



OFFICIAL REPORT
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DRAFT

Social Justice and Social Security Committee

Thursday 13 November 2025

Session 6



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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

29th 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:

Sarah Boyack (Lothian) (Lab)

Richard Lochhead (Minister for Business and Employment)

David Torrance (Kirkcaldy) (SNP) (Committee Substitute)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament
**Social Justice and Social
 Security Committee**

Thursday 13 November 2025

[The Convener opened the meeting at 09:00]

**Decision on Taking Business in
 Private**

The Deputy Convener (Bob Doris): Good morning, and welcome to the 29th meeting in 2025 of the Social Justice and Social Security Committee. We have received apologies from Collette Stevenson. David Torrance is substituting for her; thank you for joining us, David. I also welcome Sarah Boyack to the meeting. I hope that Michael Marra will join us later.

Under agenda item 1, we must decide whether to take item 3 in private. Do members agree to do so?

Members *indicated agreement.*

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

09:00

The Deputy Convener: Agenda item 2 is our fourth evidence session on the Wellbeing and Sustainable Development (Scotland) Bill, which is a member's bill that has been introduced by Sarah Boyack, who will give evidence to the committee at next week's meeting. I welcome Richard Lochhead, the Minister for Business and Employment, and Scottish Government officials Iain Stewart, who is team leader in the strategy division, and Kirsten Simonnet-Lefevre, who is a solicitor. Thank you for joining us.

Minister, I do not know whether you were given advance notice, but you would be welcome to make some opening remarks.

The Minister for Business and Employment (Richard Lochhead): I thank the committee for the opportunity to give evidence. I will make a few opening remarks. I begin by acknowledging the positive intentions behind the member's bill. Its focus on wellbeing and sustainable development is, of course, commendable. We welcome the chance to outline the Scottish Government's position. I want to explain why we do not consider legislation to be necessary at this time and to provide an update on the on-going reform of the national performance framework.

Following commitments that were given in previous programmes for government, the Scottish Government also explored the potential for a bill, including through a public consultation. Although most respondents supported having clear definitions of "wellbeing" and "sustainable development", the broad nature of those concepts presented challenges. Many thought that having new duties would be a way of reinforcing existing obligations under the Community Empowerment (Scotland) Act 2015, rather than introducing entirely new statutory requirements. Instead, the bill would establish parallel duties that do not align with the national outcomes.

After careful consideration, ministers concluded that legislation was not required. That decision reflects both the viability of non-legislative approaches and the limited parliamentary time that is available. The Deputy First Minister communicated that position to the Finance and Public Administration Committee in October 2024. In January 2025, she announced our intention to reform the NPF. Our goal is to deliver a more strategic, coherent and impactful framework. That work is now well under way.

Prior to the bill's introduction, the Government held two constructive meetings with the member in charge of the bill. To clarify, we have not previously expressed support for the bill. We maintained a neutral position until we had reviewed the draft. The bill was introduced after our NPF reform plans had been announced. The Government is not opposed to legislation in principle, and we recognise the positive intention behind the member's proposal. However, non-legislative alternatives should be explored before legislation is considered. Such alternatives are viable and should be pursued to avoid unnecessary and potentially costly statutory obligations. We must also be mindful of the pressures that are facing public bodies and avoid creating additional burdens on them, unless it is clearly justified.

Scotland's NPF is aligned with the United Nations sustainable development goals and provides a coherent structure for measuring progress. It sets out a shared vision for Scotland that is intended to endure beyond any Administration. Legal underpinning is already provided for in the Community Empowerment (Scotland) Act 2015, which requires public bodies to

"have regard to the national outcomes".

The previous Finance and Public Administration Committee inquiry identified areas for improvement in how the NPF is used, how accountability is ensured and how the impact of decisions is measured. We are committed to addressing those recommendations. That is the rationale behind the Deputy First Minister's decision to reform the NPF. We want to take the time to properly develop the framework for the longer term, and we intend to publish proposals in early 2026, including a high-level implementation plan.

On the proposal to establish a future generations commissioner, we recognise that such roles have worked elsewhere. Equally, some countries with ambitious wellbeing frameworks do not have a commissioner. Furthermore, the Parliament endorsed the recommendations of the SPCB Supported Bodies Landscape Review Committee, which clearly signalled that new advocacy-type commissioners should be created only "as a last resort", when alternatives have been exhausted.

Finally, as the financial memorandum acknowledges, it is difficult to estimate the full costs of such a commissioner. That uncertainty raises legitimate questions about whether such a role would represent value for money.

In conclusion, in relation to what is set out in the policy memorandum, the Government does not

believe that primary legislation is required at this time, particularly when viable non-legislative alternatives are already being actively pursued.

The Deputy Convener: It is obvious that the Government has followed the progress of Ms Boyack's bill carefully, as much of your opening statement reflects some of the specifics of the bill.

People who are watching these proceedings will see that the Government agrees with the policy objectives, and the vast majority of the people who have contacted our committee support the policy objectives. Initially, it was the Government's intention to legislate in this area. You have made a lengthy and informative statement, but the core question is, why has the Government changed its mind? I do not want to go into the detail of what you said in your opening statement, but at the heart of the matter is the fact that there has been a change of mind. What led to that change of mind on the part of the Government?

Richard Lochhead: Our position is that we have no argument with the policy intention, in that we recognise that there are issues that need to be addressed. The phrase "implementation gap" has been used, and there are issues around scrutiny and accountability. The national performance framework was pioneering when it was introduced in 2007, and many other countries looked to Scotland to find out how we were doing things, as we set out long-term indicators for how to improve life in Scotland and Scotland's wellbeing.

That was in 2007, and it is now 2025. We recognise that it is now time for improvement and that some of the gaps that Sarah Boyack and others have identified must be addressed. A number of organisations have said that they do not want overlap or duplication; if the bill was passed, we would have both the national performance framework and the duties under the bill. As the committee will, I hope, be aware, many organisations have expressed concern about overlap and duplication.

We recognise that there are issues that have to be addressed, and we want to explore non-legislative routes for doing so.

The Deputy Convener: That is helpful. I know that members will refer to the national performance framework in the questions that they will ask shortly. I have written down that there are other ways to address the gap that has been referred to, rather than primary legislation. However, the committee has received evidence that obligations on sustainable development

"must be fulfilled before and at the time when a particular policy is being considered or decision taken".

How can we ensure that that happens without legislation?

Richard Lochhead: At the moment, there is a statutory underpinning of the national performance framework in the Community Empowerment (Scotland) Act 2015, which I referred to in my opening remarks. It says that public bodies must

“have regard to the national outcomes”

in the framework. Overall, there are 30 bits of legislation across the Government that refer to sustainable development. That is already in place.

We agree that some of the issues that Sarah Boyack is concerned about and on which the committee is deliberating must be addressed, and that is why we are reforming the national performance framework in relation to scrutiny, accountability and other issues that people have raised in past consultations.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Good morning. Keeping on the topic of the national performance framework, can you give us any further information about the review that you mentioned is under way, specifically in relation to how sustainable development and wellbeing requirements will be bolstered to help to deliver the societal change that is needed? Although the 2015 act and the NPF have been in place for a long time, we are still not seeing that being pulled through as a thread into actual outcomes. How will that be bolstered with the review?

Richard Lochhead: First, to take the big picture, as the national performance framework and the 11 national outcomes and 81 indicators that underpin it show, we are making progress in a number of areas, and there are a number of areas where we need to make more progress. That is the backdrop, which applies not only to this parliamentary session, but to future sessions. There is a long-term direction of travel in Scotland towards wellbeing and sustainable development. That is the backdrop.

It is difficult to always use legislation, because there are some 130 public bodies in Scotland and 32 local authorities. We are trying to create a framework, which we have done in a pioneering way since 2007, to drive the country in one direction. The review will address some of the concerns that have been expressed, and an advisory group has been set up.

As I said, proposals for consultation will be published in early 2026, with a view to the civil service having a proposal for implementing the reforms ready for the new Government that will come in in May 2026. We will keep Parliament updated on that.

Elena Whitham: We have heard a few times from folk who have given evidence to the committee that the existing duties on public bodies

through the NPF and related legislation are too weak. How would you respond to that, specifically in relation to the area of wellbeing and sustainable development?

Richard Lochhead: There are a lot of different debates on that. I will try to give an overview. Some Governments look to legislate to provide definitions of “sustainable development” and “wellbeing”, while others do not. The likes of Canada, the Netherlands and Finland have well-regarded frameworks but have not taken a legislative route—they do not need legislation and do not define those terms. That is the route that we prefer, but others might take a different view.

There is a whole debate around whether “sustainable development” should be defined in legislation, because it is such a broad term that means different things in different contexts. For example, it could be argued that, over the past decade, sustainable development in the context of reducing carbon emissions has been a much bigger issue than it was in the previous decade. Each organisation that is working on the issue will look at sustainable development depending on the context that it finds itself in, and there is a whole debate around whether “sustainable development” should be defined in legislation because of that.

Elena Whitham: If we take the 32 local authorities as an example of the public bodies, how can we ensure that wellbeing and sustainable development are threaded into the local outcomes improvement plans that they put in place? Those plans are reportable to the community planning partnerships, which ensure that all the bodies in the local area are pulling in the same direction.

Richard Lochhead: At the moment, the mandate letters from the Scottish Government to public bodies refer to the national planning framework—I am sorry; I mean the national performance framework. The letters also refer to the Scottish public finance manual, which—I have it in front of me—outlines the responsibility of accountable officers with regard to those issues. That work is done across Government, and that is how we manage it at the moment. As I said before, the review will look at any further reforms that are required to enhance that process and make it stronger.

Elena Whitham: Like you, I called the national performance framework the national planning framework last week.

Richard Lochhead: The national planning framework also has the acronym “NPF”—that is what keeps confusing me. The national performance framework is reflected in the national planning framework, both of which are NPFs.

The Deputy Convener: I have made a similar mistake.

Jeremy Balfour (Lothian) (Ind): Good morning. Has the Scottish Government looked at the Well-being of Future Generations (Wales) Act 2015? If so, what assessment have you made of it? Audit Wales says that it is

“changing conversations, influencing longer-term planning, and impacting day-to-day decision-making and working practices”.

Is that not something that we want to see in Scotland? Having something in legislation might drive those conversations.

Richard Lochhead: Yes, we are looking at that. We are also looking at how the Welsh are improving accountability and learning from their experience. That is being built into our on-going work, and the advisory group will no doubt look at that as well. I assure the committee that we are very interested in learning from the Welsh experience.

Jeremy Balfour: To play devil’s advocate for a moment, we will have a new Government of some kind next year. We do not know what that Government will be, or what the Government after that will be. The issue might be high up on your priority list and high up on the Deputy First Minister’s priority list, but that might not be the case with the next Government. How do we ensure that, if it is not dealt with in legislation, it will still be high up on the agenda of whoever forms the next Government?

09:15

Richard Lochhead: That concern applies to everything. Even if the bill were to be put through in time for next year’s election, in theory, the next Government could reverse it, so that is an open question.

All I can assure the committee of is that the outcome of the consultation in early 2026, which will include proposals that show how we intend to reform the national performance framework, will be presented to the next Government, so it will be able to choose whether to keep the national performance framework or to scrap it.

The NPF has been in place since 2007. Proposals will be made to reform and improve it, and the next Administration will have a choice to make about that. Our Administration is committed to continuing that process.

Jeremy Balfour: Thank you—that was helpful.

The bill refers to the need for public bodies to have “due regard” to the need to promote wellbeing and sustainable development. We have taken evidence that that could be strengthened. What view do you have on that?

Richard Lochhead: We do not have any objection to the idea that it can be strengthened. Today, we are discussing how to do that—whether to use legislation or whether to use the reforms to the national performance framework. For the reasons that I explained earlier, if we have a new bill that is not aligned with the national performance framework’s national outcomes, public bodies have expressed concern about duplication, overlap and potential confusion, because they will have to have regard to what is in the bill and to the national performance framework.

There is agreement that we need to strengthen accountability, scrutiny and so on, but the Government’s view is that we should explore the non-legislative route first. In addition, the Parliament has endorsed the report that said that commissioners with advocacy roles should be created only “as a last resort”. At the moment, that is being done not as a last resort.

Jeremy Balfour: I suspect that you will give a similar answer to this question. Similarly, the bill outlines that public bodies must “have regard” to guidance that is produced by a future generations commissioner. Does that seem reasonable?

Richard Lochhead: There are concerns about the inclusion in the bill of definitions of “wellbeing” and “sustainable development”, because that could lead to the commissioner having very wide-ranging powers. The commissioner’s office might have to be quite large to cope with such a massive remit, which would create a whole new machine. At a time when our public bodies want to remain focused on their existing obligations, the prospect of suddenly having lots of investigations and activity over and above the national performance framework is causing some concern. I am sure that you will have seen the concerns that organisations such as Carnegie UK have been quoted as expressing about that.

Jeremy Balfour: Thank you.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning. I want to cover the bill’s definition of “sustainable development”, which seems to align very closely with the Scottish Government’s suggestion in its own consultation. However, in our evidence sessions we have heard that the bill’s proposed definition could be strengthened. What is the Scottish Government’s view on that?

Richard Lochhead: A couple of debates are happening on that aspect. The first, which I mentioned earlier, is that there is concern about either having wide-ranging definitions or, indeed, the opposite of that—laying down too many definitions in a world that is changing fast, given that each organisation or public body considers

sustainable development in its own context. A lot of Governments do not define “sustainable development” or “wellbeing” in their legislation. The concern that I referenced is one of the reasons why we do not do so at the moment. The other view is that the commissioner’s powers could be so wide that they could lead to all kinds of confusion and to investigations taking place.

We believe in changing the culture of organisations and public bodies and in allowing the culture in Scotland to change so that sustainable development and wellbeing become the norm, as opposed to a commissioner launching investigation after investigation, with all the costs and bureaucracy associated with that.

Marie McNair: Thank you. I was going to ask a follow-up question, but it has been covered.

The Deputy Convener: We will have time for supplementaries later, Marie. Let us know if you wish to ask one.

We move to questions from Carol Mochan, who is joining us online.

Carol Mochan (South Scotland) (Lab): I want to touch on the definition of “wellbeing”. The Scottish Government consulted on whether there should be such a definition alongside the national outcomes. What is the minister’s view of the definition in the bill?

Richard Lochhead: I can only repeat what I have just said, which is that many Governments do not include such definitions in legislation. We have not done that before in Scotland; we are using the national performance framework. “Sustainable development” has a very general definition and can mean different things in different contexts, depending on the organisation concerned.

Some of the views that Scottish organisations have shared, either with the committee in past evidence sessions or in consultations, express concern about confusion and overlap in definitions. They say that they are content with what is in the national performance framework—albeit that we all agree that that needs to be improved and made more robust and accountable.

For those reasons, our preference is not to include such definitions in legislation.

Carol Mochan: Can I just have a wee bit of clarity? You might have touched on this already. The bill seeks to link directly the definition of “sustainable development” with the definition of “wellbeing”. The committee has heard concerns that the definitions could go into statute without explicit reference being made to environmental limits. Would the minister agree with that?

Richard Lochhead: I have seen some organisations and commentators expressing that concern, and I share it. Again, those issues are already covered in the national performance framework. Therefore, if the bill were to pass there would be two different sources, one of which would include that reference and one that would not. Our approach goes back to the need to avoid duplication or confusion.

Carol Mochan: To be clear—do you think that the definition does not need to be in both the bill and the framework or that it would be confusing if it were in both?

Richard Lochhead: I am saying that its absence has been raised as a concern, which we would agree with, because there would be definitions that excluded it. In contrast, the 11 national outcomes in the national performance framework, and all the indicators that lie below them, are very clear for people to see and use—but then, there would be another definition that excluded that reference.

Carol Mochan: Right, no bother. I appreciate your time. Thanks very much.

The Deputy Convener: Elena Whitham would like to come in.

Elena Whitham: I want to explore that aspect a little further. In relation to the review that is being undertaken of the NPF and the national outcomes, can you reassure the committee that you will ensure that wellbeing and sustainable development, which feature in many pieces of legislation but do not have firm definitions, will link further to the United Nations sustainable development goals, so that we can start to have a cohesive plan for ensuring sustainability for future generations?

I understand that the Government is not looking to legislate in that space at the moment, but can you reassure us that we will see such change happening as a result of the review, so that we can better align with the UN sustainable development goals?

Richard Lochhead: Yes. The Deputy First Minister announced the intention to reform the national performance framework. With that in mind, we want to make it more impactful and effective and to consider the scrutiny and accountability issues.

Therefore, the next national performance framework will be a lot more robust. We will learn lessons and listen to all the responses to the consultations. This committee and others might also publish their views, all of which will be taken into account.

Alexander Stewart (Mid Scotland and Fife) (Con): In your opening statement you spoke about

the role of a commissioner and some of the oversights that you see in this area. Perhaps I can explore some of that with you.

What is the Scottish Government's view on whether a similar approach to that to the Land Reform (Scotland) Bill should be taken here, whereby the commissioner would oversee, investigate and report on the bill's key aims and be based in a relevant organisation, which would, in turn, reduce costs?

Richard Lochhead: If there were to be an option that saved costs and was more efficient, that would clearly be a more sensible way forward. It would not take away the wider concerns that Parliament has already endorsed, such as that creating new commissioners for advocacy roles should be absolutely the last resort.

As the financial memorandum for the bill outlines, and as others have said, significant and unknown costs would be associated with the proposed creation of a new commissioner. The total, even for the factors that we know about, could run into millions of pounds. If the definitions of "wellbeing" and "sustainable development" were as wide as the current proposal envisages, it would mean that investigations into all kinds of things could be launched. Again, those are all concerns that we would express.

Alexander Stewart: The committee has heard that organisations such as Carnegie UK have commented on the potential oversight and accountability aspects. What assessment has the Scottish Government made of other methods that might be used if there were to be no commissioner?

Richard Lochhead: That is a core purpose of the review that is currently taking place, so it is probably too early for me to know the answer to that question. The advisory group will look at those issues. Carnegie UK is part of that, as are other organisations. Answering that question is a key outcome that we will be looking for.

Alexander Stewart: We recently discussed that the Auditor General for Wales has a role in examining public bodies' sustainable development principles and setting steps towards wellbeing objectives. Could there be a role for Audit Scotland in the process here? Examination of each public body is required to happen within a timescale. Could such a mechanism be considered and used by Audit Scotland?

Richard Lochhead: We do not know Audit Scotland's view on that, and I understand that it did not respond to the consultation. Such an approach would mean that additional duties would have to be given to Audit Scotland. I am not ruling anything out, but perhaps that fact shows that it is not the route to take. We do not have a fixed view

on that. I am just explaining that additional duties would require to be given to Audit Scotland for that to happen.

The Deputy Convener: I will follow up on a couple of points about potential overlap.

I think that it was last week when we heard a wee bit from someone from the Children and Young People's Commissioner Scotland who was concerned about overlap and how some of the proposed new commissioner's responsibilities could duplicate those of the children's commissioner.

It has also been suggested, partly by myself, that other public bodies and offices out there are actively doing some of the work that we are discussing. I went on to my phone to check on Environmental Standards Scotland's goals as an example, and it says that it promotes national sustainability goals by investigating non-compliance in the environmental field.

Is it possible for a new commissioner to be created and have what we might call a protocol so that overlap and duplication do not happen, or does the situation simply mean that there is no need for a new commissioner?

Richard Lochhead: My instinct would be to say that it shows that we do not need a new commissioner, and that we should avoid creating one if at all possible. As I said, it would be very much a last resort, and we should explore non-legislative routes to address some of those issues.

09:30

The Children and Young People's Commissioner Scotland told the committee that she was concerned about "duplication" and the risk of

"overlaps with existing offices ... undermining effectiveness and efficiency."

That quote speaks for itself. A new commissioner would lead to a lot more confusion.

The Deputy Convener: My only follow-up would be that, irrespective of what the Government thinks or what the committee recommends, we need to know whether there would be a fix for that issue if the bill were to pass. Is there a fix that would ensure that public bodies and the proposed commissioner could co-exist without there being a messy overlap?

Richard Lochhead: If the bill were to proceed, that should be looked at. However, I do not know the answer to that question, because I cannot see how it could be achieved. Given that there is so much potential for overlap, how could we completely avoid that happening? I do not know the answer to that.

David Torrance (Kirkcaldy) (SNP): Good morning. Does the Scottish Government consider the general function for the commissioner, 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”, to be appropriate?

Richard Lochhead: Again, that goes to the heart of what I have been describing so far. Many of the organisations that are already active in this area and which are subject to the duty on public bodies in existing legislation are expressing concerns about duplication and confusing overlap if a commissioner were to be created. We have to take those concerns seriously, notwithstanding the other issues around costs and Parliament’s view that we should avoid creating new commissioners and should do so only as a last resort. Parliament has endorsed that approach, so our view is that, although the intentions are wholly commendable, creating a new commissioner is not the way to fulfil them.

David Torrance: The bill allows for the commissioner to

“take such steps as the Commissioner considers appropriate”

when seeking to resolve a matter without recourse to an investigation. Does that seem appropriate, and are the investigatory powers in the bill proportionate?

Richard Lochhead: Again, that is one of the concerns that has been expressed by some of the bodies that would potentially be subject to those investigations. We would have a carrot-and-stick approach, with bodies being subject to on-going investigations. Given the costs of responding to an investigation, the bureaucracy around that and the time that it would take, that would place a burden on public bodies. We do not know how many investigations there would be, and they could be quite wide ranging. Those concerns have been expressed by many of the public bodies, and we sympathise with them.

David Torrance: The Scottish Government has stated that, although a future generations commissioner

“would be a scrutiny mechanism for bodies to report to, officials wish to consider alternative non-legislative accountability systems which could be taken forward at less cost.”

Could the minister provide some details on what non-legislative systems are being considered?

Richard Lochhead: Our non-legislative route is to enhance the national performance framework and how that is scrutinised and accountability is built in. That is our preferred route.

The Deputy Convener: Mr Torrance’s question gets to the heart of a lot of this. If the national performance framework and the national outcomes are reformed in a way that means that they can be used to scrutinise public bodies effectively to ensure that they are meeting their obligations, that would be very welcome. The committee would welcome hearing a bit more detail—if not this morning, at a later point—about how the Scottish Government is seeking to do that. There is quite a strong argument that that could work well, but, in the absence of information on how the reform process is going, the committee is left with a bit of a gap in respect of how we can take an informed view on that. Perhaps you could provide us with that detail, either this morning or by coming back to the committee in writing.

Richard Lochhead: I am happy to write back to the committee. We are undertaking work with the advisory group just now to look at those issues, with a view to publishing proposals in early 2026 and having final proposals ready for the incoming Administration after the next elections. If I can shine any light on what the advisory group is looking at in terms of potential routes forward, I will write back to the committee on that.

The Deputy Convener: The committee would find that helpful, minister.

Richard Lochhead: As I said, we currently have mandate letters that go to public bodies with the NPF and outcomes built into them, and there are existing duties on public bodies in current legislation. It is clear that there are mechanisms already in place, but we want to make them work better.

The Deputy Convener: My apologies to anyone who is watching this session who is not a bit geekish in this field, as it all sounds a bit abstract. It would be helpful if the Government could give us any examples of where the NPF and the outcomes are being scrutinised—even imperfectly—and public bodies are, to a degree, being held to account or encouraged to improve their standards in that regard, rather than talking in the abstract.

Richard Lochhead: Okay—I am happy to write back to the committee.

The Deputy Convener: I come to Sarah Boyack—thank you for your patience, Sarah. You have listened to the committee members asking questions, so there is a bit of time for you to ask some questions if you wish.

Sarah Boyack (Lothian) (Lab): Thank you, convener—that is very much appreciated. It would be interesting to get a view from the minister on the issue of scrutiny. The Scottish Government has been working on that issue for several years

now, and it proposed its own bill, which—as the minister said—is no longer progressing.

Given the range of options for implementation, minister, what are your views on the different options that have been set out by Carnegie UK? If we are not going to have a commissioner, what alternative measures would you put in place to deliver implementation? I am keen to get your views on the different options that Carnegie UK looked at.

Richard Lochhead: I, and other ministers, want to wait for the outcome of the advisory group's work, which is currently under way. As I referred to already, we have existing duties, and the national performance framework is reflected in the mandate letters that are sent out from ministers to public bodies annually; the Scottish public finance manual also refers to it. The key for us is how all that is followed up and how we make sure that it is as effective as possible. That work is currently being undertaken by the advisory group, so it is difficult to give a view on anything until the proposals are before us.

Sarah Boyack: Right. So, now that the Government has decided not to progress its own bill, which was similar in some ways to mine, it is about the national performance framework. What are your reflections on why implementation has not been undertaken thus far, with regard to the work that has been done to look at the implementation process across both Government and public sector bodies? What are your insights on why that has not happened?

Richard Lochhead: I will take a step back first. When the NPF was introduced in 2007—I was in the Cabinet at that time—it was seen as groundbreaking and pioneering. As you have acknowledged, it involves a long-term approach; the whole debate is about how we bring about long-term change and draw up guidance for public bodies to create a better Scotland.

There are 11 national outcomes, and some go up and some go down. We pay attention to those over the long term, but, over the past few years, we have recognised that we need to look at the accountability and scrutiny issues in order to make the NPF more robust. At the time that the Government proposed its bill, that was seen as a potential way of addressing those issues, but, having listened to some people and thought about it, it is clear to me that the non-legislative route should be further explored first, and that work is currently under way.

Sarah Boyack: I am thinking about delivery of the ambition, which is central to this. Earlier, you referenced the fact that there are different options when it comes to delivering on sustainable development principles; you mentioned Audit

Scotland's role and the Future Generations Commissioner for Wales. I spoke to Audit Scotland because I was looking at what it could do to implement those principles, but it became clear that its issue was with not that requirement but the resources needed.

In Wales, one thing that has been done to avoid overlap between commissioners is to have memoranda of understanding. What are your reflections on the practical experiences in different countries that we could learn from?

That said, if you want to up the implementation, you need to do something different. It feels as if the Government's work has been put on hold, whereas my proposals would give you an opportunity to progress what we have both worked on for several years.

Richard Lochhead: We are happy to hear your views. The issue is very close to your heart, and we commend the work that you are doing on it. Clearly, as I have discussed today, we have some concerns about going down a legislative route and about some of the bill's proposals, such as the creation of a commissioner and other issues. However, that is what the current exercise is all about.

The Government has dealt with a lot of issues over the past few years—the pandemic, Brexit and everything else. We should have perhaps found more time to look at the issue, but we always have to balance priorities as a Government. We recognise the issue and are now taking action, because we have to listen to the concerns and ensure that the NPF is now reformed. It is 19 years, give or take, since it was created, so it is time to look at it again and make it better.

Sarah Boyack: That is a very good reflection because this is about how you take decisions now that have a long-term impact if you also face short-term challenges, such as Covid. You mentioned that you were concerned about investigations, but what thoughts do you have about giving organisations advice, guidance and support so that they can implement wellbeing and sustainable development principles?

You said that you were concerned about creating additional burdens on public bodies, but is there not an opportunity to consider shared best practice and how to support organisations, so that the investigations option comes only after those issues have been explored, having drawn on the experience of the Future Generations Commissioner for Wales? You do not start off by investigating; you start off by supporting the principles of the purpose of those ambitions and how you could align them with the national performance framework.

Richard Lochhead: I disagree with none of that, but we cannot allow an assumption to sink in that everything is bad at the moment. Since 2007, Scotland has made a lot of progress in promoting sustainable development and wellbeing, which are reflected much more across legislation. Earlier, I said that 30 bits of Scottish legislation refer to sustainable development; I am sure that, pre-2007, the figure was not nearly as high.

Progress is being made, and I hope that things are better in a number of areas, but we recognise that there is a lot of room for improvement. We need to issue better guidance, look at ways that we can improve things and learn from how other Administrations, such as Wales, do things. Canada, the Netherlands and Finland have well-regarded frameworks that are not reliant on legislation, so we should also learn anything that we can from them.

Sarah Boyack: Okay. It would be interesting to get your thoughts on the different oversight and accountability options. Earlier, you helpfully said to the convener that you would be happy to give more information. At this point, that would be helpful, because who will push the issue up the agenda? As you will observe, we have had the Community Empowerment (Scotland) Act 2015 for a decade and the national performance framework for a long period, but the issue is how you implement their principles.

I wonder about the potential alignment between the principles of wellbeing and sustainable development and the national performance framework, given your comment about the numerous pieces of legislation that refer to sustainable development but do not implement its principles. What are the triggers that will lead to the changes that you are looking at?

Richard Lochhead: That is what we have to get right going forward, and it is part of the on-going reform exercise. We would welcome input from the member and the committee into getting it right.

09:45

Sarah Boyack: Am I allowed to ask another question?

The Deputy Convener: Seeing as it is you, Ms Boyack, you can ask one more question.

Sarah Boyack: What are the timescales for this? It goes back to the deputy convener's point. We have an election next year, and this is an opportunity for the Parliament to take the bill forward now and get on with it, rather than waiting. The issue was raised during the 2021 election, and there is previous legislation that you have—absolutely correctly—referred to. Is this not a

chance for us to get this legislation right so that it aligns with and supports the Scottish Government's work? We could make it a wider accountability issue so that it is not sitting in a queue among other challenges.

Richard Lochhead: The fact that past programmes for government have included the issue is a sign that we are taking it more seriously. Of course, the member and the committee are playing a valuable role by raising the issue. I am confident that it will be high on the agenda for the next Administration that comes into power in Scotland.

All MSPs and committees will be looking at what the priorities should be for the next five-year session of the Scottish Parliament. A lot of big issues will face us, such as the climate crisis, issues relating to sustainable development, how we use the planet's resources, and other environmental pressures. Those issues are high on the agenda and we have to get that right in the next five years of the Parliament. I am confident that, with the work that the member is doing, the committee's discussion, and the fact that the Government has already included the issue in programmes for government, the issue will reach a crescendo, which will allow us to have proposals ready for the next session of the Parliament. I hope that the Parliament will then take them forward.

Sarah Boyack: I could ask questions all day, deputy convener, but I suspect that it would be diplomatic for me to stop at this point and thank the minister for his answers.

The Deputy Convener: The good news is that Sarah Boyack will get to swap seats with the minister next week, when we will take oral evidence from her on the Wellbeing and Sustainable Development (Scotland) Bill.

I thank the minister and his officials for attending the meeting to help us scrutinise the bill.

09:47

Meeting continued in private until 10:46.

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