

Carnegie UK response to the Social Justice and Social Security Committee's call for views on the Wellbeing and Sustainable Development (Scotland) Bill

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About Carnegie UK

Carnegie UK is a charitable foundation based in Dunfermline. Our purpose is better wellbeing for people in the UK and Ireland. We seek to achieve this by growing support for a wellbeing approach to public policy, working with governments and policymakers at all levels in the UK and Ireland to help think differently about how we understand society and contribute to social progress. We work with partners to contribute to what is known about wellbeing, testing and studying what works in practice. We use this evidence to make the case for which approaches and systems need to change and recommend how to make that happen. Visit www.carnegieuk.org to find out more about our work on collective wellbeing.

We were pleased to contribute to the Social Justice and Social Security Committee's call for views on the Wellbeing and Sustainable Development (Scotland) Bill. We submitted our response online and are publishing here for wider interest.

1. Do you think that more needs to be done to embed sustainable development and wellbeing as primary considerations into public policymaking? Please tell us why.

Yes.

Carnegie UK welcomes the introduction of Sarah Boyack's Wellbeing and Sustainable Development Bill and strongly supports the centring of wellbeing in public policy making and service delivery in Scotland.

An effective Wellbeing and Sustainable Development (WSD) Bill would enable a long-term approach to public policy, by providing a clear vision and guidance for the Scottish Government, public bodies and others to put collective wellbeing at the heart of decision-making.

It would also support progress on the issues of today, like rising inequality, deepening poverty and the energy crisis, giving public bodies and other organisations a clear structure, guidance, and accountability mechanism to work coherently and collaboratively towards the National Outcomes as the agreed vision for Scotland.

However, we do not believe that the Bill as currently drafted will effectively or sufficiently deliver its objectives. Critically, Carnegie UK believes that this Bill must:

- Build on and further entrench Scotland's National Outcomes and National Performance Framework (NPF), along with appropriately strengthened duties

and accountabilities.

- Define 'wellbeing' differently.
- Include specific ways of working, recognised to promote wellbeing and sustainability.

These points are all expanded on in our responses to subsequent questions.

2. What is your view on the policy objectives of the Bill, as set out in the Policy Memorandum?

We support the Bill's objectives and welcome the ambition to embed wellbeing and sustainable development into public decision-making. However, we believe the objectives should go further by:

- Legislatively linking the Bill to the National Outcomes and the NPF
- Replacing the "have due regard" duty with a duty to deliver
- Clarifying the Bill's role in creating a coherent policy landscape, rather than adding complexity.
- Embedding ways of working in legislation. The specified requirements in the draft are not sufficiently strong and could be strengthened – including by learning from and advancing the Welsh approach in the Wellbeing of Future Generations (Wales) Act which articulates specific actions and behaviours public bodies must demonstrate in order to operate in line with the sustainable development principle.

The Policy Memorandum states, "The NPF sets out a vision for collective wellbeing, with the overarching aim to present an overall picture of national wellbeing. It also sets out the aim of embedding Scotland's progress towards meeting the UN Sustainable Development Goals ... in a localised context."

To have two separate mechanisms (WSD legislation and the NPF) in place with such similar aims risks further cluttering an already busy policy landscape, spreading confusion and watering down the policy coherence.

We believe this legislation must go beyond "improving the efficacy of the NPF by embedding consideration of both wellbeing and sustainable development into the functions and decision-making of public bodies". A revised wellbeing framework which focussed efforts on the delivery of national outcomes, agreed through a deliberative process with Scotland's people, should be at the centre of this legislation.

In the accompanying memorandum, the environment; the planet's natural resources; society; and collective wellbeing are described as separate entities. Carnegie UK believes that this confuses the narrative – these issues would all be positively addressed by framing the bill in the context of sustainable development.

The Bill should serve as a vehicle to align Scotland's public services around a shared vision of collective wellbeing and sustainable development.

3. Which of the following best expresses your view on section 1, which requires public bodies to have due regard for the need to promote wellbeing and sustainable development?

Do not support: the duty should be strengthened.

The overarching aim to “have due regard” is inadequate. For the legislation to be effective, it should include a duty to deliver. This duty to deliver must include the Scottish Government, otherwise it will be of limited impact, with the legislation being declaratory rather than driving action.

This duty should also apply to every organisation accountable to the Scottish Government and include any third sector organisations or private companies procured by the Government, its agencies and local government.

4. What is your view on the definition of “public body” (in section 17(2))? Is there a need for statutory definitions of wellbeing, and sustainable development?

We support a broad and inclusive definition of “public body” and believe the duty should also apply to:

- Third sector organisations delivering public services
- Private companies contracted by public bodies

Yes, statutory definitions of wellbeing and sustainable development are essential. They provide clarity, consistency, and a shared understanding across sectors. These definitions should be aligned with the National Outcomes and the UN Sustainable Development Goals.

5. What is your view on the definition of “sustainable development” (in section 2)?

We support the inclusion of a definition of ‘sustainable development’ in legislation.

The definition outlined in the legislation draws on the United Nations Brundtland Commission's definition of sustainable development: “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. We support the Bill's use of a modified version of the Brundtland definition, which frames wellbeing as the outcome of sustainable development.

This promotes strong alignment with the wider global sustainable development movement. It would also ensure we are using a clear, rigorous, and consistent definition that supports communication with a variety of stakeholders essential to successful implementation. This builds on evidence of the impact of this approach in Wales in developing and delivering the Wellbeing of Future Generations (Wales) Act. The Act continues to garner interest and gain traction worldwide because it is underpinned by the Brundtland definition developed by the United Nations.

We support this definition, but we believe it would be helpful for the legislation to spell out that we must acknowledge the impact of our decisions beyond Scotland's borders and that the effects of any development must be equitable.

6. What is your view on the definition of “wellbeing” (in section 3)?

We support the inclusion of a statutory definition of wellbeing in this legislation.

However, it is unclear where the proposed definition of wellbeing has come from, and we do not support the definition as currently drafted. For the purposes of this legislation, the definition should align to the outcomes it is seeking to achieve and specifically the National Outcomes and Sustainable Development Goals.

Building on the work undertaken by the OECD, we strongly believe that a legal definition of wellbeing must include the principles of equity and long termism. In the context of Scotland, the definition should also be aligned with the National Performance Framework – Scotland’s wellbeing framework – and the outcomes within it.

The National Outcomes are currently part of the Community Empowerment Scotland Act 2015, but this Bill could helpfully update and supersede the Act.

Collective wellbeing is the progressive realisation of social, economic, environmental and democratic (SEED) outcomes. The specific outcome areas (the National Outcomes) should reflect what matters to the people of Scotland and be reviewed in consultation with communities at least once every five years.

The Wellbeing of Future Generations (Wales) Act 2015 is a useful example of where this works in practice. The definition of wellbeing within the Welsh legislation focuses on the pursuit of the wellbeing outcomes.

7. Which of the following best expresses your view on section 4, which establishes a Future Generations Commissioner?

Supportive.

Ensuring robust accountability and support measures for this legislation with the appropriate balance of hard and soft powers will be critical for successful implementation.

We agree that accountability mechanisms must be approved by and financially accountable to the Scottish Parliamentary Corporate Body (SPCB) and be independent from government.

We have been advocates in principle for the model of a commissioner, empowered and resourced to carry out the dual functions of scrutiny and support.

However, this is not the only possible approach and - given the contextual challenges regarding the Commissioner landscape in Scotland - we believe that alternative accountability mechanisms to a Future Generations Commissioner should be considered in order to allow this legislation to proceed.

8. Do you have views on the general function (as set out in section 5), powers, structure, and duties of the Commissioner?

Yes.

As noted in the previous response, in the current context it may be necessary to identify a

suite of inter-connected accountability and support mechanisms to fulfil the functions that the Bill envisages for a commissioner.

Either way, the functions that we believe are required include:

- Provision of guidance to public bodies
- Promotion of awareness and understanding of the legislation
- Review of policy and practice regarding implementation of the legislation
- Sharing of best practice
- Undertaking of research on WSD
- Monitoring of progress towards the realisation of collective wellbeing in Scotland through scrutiny of data relating to the National Outcomes.

9. Taking account of the Bill's Financial Memorandum, what is your view on the financial implications (i.e. likely costs and savings) of the Bill?

We recognise that implementation will require investment. However, the aim of this legislation is to improve long-term outcomes for the people of Scotland and with this comes longer-term financial benefits, such as reduced demand for crisis services, improved public health, and greater policy coherence all of which have the capacity to generate significant savings.

Measuring what matters and better tracking of costs and savings in a unified and consistent manner across government are central to this. Effectively embedding a reformed National Performance Framework in legislation through this Bill has the potential to help drive and deliver these savings in an effective and proportionate way.

10. Do you have any other comments about the Bill?

This Bill is a timely and necessary step toward a more coherent, equitable, and sustainable public policy framework in Scotland. However, it will be critical to get the approach and definitions right at this stage. To maximise its impact, we recommend:

- Strengthening the duty on public bodies and the Scottish Government to a duty to deliver
- Legislatively linking the Bill to the National Outcomes
- Embedding ways of working (e.g. long-termism, prevention, participation) in statute
- Ensuring robust public engagement in setting and reviewing outcomes.