

Social Justice and Social Security Committee
Thursday 13 November 2025
29th Meeting, 2025 (Session 6)

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 three individuals:

- Richard Lochhead MSP, Minister for business and Employment, Scottish Government
- Iain Stewart, Team Leader, Strategy Division, Scottish Government
- Kristen Simonnet-Lefevre, Solicitor, Scottish Government

Scottish Government position on the Bill

The Scottish Government had previously committed to legislating in this area (and had consulted on proposals for legislation. Subsequently the Scottish Government chose not to proceed with its own bill, but to support this Bill – then set out that it believes legislation is not necessary to achieve policy objectives. This position was outlined in a [Memorandum published on 3 September 2025](#). This included that:

“The Bill’s policy intentions have significant crossover with the National Performance Framework (NPF), which is the Government’s wellbeing framework. The DFM (Deputy First Minister) announced a reform of the NPF to Parliament on 8 January 2025 to make it stronger, more strategic and impactful. The NPF implementation plan, which the Government committed to putting in place following the FPAC inquiry *Ambitions into Action* (2022), is now being taken forward as part of NPF reform. Reform aims to, over time, address issues of accountability of public bodies, the content of the national outcomes and indicators and aligning and embedding the NPF into the budget, the Programme for Government and Public Service Reform (PSR) strategy.”

The Memorandum sets out further detail relating to “necessity, cost and burden of statutory definitions, additional duties, a new commissioner and potentially a new impact assessment” concluding that:

“While the Government is supportive of the policy intention, for the reasons outlined above, it opposes the Bill. There are significant concerns that the proposals are not the most effective way of achieving the policy intentions. This includes the Bill’s misalignment with NPF reform, which seeks to achieve similar aims.”

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 the policy objectives for the Bill, which specify 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.

As explored 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.

Members could examine:

- 1. Based on the evidence the committee has received, there is overwhelming support for the policy objectives in this Bill. Given the Scottish Government supports the policy intention of the Bill, and was due to legislate itself, what changed?**
- 2. The Committee has heard 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 will the Scottish Government ensure such an approach without legislation?**

Alignment to the National Performance Framework, and National Outcomes

The Scottish Government did therefore 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.

The Finance and Public Administration Committee [reported on the National Performance Framework: Review of National Outcomes](#) in November 2024, with an associated [debate on 8 January 2025](#).

Related, this Committee has heard further written and oral evidence on how the National Performance Framework could be improved, including that it:

- Needs to provide a transparent appraisal of the key challenges that need to be addressed
- Needs to be better aligned with the United Nations Sustainable Development Goals
- Needs to perform more effectively with regard to setting outcomes that relate to sustainable development
- Must be prioritised, and streamlined with other duties and strengthened
- Needs to be more visible, include with more effective mechanisms for checking progress, and to be less confusing from the perspective of an ‘outsider’
- Needs to recognise that the existing duties (in the Community Empowerment (Scotland) Act 2015) are too weak to establish the National Outcomes as key drivers of decision making, and thus concrete outcomes for Scotland.

Members could explore:

- 3. The Scottish Government proposals aligned to Scotland’s National Outcomes and the National Performance Framework – now under review, as announced in January 2025. Can the Minister provide an update on this review work. Including how sustainable development and wellbeing requirements will be bolstered to deliver the societal change needed?**
- 4. How would the Scottish Government respond to views that existing duties on public bodies, through the National Performance Framework and related legislation, are too weak?**

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
- 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](#)”.

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

5. What has the Scottish Government learned from the recent assessment by Audit Wales that the Well-being of Future Generations (Wales) Act 2015 has resulted in “changing conversations, influencing longer-term planning, and impacting day-to-day decision-making and working practices” – but that the Act is not yet “driving the system-wide change that was intended”?

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”.

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)”.

6. The Bill refers to the need for public bodies to “have due regard” for the need to promote wellbeing and sustainable development. The committee has heard evidence that this could be strengthened – what view does the Scottish Government take?
7. Similarly, the Bill outlines public bodies must “have regard” to guidance produced by a Future Generations Commissioner. Does this seem reasonable?

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).

- 8. The definition in the Bill aligns very closely to that which the Scottish Government suggested in its own consultation. The Committee has heard some evidence it could be strengthened. What is the Scottish Government view on the proposed definition?**
- 9. 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 simplify the landscape?**

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”.

10. The Scottish Government consulted on whether there should be a definition of wellbeing alongside the National Outcomes. What is your view of the definition in this Bill?

11. Given the Bill seeks to directly link the definition of “sustainable development” with the definition of “wellbeing”, does the Scottish Government share concerns heard by the Committee that 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.

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.

In Wales, a [Memorandum of Understanding](#) has been signed by the Children's Commissioner for Wales, the Older People's Commissioner for Wales, the Welsh Language Commissioner, the Future Generations Commissioner and the Public Services Ombudsman for Wales in relation to co-operation, joint working and the exchange of information.

12. Does the Scottish Government have any views on whether a similar approach could be taken to that in the Land Reform Bill where the Commissioner would oversee, investigate and report on some of the Bill's key aims, and be based within a relevant organisation to reduce costs?

13. The Committee has heard evidence on other possible methods of oversight and accountability, including from Carnegie UK. What assessment has the Scottish Government made of these other methods?

Potential follow-up if not covered “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 considered 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”.

14. Does the Scottish Government consider 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” to be appropriate?

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.

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”.

15. 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 this seem appropriate, and are the investigatory powers given in the Bill proportionate?

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.” [\[OR, 9 Oct\]](#)

16. The Scottish Government has stated that “While 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?

Graeme Cook, SPICe

Date: 10/11/2025

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