

# Wellbeing and Sustainable Development (Scotland) Bill: Carnegie UK consultation response

March 2023

## Q1. Which of the following best expresses your view of the proposed Bill



*Fully supportive*

Over the last decade, Scotland has emerged as one of the leaders in the international wellbeing movement. It is the founder of the Wellbeing Economy Governments (WEGo) and it has an established set of statutory National Outcomes (presented via the National Performance Framework) which articulates a wellbeing vision for the people of Scotland.

Despite the significant shifts in rhetoric, this has not translated into decision-making that improves the lives of current and future generations, as evidenced in great detail in the recent inquiry by the Finance and Public Administration Committee.<sup>1</sup> This Bill is an opportunity to change that.

Carnegie UK believes that the proposed Wellbeing and Sustainable Development Bill would allow the Scottish Government to provide a clear vision and guidance for public bodies to put wellbeing at the centre of decision-making. It would also strengthen existing accountability mechanisms, by establishing a Commissioner to hold decision-makers to account on this agenda.<sup>2</sup> And it would embed long-termism into decision-making, by ensuring that there is always a voice advocating for the wellbeing of future generations. Something we know is critical in, for example, the face of a looming climate crisis.

Finally, in taking this forward, it is clear that Scotland would have an invaluable opportunity to learn from the successful experience of a Future Generations Act and Commissioner in Wales, and to use this to develop world-leading legislation that gives Government and public bodies the tools to put the wellbeing of citizens, now and in the future, at the heart of their decisions.

## Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

Although there is already a statutory basis for the National Outcomes in the Community Empowerment (Scotland) Act 2015, it is clear that this has not delivered the desired change

1 Finance and Public Administration Committee. 2022. [Report on the National Performance Framework: Ambitions into Action.](#)

2 Carnegie UK. 2022. [Five steps to put wellbeing at the centre of policy making in Scotland](#)

in terms of the way that decisions are made and spending is prioritised,<sup>3</sup> nor in terms of improved National Outcomes.<sup>4</sup> Carnegie UK believes that legislation is required in order to overcome existing, well-documented implementation challenges. In our response, we are mindful of international examples where legislation has allowed governments to embed the wellbeing approach into systems and processes (the Public Finance (Wellbeing) Amendment Act 2020<sup>5</sup> in New Zealand's and the Well-being of Future Generations (Wales) Act 2015<sup>6</sup>).

In particular, Carnegie UK believes that the proposed Bill can be used to create a unified approach to delivering Scotland's national outcomes<sup>7</sup>. Like others,<sup>8</sup> we would like to see the statutory national outcomes (Part 1 of the Community Empowerment (Scotland) Act 2015) relocated into the Wellbeing and Sustainable Development Bill, as part of efforts to establish greater clarity for public bodies. Once achieved, the legislative route is also uniquely places to strengthen incentives and accountability mechanisms, including through the creation of a Commissioner.

We note with interest that the legislation in Wales sets out five statutory ways of working for public services. In the 12 years since the Christie Commission, limited progress has been made in shifting to the '4 P's' of:

- **People:** Reforms must aim to empower individuals and communities by involving them in the design and delivery of the services
- **Partnership:** Public service providers must work more closely in partnership, integrating service provision to improve their outcomes
- **Prevention:** Expenditure must be prioritised on public services which prevent negative outcomes
- **Performance:** The public services system – public, third and private sectors – must reduce duplication and share services to become more efficient.<sup>9</sup>

The Bill also provides a useful opportunity to place these principles, voluntarily agreed upon by Scottish Government and its partners, onto a statutory footing. This would re-energise public sector reform, particularly if matched by statutory guidance, training and other support for public servants.

Importantly, these are not new duties. Legislation is being used to reinstate existing duties (the statutory national outcomes) which have been informed by the people of Scotland and agreed by Parliament, but have fallen short on delivery. The proposed Bill will bring together all of Scotland's commitments on wellbeing and sustainable development into one place, to support more effective implementation.

3 See SPICe assessment of portfolio spending against statutory National Outcomes. 2022. [SPICe Briefing: Budget 2023-24](#).

4 [Report on the National Performance Framework: Ambitions into Action](#).

5 New Zealand Legislation. [Public Finance \(Wellbeing\) Amendment Act 2020 No 29](#).

6 Welsh Government. [Well-being of Future Generations \(Wales\) Act 2015: the essentials](#).

7 This builds on research carried out by Scotland's International Development Alliance on policy coherence: the principle that no policy should undermine any other policy, which requires a more unified and joined-up approach to government.

8 Scotland's International Development Alliance. 2022. [Towards a Wellbeing and Sustainable Development \(Scotland\) Bill](#).

9 Christie. 2011. [Commission on the Future Delivery of Public Services](#).

### Q3. Which of the following best expresses your view on whether 'sustainable development' should be defined in legislation?



#### Fully supportive

Carnegie UK supports the inclusion of a definition of 'sustainable development' in legislation and supports the definition in the consultation document as set out by Scotland's International Development Alliance.<sup>10</sup> There are already a large number of references to sustainable development in existing legislation. As Scotland's International Development Alliance have argued, a clear definition will provide clarity and support accountability.<sup>11</sup>

Defining sustainable development in legislation follows the example of other governments, including Northern Ireland and Wales. Like other aspects of this proposed Bill, it is not introducing new duties or concepts, but rather properly defining what is already in place, in order to improve delivery.

### Q4. Which of the following best expresses your view on whether 'wellbeing' should be defined in legislation?



#### Fully supportive

Carnegie UK supports the inclusion of a definition of 'wellbeing' in legislation. We are pleased that the consultation document references Carnegie UK's definition of collective wellbeing as comprising social, economic, environmental and democratic wellbeing outcomes. Building on work done by the OECD,<sup>12</sup> we suggest that a legal definition of wellbeing that supports public policy decision making should also include the principles of equity and long-termism. Therefore,

- *Collective wellbeing is the extent to which people are able to realise the social, economic, environmental and democratic outcomes that they seek.*
- *National wellbeing is the level of collective wellbeing, the inequalities in collective wellbeing between different groups, and the resources for the collective wellbeing of future generations.<sup>13</sup>*

We support a legal definition of wellbeing for similar reasons to a legal definition of sustainable development: we believe that it can support accountability by providing greater clarity and specificity around public sector duties.

However, understanding wellbeing does not stop with a definition. The Stiglitz, Sen, Fitoussi Commission highlights the importance of locating 'wellbeing' in time and place<sup>14</sup>. That means governments engaging citizens in a conversation about what matters to them, and using this to inform their wellbeing goals. In Scotland, we do this in the form of our national outcomes, which is why we want to see the national outcomes transposed from the Community Empowerment (Scotland) Act 2015 to the Wellbeing and Sustainable Development Bill.

10 [Towards a Wellbeing and Sustainable Development \(Scotland\) Bill.](#)

11 [Towards a Wellbeing and Sustainable Development \(Scotland\) Bill.](#)

12 OECD. [Measuring Wellbeing and Progress: Well-being Research.](#)

13 Carnegie UK. Forthcoming. [Defining Wellbeing.](#)

14 Stiglitz et al. 2009. [Report by the Commission on the Measurement of Economic Performance and Social Progress.](#)

But in order to understand wellbeing, it is also critical that citizen engagement has depth and breadth, that it represents a diversity of voices including those who are further away from policy making processes, and that it has a tangible influence on decision-making. The definition of collective wellbeing that we propose includes the qualified 'that they seek' - which requires engagement to identify the outcomes that matter to the people of Scotland at this particular time, and regularly into the future. That's why we want to see new and strengthened duties on Scottish Ministers to do the following:

- engage with a broad and diverse range of people and communities from across Scotland to determine the shared social, economic, environmental and democratic outcomes that constitute national wellbeing. This review of national outcomes should continue to be held carried out by Scottish Ministers at least every 5 years.
- report annually to the Scottish Parliament on the progress towards National Wellbeing with reference to both national statistics and the lived experience of the people of Scotland.

## Q5. Which of the following best expresses your view on whether there should be a Commissioner for sustainable development and wellbeing?



### *Fully supportive*

Carnegie UK is fully supportive of using this legislation to create a Commissioner with statutory powers to support and scrutinise progress on wellbeing and sustainable development. We recognise that there have been a lot of calls for commissioners in recent years. For us, the primary purpose of a Commissioner is to advocate for people who are not represented in the democratic process, for example children or, in this case, future generations who are not yet born. We know that the decisions we make today will have a lasting impact on the wellbeing of generations to come, and so it is only right that their interests are taken into account in decision-making processes.

The creation of a new Commissioner would also support a shift towards long-termism in policy making. Carnegie UK, along with many others, has recognised that current political structures reward short-term policy interventions, even when they incur future costs, on health, the environment and so on.<sup>15</sup> By bringing a future generations lens to decision making, a Commissioner could help to embed the principles of long-termism, and as such should be seen as an investment in prevention, not a cost.

We believe that the Wellbeing and Sustainable Development Bill should seek to establish a Commissioner, not a Commission, because the former provides a much greater level of visibility and accountability. This is evident from the experience of the Future Generations' Commissioner in Wales. Beyond this, there are important considerations to be made about the model, remit and resourcing of the office. Our recommendation would be to start by engaging with the Office for the Future Generations' Commissioner in Wales, with other offices (for example the Children and Young People's Commissioner), and with developing approaches elsewhere (for example the Bill in the Dáil in Ireland). This learning will be invaluable in designing a model that is most effective in the Scottish context.

<sup>15</sup> See Carnegie UK's 'wellbeing tests': [Learning how to live well together](#).

## Q6. What, in your view, should the title of the proposed Commissioner be?

Carnegie UK's suggested title is, "Future Generations' Commissioner". We know that the language of future generations has greater appeal and relevance than some of the other terminology we use to describe public policy. This is an important consideration for a public facing role. The title is also a more accurate reflection of the purpose of the Commissioner: to advocate for future generations who are not yet born, and young people who will face the consequences of policy decisions made now for the greatest amount of time). The title also covers the problem that it is trying to overcome (that of short-termism in politics), and provides a positive framing narrative, which we know is a significant tactic for getting public support in bringing about change.<sup>16</sup>

## Q7. Which of the following best expresses your view on whether there is a need for duties for public bodies to promote sustainable development and wellbeing in policy development and implementation?



### *Fully supportive*

Carnegie UK supports the strengthening of duties for public bodies. The National Performance Framework is Scotland's way to improve wellbeing and to localise the Sustainable Development Goals.<sup>17</sup> Recent evidence<sup>18</sup> suggests that the existing duty on public bodies to "have regard to the national outcomes"<sup>19</sup> is not strong enough to deliver its ambition. We believe that the duties to "promote sustainable development and wellbeing in policy development and implementation" is more positive and tangible than existing duties and will therefore improve the effectiveness of implementation.

As we have noted above, these are not new duties, but rather the strengthening of existing duties that have fallen short on delivery. A duty to promote the implementation of wellbeing would require public bodies to demonstrate what they are doing to contribute to Scotland's national outcomes, which can be measured locally and by national indicator data sets.

However, while we are supportive of these duties, in order to be effective they need to be accompanied by clear guidance that gives public bodies the tools to use wellbeing data to identify priorities, allocate budgets and appraise outcomes. As we outlined in our evidence to the Finance and Public Administration Committee, other countries have put in place the scaffolding that supports public bodies to develop an effective approach to outcomes, collaboration and joined-up working.<sup>20</sup> Again, there are opportunities here for Scotland to learn from the best international examples in developing its approach to wellbeing and sustainable development.

<sup>16</sup> See, for example, Frameworks Institute. 2018. [Framing the Economy](#).

<sup>17</sup> Scottish Government. [Overview of the National Performance Framework](#).

<sup>18</sup> [Report on the National Performance Framework: Ambitions into Action](#).

<sup>19</sup> [Community Empowerment \(Scotland\) Act 2015](#).

<sup>20</sup> [Report on the National Performance Framework: Ambitions into Action](#).

## Financial Implications

**Q8. Any new law can have a financial impact that would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?**



*a significant reduction in costs*

It is important to recognise that this legislation requires significant investment in order to be effective. It is likely that the office of a Future Generations' Commissioner would demand a budget that is equivalent to that of the Children and Young People's Commissioner for Scotland.<sup>21</sup>

The function of this office, however, would be to support policy development that reduces future costs. In our report, *Being Bold: Building Budgets for Children's Wellbeing*<sup>22</sup>, we made the fiscal argument for investing in early years and prevention as a way to avoid future costs – from healthcare costs (both mental and physical) to reduced tax revenue and higher welfare spending, and from criminal justice to demand for emergency services.<sup>23</sup> By placing duties on public bodies to promote wellbeing and sustainable development, and by creating a commissioner that supports and scrutinises implementation, this legislation should shift spending upstream to the sorts of policy intervention that reduces demand for public services by creating better outcomes for people and planet.

## Equalities

**Q9. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation. What impact could this proposal have on particular people if it became law?**

The purpose of the proposed Bill is to improve wellbeing for everyone in Scotland, now and in the future. If the legislation adopts a definition of wellbeing that includes inequalities between different groups, as we have suggested, this should have a beneficial impact on equalities in Scotland. Furthermore, the proposed Bill very clearly seeks to improve intergenerational equity: that is, ensuring that the decisions we make today look after the wellbeing of future generations.

<sup>21</sup> This is a rough, indicative estimate, based on the experience in Wales where there is near parity between the Future Generations and Children's Commissioners. See: Future Generations Commissioner for Wales. [Statutory Estimate 2021-22](#).

<sup>22</sup> Carnegie UK. 2021. [Being bold: Building budgets for Children's Wellbeing](#).

<sup>23</sup> Carnegie UK. 2021. [Being bold: Building budgets for Children's Wellbeing](#).



## Sustainability

**Q10. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy and just society for future generations. Do you think the proposal could impact in any of these areas?**

The purpose of the Wellbeing and Sustainable Development Bill is to create a strong, healthy and just society for future generations. By creating clear definitions, duties on public bodies, and a Commissioner to support and scrutinise implementation, this legislation should allow Scotland to deliver on its ambitions across all of these areas.