to measure progress and outline what can be done in connection with the national outcomes.

Sarah Boyack: Frances Guy, do you want to come back in?

Frances Guy: Yes, because I think that, today, we have missed the point a little bit that wellbeing also depends on people being valued. Our colleagues from the Scottish Youth Parliament mentioned people being valued, participating in processes and having their views taken into account. The participatory aspect is very important, so that needs to be emphasised somewhere, too.

Sarah Boyack: I thank the witnesses for their answers, and I will reflect in particular on the aspects where the witnesses feel that the bill could be amended to strengthen it. I very much appreciate the chance to speak to the committee today.

The Deputy Convener: Thank you very much, Sarah. There was one more question that members had hoped to ask, which we kind of referred to when we were asking about value for money. I should ask it as it has been set out, and our witnesses can either respond to it or not.

Looking at the cost of establishing the commissioner's office in the financial

memorandum, I note that its running costs—not the cost of establishing it—are estimated at £1.26 million each year, and that the Welsh commissioner's budget in the most recent financial year was £1.8 million. I just wanted to put that on the record and ask the witnesses whether they have any reflections on those costs. You do not have to have any, but that was the only question that we have not asked today.

This is slightly unusual, Sarah, but I am not asking you to answer that question—I just wanted to know whether you wanted to roll another question into that one. If so, you can do so, because I am conscious of the tradition of allowing the member in charge of the bill to ask their questions after all the other questions have been exhausted. It was just an error on our part that we had not asked that question.

I will leave my question sitting there. Is there any related question that you wanted to ask, Sarah?

Sarah Boyack: Do the witnesses have a view on the suggestion that a new commissioner could have shared back-office functions? Not only would we be learning from the lessons in Wales with regard to efficiency, but we could share knowledge and best practice. We could have memorandums of understanding between existing organisations such as Audit Scotland and existing commissioners, to ensure that work was not being replicated and that we could get maximum impact of any investment in a new commissioner. Who would like to respond to that?

The Deputy Convener: I was just giving the opportunity for our colleagues to finish passing that question to Kristers Lukins.

Lloyd Austin: I would just reiterate that the creation of a commissioner of this type would be a net positive. As for the sums of money that you mentioned, convener, the total public expenditure would not be huge. When we consider the potential impact and the potential long-term savings, I think that it would be value for money.

Of course, that does not mean that you should not look to make the commissioner as efficient as possible, and with regard to the options that Sarah Boyack has just suggested such as commissioners sharing back-office functions, I would say that finance, human resources and other functions ought to be shareable between the different parliamentary commissioners. In fact, I think that they already are in some respects. All of this will come down to efficient administration and clarity of roles and responsibilities.

The Deputy Convener: Thank you.

Skye and Kristers, I am going to give you both the last word, so I will not take your responses just

now. When you make your final comments, you can mention the costs of setting up the commissioner's office and anything else that you feel that you have not had the opportunity to say this morning. Please do not feel bound by that specific question.

Adam, do you have any comments?

Adam Milne: I have nothing to add to what I have previously said.

The Deputy Convener: Frances?

Frances Guy: No.

The Deputy Convener: In that case, I come to Skye Allan and then Kristers Lukins. This is your opportunity to put on record anything that our lines of questioning have not given you the opportunity to put on record this morning in relation to your work with MSYPs and other young people.

I will take you first, Skye.

Skye Allan: It is clear from our consultation that, on the specific role of a commissioner, young people have mixed views. However, there is wide consensus among young people with regard to their concern for the environment, the way in which we are going and the possibility of securing future welfare.

The question is not necessarily whether having a commissioner is valuable, but whether we can achieve sustainable development goals without one. I do not think that young people are especially attached to the idea of a commissioner one way or another—they are attached to the idea of having an answer to the climate crisis and some idea of what they can do. When young people hear about sustainable development, climate change and so on, they hear about it in one of two ways—either as panic, or as nothing—and we really need some constructive goals to work towards. I do not think that we mind whether that comes in the form of a commissioner, just as long as there is something that leads to meaningful action and we can see tangible evidence of it working.

The Deputy Convener: Thank you very much, Skye. Do you want to comment, Kristers?

Kristers Lukins: (*simultaneous interpretation from British Sign Language*) I absolutely agree with what Skye Allan has said. This is important, because young people will have so many different perspectives, and various groups within society might have varying perspectives, too. It is important that we look at the evidence from, for example, deaf people and British Sign Language users, as well as the views of other groups in society. We must not take some niche approach and just ask one particular group in society—it is

important to place value on reflecting the views of society overall in our thinking.

The Deputy Convener: I thank all our witnesses and, indeed, Tessa Slaughter and Mags Greig for helping to facilitate this morning's meeting. It was very kind of them.

That concludes our public business. We will now move into private session to consider the very valuable evidence that we have heard.

10:56

Meeting continued in private until 11:09.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba