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14 January 2026

Wellbeing and Sustainable Development (Scotland) Bill (2025)

I am writing in response to the Committee's Stage 1 report on the Wellbeing and Sustainable Development (Scotland) Bill (2025).

We have carefully considered the points raised by the Committee. A detailed response to each recommendation is set out in the annex to this letter.

We note the final conclusion of the report, which aligns with the view of the Scottish Government, that a majority of the Committee has concluded that the Bill should not proceed to Stage 2. We acknowledge the range of constructive conclusions and recommendations within the report. In particular, we share the Committee's view on the importance of enhancing policy coherence on wellbeing across the public sector, and ensuring that the National Performance Framework (NPF) – including through its existing legal duty in the Community Empowerment (Scotland) Act (2015) – is implemented consistently and effectively. We are committed to doing this, in partnership, through a reformed NPF and Public Services Reform which seeks to ensure a clear connection between outcomes, ways of working and accountability across Scotland.

As I said during my evidence session on 13 November, and in my letter of 28 November to the Convenor, the Government recognises the positive intentions behind the Member's proposal. We share the Member's objective of improving policy coherence and embedding long-term policymaking across the public sector, as well as improving support and accountability mechanisms. Indeed, these are among the reasons that we are committed to reforming the NPF, Scotland's expression of wellbeing and sustainable development.

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Finally, may I take this opportunity to acknowledge the considerable work conducted by the Committee during its inquiry into the Bill, and to the Member for her sustained commitment to advancing Scotland's wellbeing and sustainable development agenda. I look forward to discussing the Bill and the Committee's findings further at the Parliamentary debate on 22 January.

RICHARD LOCHHEAD

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SCOTTISH GOVERNMENT RESPONSE TO THE STAGE 1 REPORT ON THE WELLBEING AND SUSTAINABLE DEVELOPMENT (SCOTLAND) BILL (2025)

SJSS Committee recommendation	Scottish Government response
[139] The Committee notes the evidence from Dr Max French that public bodies develop strategic plans and account for their actions “in the absence of clear statutory directives linked to a shared, long-term national vision”. We ask the Scottish Government to be open to amending legislation by exploring what could be achieved by strengthening the duties in the Community Empowerment (Scotland) Act 2015.	Our position is that the public duties set out in existing legislation, within the Community Empowerment (Scotland) Act 2015, is sufficient but that improved implementation is required to ensure duties are met. Phase three of the NPF reform project will explore what needs to change, improve or be introduced to help achieve this. We remain open to considering legislative improvements or changes in the future should there be strong evidence to suggest better implementation would benefit from this. A reformed NPF is included under workstream two of the Public Services Reform strategy therefore it will play an important role in strengthening accountability and performance frameworks.
[139] The Committee notes that the Scottish Government's internal review of its use of impact assessments is expected to conclude by January 2027, which is after conclusion of the NPF review. We would be concerned if the timing of the internal review resulted in any slippage to the timetable for concluding reform of the NPF.	Our aim is to launch the reformed NPF as soon as possible after the election pending sign-off by the new Cabinet and have improved implementation run thereafter. At time of writing, the internal review of impact assessments will run to January 2027. This review seeks to improve efficiency and effectiveness and to ensure impact assessments are high quality, proportionate, accessible, and timely. This work is complementary to the NPF, and will have cognisance of NPF reform, but will not impact timing.
[139] The Committee notes the assumption that public bodies will use impact assessments to measure, assess and demonstrate compliance with the public duty. If impact assessments are to be used it is essential that they demonstrate how policies and decisions have impacted on meeting wellbeing and sustainable development obligations.	We note this recommendation. The policy memorandum indicates that it is for public bodies to determine how they measure, assess and demonstrate compliance with a duty. Further to this, we note that impact assessments are primarily intended to support decision making, and in the process should capture expected impacts as appropriate. In future, the performance frameworks of public bodies will be more clearly and effectively aligned to the reformed NPF.

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<p>[139] The Committee asks the Scottish Government to confirm whether its review of the use of impact assessments covers those used by public bodies and, if not, requests that any lessons learned should be shared with public bodies to ensure there is a consistent approach to the use of impact assessments across all public bodies.</p>	<p>The Scottish Government review of the use of impact assessments has an internal focus, however it is mindful of the wider public sector context and the importance of proportionality. Relevant lessons learned or proposals that stem from the review will be shared with public bodies.</p>
<p>[185] The Committee agrees that a shared understanding of both terms [wellbeing and sustainable development] is necessary to enable public bodies to consistently embed them in public policy. We note that the Scottish Government does not intend to introduce statutory definitions for sustainable development or wellbeing, and it is therefore unclear how the lack of policy coherence across public bodies is to be addressed.</p>	<p>As the Scottish Government has indicated, we consider that new statutory definitions with associated duties will disproportionately burden public bodies and create an unnecessary separate expression of wellbeing and sustainable development which may lead to confusion among public bodies. The proposed definitions and associated duties would overlap and duplicate the orientation towards the National Outcomes.</p> <p>We agree with the importance of seeking to enhance policy coherence across the public sector but believe this is possible without legislation, particularly through a reformed NPF. Our commitment to improved implementation and better, more targeted communication will ensure that there is a shared understand and stronger coherence of policy making and delivery across public bodies.</p> <p>We therefore do not support the creation of statutory definitions at this time and are pursuing non-legislative alternatives.</p>
<p>[284] Given the timing of the review of the NPF coinciding with the introduction of the Bill, it has not been possible for the Committee to come to a view about how the NPF and national outcomes will be delivered, how delivery will be measured, monitored and analysed, and the effectiveness of any oversight mechanism. It is essential that the reformed NPF includes a way to measure delivery against the national outcomes, as well as a more effective way for public bodies to demonstrate compliance, so that it is not a 'tick-box' exercise.</p>	<p>We welcome this recommendation and can confirm it is part of the scope for NPF reform and aligns well with the objectives in Public Service Reform (PSR). The reformed NPF will include a streamlined national indicator set which will provide a picture of our collective long-term national progress. Our work on PSR is seeking to strengthen the accountability and performance frameworks for the Scottish Government and public bodies that will need to be aligned to the national outcomes and indicators.</p>

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<p>[284] We note the Scottish Government's position that the NPF could meet the policy objectives of the Bill, as well as the recognition from the Scottish Parliament and the Scottish Government that it requires substantial reform. We ask the Scottish Government to take into consideration, as part of its review of the NPF, the evidence we have received which highlights the various improvements that need to be made to enable public bodies to effectively embed wellbeing and sustainable development in public policy making.</p>	<p>We are grateful to the committee for its report and will consider its evidence as part of the wider evidence base we have gathered, and continue to gather, as part of NPF reform.</p> <p>At present, there are systems in place to hold public bodies to account on the NPF. However, we agree that there are improvements to be made. Evidence, stakeholder feedback and wider developments lead us to conclude that the reformed NPF should act as a collaborative strategic tool, supporting alignment of government and other bodies on shared outcomes, and continued alignment with the UN SDGs.</p> <p>We will use the final phase of the NPF reform project to further develop the plan for ongoing implementation, enhanced ways of working and supporting resources. This includes richer materials on the planned website (gov.scot) and proactive, targeted communications to ensure that all relevant stakeholders are familiar with what is expected of them.</p> <p>In conclusion, we are committed to a collaborative and participative approach to implementation planning and consultation which will require collective action across the public sector.</p>
<p>[284] The Committee asks the Scottish Government to confirm who will provide guidance, support and oversight if there is not to be a commissioner.</p>	<p>The Scottish Government will provide overarching guidance, support, and oversight for the reformed NPF. Senior leadership in Scottish Government and public bodies would be expected to ensure appropriate oversight in practice. We would assume the Scottish Parliament would continue its scrutiny of Scotland's progress on the national outcomes. We are proposing to develop clear and consistent guidance materials on the planned website (gov.scot) and proactive, targeted communications to ensure that all relevant stakeholders are familiar with what is expected of them.</p>
<p>[284] The Committee asks the Scottish Government to confirm whether the review of the NPF will include consideration of a requirement for best value audits to include specific wellbeing and sustainable development assessments.</p>	<p>We have noted this recommendation and will consider over the next phase of the NPF reform project, as part of our commitment to develop a stronger and more impactful framework. We are also open to considering enhancements to audit processes as part of the reform process.</p>
<p>[284] The Committee notes that the Scottish Government is "not opposed to future legislation in principle, but do not think now is the right time given the Government's ongoing review of the NPF". The Committee therefore asks the Scottish Government, as part of its review of the NPF, to consider setting a time period for evaluating the impact of the revised NPF on the delivery of sustainable development and wellbeing</p>	<p>We currently have a duty, in the Community Empowerment Act, to review the NPF every five years following conclusion of the previous review. The next statutory review would, therefore, be the latest point by which we would expect to have a good overall assessment on the impact the reformed NPF is having on Scotland's progress on wellbeing and sustainable development. There will of course be more frequent pictures generated through accountability and performance frameworks and scrutiny by Scottish Parliament.</p> <p>We are also committed to robust and practical implementation that will ensure the NPF guides action. This will include measures on accountability (internally and externally); clear expectations of public bodies and local authorities in delivering towards the outcomes; routes to changes in ways of working and culture; alignment of policy making, strategy development and annual processes.</p>

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national outcomes, and if it is not achieving the expected impact, to consider other measures.	We will consider further measures if the expected outcomes are not achieved, and ensure that stakeholders, including Parliament, are kept up to date on developments, and have the opportunity to feed in views.
[316] The Committee recommends that the Scottish Government considers, as part of its review of the NPF, the investment required to improve the embedding of wellbeing and sustainable development to achieve policy coherence across public bodies.	We will consider this recommendation as part of our plans to reform the NPF.

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