

Social Justice and Social Security Committee
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SPICe

The Information Centre
An t-Ionad Fiosrachaidh

Wellbeing and Sustainable Development (Scotland) Bill – Possible themes of questioning

Introduction

This paper provides information and suggested lines of questioning to assist members of the Committee to scrutinise the Wellbeing and Sustainable Development (Scotland) Bill.

Background to the Bill

Information on the Bill can be found on the parliament's webpages on the Bill, and in [the related SPICe Briefing](#). This paper should also be considered alongside the calls for views responses received by the committee, and the published [SPICe summary of those responses](#).

The [Wellbeing and Sustainable Development \(Scotland\) Bill](#) is a Member's Bill, introduced on 27 March 2025 by Sarah Boyack MSP. The Bill creates a new public duty, which requires all public bodies to have due regard for the need to promote wellbeing and sustainable development in the exercise of their functions. It also establishes statutory definitions of the terms "wellbeing" and "sustainable development" for the purposes of the Bill. It establishes a "Future Generations Commissioner for Scotland".

Committee call for views

The Social Justice and Social Security Committee held a call for views on the Bill, which concluded on 24 August 2025. 41 submissions were received through the Committee's call for views on Citizen Space, and an additional 7 submissions were received by correspondence. All responses have been published either on [Citizen Space](#) or on the [Bill's webpages](#). There is a published [SPICe summary of those responses](#).

Witnesses

The Committee will hear from one panel, consisting of four individuals:

- **Jenny Munro**, Policy Practice and Research Officer, The Royal Town Planning Institute Scotland - see [evidence submitted on this Bill](#)
- **Duncan Thorp**, Policy and Public Affairs Manager, Social Enterprise Scotland - see [evidence submitted on this Bill](#)
- **Emma Hunter**, Policy Officer, Children and Young People's Commissioner Scotland - see [evidence submitted on this Bill](#)
- **Ellie Twist**, Co-Convenor, United Kingdom Environmental Law Association - see [evidence submitted on this Bill](#)

Suggested lines of questioning

Policy Objectives

Sustainable Development remains a key global ambition – articulated and highlighted (including [on the front page of the United Nations website](#)) through the globally agreed Sustainable Development Goals – the Scottish Government maintains that Scotland's National Outcomes and the National Performance Framework are the way it approaches achievement of the Goals.

The Policy Memorandum to the Bill includes that policy objectives for the Bill include that it:

“will foster a joined-up approach to sustainable development and wellbeing across the public sector, which will complement and enhance existing national frameworks for tackling the challenges faced by society, including climate change.”

And that it:

“will renew and advance Scotland's commitment to sustainable development by improving PCSD [policy coherence for sustainable development] among Scotland's public bodies. It aims to enshrine sustainable development and wellbeing in law as key factors influencing public policy development and the actions and decisions of public bodies”.

The Policy Memorandum explicitly states that:

“The Bill has three main strands that the Member considers will come together to achieve its policy objectives:

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

The Policy Memorandum introduces the idea of seeking '*policy coherence for sustainable development*' – broadly this is the idea that intended and unintended consequences of policy decisions in one area, which affect another, should be clearly and better understood. It is this kind of complex policy environment which has seen the parliament develop its own [Sustainable Development Impact Assessment tool](#) – around the idea of scrutiny coherence.

Members could examine:

- 1. The Policy Memorandum explores the concept of 'policy coherence for sustainable development'. Do you agree with this as a policy objective – what are the opportunities and challenges of such an approach?**

Need for legislation, and differences from Scottish Government proposals

As pointed out in the accompanying documents, the Scottish Government had previously committed to legislating in this area – subsequently choosing not to proceed with its own bill, but to supporting this Bill – then setting out that they believe legislation is not necessary to achieve policy objectives. The Scottish Government did consult on its own legislation - proposals included to directly strengthen duties conferred by the National Performance Framework and Community Empowerment (Scotland) Act 2015 around alignment with National Outcomes - rather than a new overarching public duty. Members could explore:

- 2. Can the policy objectives in this Bill and Policy Memorandum be delivered without legislation?**
- 3. The Scottish Government proposals aligned to Scotland's National Outcomes and the National Performance Framework – now under review. How might this legislation bolster sustainable development and wellbeing under the Framework and Outcomes?**

The Welsh approach to sustainable development and wellbeing

The Welsh Well-being of Future Generations (Wales) Act 2015 establishes 7 connected well-being goals for Wales¹. They are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales

¹ <https://www.gov.wales/well-being-of-future-generations-wales>

- A Wales of more cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

This is about ensuring that future generations have at least the same quality of life as we do now. The act is described as providing- for better decision-making by ensuring that public bodies:

- take account of the long term
- help to prevent problems occurring or getting worse
- take an integrated approach
- take a collaborative approach, and
- consider and involve people of all ages and diversity.

The Act established a Future generations Commissioner for Wales. It established definitions for sustainable development and wellbeing.

In April 2025 Audit Wales published “[No time to lose: Lessons from our work under the Well-being of Future Generations Act](#)”. Findings include:

“We see that, 10 years in, the Act has increased prominence. It is changing conversations, influencing longer-term planning, and impacting day-to-day decision-making and working practices across Welsh public services. 9 Disappointingly, we also see instances where public bodies have given little or no explicit consideration to the Act. From what we see, the Act is not driving the system-wide change that was intended. Notably, there is still much to do to apply the Act to functions such as workforce planning, asset management, and financial planning. These functions are essential in driving wider change and translating strategic intentions into operational reality. 10 We find variation in practice within organisations, and within and between sectors. In our view, the health system in particular has some way to go in applying future generations thinking across its planning and delivery”.

4. The committee has heard evidence on the Welsh Well-being of Future Generations Act, and the impact of the Future Generations Commissioner for Wales. What lessons can be learned from the approach taken in Wales since 2015?

Detail of the Bill

The Bill creates a new public duty, which requires all public bodies to have due regard for the need to promote wellbeing and sustainable development in the exercise of their functions. It also establishes statutory definitions of the terms “wellbeing” and “sustainable development” for the purposes of the Bill. It establishes a “Future Generations Commissioner for Scotland”.

Duty on Public Bodies

Part One Section 1 of the Bill states that:

“A public body must, in the exercise of its functions, have *due regard* for the need to promote wellbeing and sustainable development”.

Social Enterprise Scotland stated in written evidence that:

“Any public sector statutory duties must mean specificity, accountability, enforcement and rigorous monitoring of progress”.

In written evidence UKELA (the UK Environmental Law Association) stated:

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

- 5. For the overarching duty in section 1, is the definition of public body appropriate? Should it include all those who contract with public bodies?**
- 6. Written evidence from witnesses today suggests that the duty to “have *due regard* for the need to promote wellbeing and sustainable development” could allow adherence to be something of a tick box exercise. Could witnesses take this opportunity to set out concerns, and how these could be addressed in the Bill?**
- 7. The Royal Town Planning Institute Scotland has members embedded across planning authorities in Scotland - your written evidence stated that “the Bill should support planners in their continued delivery of sustainable development and wellbeing”, but that there is a need to be mindful of existing definitions and obligations. How might planning authorities balance these requirements if this Bill passes?**

The Bill further states:

“A public body must, when exercising its duty under subsection (1), have regard to any guidance published under section 5(2)(a) or (b)”.

8. The Bill outlines public bodies must “have regard” to guidance produced by a Future Generations Commissioner. How could this requirement be strengthened to ensure, as the UK Environmental Law Association suggests, that obligations on sustainable development “must be fulfilled before and at the time when a particular policy is being considered or decision taken”.

Definition of sustainable development

Section 2 gives a definition of “sustainable development” as:

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

The Policy Memorandum points out that the phrase is used in multiple policy documents, and in legislation but without, or with varying, definitions.

The Policy Memorandum indicates that this definition is inspired by the famous definition in the 1987 Brundtland World Commission on Environment and Development report, ‘Our Common Future, that’:

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.

There is further text in the Brundtland report, that the definition:

“contains within it two key concepts: the concept of 'needs', in particular the essential needs of the world's poor, to which overriding priority should be given; and the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs”.

The Brundtland definition therefore explicitly introduces and includes the idea of planetary boundaries, of environmental limits. It is from this that the idea of three pillars of sustainable development emerged - social, environmental and economic.

The definition in the Bill explicitly links it to wellbeing (discussed later).

- 9. In written evidence the UK Environmental Law Association and RTPI expressed concerns about the definition of sustainable development. Could they and other witnesses expand on concerns for the committee?**
- 10. A key argument for the inclusion of a definition of sustainable development in the Bill is that there is currently no statutory definition of the term – though there are multiple references to the term in law. Would a new definition as proposed in this Bill cause any issues in implementation?**

Definition of wellbeing

Section 3 defines “wellbeing” as:

“the ability of individuals, families and other groups within society to enjoy:

- (a) personal dignity, including respect for their choices and beliefs,
- (b) freedom from fear, oppression, abuse and neglect,
- (c) good physical, mental and emotional health,
- (d) participation in meaningful activity including work, education, training and recreation,
- (e) an adequate standard of living including suitable and affordable accommodation, food, clothes and energy,
- (f) access to the natural environment for health, leisure and relaxation”.

In written evidence the Children and Young People's Commissioner Scotland outlined:

“concern that “wellbeing” is a relative concept, often better suited to aspirational policy goals and standards, and challenging to define in law. We remain of the view that if human rights under the ECHR, UNCRC, and other core international human rights legal instruments are fulfilled then this creates the conditions for wellbeing to be fulfilled. On this basis we support embedding a human rights-based approach across public authorities in order to secure and fulfil human rights for all”.

11. The Children and Young People's Commissioner Scotland does not support a statutory definition of wellbeing as in this Bill. Can the definition of “sustainable development” stand without such a wellbeing definition in law?

12. Do other witnesses have any observations on the definition of wellbeing, or its alignment to “individuals, families and other groups within society”?

13. Given the Bill seeks to directly link the definition of “sustainable development” with the definition of “wellbeing”, is there any concern the definitions could go onto the statute book without explicit reference to environmental limits?

Establishment of The Future Generations Commissioner

Part 2, Section 4 (and Schedule 1) of the Bill establishes the Future Generations Commissioner for Scotland. The text appears somewhat modelled on the Commissioner for Children and Young People (Scotland) Act 2003, as amended.

The Children and Young People's Commissioner Scotland do not support the establishment of a Commissioner for Future Generations, other witnesses today do.

In evidence Carnegie UK referenced their 2025 report: [Putting collective wellbeing and sustainable development into action: An options paper for Scotland](#). This includes suggestions of a number of oversight and accountability options:

- A Future Generations Commissioner for Scotland
- Shared responsibilities across multiple SPCB-supported bodies
- A strengthened role for Audit Scotland
- Parliamentary representation (for example a wellbeing and sustainable development committee)
- A government-appointed advisory council
- An independent advisory board or Wellbeing Roundtable.

- 14. The witnesses have been clear in written evidence about support, or not, for a new Commissioner. If it were established, how might a new Commissioner effectively align with other Commissioner roles?**
- 15. The committee has heard evidence on other possible methods of oversight and accountability, including from Carnegie UK. Do the witnesses have any thoughts on options for accountability and oversight that do not require a new commissioner?**
- 16. Section 15 of the Well-being of Future Generations (Wales) Act 2015 confers a power on the Auditor General for Wales to carry out examinations to assess whether public bodies have acted in accordance with the Welsh sustainable development principle in setting and taking steps to meet well-being objectives. One examination of each public bodies is required within each 5-year reporting period. Could such a mechanism be part of the landscape for Audit Scotland?**

General function of The Future Generations Commissioner

The general function of the Commissioner is described as

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

- 17. Do witnesses have any thoughts on the general function for the Commissioner “to promote the wellbeing of future generations by promoting sustainable development by public bodies in all aspects of their decisions, policies and actions”?**

In carrying out the general function, the Commissioner is to do a variety of things including:

- (a) produce guidance on the duty
- (b) review and update guidance
- (c) promote awareness and understanding amongst public bodies of wellbeing and sustainable development
- (d) keep under review the law, policy and practice relating to wellbeing and sustainable development with a view to assessing the adequacy and effectiveness of such law, policy and practice in giving effect to wellbeing and sustainable development

- (e) promote best practice by public bodies, and
- (f) promote, commission, undertake and publish research on matters relating to wellbeing and sustainable development.

18. What might be the opportunities and challenges in a Commissioner being required to “keep under review the law, policy and practice relating to wellbeing and sustainable development”?

Investigations

Sections 6 – 11 (and Schedule 2) give powers and effect to Investigations which can be carried out by the Commissioner.

“A general investigation is an investigation into whether, by what means and to what extent public bodies have regard to wellbeing and sustainable development in making decisions, developing policy or taking actions”.

This includes requirement of “reasonable grounds that the matter to be investigated raises an issue of particular significance to the wellbeing of future generations”.

The Bill further sets out that

“An individual investigation is an investigation into whether, by what means and to what extent one or more public bodies have had regard to wellbeing and sustainable development in making a particular decision, adopting a particular policy or taking a particular action”.

And:

“Where the Commissioner considers that the matter may be capable of being resolved without an investigation, the Commissioner may with a view to securing that outcome take such steps as the Commissioner considers appropriate”.

19. Would witnesses agree with some evidence the Committee has heard that the powers in the bill feel more like enquiry than investigation?

20. 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. What do you think such steps might need to look like?

Financial implications

The Financial Memorandum (FM), which accompanies the Bill, provides estimated costs for the Scottish Administration and local authorities of implementing the provisions in the Bill. The initial costs for the Scottish Administration to ensure that 131 public bodies become familiar with and integrate the new public duty, and to establish a Future Generations Commissioner for Scotland are estimated to be between £437,661 and £850,723.

The annual recurring costs for the Scottish Administration are estimated to be between £741,444 and £1,812,849. The initial costs for local authorities to implement the public duty to have due regard for the need to promote wellbeing and sustainable development in the exercise of their functions is estimated to be between £28,416 and £56,832. The annual recurring costs for local authorities is estimated to be £14,208.

Staff costs

The FM estimates annual salary costs for the Commissioner and 15 FTE as £1,265,137. It states that, according to its most recent annual report, the Future Generations Commissioner for Wales (FGCW) has approximately 27 FTE members of staff, with a total staff cost of almost £1.8 million in 2023-24.

In its [memorandum](#) setting out the Scottish Government's initial views on the Bill, the Scottish Government raises a concern about “uncertainties regarding the costs included in the Bill’s Financial Memorandum”. It states that:

“There are potential financial implications related to back office functions, where there is uncertainty on staff numbers and associated administrative costs; costs to public bodies of fulfilling duties, and uncertainty over the cost to public bodies of investigations undertaken by the FGC, given it can charge ‘reasonable sums’ for costs incurred.”

The FM acknowledges that investment will be required to implement the Bill’s provisions. In particular, the establishment of the office of the Future Generations Commissioner for Scotland. It also highlights potential future savings, stating:

“However, the Member believes that the effective implementation of the Bill and the successful realisation of its intended policy outcomes will lead to significant long-term savings.”

In relation to the costs of implementing the Well-being of Future Generations (Wales) Act 2015, Professor Calvin Jones said this “is an issue”. He explained that:

“It required new organisations and new ways of working, which had an impact on overheads. However, on balance, most people who have seen the culture grow over the past decade will say that it is maturing in a way that shows that

the long-term benefits of those new ways of working probably outweigh the costs.” [\[OR, 9 Oct\]](#)

Professor Jones also stated that “the commissioner’s office is too small to provide detailed guidance to bodies on the range of things that they might be undertaking and how they should relate to the 2015 act.” [\[OR, 9 Oct\]](#)

21. Would the witnesses take a view on whether the costs set out in the Financial Memorandum seem reasonable for the operation of such a Commissioner office?

22. Do the witnesses have any views on the position that this legislation, and the Commissioner role, will lead to long term future savings?

Graeme Cook, SPICe

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