



The Scottish Parliament
Pàrlamaid na h-Alba

Published 19 December 2025
SP Paper 946
11th Report, 2025 (Session 6)

Social Justice and Social Security Committee

Stage 1 report on the Wellbeing and Sustainable Development (Scotland) Bill



Published in Scotland by the Scottish Parliamentary Corporate Body.

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Social Justice and Social Security Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, and matters related to homelessness and rough sleeping, fuel poverty, and welfare and debt advice services within the responsibility of the Cabinet Secretary for Housing.



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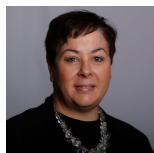
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Membership changes

1. The following changes to Committee membership occurred during the Committee's scrutiny of the Bill:
 - On 19 June 2025, Elena Whitham MSP replaced Gordon MacDonald MSP
 - On 26 June 2025, Alexander Stewart MSP replaced Liz Smith MSP
 - On 2 September 2025, Michael Marra MSP replaced Paul O’Kane MSP
 - On 2 September 2025, Carol Mochan MSP replaced Mark Griffin MSP
 - On 10 December 2025, Claire Baker MSP replaced Michael Marra MSP

Introduction

2. The [Wellbeing and Sustainable Development \(Scotland\) Bill](#) (“the Bill”) is a Member's Bill introduced by Sarah Boyack MSP (“the Member in charge of the Bill”) on 27 March 2025.
3. The Scottish Parliament designated the Social Justice and Social Security Committee (“the Committee”) as the lead committee on 28 May 2025. Under the Parliament's Standing Orders Rule 9.6.3.(a), it is for the lead committee to report on the general principles of the Bill, as well as accompanying documents such as the [Financial Memorandum](#) (FM) and [Policy Memorandum](#) (PM). In reporting, the lead committee should take account of views submitted to it by any other committee.
4. 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”.
5. The Bill and its accompanying documents are available on the [Bill webpage](#) together with a [SPICe bill briefing](#).

Background

6. On 13 December 2022, Sarah Boyack MSP lodged a draft proposal for a Bill to ensure policy development and implementation by public bodies is in line with principles of sustainable development and wellbeing by introducing a duty for public bodies to promote these principles and establishing a commissioner for sustainable development and wellbeing.
7. The draft proposal was supported by a [consultation document](#). The consultation closed on 24 March 2023.
8. The Member lodged a final proposal on 7 November 2023 .
9. The final proposal was complemented by a [summary of consultation responses](#) , which stated that a significant majority of respondents (92%) supported the proposed bill, with 78% expressing full support and 14% expressing partial support.
10. None of the organisations that responded to the consultation were opposed to the aims of the proposed bill, with 38 out of the 39 organisational respondents, 97% of the total, being supportive. Of those, 32 (82%) were fully supportive and 6 (15%) were partially supportive. 50 of the 57 individual respondents (88% of the total) were supportive of the proposals. Of those, 44 (77%) were fully supportive, while 6 (11%) were partially supportive.
11. The summary indicated that many respondents referenced support for the establishment of a commissioner post, as a “key reason” for their support of the Bill. Various organisational respondents highlighted the potential to strengthen the Scottish Government’s key policies engaging the concepts of wellbeing and sustainable development – the National Performance Framework (NPF), the National Outcomes and alignment with the United Nation’s Sustainable Development Goals.
12. Of those who responded to the question on whether ‘sustainable development’ should be defined in legislation, 73 (76%) were fully supportive and 14 (15%) were partially supportive.
13. Of those who responded to the question on whether ‘wellbeing’ should be defined in legislation, 69 (73%) were fully supportive, and 15 (16%) were partially supportive.
14. Of those who responded to the question on whether there should be a Commissioner for sustainable development and wellbeing, 61 (64%) were fully supportive and 14 (15%) were partially supportive.
15. The final proposal received enough cross-party support for the Member to introduce a Bill.
16. Further background information on Ms Boyack’s proposal process is available on the [proposed Bill page](#) .

Proposal for a Scottish Government Bill

17. In December 2023, the Scottish Government [consulted](#) on a proposed Wellbeing

and Sustainable Development Bill. The proposals aimed to improve decision-making and implementation of the Scottish Government's [National Performance Framework](#) (NPF), as well as improving accountability and scrutiny of the national outcomes. The consultation indicated that the Bill proposed to:

” ... clearly establish in legislation principles that ensure government and public bodies act in a way that improves how we use and implement the National Outcomes and meet the values and aspirations of the people of Scotland. To achieve this, we are considering several specific legislative measures.

18. The legislative measures included defining wellbeing and sustainable development and strengthening duties on public authorities. Specifically, the proposals included consultation on strengthening the duty on public authorities under the [Community Empowerment \(Scotland\) Act 2015](#) to “have regard to” the national outcomes.
19. The consultation also sought views on the establishment of an independent Future Generations Commissioner. The consultation received 180 responses. All published responses are available online and can be accessed [here](#), together with a [consultation analysis](#).
20. In [correspondence](#) to the Committee, Richard Lochhead MSP, Minister for Business and Employment confirmed that the Scottish Government decided not to proceed with legislation at the time “due to the viability of non-legislative approaches, notably the NPF, which is Scotland’s national wellbeing framework and an expression of our commitment to the UN Sustainable Development Goals”. Mr Lochhead stated that it is the Scottish Government’s view that “a reformed NPF could strengthen our approach to embedding wellbeing and sustainable development in all that we do”.
21. On 22 August 2025, the Minister provided the Committee with a [memorandum setting out the Scottish Government's position on the general principles of the Bill](#) in response to the Committee's call for views.
22. The memorandum indicated that the Bill’s policy intentions have significant crossover with the NPF, which is the Government’s wellbeing framework. The Scottish Government acknowledged that improvements in implementation and accountability are needed and confirmed that the NPF is being reviewed to “make it stronger, more strategic and impactful”. The memorandum states that reform of the NPF “presents an opportunity to more firmly embed WSD in policy and budget decision making in national and local governments and across the public sector”.
23. It also referred to an implementation currently being developed which “will support bodies to align their policy and strategic objectives, and budget decisions to the national outcomes and vision for Scotland”.
24. The memorandum confirmed the Scottish Government’s view that legislation is not necessary to achieve the policy objectives. It stated that: “The Bill is considered unnecessary and new statutory definitions, duties and potentially a new impact assessment will disproportionately burden public bodies”.

SPCB Supported Bodies Landscape Review Committee

25. The [Scottish Parliamentary Corporate Body \(SPCB\) Supported Bodies Landscape Review Committee](#) was established in December 2024, after the Bill had been introduced. It was set up in response to the findings of a [Finance and Public Administration Committee inquiry into Scotland's commissioner landscape](#).

26. The Committee was tasked by Parliament to review and develop a framework for SPCB supported bodies including by:

- defining how these bodies can be held to account and scrutinised
- setting stronger criteria for creating new supported bodies
- identifying how services and offices can be shared between these bodies.

27. The Committee published its [report](#) on 19 June 2025. It concluded that—

” The evidence is clear that this proliferation of proposed advocacy type SPCB supported bodies this parliamentary session is being largely driven by a failure or perceived failure in public service delivery. Rather than addressing the root causes of these systemic shortcomings, the creation of a new commissioner is, in some instances, perceived as a quick win for the Government, or a vehicle for an individual MSP to promote a cause they champion. There are other effective ways of addressing such issues, such as through MSPs, Parliament or Government. We believe that the tendency to seek to create an SPCB body to address such concerns is not sustainable and should not continue.

28. The Committee recommended that future SPCB bodies, including Parliamentary Commissioners, should only be considered where a clear need can be demonstrated, and two-tier criteria are met which comprises justification and effectiveness tests.

“Justification criteria

- “Last resort: Alternative models, such as enhanced powers to existing public sector bodies, or statutory duties on ministers must be exhausted and deemed insufficient to address the issue.
- Functional gap: There must be clear, evidenced and persistent absence of the proposed body's functional gap across the full Scottish public sector landscape, not just within SPCB supported bodies.
- Permanent: The proposed body must address an issue in perpetuity. It cannot be created to deal with an issue that might have arisen due to a short-term failure or perceived failure in public service, or which could be resolved with a fixed-term dedicated piece of work by an existing body.
- Independence: The proposed body must require a high degree of operational and perceived independence from the Scottish Government.”

Effective criteria

- Remit: The proposed body must have a clear remit, strategic objectives, and be able to demonstrate how it will deliver measurable public value and impact.
 - Shared services: The proposed body must adhere to the SPCB shared services model, understanding that core services such as HR, Finance and IT are centralised under a hub and spoke arrangement.
 - Simplicity and Accessibility: The body's purpose must be easily understandable to the public. If it has a public-facing role, it must also be designed to ensure accessibility, both in terms of physical and digital access, so that individuals who require its services or support can engage with it promptly, effectively, and without unnecessary barriers”.
29. Based on the SPCB Supported Bodies Landscape Committee’s findings, the Scottish Parliament agreed motion S6M-18936 on 18 September 2025 which included the recommendation that “the SPCB supported body landscape should not be expanded to include new advocacy-type SPCB supported bodies”.
30. The SPCB [responded](#) to the report on 11 September, indicating that it was “very supportive of this new set of criteria developed by the Committee, in particular the strong message it sends on shared services”.
31. In her [response to the Committee's report](#), Sarah Boyack MSP stated that the aims of her Bill are closely aligned with the key themes of the Committee's review, “particularly in embedding coherence across public decision-making, ensuring greater policy alignment, and establishing proportionate and effective oversight that adds value in the long-term”.
32. In relation to the establishment of a Future Generations Commissioner for Scotland, Ms Boyack's response stated that “This role is designed not to replicate or compete with existing oversight bodies, but to provide long-term, cross-cutting scrutiny and support for public bodies in delivering on their new duties”.

Policy objectives of the Bill

33. In the [Policy Memorandum](#) Sarah Boyack MSP provides details of the issues she believes the Bill will address and an explanation of how it will do so. The Bill aims to address the challenges that threaten the wellbeing of both current and future generations.
34. A key issue is the need to meet climate change targets. The Policy Memorandum notes progress that has been made, but states that “much more needs to be done to embed sustainable development and wellbeing as primary considerations in public policymaking to accelerate this progress and ensure that Scotland achieves its climate change targets”.
35. The Member believes that embedding these considerations will help to address a culture of short-termism across public bodies, renew and advance Scotland’s commitment to sustainable development by improving policy coherence for sustainable development (PCSD), and address the negative impact on long-term outcomes of this approach.
36. Sustainable Development remains a global commitment of United Nations Member States under the 2030 Agenda for Sustainable Development. This is articulated and highlighted on the [front page of the United Nations website](#) through the globally agreed Sustainable Development Goals. In that context, the Policy Memorandum indicates 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.
37. The Policy Memorandum states that the Bill has the following 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;
 - creating the office of the Future Generations Commissioner for Scotland.

Consideration by the Social Justice and Social Security Committee

Written evidence

38. The Committee issued a call for views from 24 June until 24 August 2025. In total, 41 responses were received which are available on [Citizen Space](#) and an additional 9 submissions and 5 supplementary submissions were received by correspondence. These can be accessed on the [Bill's webpage](#). The Scottish Parliament Information Centre (SPICe) produced a [summary paper](#) of the submissions received.
39. There were 39 responses from organisations and 11 from individuals across the written submissions and Citizen Space responses. Five of the individual responses were from academics.
40. There was significant support in the response to the call for views to embed sustainable development and wellbeing as primary considerations in public policymaking. Of the 41 who responded to the question, 34 of the respondents were in favour. Among written submissions, six provided a clear affirmative response.
41. Respondents highlighted several challenges as reasons to strengthen the integration of sustainable development and wellbeing into public policymaking. These included the climate and biodiversity crises, rapid societal and industrial change including increased use of artificial intelligence, perceptions of public services as reactive and siloed rather than preventative and collaborative, and political pressures linked to short-term funding and electoral cycles.
42. Those who did not support embedding sustainable development and wellbeing as primary considerations in public policymaking suggested that these objectives could be delivered through existing policy and legislation. For example, building on and further entrenching Scotland's national outcomes and NPF by amending the Community Empowerment (Scotland) Act 2015 and strengthening audit and reporting mechanisms.
43. Of the 48 submissions to the Committee's Call for Views, 46 respondents (96%) provided views on the Bill's policy objectives. Among these, 33 (72%) expressed a welcoming, supportive, or empathetic stance toward the Bill's intent or general principles. Of those 33 supportive respondents, 15 (45%) also questioned how well the Bill's provisions align with the National Performance Framework or noted overlaps with existing duties and definitions (e.g., Climate Change (Scotland) Act 2009).
44. [Carnegie UK](#) supported the policy objectives of the Bill, saying that: "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".
45. [Historic Environment Scotland](#) broadly supported the policy objectives of the Bill,

but noted that "... there are overlaps and similarities between this and other legislation and policy initiatives. It would be helpful to have more clarity around the boundaries of each area of legislation, to help ensure that public bodies can clearly discharge their duties and responsibilities in relation to each".

46. Some respondents suggested that the introduction of the Bill reflected a lack of effectiveness of existing statutory duties on environmental considerations, whilst others thought it could be a vehicle to strengthen, streamline or repeal outdated or ineffective obligations.
47. There were mixed views on whether public bodies should have a duty to have "due regard" for wellbeing and sustainable development. Of those who responded to the question, 25 supported the proposal, 10 were opposed and six did not support or oppose the proposal or indicated "don't know". Some respondents thought "due regard" was not strong enough to drive the necessary culture change in public bodies, whilst others thought it too vague and were unsure what it would mean in practice.
48. Most respondents were in favour of statutory definitions of wellbeing and sustainable development. A recurring theme was the role statutory definitions could have to unify interpretations of sustainable development and wellbeing in legislation and policy. Those opposed to defining wellbeing and sustainable development in legislation highlighted that these broad concepts would have different meanings in different contexts, the difficulty of defining wellbeing and the possible negative impact on the ability of public bodies to carry out their functions effectively.
49. While respondents generally indicated support for the definition of 'public body', there was concern from some over which bodies in Scotland would be subject to the legislation, if passed.
50. Of those who responded to the question, 28 out of the 41 respondents supported the establishment of a Future Generations Commissioner for Scotland. There was a general acknowledgement that although a commissioner could help foster a cultural shift toward sustainable development within Scottish public authorities, it is not the only means of promoting the wellbeing of future generations. Concerns were raised about the potential duplication of responsibilities with existing oversight bodies and other commissioners, a lack of emphasis on safeguarding future generations compared to the Well-being of Future Generations (Wales) Act 2015, and a lack of scrutiny and enforcement powers.

Oral evidence

51. The Committee considered its approach to Stage 1 scrutiny of the Bill at its meetings of 19 June and 11 September 2025.
52. On 9 October, the Committee held an informal briefing with staff from the Scottish Parliament's Non-Government Bills Unit who are supporting the Member in charge during the passage of the Bill.
53. The Committee began taking oral evidence on 9 October and concluded its evidence taking on 20 November.

54. The Committee thanks all the witnesses who took the time to contribute to its scrutiny of the Bill.

Consideration by other Committees

Delegated Powers and Law Reform Committee

55. A [Delegated Powers Memorandum](#) was published alongside the Bill. The Delegated Powers and Law Reform (DPLR) Committee [reported](#) on the Delegated Powers Memorandum on 25 June 2025.
56. On 11 June 2025, the Committee [wrote](#) to Sarah Boyack MSP to note that the definition of wellbeing in section 3(1) of the Bill is wide. It also noted the Member's concern in the Delegated Powers Memorandum that wellbeing is difficult to define, and that the Bill references several key factors which the Member considers to be essential to individual and societal wellbeing.
57. The DPLR Committee expressed concerns 'that a wide definition has consequences for the Bill as a whole', and that '... without further detail about the definition of wellbeing, the general functions of the Future Generations Commissioner for Scotland as set out in section 5 of the Bill are also very wide'.
58. The letter highlighted that this could mean that the 'Commissioner could exercise the duty to issue guidance with content which is not envisaged by the Member (or indeed the Parliament) and which is not subject to any scrutiny'.
59. The DPLR Committee asked the Member to confirm:
- ” ... if consideration has been given to a more detailed definition of wellbeing and why more detail has not been included in section 3 of the Bill” and “... why the power of the Future Generations Commissioner for Scotland to prepare and issue guidance in section 5(2) of the Bill does not provide any specification of the detail of the content of the guidance or is subject to any type of formal scrutiny by the Parliament.
60. In her [response](#), Ms Boyack acknowledged that 'wellbeing is a concept which is challenging to define comprehensively'. She confirmed that her approach is to focus on the 'outcomes as experienced by individuals and groups within society, with reference to some of the key factors recognised as contributing to wellbeing in that sense'. Ms Boyack also indicated that she would welcome suggestions on how the definition might be improved and would be open to amending the Bill.
61. On the issue of the power of the Commissioner to issue guidance, Ms Boyack explained that 'it is commonplace for commissioners to have powers to issue guidance and for public bodies to be required to have regard to such guidance in the performance of their functions'. She added that the Commissioner does not have 'free rein', as they can only issue guidance to public bodies about the exercise of their duty under section 1(1).
62. In its report, the DPLR Committee highlighted to the lead committee the Member's explanation for how the term 'wellbeing' has been defined in the Bill including the

need for a power to amend it, as well as the Member's willingness to amend the definition. It also accepted that the power given to the Commissioner to issue guidance is acceptable in principle and 'reiterates that scrutiny of the policy intention behind the definition of wellbeing by the lead committee will play a crucial role for the whole Bill, including the extent of the Commissioner's powers to issue guidance'.

63. These issues are covered in more detail later in this report.

Finance and Public Administration Committee

64. The Finance and Public Administration (FPA) Committee ran a call for views on the [FM](#) for the Wellbeing and Sustainable Development (Scotland) Bill. The call for views closed on 25 August 2025 and received two responses, which can be accessed [here](#).
65. The FPA Committee [wrote](#) to the Social Justice and Social Security Committee with its views on the FM for the Bill. It referred to its inquiry into Scotland's Commissioner Landscape: A Strategic Approach, explaining that this inquiry was "prompted by our concerns at the potential for, and implications of, this landscape growing exponentially over this parliamentary session and beyond". The FPA Committee's findings led to the establishment of the SPCB Supported Bodies Landscape Review Committee to "look into the issue in more depth".
66. The FPA Committee's letter also stated that "The proliferation of new Commissioner roles is also a concern for the Committee in the context of our work on the sustainability of Scotland's finances".
67. The Committee invited the Social Justice and Social Security Committee to consider these issues as part of its wider scrutiny of the Bill.
68. The findings of the SPCB Supported Bodies Landscape Review Committee are covered in more detail later in this report.

Key issues in the Social Justice and Social Security Committee's consideration of the Bill

Policy coherence

69. The Committee considered whether the provisions in the Bill would achieve a consistent approach by public bodies to embedding sustainable development and wellbeing within public policy.
70. The evidence received demonstrated broad agreement that policy coherence across public bodies is necessary and must improve. The Committee considered whether the Bill would help to achieve those aims.
71. Scotland's International Development Alliance (SIDA) described the Bill as “important and very timely” in trying to achieve the Scottish Government's “long-term commitment to policy coherence and sustainable development”.¹
72. [Public Health Scotland](#) said that the Bill is “a golden opportunity to place wellbeing and sustainable development at the centre of everything the public sector does”, saying that it would help to “move away from short-termism to long-term thinking”.
73. [The Wellbeing Economy Alliance Scotland](#) said that enshrining principles of sustainable development and wellbeing in law would provide clarity to public bodies to ensure that “... these concepts are considered during the policy process and embed a long term and preventative approach in all decision-making”.
74. Carnegie UK said that the Bill would “provide the clarity, accountability and guidance that would enable us to achieve shared outcomes across the public sector” and recommended it be amended to provide a “clear structure and guidance and an accountability mechanism”.¹
75. The Scottish Youth Parliament told the Committee that they wish to see “improved equality and consistency in the Government's approach”, to the environment, wellbeing and sustainability, and that if there is legislation it “should not just involve a check-box exercise” for public bodies and should “lead to visible change”.¹
76. While Scottish Environment LINK said that legislation is “extremely desirable”, they highlighted that a barrier to achieving policy coherence which must be addressed is “the siloed approach that happens in many organisations, and particularly in Government”.¹
77. UK Environmental Law Association Scotland (UKELA Scotland) said that the Bill's statutory provisions “would establish enforceable rights and corresponding obligations”.²
78. [Professor David Bell](#) cautioned that creating enforceable rights would “substantially increase the costs associated with this Bill since the courts would become involved

in its interpretation.”

79. The Royal Town Planning Institute Scotland (The RTPI Scotland) told the Committee that the opportunity had not been taken to “embed the national outcomes” in the Bill, which could provide additional support for the deliverability of those outcomes.²
80. Professor Colin Reid said that something needs to be done to drive forward the policy objectives, and that while “legislation might be part of it”, the Bill will only succeed if there is the political will or the culture to implement it.³
81. The Children and Young People's Commissioner Scotland (CYPCS) said that while it supported efforts to ensure that “policies consider long-term outcomes, and that they are not contradictory”, it was “not sure that the bill is likely to achieve them”. This is because the Bill “might create unnecessary overlap and confusion, in particular with regard to the wellbeing definition and existing human rights duties, as well as some existing climate duties”.²
82. While Social Enterprise Scotland supported legislation, it also had a concern that there should not be “duplication”.²
83. The Minister for Business and Employment told the Committee that the Scottish Government has “no argument with the policy intention”, and recognised that there are “issues that need to be addressed ... around scrutiny and accountability”. Mr Lochhead explained that one of the reasons that the Scottish Government decided not to proceed with legislation was to avoid “overlap and duplication” and that if the Bill is passed “we would have both the national performance framework and the duties under the bill”.⁴
84. Sarah Boyack MSP confirmed that her Bill aimed to support public bodies to embed wellbeing and sustainable development “as core considerations in decision making in order to get policy coherence”. Ms Boyack stated that “we need to have both legislative change and the commissioner in place to push that forward”, as:
- ” Without a clear legal framework, public bodies are left without the tools, the guidance or the accountability to make meaningful progress and deliver joined-up thinking. We need a different approach.⁵

Conclusion: The Committee supports the policy objective to improve the embedding of wellbeing and sustainable development, with an aim of developing policy coherence.

Conclusion: The Committee notes the evidence that the Bill's provisions could lead to an overlap for public bodies with what is already expected of them in relation to existing legislative duties, the need for clarity on the expectations on public bodies, and the Scottish Government's view that the National Performance Framework could achieve the policy aims.

Conclusion: The Committee agrees that public bodies must have the tools, guidance, support and accountability mechanisms to enable a consistent approach to delivery of wellbeing and sustainable development goals. However, it is not sufficiently clear from the evidence we have received whether the Bill will meet the challenge of delivering policy coherence.

Duties on public bodies

85. Section 1(1) of the Bill requires public bodies, in the exercise of their functions, to *have due regard for the need to promote wellbeing and sustainable development*.
86. Section 1(2) requires that public bodies must, when exercising their duty under subsection (1), *have regard to any guidance published* by the Future Generations Commissioner for Scotland or revisions of any such guidance.

Definition of public body

87. Section 17 of the Bill defines a public body as a Scottish public authority and a cross-border public authority, (but only in relation to functions exercisable in or as regards Scotland which do not relate to reserved matters) but does not include any court or tribunal or body exercising the judicial power of the state.
88. The Committee heard that there are various definitions of public body in existing legislation and various suggestions as to how it should be defined in the Bill.
89. [Professor Colin Reid](#) recommended the definition in either the Human Rights Act 1998 or the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, as both use the term ‘public authority’, with some specific inclusions.
90. UKELA Scotland suggested aligning the definition with the Climate Change (Scotland) Act 2009 definition of a public body, which follows the definition in the Freedom of Information (Scotland) Act 2002.²
91. [Creative Scotland](#) supported the definition of public body in the Bill but sought clarification as to whether it would cover organisations that are required to act on the Scottish Government’s Climate change duties statutory guidance.
92. A key issue raised in evidence is who the duty should apply to and whether it should extend to commercial and third sector bodies that are undertaking functions of a public nature.
93. [Carnegie UK](#) indicated that the 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.” Scottish Environment LINK agreed, saying that this approach “makes sense”.¹
94. SIDA told the Committee that those who are working on a public sector contract and

who fail to deliver on the public duty obligations should “at least for a period of time, not qualify for future public sector contracts”.¹

95. [Scottish Care](#) supported the inclusion of independent and third sector organisations commissioned by public bodies within the statutory duties of the Bill. However, they recommended “the development of tailored guidance to help such organisations align with the Bill’s objectives, alongside explicit commissioning requirements for public bodies that enable their meaningful contribution”.
96. Social Enterprise Scotland said that the key issue is “making sure that the definition is aligned across legislation”.²

Have due regard for the need to promote wellbeing and sustainable development

97. The Committee heard that the proposed duty for public bodies to ‘have due regard’ for the need to ‘promote’ wellbeing and sustainable development was insufficient and should be strengthened. While there was support for more affirmative language, there were differing views as to what the duty should be.
98. UKELA Scotland questioned whether ‘have due regard to’ will have “sufficient weight to change the practice on the ground of public bodies to the extent that we need it to, as it could be “reduced to a note in a meeting minute”.²
99. The Committee considered whether the duty to promote should be strengthened to a duty to deliver.
100. Professor Reid told the Committee that “duties to have regard to things” in existing legislation “do not seem to make much difference”. However, he was not sure that every public authority would be able to guarantee delivery on all aspects of a ‘duty to deliver’. He added that it is less about the legislation and more about “how the law is implemented and followed through.”³
101. Professor Jones agreed, describing it as “clearly inappropriate” for public bodies to be asked to deliver wellbeing, as not all of the relevant powers to do so are devolved.³
102. Scottish Environment LINK agreed, highlighting the difficulty in judging whether the duty to deliver was being achieved and suggested changing the duty to either “promoting the implementation” or “securing the achievement” of the aims.¹
103. SIDA and Carnegie UK agreed that the focus should be on implementation, with Carnegie UK highlighting the importance of taking into account things such as long termism, prevention and participation which are known to promote wellbeing and sustainability.¹
104. [Wellbeing Economy Alliance Scotland](#) suggested a duty “to make decisions that will deliver wellbeing and sustainable development”, and that the duty should also apply to the Scottish Government.

105. [Scottish Community Alliance](#) highlighted that the primary barrier to achieving the Bill's objectives is cultural and that experience has shown that introducing new duties without any sanctions is "unlikely to deliver the desired outcomes".
106. In its [memorandum](#), the Scottish Government said that public bodies would be required to 'have due regard' to the Bill's duty to promote wellbeing and sustainable development, while also being under a similar duty to 'have regard' to the national outcomes. It indicated that this could cause duplication, where the definition covers the same areas as the national outcomes.
107. Sarah Boyack MSP told the Committee that the duty is sufficiently strong, as it is based on the public sector equality duty, "which has been very impactful since it was introduced in 2010", and is needed to ensure that "organisations are accountable for making the principles [of sustainable development] deliverable". Caroline Mair, Solicitor, Scottish Parliament, added that a duty to 'have due regard' is a "well-understood legal standard".⁵
108. In relation to the duty to 'promote', Caroline Mair explained that "the intention is that public bodies would be required to take account of wellbeing and sustainable development when they are exercising all their functions, and what that looks like will vary depending on the public body".⁵
109. On the question as to whether the duty to "have regard to any guidance published by the Future Generations Commissioner for Scotland" should be strengthened, Caroline Mair explained that in order to strengthen the duty "you might be looking at requiring public bodies to comply with the guidance, and that is not the role of guidance".⁵
110. Sarah Boyack MSP added that "Good guidance, collective and shared knowledge, and good practice could start to change views". Ms Boyack argued that guidance could help people to "think about how they frame the procurement process", and that the Commissioner's investigative powers could be used to hold public bodies to account to ensure compliance.⁵
111. In [supplementary evidence](#), UKELA Scotland clarified that in order for a judicial review action to proceed, the applicant must obtain permission from the Court of Session and according to section 27B(2) of the Court of Session Act 1988: "the Court may grant permission ... for an application to proceed only if it is satisfied that—
- (a) the applicant can demonstrate a sufficient interest in the subject matter of the application, and
 - (b) the application has a real prospect of success.
112. UKELA Scotland also explained that if a public body failed to 'have due regard' for the need to promote wellbeing and sustainable development, it could be subject to judicial review. However, these legal challenges "usually fail, since the body challenged simply has to show that it did recognise and think about the relevant consideration, even though it gave it little weight, but successful challenges do occur". There could also be a potential judicial review of the Future Generations Commissioner for Scotland once established, if the Commissioner "did something outside of their powers".

Existing legislative obligations

113. A key concern raised about the introduction of the duty is the potential for it to duplicate rather than complement existing public sector duties, such as in the Community Empowerment (Scotland) Act 2015, the Climate Change (Scotland) Act 2009, the Procurement Reform (Scotland) Act 2014, and the Child Poverty (Scotland) Act 2017.
114. As of the end of February 2024, 26 of 355 Acts of the Scottish Parliament referred to “sustainable development”, often prefixed by references to ‘promoting’ or ‘achieving’. These are listed in Annex A.ⁱ
115. In its [memorandum](#), the Scottish Government raised a concern about the duplication in purpose and overlap in remits within existing legislation. The Scottish Government states that the Bill “does not offer a plan for integrating with existing law, guidance or obligations”, and the Scottish Government had “significant concerns that the proposals are not the most effective way of achieving the policy intentions”.
116. The CYPCS advised that the ‘have due regard to’ duties “are inherently weaker than” some duties in human rights law, and therefore “risk being slightly less effective in how they impact public bodies’ actions”.²
117. The RTPi Scotland emphasised the importance of ensuring that the Bill aligns with the current duties and that it:
- ” ... does not create an additional layer of complexity that could, at best, have a duplicating effect or, at worst, create an additional, separate duty that sets different benchmarks in parallel with the duties that are already being delivered to achieve sustainable development and wellbeing outcomes.”²
118. [Dumfries and Galloway Council](#) confirmed that “many public bodies already strive to undertake” these duties, as both are elements of the NPF. It cautioned that placing a requirement or duty without addressing the underlying conditions of short-termism “risks placing more duties on bodies without achieving the policy objectives of the Bill”. It suggested there may be “more appropriate methods of encouraging and ensuring that due regard is given to promoting wellbeing and sustainable development in public sector decision making”.
119. [Aberdeenshire Council](#) stated that it considers much of what is outlined in the Bill “to be a potential duplication of work”, explaining that:
- ” It is felt that the terms defined are already well understood and referenced in other legislation. In our view there are no additional duties/requirement to consider as we are already required to do this through NPF4 [National Planning Framework] and other legislation.
120. UKELA Scotland highlighted NPF4 as an example of statutory duties having a positive impact, saying that it had “strengthened alignment across Scotland’s planning system”, by requiring decision makers to put time and effort into their considerations. It added that the 2045 target had shifted decision-makers “from a

ⁱ Scottish Parliament Information Centre analysis.

more short-term approach to a longer-term approach”.²

121. [Strathclyde Partnership for Transport](#) suggested that a review of existing legislation could be considered when implementing new policy “to improve streamlining and efficiency within governance while avoiding redundant duties that may unduly increase the burden on public bodies”.
122. [The Scottish Environment Protection Agency](#) (SEPA) cautioned that “simply adding similar new duties could add unnecessary complexity to the policy and regulatory landscape”. SEPA referred to the statutory purpose set out in the Regulatory Reform (Scotland) Act 2014 to protect and improve the environment in ways that, as far as possible, also contribute to improving health and wellbeing and achieving sustainable economic growth, as well as the public bodies duty in the Climate Change (Scotland) Act 2009 which requires all public bodies in Scotland, including SEPA, to “act in a way that it considers most sustainable” in the delivery of their functions.
123. [Historic Environment Scotland](#) (HES) raised a similar concern about “overlaps and similarities between this and other legislation and policy initiatives”, such as the duties outlined in the Bill and those around the national outcomes as set out in the National Performance Framework, which also aligns with the UN Sustainable Development Goals. HES sought clarity around the boundaries of each area of legislation.
124. In its [memorandum](#), the Scottish Government stated that the existing duties in the [Community Empowerment \(Scotland\) Act 2015](#), which require Ministers to have regard to wellbeing and sustainable development are “sufficient to require bodies and Ministers to have regard to WSD”, as the national outcomes are expressed in the NPF.
125. [SIDA](#) said that the existing duty on public authorities to “have regard to the national outcomes” in the 2015 Act is “not strong enough to deliver their ambition”. They recommended that the duties in Part 1 of the 2015 Act be relocated to the Bill and amended “to support a more unified approach to delivering the National Outcomes”.
126. [Oxfam Scotland](#) made a similar suggestion – that the Bill could “absorb and, crucially, strengthen the existing duties on Ministers and public bodies contained within the Community Empowerment (Scotland) Act 2015”.
127. In evidence to the Committee, the Minister said that instead of the new duties reinforcing existing obligations under the 2015 Act “the bill would establish parallel duties that do not align with the national outcomes”.⁴
128. The Minister confirmed that public bodies already have wellbeing and sustainable development reporting duties through the NPF and their accountable officers. Mr Lochhead explained that while there had been “a lot of progress in promoting sustainable development and wellbeing”, there remained “a lot of room for improvement”. He confirmed that the review will consider how “to enhance that process and make it stronger”.
129. In [correspondence](#) to the Committee, the Minister confirmed that improvements in implementation and accountability are key considerations in the reform of the NPF “to ensure that public bodies can be held to account for how their work contributes

to the national outcomes”.

130. Dr Max French, co-author of the Carnegie UK options paper, highlighted in his [submission](#) that currently 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.” Mr French said:
- ” The NPF has no statutory basis in legislation, and there is no guidance on how public bodies ought to “have regard” to the National Outcomes to accord with the Community Empowerment (Scotland) Act 2015 ... There is no legislative requirement to systematically consider the needs of future generations, beyond a limited duty within the Consumer Scotland Act 2020.
131. Professor Reid suggested that any potential overlap of responsibilities for public bodies could be resolved in memorandums of understanding. ³
132. Sarah Boyack MSP acknowledged that there is a degree of overlap between wellbeing and human rights but stressed that the Bill “does not duplicate existing equalities rights or enforcement mechanisms, and it does not go into the specific human rights of key groups in society”. Instead, it “complements existing rights”, as it would require public bodies “to take a broader, proactive approach to wellbeing and sustainable development in all their decisions, not just in areas where there are rights”. ⁵
133. Sarah Boyack MSP added that the “critical change is to have the definitions, the duty and the advice and guidance”. Ms Boyack provided the following practical example of how these would assist public sector organisations:
- ” That approach means that, when public sector organisations make decisions—when a new building is being planned or new infrastructure is being put in place—wellbeing and sustainable development can be on the agenda. That is not the case at the moment. It is a question of building on and sharing best practice and enabling public sector organisations across the country to deliver wellbeing and sustainable development.
134. In [correspondence](#) to the Committee, the Minister stated that “the Government views the existence of legislation to ‘have regard’ to the national outcomes in the NPF as a crucial consideration in our position on the Bill”.
135. The reform of the National Performance Framework is considered in more detail later on in this report.

Demonstrating compliance

136. The [Policy Memorandum](#) indicates that it will be for individual public bodies to determine how they measure, assess and demonstrate compliance with the public duty established by the Bill. However, it is envisaged that they may choose to undertake wellbeing and sustainable development impact assessments when making decisions and developing policies to evidence their compliance.
137. [Public Health Scotland](#) said that the Bill provides “the chance to audit, consolidate,

and strengthen existing impact assessment requirements, ensuring climate, health and socio-economic inequalities are adequately considered”, and that PHS could potentially support such an exercise through its Health Impact Assessment Support Unit.

138. In its [memorandum](#), the Scottish Government stated that the accompanying documents do not specify “how bodies must demonstrate compliance with the duties, apart from having regard to the FGC’s guidance”. As wellbeing and sustainable development are cross-cutting issues, it suggests the public duty would “substantially add to the burden” already imposed upon public bodies.
139. The Scottish Government recommends awaiting the conclusion of its internal review of its use of impact assessments, expected to conclude by January 2027, before new assessments are introduced, and to “avoid new duties and assessments being a default response to implementation gaps”.

Conclusion: The Committee notes the differing views on an appropriate definition of ‘public body’ and whether it should also apply to commercial and third sector bodies that undertake functions of a public nature.

Conclusion: The Committee also notes the differing views as to whether a duty to have due regard for the need to promote wellbeing and sustainable development is sufficiently strong, and the suggestions for amending the duty. In particular, the evidence from UKELA Scotland that the ‘have due regard’ duty has been tested in the courts and legal challenges “usually fail”. Professor Reid's evidence that it is more about “how the law is implemented and followed through and whether there is the political will or the culture to run with the provisions and make them a real part of how Government runs”.

Conclusion: If the Bill progresses, a statutory duty for public bodies has the potential to achieve the policy aims. However, we note the different views as to whether the new duty for public bodies complements or duplicates existing public sector duties. The duty could complement existing duties, but we have not received sufficient evidence to determine how it would do so. However, the duty appears to be a duplication and may not add value.

Conclusion: The Committee notes the evidence from two local authorities that many public bodies already strive to deliver wellbeing and sustainable development as they align to the NPF. While we did not scrutinise the NPF to determine the extent to which public bodies are meeting their existing duties, which is a concern, we note the Scottish Government's confirmation that key aspects of its reform of the NPF are to improve implementation and accountability.

Recommendation: 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.

Recommendation: 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.

Conclusion: 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.

Recommendation: 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.

Definitions

Sustainable development

140. Section 2 of the Bill defines sustainable development as “development that improves wellbeing in the present without compromising the wellbeing of future generations”.
141. The [Policy Memorandum](#) states that although sustainable development is referred to in a significant number of Acts of the Scottish Parliament, there is currently no statutory definition of the term. The intention is for the Bill to introduce a single, overarching statutory definition.
142. There are many examples of references to ‘sustainability’ and ‘sustainable development’ in Scottish Government and public body guidance. These include:
- Section 44 of the Climate Change (Scotland) Act 2009 requires public bodies, in exercising their functions, to act in the way that they consider to be most sustainable. [The draft guidance on the duties](#) explicitly references “sustainable development” many times in this context, including the Scottish Parliament's [Sustainable Development Impact Assessment tool](#).
 - The Sustainable Procurement Duty, as established under the Procurement Reform (Scotland) Act 2014, is underpinned by a variety of Scottish

Government guidance.

- A [guide for communities](#) explaining Part 5 of the Land Reform (Scotland) Act 2016 in respect of The Right to Buy Land To Further Sustainable Development.
143. The Policy Memorandum clarifies that the Bill “does not seek to amend all previous legislation in which the term occurs to align it with the Bill’s definition”. Instead, it provides a definition for the purposes of the Bill, giving meaning to “sustainable development” in the context of the new public duty and the work of the Commissioner.
144. The definition is inspired by the United Nations Brundtland Commission’s definition of sustainable development which is: “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.
145. The Committee considered whether the introduction of a statutory definition of sustainable development would achieve a consistent understanding and application of what is required across all public bodies.
146. Professor Colin Reid said that while it is “difficult to isolate what legislation achieves in itself ... having the statutory basis would perhaps provide a slightly stronger, higher-level foundation that people can refer to”. Professor Reid referred to the public sector equality duty, which is a statutory requirement that is “built into” public sector decision making.³
147. Social Enterprise Scotland highlighted the number of definitions in legislation and agreed with a need for “consistency” and “clarity”. While UKELA Scotland said that a statutory definition would lead to “a unified interpretation”.²
148. The [Chartered Institute of Architectural Technologists](#) (CIAT) said that a definition “is likely to be necessary” to ensure that public bodies are considering the same factors when having regard to sustainable development and the wellbeing of future generations. They suggested that while a statutory definition “is likely to prove more robust” the same might be achieved through ministerial guidance and/or regulations.
149. [SEPA](#) highlighted that the definition “is nevertheless different” from other definitions of sustainable development that apply to public bodies, which may be “challenging”. They suggested that the opportunity is taken, either through guidance or if necessary, via the Bill, “to codify a single definition that supersedes others or to at least describe their relationship where two duties relating to sustainable development entwine”.
150. There was some support for basing the definition in the Bill on the 1987 United Nations Brundtland Commission’s definition, which explicitly introduces and includes the idea of planetary boundaries and environmental limits. However, a recurring theme in the responses to the call for views were the implications of linking the definition of sustainable development with wellbeing, as this approach means that it does not encompass planetary boundaries, ecological limits and intergenerational equity, or recognise the global impacts of policy decisions made in Scotland. The RTPI Scotland, The Scottish Ecological Design Association, Open

Seas, Oxfam Scotland, Scottish Fair Trade and UKELA Scotland all made statements to this effect in their submissions.⁶

151. This concern was also noted by Stop Climate Chaos Scotland and SIDA, who argued that the current definition fails to reflect the climate and nature crises that “threaten both present and future wellbeing”.⁶
152. The RTPI Scotland stated in its [submission](#) that:
- ” ... it is vital that a statutory definition of sustainable development goes beyond human needs and outcomes to also encapsulate the duty of all human beings to protect and enhance the natural environment, which is essential to achieving true sustainable development and wellbeing outcomes.
153. The Minister confirmed that taking account of environmental limits is covered in the NPF. Mr Lochhead explained that the Scottish Government decided not to define sustainable development in legislation as “it is such a broad term that means different things in different contexts”. The Minister gave the following example:
- ” ... it could be argued that, over the past decade, sustainable development in the context of reducing carbon emissions has been a much bigger issue than it was in the previous decade. Each organisation that is working on the issue will look at sustainable development depending on the context that it finds itself in.
- 4
154. Sarah Boyack MSP described the definition of sustainable development as “absolutely critical”, as it provides “a clear requirement that public sector organisations would be able to understand and then implement”. Ms Boyack explained that she had based the definition on the Brundtland definition as that is understood internationally and confirmed that she would consider amending the definition to include reference to environmental limits and planetary boundaries.⁵
155. Scottish Environment LINK told the Committee that the definition of sustainable development and wellbeing “is crucial to the success of the whole bill”, as they go together. This is because “the duty relates to what is defined as sustainable development and wellbeing, and the work of the commissioner will depend on that definition”.¹
156. The Scottish Youth Parliament explained that a lot of the wellbeing issues mentioned by young people demonstrate that “our wellbeing is currently very much linked to our environment”, as “there is not much that an individual can do if their environment is not supportive of that atmosphere.”¹
157. Carnegie UK described linking wellbeing and sustainable development as “key”, as it “promotes strong alignment with the wider global sustainable development movement”.¹
158. [Historic Environment Scotland](#) described linking the sustainable development definition to wellbeing as “helpful”. However, it noted that the definition differs from the way in which sustainable development is often used, especially in relation to the environment. HES said that consideration should be given to how this definition “differs or is linked to other definitions of sustainable development, to ensure that

public bodies have clarity on how to deliver the duties set out”.

159. The [CYPCS](#) expressed a concern about including the term wellbeing in the definition of sustainable development, saying that:
- ” We are concerned this not only reduces alignment with international standards and agreements on combatting climate change but also would reduce clarity for potential duty bearers.
160. The CYPCS referred to Section 5(1) of the 2015 Wales Act which links its definition of sustainable development to the sustainable development principle, which states that “the body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs”. Section 5(2) of the Act lists five things that a public body must take account of to enable it to meet the terms of the sustainable development principle. The CYPCS suggested that a similar approach could be taken to embed the national outcomes in the Bill’s definition.²
161. The CYCPS also said that it “would be unhelpful” if the definition of sustainable development continued to refer to the concept of wellbeing without wellbeing being defined in the Bill.
162. The RTPI Scotland stated that, as the Bill is currently drafted, a definition of sustainable development could not stand alone without a definition of wellbeing, because the former is intrinsically tied to how wellbeing is defined.²
163. Sarah Boyack MSP explained that she had aligned the definition of sustainable development with the concept of wellbeing, as “wellbeing is the outcome of implementing sustainable development, but it means thinking about people now and about future generations”. Caroline Mair added that linking the two terms in this way “avoids creating competing duties in the bill”.⁵
164. Sarah Boyack MSP told the Committee that while it “would not be my preference”, the definition of sustainable development could remain in the Bill without a reference to wellbeing.
165. [Creative Scotland](#) highlighted that “a wholesale shift from sustainable growth to sustainable development” will impact all relevant legislation and change the measures of success nationally, regionally and locally. This will “be significant and require the application of a different perspective to decision making by everyone”.
166. The Scottish Government noted in its [memorandum](#) that the Bill introduces an ‘overarching statutory duty’ which is not required, as the Community Empowerment (Scotland) Act 2015 has a requirement for bodies and Scottish Ministers to have regard to wellbeing and sustainable development.
167. Caroline Mair confirmed that sustainable development is being defined for “for the purposes of this bill ... we are not attempting to define it as it appears in other pieces of legislation”.⁵
168. Roz Thomson, Principal Clerk, Non-Government Bills Unit (NGBU), added that “there is no reason why a public body could not use the definition in this bill in considering its functions under existing legislation”.⁵

Wellbeing

169. Section 3 of the Bill 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; and
 - (f) access to the natural environment for health, leisure and relaxation.
170. Section 3 also proposes a power for Scottish Ministers to amend the definition by regulations.
171. The [Policy Memorandum](#) states that the Member hopes that a statutory definition of “wellbeing” will aid clarity and inform policymakers going forward and envisages that public bodies will use the factors included within the Bill's definition of wellbeing as outcomes against which to assess the impact of their policy decisions, in line with their duty under this Bill.
172. The Policy Memorandum also confirms that the Bill does not seek to establish a singular statutory definition of wellbeing by amending all previous legislation in which the term occurs to align with the Bill's definition. Instead, just as with the definition of “sustainable development”, it defines the term for the purposes of the new public duty and the work of the Commissioner.
173. Professor Calvin Jones told the Committee that the 2015 Wales Act was introduced to “more formally place the natural environment at the heart of decision making in a way that also reflected other elements of wellbeing”. Professor Jones described its impact as ‘partially successful’, as it had enabled public bodies to work better together to help delivery of the United Nations sustainable development goals and could be seen in the “wellbeing plans of the public service boards”.³
174. Professor Reid described defining wellbeing as “inherently difficult” and questioned whether it might best be covered in the new human rights framework. Professor Jones described trying to come to a definition of wellbeing that is universally useful as “a fool’s errand”, as different bodies will approach implementation of the duty in different ways.³
175. An issue raised by several stakeholders is that the definition in the Bill does not go far enough to capture the full meaning of wellbeing. The Committee heard some suggestions for amending the definition, as well as some recommendations to remove it from the Bill.
176. [The RTPi Scotland](#) said it broadly supported the inclusion of a statutory definition in the Bill to support public bodies in carrying out their duties. However, it did not

agree with the wellbeing definition as drafted, as: “It is such a multifaceted term that means many different things to different people, so to try to rigidly define it against a set of six criteria ... is not helpful”. It suggested linking the definition directly to the national outcomes of the NPF, as these are akin to the Welsh wellbeing goals.²

177. The [Policy Memorandum](#) states that “the Member believes that the Bill will contribute to the fulfilment of Scotland’s obligation to secure the rights and freedoms set out in the ECHR.”

178. The CYPSC told the Committee that wellbeing exists across the policy landscape and within existing human rights laws which “provide a framework for ensuring that children and adults, now and in the future, have their rights protected and fulfilled”. The Commissioner explained that:

” Given the strong accountability mechanisms that are associated with those protections, we do not think that a less clear and less onerous duty to promote wellbeing will be effective. We are concerned that, at best, it is confusing and, at worst, it will be unhelpful.²

179. [Historic Environment Scotland](#) suggested it would be helpful “to ensure that this [definition] is delineated from other definitions of wellbeing that are in use”, given that “the definition appears to include several areas that are included in a human rights-based approach”.

180. [Strathclyde Partnership for Transport](#) recommended that if a statutory definition of ‘wellbeing’ is adopted, it should adequately acknowledge ecosystem services, “such as water supply and materials, regulating services such as clean air and flood management, supporting services such as healthy soils, and cultural services such as physical health and mental wellbeing”.

181. [Creative Scotland](#) highlighted the broad definition and asked for “guidance on how success would be measured”, as “there is the risk for considerable ambiguity regarding how organisations can best work towards supporting a consistent approach to wellbeing”.

182. In its [memorandum](#), the Scottish Government said that the wellbeing definition could cause confusion and uncertainty for public bodies as it “covers some but not all of the areas of the current national outcomes”.

183. The Minister told the Committee that most respondents to the Scottish Government’s consultation on a bill supported having clear definitions of wellbeing and sustainable development. However, “the broad nature of those concepts presented challenges”.⁴

184. In [supplementary evidence](#) to the Committee, the CYPSC highlighted the following implications of a broad legal definition of wellbeing:

” Where statutory functions and therefore guidance and policy positions were to be drawn from broadly worded wellbeing legislation, which speaks about similar ideas but lacks connection to human rights legal principles, there’s a real risk that coherence is lost and conflicting guidance is produced, reducing clarity for public bodies on their responsibilities or for Government and Parliament on the implications of decisions for people in Scotland’s rights.

185. Sarah Boyack MSP told the Committee that the definition is about “a general wellbeing approach, which affects us all” and that it “does not go into the specific human rights of key groups in society”. Ms Boyack said that she would look at the wellbeing definition, to see whether it needs to be strengthened.⁵

Conclusion: The Committee notes the views presented in evidence that creating statutory definitions of sustainable development and wellbeing could be valuable in assisting public bodies to meet their wellbeing and sustainable development obligations. However, we heard that the proposed statutory definitions could create confusion, duplication and additional complexity. If the Bill progresses, we ask the Member to address these concerns.

Conclusion: The Committee agrees with the Delegated Powers and Law Reform Committee's concern about the potential consequences of the wide definition of wellbeing.

Conclusion: The Committee agrees that a shared understanding of both terms 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.

Conclusion: While we appreciate that the policy intention is that a combination of the public duty, statutory definitions of sustainable development and wellbeing and the establishment of the Commissioner are required to achieve the policy aims of the Bill, we are unconvinced about the need for a legal definition of wellbeing and what impact the legal definitions of sustainable development and wellbeing will have.

Conclusion: The Committee notes that if the definition of wellbeing does not remain in the Bill, the definition of sustainable development may need to be amended.

The Future Generations Commissioner for Scotland

186. Part 2 of the Bill establishes the Future Generations Commissioner for Scotland, and sets out the Commissioner's general functions, investigative powers, reporting requirements, and protection from actions of defamation. The office of Commissioner is to be held by an individual appointed by His Majesty on the nomination of the Scottish Parliament and will be accountable to the Scottish Parliamentary Corporate Body (SPCB).
187. Schedule 2 contains further provision with respect to witnesses and documents, and Schedule 3 adds the Commissioner to the list of bodies contained in existing

legislation.

Establishment

188. The [Policy Memorandum](#) states that the Member believes that Scotland needs an equivalent commissioner to the Future Generations Commissioner for Wales, “with a similar (albeit localised) purpose and function to ensure that the aims of this Bill are properly realised”. The intention is for the Commissioner to “champion the issues underpinning the Bill, ensure its successful implementation, and build policy coherence for sustainable development throughout Scotland’s public sector”.
189. A majority of the respondents to the Committee’s call for views indicated support for the establishment of a Future Generations Commissioner for Scotland.
190. [Carnegie UK](#) said that a commissioner could ensure “robust accountability and support measures for this legislation with the appropriate balance of hard and soft powers will be critical for successful implementation”.
191. [Scottish Environment LINK](#) said that a commissioner would provide “an independent, long-term view into policymaking which is all too often driven by short-term interests and electoral cycles”.
192. [SIDA](#) indicated that it supports the inclusion of a Future Generations Commissioner “in principle”, saying that:
- ” ... it offers arguably the strongest and most coherent mechanism for driving the aims of the Bill: embedding long-termism, improving accountability, and ensuring sustained focus on the wellbeing of future generations. International evidence, particularly from Wales, suggests that a well-resourced commissioner with statutory powers can help shift institutional behaviours and foster joined-up, preventative approaches to policymaking.
193. It added that the Bill would still be useful if it did not include the establishment of a commissioner, but “there needs to be a recognition that someone, somewhere has to drive this forward and that there needs to be some accountability mechanism”. ¹
194. Professor Calvin Jones explained that the two commissioners appointed since the introduction of the 2015 Wales Act had set priorities “to focus different parts of the Welsh public estate as well as private and other bodies on how we can address some of the wellbeing-affecting systems”. Professor Jones said that this approach tried to “pull Wales in a certain direction.” ³
195. The Scottish Youth Parliament told the Committee that its members had mixed views on the establishment of a commissioner, and that whatever approach is taken should reflect the views of all groups within society and lead to actions being taken:
- ” When young people hear about sustainable development, climate change and so on, they hear about it in one of two ways—either as panic, or as nothing—and we really need some constructive goals to work towards. I do not think that we mind whether that comes in the form of a commissioner, just as long as there is something that leads to meaningful action and we can see tangible evidence of it working. ¹

196. Sarah Boyack MSP explained that the intention of the combination of the duty, the definition and the commissioner was to “get on with delivering that systemic change”:
- ” Having a commissioner in Scotland with teeth is critically important, because that is how we would bring about that systemic change. You need the oversight to be in place, you need the work that is done by public bodies to be supported and you need to have that scrutiny function.⁵
197. In [correspondence](#) to the Committee, the Minister highlighted the approach taken in Wales of embedding ways of working, improving public sector culture and strengthening accountability, and confirmed that the Scottish Government is “considering how we might draw from these ideas in a non-legislative way to improve cohesion and utility of the NPF”.
198. Some respondents referred in their written evidence to the Scottish Parliament's SPCB Supported Bodies Landscape Review Committee's [report](#), which concluded that new SPCB-supported bodies—such as the proposed Commissioner—should only be created where a clear need is demonstrated.
199. The [CYPCS](#) did not think that the proposal for a Future Generations Commissioner would meet the criteria of ‘last resort’, where existing bodies could not perform the function with expanded powers, and that its remit is clear.
200. In its [memorandum](#), the Scottish Government agreed with the SPCB Supported Bodies Landscape Review Committee’s recommendation that “the landscape should not be expanded to include new advocacy type bodies”. It stated its belief that “alternatives have not been exhausted” and therefore that the creation of a commissioner “cannot, for now, said to represent a last resort”.

Overlap of duties and responsibilities

201. The Committee heard concerns that the establishment of a commissioner could result in an overlap with the duties and responsibilities of other commissioners and oversight bodies.
202. The Committee has not undertaken any analysis of the overlap of the remit of the proposed Commissioner with existing Commissioners and oversight bodies. However, given the definitions of wellbeing and sustainable development in the Bill, there might be a degree of overlap with some of the following remits:
- Scottish Commissioner for Children and Young People
 - Scottish Human Rights Commission
 - Victims and Witnesses Commissioner for Scotland
 - Scottish Food Commission
 - Environmental Standards Scotland
 - Healthcare Improvement Scotland

- Scottish Public Services Ombudsman
 - Scottish Housing Regulator
203. Scottish Environment LINK described addressing the duplication and overlap of responsibilities with other commissioners and oversight bodies, such as Environmental Standards Scotland, as a “key challenge”.¹
204. The CYPCS did not support the establishment of a commissioner due to the “risk of overlap with our office and that of the Scottish Human Rights Commission”. Emma Hunter, Policy Officer, explained that this could cause confusion for the CYPCS in exercising her statutory functions and for public bodies in trying to comply with duties and demonstrate compliance. She asked that greater consideration be given to “how best to embed sustainable development and strengthen existing duties”.²
205. In [supplementary evidence](#) to the Committee, the CYPCS provided the following example of potential areas where there would be an overlap of powers:
- ” Under the Bill, a Future Generations Commissioner would have the same statutory powers as CYPCS to promote and raise awareness, keep under review law, policy and practice, and promote best practice, as well as similar investigation powers. However, these powers would be in relation to sustainable development and wellbeing under the Bill, whereas CYPCS’s relate to children’s rights, particularly under the UNCRC.
206. In Wales, there is a [Memorandum of Understanding](#) between 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.
207. SEPA questioned whether creating a Future Generations Commissioner would “add to an already complex landscape” and highlighted that “the UK Committee on Climate Change, the Just Transition Commission and Scotland's Climate Assembly” already provide the Scottish Government with guidance on climate change. SEPA also noted the Scottish Government's intention to give Environmental Standards Scotland a remit “as a monitoring body to scrutinise delivery of the climate change public bodies duties”. SEPA cautioned that the establishment of a commissioner could lead to a:
- ” ... risk of conflicting, competing and/or overlapping duties and investigative powers of various bodies and it could result in a lack of clarity for public bodies subject to oversight by these different bodies.
208. [SEPA](#) suggested considering whether existing bodies might be able to expand their remits to undertake the Commissioner's proposed functions.
209. The RTPI Scotland acknowledged that there “might be better ways of undertaking and managing accountability and oversight” than establishing a commissioner, adding that whatever method is chosen should be “independent, transparent, collaborative and visible”. It should also avoid “duplicating or adding to the work that is already being done by public bodies and others”, and “act as a support to

enhance awareness, accountability and scrutiny”.²

210. Social Enterprise Scotland stressed the importance of taking stock before appointing any more commissioners and suggested that the powers and responsibilities of the proposed Commissioner could potentially be allocated to other commissioners. Duncan Thorp said that:

” ... it is worth stopping—in a sense—to look at the whole landscape, where we are at, where the duplication lies, where the overlap is and where we can merge commissioners or bring them together in some other way.”²

211. The Minister told the Committee that he could not see how public bodies and the proposed commissioner could co-exist without there being an overlap of duties and responsibilities. Mr Lochhead said that “My instinct would be to say that it shows that we do not need a new commissioner, and that we should avoid creating one if at all possible”.⁴

212. Sarah Boyack MSP highlighted that public bodies “face real challenges and pressures”, and explained that the commissioner could provide oversight, support and guidance which “would help public bodies to meet their responsibilities and improve outcomes over time”. Ms Boyack added:

” I worry that, without an independent body to offer continuous and dedicated oversight, Scotland will continue to fall behind on the United Nations sustainable development goals and we will see a cycle of short-term fixes.”⁵

Function and investigations

213. The Bill proposes that the Commissioner would have a general function ‘to promote the wellbeing of future generations by promoting sustainable development by public bodies in all aspects of their decisions, policies and actions’.

Safeguarding future generations

214. A recurring theme among respondents to the Committee's call for views with regards to the remit of the proposed Future Generations Commissioner was the lack of emphasis on safeguarding future generations compared to the Well-being of Future Generations (Wales) Act 2015.
215. The RTPi Scotland noted that giving a voice to future generations “has been given far less emphasis in the wording of the draft Bill”, when comparing the duties and functions of the Commissioner with the Welsh Commissioner. The proposal to merely “promote the wellbeing of future generations, is noticeably weak compared to the language used in the 2015 Wales Act” and unlikely to achieve the intended outcome if it is not strengthened.⁶
216. Scottish Environment LINK described the general function to ‘promote’ as being “appropriate”, to ensure there is a distinction between the Commissioner's role and the role of Environmental Standards Scotland in relation to environmental matters. However, they recommended that “There must also be a duty to have regard to—or some stronger form of words— the advice and guidance of the commissioner,

otherwise the commissioner could be talking into a black hole, with nobody listening to their promotion.”¹

217. Social Enterprise Scotland agreed with “strengthening the wording in the bill” to ensure the practical policy implementation.²
218. The Scottish Youth Parliament highlighted the importance of “a clear remit” for the Commissioner, so that progress can be identified.¹
219. Professor Reid told the Committee that “if the commissioner is seen as being respected and their role is recognised and valued within Government as a whole, their just coming along and having a quiet word—or a public word—can make a big difference”. However, knowing that somebody is looking over your shoulder and “not just going to tut but will make something happen that has a wider impact” is important.³

Investigative powers

220. The Commissioner would be able to initiate and conduct general investigations to examine whether a public body has had regard to wellbeing and sustainable development in their actions or decisions and individual investigations into a specific decision, policy or action. The Commissioner could also require witnesses to give evidence and provide documentation.
221. Professor Jones explained that the Welsh Commissioner’s approach to investigations had been “thematic” and that there is “a genuine move towards what you might argue are more progressive and longer-term approaches, and the 2015 act is only one part of that picture”. Professor Jones added that the Wales Act “does not force public bodies to be good, because they can easily tick-box their way around it if they really want to. As I said, it is difficult to build in those teeth and that big stick”.³
222. SIDA told the Committee that in Wales it had been “very helpful” for the Commissioner to have an educative role. However, in Scotland, “the commissioner needs to have clear investigative power, so that it is not only about promotion”.¹
223. [UKELA Scotland](#) noted that a general function to promote ‘best practice’ among public bodies as they embed sustainable development and wellbeing into their activities lacks any sanctions. Similarly, that the investigation and reporting powers “do not include any formal sanctioning provisions to the Commissioner.”
224. Scottish Environment LINK said that the term “investigation” is not helpful “because it implies a degree of enforcement”, when the approach is “more about inquiry and understanding how things currently work in order to provide advice and guidance for the future”. It added that, in the environmental sphere, it would be for Environmental Standards Scotland to investigate.¹
225. Emma Hunter of CYPSCS raised an issue about the “potential for overlap in our investigation powers”, as the Bill’s investigation powers “do not have the limitations that the powers in our legislation do”. Ms Hunter explained that the CYPSCS’s

powers mean “we are not able to carry out an investigation when ... it would duplicate what is in another body's remit”.²

226. The Minister told the Committee that the Scottish Government sympathised with the views expressed by some of the bodies that would potentially be subject to investigations about “... the costs of responding to an investigation, the bureaucracy around that and the time that it would take, that would place a burden on public bodies. We do not know how many investigations there would be, and they could be quite wide ranging”.⁴
227. Sarah Boyack MSP described the type of “constructive support, advice and guidance” that the Commissioner might take prior to an investigation, which “would add expertise to decision making”. An example could be by “enabling the sharing of best practice and having roundtable discussions”.⁵
228. The RTPI Scotland said that the commissioner role “certainly has the potential to be a useful support”. One of the challenges when a commissioner or office is created is “to ensure that it covers all areas equally”, given the number of public bodies that deal with a vast range of related areas that link to wellbeing.²
229. The CYPSC said that a “major challenge” for the commissioner is the breadth of the definition of wellbeing, as it “... could cover a wide variety of legal and policy issues, many of which are covered by other bodies, including us and the SHRC”.²
230. The Minister told the Committee that there are “concerns” about the inclusion in the Bill of definitions of “wellbeing” and “sustainable development”, “because that could lead to the commissioner having very wide-ranging powers”. Mr Lochhead added that “The commissioner's office might have to be quite large to cope with such a massive remit, which would create a whole new machine”.⁴

Issuing guidance

231. The Commissioner is able to prepare and publish guidance for public bodies about the exercise of their duty and review and update it.
232. Professor Jones described the issuing of guidance as a “big problem” in Wales, as “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.” This was particularly the case in the early years when there were a lot of demands on the commissioner to provide guidance but is less so now.³

Conclusion: The Committee recognises the support for the establishment of a Future Generations Commissioner for Scotland and the reasons for the Member including this proposal in her Bill. We also acknowledge that the Bill was introduced prior to the Parliament's agreement of the recommendations of the SPCB Supported Bodies Landscape Review Committee.

Conclusion: While we recognise that the Bill makes a strong case for the establishment of a Future Generations Commissioner for Scotland, we are concerned that the criteria proposed by the SPCB Supported Bodies Landscape Review Committee, and the terms of the resolution agreed by Parliament, have not been met. The evidence received demonstrates that the establishment of a commissioner is not a 'last resort', as alternative models were suggested in evidence, which have not been exhausted. The evidence also demonstrated that there is not a functional gap across the public sector landscape, as the Commissioner's proposed remit overlaps with the remit and responsibilities of existing commissioners and oversight bodies.

Alternative approaches

233. Those who supported the principle of establishing a Future Generations Commissioner generally acknowledged that, while such a role could help foster a cultural shift towards embedding sustainable development within Scottish public authorities, it is not the only means of doing so.
234. Professor Colin Reid told the Committee that while a commissioner could provide focus “there are different routes to achieving sustainable development and wellbeing and ensuring that they are at the centre of policy making and governance”.³
235. The Committee received evidence on alternative approaches to meeting the policy objective to promote the wellbeing of future generations by promoting sustainable development by public bodies in all aspects of their decisions, policies and actions.
236. [Professor David Bell](#) suggested that “it is not clear that the best interests of future generations of Scots will be best served by creating another centralised organisation with a remit that is difficult to define precisely”. As an alternative approach, Professor Bell suggested budgetary approaches could be used instead, specifically, by shifting “the balance of spending towards future generations” through increasing “the share of public expenditure allocated to capital projects while concomitantly reducing resource spending”.
237. A number of stakeholders referred to the six possible options in the paper [Putting collective wellbeing and sustainable development into action: An options paper for Scotland](#). This paper was commissioned by Carnegie UK, Oxfam Scotland, Scotland's International Development Alliance, and WEALL Scotland.
238. [Public Health Scotland](#) indicated that if it is not possible “in the current climate” to establish a commissioner, they “would support alternative measures which helped to support the wellbeing and sustainable development agenda” and referred to the six options set out in the research paper.
239. The paper identified the following six possible operating models:
- A Future Generations Commissioner for Scotland
 - Shared responsibilities across multiple SPCB-supported bodies

- A strengthened role for Audit Scotland
 - Parliamentary representation
 - A government-appointed advisory council
 - An independent advisory board or Wellbeing Roundtable
240. The paper concluded that: “Of the six possible operating models for WFG/SD, we conclude that a Future Generations Commissioner for Scotland (Model 1) would make the greatest impact.” The paper also notes that this is the most expensive option. As its final conclusion the paper stated that a “long-term and comprehensive solution will require an integrated, whole-system approach involving multiple models.”
241. Carnegie UK told the Committee that, while they supported the creation of a new accountability mechanism through the Bill, it recognised:
- ” ... the challenges that Scotland’s commissioners face in relation to duplication, resourcing and legislative constraints. In that context, it is important to be pragmatic, and, if alternative accountability mechanisms would allow the bill to proceed more effectively, those alternatives should be seriously considered.”¹

A strengthened role for Audit Scotland

242. 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 in order to assess the extent to which public bodies have acted in accordance with the sustainable development principle in both the setting and taking of steps to meet those well-being objectives. The Auditor General must carry out at least one examination of each of the public bodies within each 5-year reporting period.
243. The Carnegie paper included an option to expand Audit Scotland's mandate to act on behalf of the Auditor General for Scotland and the Accounts Commission to enhance accountability for wellbeing and sustainable development. It noted that Audit Scotland does not directly target national outcomes or indicators (or associated ways of working) or explicitly apply a future generations lens.
244. The paper listed the benefits of this model as addressing the identified significant representation gap within the parliamentary system as an SPCB-supported body, and in public life more broadly. It would also improve accountability through the creation of new statutory investigation or review powers, similar to those held by the Welsh Commissioner.
245. The paper listed the limitations of this model as the limited capacity of the national audit system to provide the support, promotion and representation functions typically associated with a commissioner model. The paper also indicated that taking on these additional duties would require “significant additional resourcing” and could give rise to a conflict of interest if Audit Scotland was expected to take on accountability and supportive roles.
246. The paper estimated the annual costs for the additional capacity required within Audit Scotland as between £200,000 and £250,000.

247. The Minister told the Committee that the Scottish Government has no “fixed view” on this proposal and was unaware of Audit Scotland's view. ⁴
248. Sarah Boyack MSP said that she understood that Audit Scotland “would need more resources and more staff to do this”, and acknowledged that it would be additional work, but suggested that “a memorandum of understanding” could be introduced for public bodies to ensure their duties complement each other, similar to what happened in Wales. ⁵
249. Following the conclusion of evidence taking, Audit Scotland [wrote](#) to the Committee on the proposal for an enhanced role for Audit Scotland and indicated that:
- ” The options outlined in the paper are those of Carnegie UK's alone, as are calculations of any potential costs attached to an enhanced role for Audit Scotland. Any options and potential costs attached to an enhanced audit role would need to be considered by Audit Scotland, based on the extent of the audit work required, and would then be discussed and agreed by the Scottish Commission for Public Audit.
250. The Auditor General for Scotland included a link to a [response](#) submitted by Audit Scotland on behalf of the Auditor General for Scotland and the Accounts Commission for Scotland to the Scottish Government's Bill consultation. On the impact for Audit Scotland, it stated that:
- ” Any additional requirements to provide assurance over the operation of new systems will carry further costs, or risk diluting or reducing the extent of our current audit work. Without such consideration, there is a risk that requirements placed on the audit process would restrict the scope of the existing audit work.
251. In [supplementary evidence](#), the CYPES said that the option for a strengthened role for Audit Scotland is “likely to be the most effective”, due to the “existing breadth of the office's remit in terms of public bodies’ work, and the clearer link between public body finance, performance, and efforts towards sustainable development”. This option would be particularly effective if it is “linked to a clear framework for achieving sustainable development, such as a reformed national performance framework”.
252. Sarah Boyack MSP told the Committee that she had considered all of the options in Carnegie UK's paper and opted for establishing a commissioner, as:
- ” I genuinely think that without a commissioner to hold public bodies to account and work collaboratively with the Government, we will not see this being accelerated. It is not enough just to have a duty and a definition; we need the implementation. That is critical. ⁵
253. On the option for a government-appointed advisory council that could report to the First Minister, Ms Boyack recommended adopting the approach taken in Wales, where an advisory committee works with the Commissioner, as that approach “brings a range of bodies together and avoids overlap”.
254. The Committee heard evidence about options for parliamentary oversight, including from Carnegie UK. The Committee is aware that there is an ongoing internal review of Scotland's Futures Forum, which is an entity wholly owned by the SPCB. The

evolution of a futures thinking service in the Scottish Parliament aligns well with the concepts of sustainable development, intergenerational equity and wellbeing of current and future generations.

Conclusion: The Committee notes the alternative proposals in Carnegie UK's research paper for: shared responsibilities across SPCB-supported bodies; a strengthened role for Audit Scotland; parliamentary representation; a government appointed advisory council; and an independent roundtable.

Conclusion: The Committee notes the evidence from the Auditor General for Scotland of the potential risk of “diluting or reducing the extent of our current audit work” if Audit Scotland was to take a strengthened role, and confirmation that any costs for Audit Scotland have not been quantified. We appreciate that there will be a cost associated with effective oversight regardless of who takes on this role.

The Committee suggests that the evidence it has taken during its scrutiny of the Bill, and the conclusions we have reached could support the direction for futures thinking in the Scottish Parliament, including support across committees on such issues, and consideration of the explicit inclusion of a session 7 committee remit on future generations, sustainable development and intergenerational equity.

National Performance Framework

255. The [Policy Memorandum](#) indicates that the Member believes that the Bill 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”.
256. In response to the Committee's call for views most respondents expressed support for the Bill's overall principles. However, many questioned how well its provisions align with the National Performance Framework and similar duties in existing legislation.⁶
257. Carnegie UK told the Committee that it is “absolutely vital” to connect the ambitions in the Bill with the NPF, as the Framework “could provide the ability to measure progress and outline what can be done in connection with the national outcomes”.¹
258. The RTPi Scotland said that it is “critical” that there is alignment between the Bill, the NPF and national outcomes, as they are “widely considered to be our wellbeing framework in Scotland”.²
259. Social Enterprise Scotland agreed that alignment is necessary between the NPF and the Bill and highlighted the overlap of the provisions in the Bill with those in current legislation, such as the Community Wealth Building (Scotland) Bill and the Land Reform (Scotland) Bill.²

260. In the [memorandum](#) setting out the its position on the general principles of the Bill, the Scottish Government highlighted that while the Policy Memorandum indicates that the intention is “that the Bill will complement and strengthen the functioning of the NPF”, it does not outline how this will be implemented. The Scottish Government believes that its current review of the NPF and national outcomes provides an opportunity to achieve the policy objectives of the Bill. The memorandum stated that:
- ” It is possible that by working with public bodies to promote and implement the NPF, alongside other non-legislative measures, strong working practices, scrutiny and accountability could be established to address the issue.
261. The NPF consists of 11 national outcomes and 81 national indicators, which are to be implemented by 132 public bodies and 32 local authorities in Scotland.
262. In the Finance and Public Administration Committee's recent [report](#) on its review of the national outcomes, it concluded that implementation of the Outcomes does not reflect their importance. The Committee described the use of the NPF as “patchy and mixed” and recommended that “a greater step change is needed if the ambitions of the NPF are to be delivered”.
263. In response to the Committee's report, the Scottish Government announced a substantial reform of the NPF to ensure that its ambition is matched by action.
264. The Minister confirmed in [correspondence](#) to the Committee that the intention is to launch the next iteration of the NPF “as soon as possible in 2026”.
265. The Scottish Government's [memorandum](#) stated that reform of the NPF aims to “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”.
266. The Committee received evidence of a cautious support for the Scottish Government's suggested approach of reform of the NPF as an alternative mechanism to achieving the policy objectives of the Bill. There were a number of issues which stakeholders raised that the reform of the NPF should address. This included improved oversight and accountability mechanisms, alignment with the United Nations sustainable development goals, and greater engagement and visibility.
267. [SEPA](#) described reform of the NPF as an opportunity to create “connections between organisations to help create appropriate action and interventions that implement the outcomes that the Bill is seeking”.
268. [Oxfam Scotland](#) described the national outcomes as “key to translating the overarching goals of sustainable development and wellbeing into concrete outcomes for Scotland” and recommended that they be “streamlined with other duties and strengthened”.
269. The CYPSC supported “consideration of how sustainable development could be strengthened through consideration of the national performance framework”.²
270. SIDA told the Committee that it is unclear whether public bodies “even understand what the targets and outcomes are” and recommended that the NPF be aligned

with the United Nations sustainable development goals, which are due to be implemented by 2030. ²

271. [Public Health Scotland](#) recommended that the reform of the NPF should “drive positive culture change across Scotland and not simply be used to set national targets to measure performance”.
272. A lack of awareness and visibility of the NPF was raised by the Scottish Youth Parliament who advised the Committee that “the framework is really confusing from an outsider's perspective”, and this acts as a barrier to young people and members of the public being able to check progress. ¹
273. An issue raised by both [SIDA](#) and [One Parent Families Scotland](#) is the need for improved engagement when setting national outcomes. SIDA said that the Outcomes “are currently not developed based on strong participatory processes”, while One Parent Families Scotland recommended that policy makers place lived experience at the heart of public policymaking and recognise that single parent families have a meaningful and important role to play as Scotland moves towards a Just Transition.
274. The Minister confirmed that the NPF “is aligned with the United Nations sustainable development goals and provides a coherent structure for measuring progress”. Mr Lochhead pointed to the legal requirement in the Community Empowerment (Scotland) Act 2015, which requires public bodies to “have regard to the national outcomes”. ⁴
275. Sarah Boyack MSP told the Committee that analysis of the reviews of the national outcomes every five years, showed that “we are not getting implementation on the national performance framework and the national outcomes”. Ms Boyack added that the wellbeing outcomes in the Bill complement those in the NPF and would “support the Government's ambitions and mean that more of the focus was on implementation rather than just targets, which is critical”. ⁵
276. The Minister confirmed that the Scottish Government's review of the NPF intends to improve how it is used, accountability mechanisms and how the impact of decisions is measured. It will also consider any learning from the work of the Future Generations Commissioner for Wales, ahead of publication of proposals for consultation in early 2026. ⁴
277. The Minister also told the Committee that the goal “is to deliver a more strategic, coherent and impactful framework” and that the Scottish Government wishes to await the outcome of the work of the NPF Reform Advisory Group before coming to a view on the proposed reforms. Mr Lochhead confirmed that he would provide further details in writing on the Government's developing proposals for reform of the NPF.
278. In [correspondence](#) to the Committee, the Minister confirmed that the Scottish Government is currently in phase two of developing a refreshed NPF, which includes “outcomes, indicators and implementation themes and mechanisms”. This includes “learning from UK and international good practice” and testing draft proposals in collaboration with internal and external stakeholders.

279. The Minister provided details on the three aims of the project:

- “to ensure the NPF is, and operates as, a shared vision for the kind of Scotland we want to have and live in - helping all of Scotland's actors to plan policies;
- to refresh the national outcomes to ensure these are focussed on the key drivers of wellbeing and continue to localise the UN Sustainable Development Goals;
- to have a stronger implementation plan to ensure the NPF is embedded in all policy and budget decision making – this has been highlighted as the “implementation gap” in the last three Scottish Parliament inquiries on the NPF.”

280. The letter clarified that the remit of the NPF Reform Advisory Group is “to provide professional advice and expertise related to the NPF reform project”. The Group has focussed on the overall purpose and vision of the NPF; the national outcomes; how to improve alignment between policy and budget decisions; how to improve implementation of a reformed NPF, including by strengthening accountability; and how to enhance communication, profile and visibility of the NPF across the public sector, including public bodies.

281. The Minister explained that the Government and Non-Departmental Public Bodies (NDPBs) have a shared responsibility to ensure that their respective plans, objectives and business processes are aligned in order to maximise the contribution to the national outcomes and targets set out in the NPF. Public bodies are also required to have in place “performance measures that demonstrate the achievement of outputs and their contribution toward longer-term outcomes”.

282. Phase three is expected to begin in early 2026 and will include “engagement and consultation with wider stakeholders, partners and the public”.

283. The Minister also confirmed that improvements in implementation and accountability are “key considerations in our approach to both NPF reform and the Public Service Reform (PSR) strategy.”

284. As part of the review, the Scottish Government proposes “to draw upon the [OECD's Measurement of Wellbeing Framework](#) which offers a strong and internationally recognised foundation for developing wellbeing outcomes”.

Conclusion: The Committee recognises from the evidence it has received, the support for the policy intentions of the Bill, including from the Scottish Government, and that the achievement of policy coherence for sustainable development is critical.

Conclusion: We note Sarah Boyack MSP's view that the three main strands of the Bill are necessary to achieve the Bill's policy objectives. However, it is unclear whether the combination of the provisions in the Bill would meet the policy objective to “complement and enhance existing national frameworks”, as it has been difficult to see how the provisions can be implemented in a way which would avoid causing confusion, additional complexity and duplication for public bodies.

Recommendation: 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.

Conclusion: 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.

Recommendation: The Committee asks the Scottish Government to confirm who will provide guidance, support and oversight if there is not to be a commissioner.

Recommendation: 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.

Conclusion: 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".

Recommendation: 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 national outcomes, and if it is not achieving the expected impact, to consider other measures.

Financial and resource implications

285. The [FM](#) provides estimated costs for the Scottish Administration and local authorities of implementing the provisions in the Bill.
286. The initial costs estimated in the FM for the Scottish Administration to ensure that 131 public bodies^[1] 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.ⁱⁱ

287. The FM states that each local authority in Scotland will be subject to the duty imposed by the Bill. It estimates that the total initial costs for local authorities will be between £28,416 and £56,832, and £14,208 per annum on an ongoing basis.
288. The FM estimates the Commissioner's set-up costs as ranging from £298,467 to £595,201, with ongoing costs of £675,732 to £1.747m per annum.
289. The ongoing costs include an estimate of between £381,732 and £1.265m per annum for the Commissioner's remuneration and staff salaries. The intention is for the Commissioner's office to have four to 15 staff members.
290. The FM confirms that the Future Generations Commissioner for Wales had approximately 27 members of staff, with a total staff cost of almost £1.8m in 2023-24.

Costs

291. While there was a general view in responses to the Committee's call for views that embedding wellbeing and sustainable development into public sector decision-making is a worthwhile aim, several submissions raised concerns that the cost estimates provided may be incomplete or underestimated, particularly in relation to staffing, implementation support, and the proposed functions of the Future Generations Commissioner for Scotland.⁶
292. In its [memorandum](#), the Scottish Government raised a concern about “uncertainties regarding the costs included in the Bill's Financial Memorandum”, saying 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 [Future Generations Commissioner], given it can charge ‘reasonable sums’ for costs incurred.
293. The memorandum also stated that the Scottish Government wishes to consider alternative non-legislative accountability systems which could be taken forward at less cost, as establishing a commissioner “will bring additional costs to the Government at a time of significant budgetary pressures”.
294. The FM indicates that a similar approach was used in the FM for the Islands (Scotland) Bill 2020. That approach recognised that, while there will be central work required to ensure familiarisation with the duty, this “work will lead to the sharing of best practice between officials within an organisation over time to ensure that any changes in processes and policy development practices resulting from the duty can become embedded within public bodies”.
295. Professor David Bell described this as an inappropriate financial comparator, as the

ii The Financial Memorandum refers to 131 public bodies. When the Committee's report was written, the number of public bodies was 132. [Public bodies - gov.scot](#).

Bill “is intended to influence public bodies in a fundamental way, while the Island's Act has a much more limited scope”.

296. Professor Bell stated that the full financial implications for public bodies, such as Audit Scotland and the Scottish Government have not been “given due weight in the costings” and that the lack of attention given to the wider implications of the Bill “suggests that its costs have been significantly underestimated”. These include an incorrect assumption that the same level of information gathering and training required for implementation of the Islands Bill is required, that data is readily available to assess the efficacy of policy changes, and that preventive actions to reduce future demands on frontline services can be readily implemented. He added that similar issues were raised by Audit Wales in its recent review of the Welsh Act.⁶
297. Historic Environment Scotland said that “more resource will be needed” for public bodies to implement the new duties, highlighting the resource implications for undertaking impact assessments for every strategy or plan developed by an organisation.⁶
298. The Care Inspectorate said there is the potential for increased bureaucracy and stated that any change to its duties as a public body “may have significant resource implications for areas such as staff training or funding to recruit additional staff”. They suggested linking decisions or duties as part of public policymaking to corporate plans or strategies, as a more cost-effective way to demonstrate compliance with the new duty.⁶
299. [Dumfries and Galloway Council](#) also referred to training costs, as well as potential costs for “reviews and litigation if an aggrieved party considers that the ‘interests of future generations’ have not been given due consideration”. It stated that this could place further strain upon public resources and highlighted that “single-year financial settlements and ring-fencing are not conducive for an environment for long term planning.”
300. The RTPi Scotland explained that as the new duty in the Bill does not align with existing duties and work being undertaken to promote sustainable development and wellbeing by local planning authorities, it “could potentially have the opposite effect of creating additional parallel duties that would place additional resource pressures on local planning authorities”.²
301. The Minister told the Committee that, being mindful of the pressures facing public bodies, “unnecessary and potentially costly statutory obligations” should be avoided and “non-legislative alternatives should be explored before legislation is considered”. Mr Lochhead confirmed that the Scottish Government's preferred non-legislative route is “to enhance the national performance framework and how that is scrutinised and accountability is built in”.⁴
302. Professor Jones told the Committee that the Welsh Commissioner's office received annual funding “of around £4 million a year” from a devolved budget of £30 billion. He observed that “It is not surprising that we have not seen big changes, because the commissioner's 20 or 30 staff have no way to cover all the things that they need to be across”. Professor Jones added:

” 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.³

303. The Minister told the Committee that, as the financial memorandum acknowledges, “it is difficult to estimate the full costs of such a commissioner” and that the lack of certainty about the costs “raises legitimate questions about whether such a role would represent value for money”. Mr Lochhead added that the Scottish Government believes in changing the culture of organisations and public bodies, “so that sustainable development and wellbeing become the norm”, rather than “a commissioner launching investigation after investigation, with all the costs and bureaucracy associated with that.”⁴

Potential future savings

304. The FM states that the Bill could lead to long-term savings due to policy interventions that create better outcomes for people, which will reduce demand for public services. It refers to the findings of the 2011 [Christie Commission report](#) that “as much as 40 per cent of all spending on public services is accounted for by interventions that could have been avoided by prioritising a preventative approach”.

305. The FM indicates that the Member considers that “investing resources now to prioritise sustainable development and enhance the wellbeing of future generations will foster a more preventative, long-term approach to public policymaking and decision-making, which will significantly reduce avoidable costs being incurred by the public purse in the future”.

306. There was general agreement in the evidence received by the Committee that there needs to be more investment to meet wellbeing and sustainable development goals. However, views differed on whether establishing a commissioner would provide the best value for money.

307. [Public Health Scotland](#) highlighted the Chartered Institute of Public Finance and Accountancy’s (CIPFA) view that long-term investment is “often seen as an easy tap to turn off”, and that “While this may ease short-term pressures it fails to recognise the long-term consequences.”

308. The Scottish Youth Parliament told the Committee that investment now would “save money in the long term” and “avoid the consequences of not investing in the future”.¹

309. Scottish Environment LINK described the establishment of a commissioner as a “net positive”, as it would require a very limited amount of money but could have “a significant impact in terms of providing advice, guidance and a steer on policy making that would result in greater policy coherence and better expenditure of resources elsewhere”. However, it acknowledged that duplication of responsibilities “would be a waste of money”.¹

310. SIDA told the Committee that it does not matter what the chosen mechanism is “as long as we do something ... we will save money in the long term”.¹
311. Carnegie UK agreed, saying that investment which focuses on long-term outcomes will bring financial benefits. It added that it is “essential that we measure what matters and that there is better tracking of those costs and savings in a unified and consistent manner across Government” and suggested this could be done by embedding the NPF in the Bill.¹
312. The SPCB Supported Bodies Landscape Review Committee indicated that the SPCB’s Budget bid for 2025-26 included a total cost for officeholders of £16.6 million.
313. Social Enterprise Scotland suggested that a less expensive approach might be to establish “a commissioners’ office for Scotland” which could provide the back-office functions for all commissioners.²
314. The CYPCS did not agree with the proposal for the SHRC to take on the sustainable development duty, saying “we are not convinced that there has been a sufficiently clear consideration of the options, particularly with regard to resources.”²
315. The Minister said that he was not opposed to shared back-office functions if it “saved costs and was more efficient”. However, he reiterated the Scottish Government’s concerns about “significant and unknown costs” associated with this approach. Mr Lochhead explained that “The total, even for the factors that we know about, could run into millions of pounds. If the definitions of “wellbeing” and “sustainable development” were as wide as the current proposal envisages, it would mean that investigations into all kinds of things could be launched”.⁴
316. Ms Boyack told the Committee that the Bill might lead to long-term savings by supporting collaborative conversations and the sharing of best practice across public sector organisations to invest in sustainable policies “that will save money further down the line”.⁵

Conclusion: The Committee recognises the potential for the provisions in the Bill to make long-term financial savings and that investing in embedding sustainable development and wellbeing in public policy could be considered as preventative spend.

Conclusion: The Committee notes the uncertainty about the cost implications for public bodies in fulfilling the proposed duties and in responding to investigations undertaken by the Commissioner.

Conclusion: The Committee also notes Carnegie UK’s research which found that of the six options, a Future Generations Commissioner for Scotland would make the greatest impact, but is also the most expensive.

Conclusion: The Committee highlights the issue raised by the Finance and Public Administration Committee that “The proliferation of new Commissioner roles is also a concern for the Committee in the context of our work on the sustainability of Scotland's finances”.

Recommendation: 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.

The Well-being of Future Generations (Wales) Act 2015

317. The Committee considered what lessons could be learned from the implementation and impact of the Well-being of Future Generations (Wales) Act 2015.
318. The 2015 Wales Act aims to improve social, economic, environmental and cultural well-being in Wales. It does so by trying to ensure that future generations have at least the same quality of life as people in Wales have now. It provides 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.
319. Audit Wales looked at how public bodies were applying the Act, and published its [report](#) in April 2025. The Auditor General for Wales found that:
- ” Ten years on from its inception, I see energy and enthusiasm for the Act in various quarters; and I see public bodies having different conversations, making decisions informed by the Act, and changes in practice. But for all the good examples, there are those that are not so good. The Act is not driving the system-wide change that was intended.
320. Professor Calvin Jones told the Committee that a lack of enforcement powers in the Act for the Commissioner to respond to public bodies not following the legislation, had impacted on co-delivery. ³
321. SIDA also highlighted the Commissioner's lack of enforcement powers, as well as a lack of “global perspective”, which they recommended should be added to the public duty in the Bill. ¹
322. Scottish Environment LINK told the Committee that feedback indicated that the impact of the Commissioner in Wales “has been positive but it has generally been soft and focused on cultural change”. This is due to the commissioner not having the power to hold the Government or public bodies to account. They suggested it would be beneficial to enhance that aspect of the Bill. ¹
323. UKELA Scotland said that a benefit of the Act is that it “grants a great level of autonomy to local authorities in determining area-specific wellbeing outcomes, which enables localised responses while maintaining national coherence”. They thought a similar approach could be considered to enable the Bill to meet Scotland's diverse regional requirements. ²
324. Sean Taheny, Assistant Clerk, NGBU confirmed that Sarah Boyack MSP had

considered the Welsh model but did not choose it as she “did not consider that the Welsh model would translate as well in Scotland”, as “Scotland's public sector is significantly bigger than Wales’s public sector”. Also this approach would require a lot more resource, if the Commissioner was required to consider the wellbeing objectives of each public body.⁵

325. The CYPCS stressed that the Wales Act “is a quite different piece of legislation” to the Bill, as it involves the creation of objectives and the taking of concrete steps towards achieving them. It advised that despite the Act having “stronger requirements and clearer wellbeing tied to objectives”, it “has not led to that system-wide change”.²
326. The RTPi Scotland highlighted that the Wales Act appeared to take a much stronger stance on future generations, “which is important”. Jenny Munro told the Committee that colleagues in Wales found linking the definition of sustainable development with the implementation of the sustainable development principle, which sets out five key ways of working, “particularly helpful”, as that allowed public bodies to demonstrate how they had met the goals of the legislation. The five ways of working are collaboration, integration, involvement, long term and prevention.²
327. Sarah Boyack MSP told the Committee that the Welsh Commissioner's ability to produce policy guidance “has been critical”, and that “Independent reports have shown that their work has changed the culture in public bodies in Wales and pushed wellbeing and sustainable development up the agenda. Lots of work has been done in Wales that we can learn from.”⁵

Conclusion: The Committee notes evidence that the introduction of the Well-being of Future Generations (Wales) Act and the establishment of the Future Generations Commissioner for Wales have had a positive impact on the culture within public bodies and improved awareness of sustainable development and wellbeing. However, we also note that the Auditor General for Wales found that the legislation “is not driving the system-wide change that was intended.”

Conclusions and recommendations

328. The Committee wishes to thank Sarah Boyack MSP for introducing the Bill. It has provided a valuable opportunity to consider how best to embed wellbeing and sustainable development in public policy making.
329. We support the policy objectives of the Bill to embed sustainable development and wellbeing as primary considerations in public policy making to accelerate progress and ensure that Scotland achieves its climate change targets.
330. We heard strong arguments about the need for progress to be made on these issues, the importance of ensuring that public bodies can prioritise and deliver them, and that public bodies' decisions are informed by a consideration of the impact of those decisions on future generations.
331. To make the progress required to meet wellbeing and sustainable development goals, public bodies must have the tools, guidance, support and accountability mechanisms to enable a consistent approach to delivery. A key issue which must be addressed is how to ensure that legislative duties are implemented.
332. It is essential that public bodies have a shared understanding of sustainable development and wellbeing to enable them to consistently embed them in public policy. However, that is currently not the case. We therefore welcome confirmation from the Scottish Government that implementation and accountability are key strands of its reform of the NPF.
333. The Committee is not convinced that the justification and effectiveness criteria set by the SPCB Supported Bodies Landscape Review Committee, and agreed by Parliament, to establish an SPCB-supported body, have been met. However, if the Bill was to progress without a Commissioner, the Scottish Parliament must be clear about who will provide guidance, support and oversight.
334. The Committee supports the policy intention of the Bill. In reaching a view on the general principles, we have acknowledged, firstly, the presumption against creating any further SPCB-supported bodies. We have also recognised support for the Bill among many stakeholders, as well as the significant doubts raised about its likely impact, cost and effectiveness. Finally, we have noted the Scottish Government's ongoing review of the National Performance Framework.
335. On balance, a majority of the Committee has concluded that the Bill should not proceed to Stage 2. However, a minority of the Committee felt there is a strong argument for the Bill to proceed to Stage 2.

Annex A: References to sustainable development in Scottish legislation

336. Please find below a list of the 26 Acts of the Scottish Parliament which refer to “sustainable development”, often prefixed by references to ‘promoting’ or ‘achieving’, up to the end of February 2024.

National Parks (Scotland) Act 2000

Water Industry (Scotland) Act 2002

Building (Scotland) Act 2003

Land Reform (Scotland) Act 2003

Local Government in Scotland Act 2003

Water Environment and Water Services (Scotland) Act 2003

Further and Higher Education (Scotland) Act 2005

Transport (Scotland) Act 2005

Environmental Assessment (Scotland) Act 2005

Water Services, etc. (Scotland) Act 2005

Planning etc. (Scotland) Act 2006

Crofting Reform etc. Act 2007

Schools (Health Promotion and Nutrition) (Scotland) Act 2007

Climate Change (Scotland) Act 2009

Flood Risk Management (Scotland) Act 2009

Crofting Reform (Scotland) Act 2010

Marine (Scotland) Act 2010

Public Services Reform (Scotland) Act 2010

Police and Fire Reform (Scotland) Act 2012

Post-16 Education (Scotland) Act 2013

Community Empowerment (Scotland) Act 2015

Land Reform (Scotland) Act 2016

Forestry and Land Management (Scotland) Act 2018

Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

South of Scotland Enterprise Act 2019

UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021

Annex B: Acronyms

337. Please find below an alphabetical list of the acronyms used in this report.

CIAT	Chartered Institute of Architectural Technologists
CIPFA	Chartered Institute of Public Finance and Accountancy
CYPCS	Children and Young People's Commissioner Scotland
DPLR	Delegated Powers and Law Reform
FGC	Future Generations Commissioner
FM	Financial Memorandum
FPA	Finance and Public Administration
HES	Historic Environment Scotland
NDPB	Non-Departmental Public Bodies
NGBU	Non-Government Bills Unit
NPF	National Performance Framework
NPF4	National Planning Framework 4
OECD	Organisation for Economic Co-operation and Development
PCSD	Policy Coherence for Sustainable Development
PHS	Public Health Scotland
PM	Policy Memorandum
PSR	Public Service Reform
RTPI	Royal Town Planning Institute
SD	Sustainable Development
SEPA	Scottish Environment Protection Agency
SHRC	Scottish Human Rights Commission
SIDA	Scotland's International Development Alliance
SPCB	Scottish Parliamentary Corporate Body
SPICe	Scottish Parliament Information Centre
UKELA	UK Environmental Law Association
WEALL	Wellbeing Economy Alliance

WFG	Wellbeing of Future Generations
WSD	Wellbeing and Sustainable Development

Annex C: Written and oral evidence

Submissions received to the call for views:

- [Detailed Consultation](#)
- [Summary of responses](#)

Written submissions from organisations that provided oral evidence

- [Aberdeenshire Council](#)
- [CLD Standards Council Scotland](#)
- [Oxfam Scotland](#)
- [Professor David Bell, University of Stirling](#)
- [Quakers in Scotland](#)
- [Stop Climate Chaos Scotland](#)
- [UKELA \(UK Environmental Law Association\) Scotland](#)
- [Professor Colin T Reid](#)
- [Scotland's International Development Alliance](#)
- [Dr Max French](#)
- [Children and Young People's Commissioner Scotland](#)
- UKELA Scotland

Correspondence

- [Letter from the Minister for Business and Employment, 28 November 2025](#)
- [Letter from the Auditor General for Scotland, 19 November 2025](#)
- [Letter from the Member-in-charge of the Bill regarding the Equalities Impact Assessment \(EQIA\) for the Bill, 27 October 2025](#)
- [Letter from the Convener of the Finance and Public Administration Committee, 11 November 2025](#)
- [Letter from the Minister for Business and Employment, 22 August 2025](#)
- [Letter from the Presiding Officer to Sarah Boyack MSP, 25 July 2025](#)
- [Letter from the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, 18 July 2025](#)
- [Letter to the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, 20](#)

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- [19 June 2025](#)
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- [25 September 2025](#)
- [09 October 2025](#)
- [30 October 2025](#)
- [06 November 2025](#)
- [13 November 2025](#)
- [20 November 2025](#)

All Committee engagement, correspondence and evidence can also be found by navigating to the Stage 1: general principles section of the [Wellbeing and Sustainable Development \(Scotland\) Bill](#) page.

Annex D: Extracts from the minutes

You can read the minutes of the Committee's meetings at the Scottish Parliament website—

[Social Justice and Social Security Committee - Meetings](#)

[19th Meeting of 2025 \(Session 6\) Thursday, 19 June, 2025](#)

2. Wellbeing and Sustainable Development (Scotland) Bill (In Private):

The Committee considered its approach to scrutiny of the Bill at Stage 1. The Committee agreed—

to issue a call for views, and to delegate sign-off of the accompanying news release to the Convener; to invite the Future Generations Commissioner for Wales and a member of the Scottish Youth Parliament to give oral evidence, and to consider other invitees at a future meeting; that late submissions will be published as correspondence and excluded from the SPICe analysis of responses; to consider any further approach to consideration of the Bill, consideration of evidence and any draft reports or letters, in private at future meetings; and to delegate to the Convener and the Clerks responsibility for agreeing any witness expenses.

[22nd Meeting, 2025 \(Session 6\) Thursday, 11 September 2025](#)

1. Wellbeing and Sustainable Development (Scotland) Bill (In Private):

The Committee considered its approach to the scrutiny of the Bill at Stage 1. The Committee agreed its timetable for Stage 1 evidence on the Bill and the witnesses to be invited to provide oral evidence.

[24th Meeting, 2025 \(Session 6\) Thursday, 25 September 2025](#)

4. Wellbeing and Sustainable Development (Scotland) Bill (In Private):

The Committee received a briefing on the Bill at Stage 1.

[26th Meeting, 2025 \(Session 6\) Thursday, 09 October 2025](#)

4. Wellbeing and Sustainable Development (Scotland) Bill:

The Committee took evidence on the Bill at Stage 1 from—

Professor Calvin Jones, economist;

Professor Colin Reid, Emeritus Professor of Environmental Law, University of Dundee.

5. Wellbeing and Sustainable Development (Scotland) Bill (In Private):

The Committee agreed to defer consideration of the evidence heard under item 4.

[27th Meeting, 2025 \(Session 6\) Thursday, 30 October 2025](#)

2. Wellbeing and Sustainable Development (Scotland) Bill:

The Committee took evidence on the Bill at Stage 1 from—

Adam Milne, Senior Policy Advocate, Carnegie UK;

Frances Guy, Chief Executive Officer, Scotland's International Development Alliance;

Skye Allan, MSYP for Dumfriesshire, and Kristers Lukins, MSYP for Dundee City West, the Scottish Youth Parliament;

Lloyd Austin, Convener of the LINK Governance Group, Scottish Environment LINK.

3. Wellbeing and Sustainable Development (Scotland) Bill (In Private):

The Committee considered the evidence heard under item 2 and on 9 October 2025.

[28th Meeting, 2025 \(Session 6\) Thursday, 06 November 2025](#)

2. Wellbeing and Sustainable Development (Scotland) Bill:

The Committee took evidence on the Bill at Stage 1 from— Jenny Munro, Policy, Practice and Research Officer, Royal Town Planning Institute Scotland; Duncan Thorp, Policy and Public Affairs Manager, Social Enterprise Scotland; Ellie Twist, Co-Convenor for UKELA Scotland, UK Environmental Law Association; Emma Hunter, Policy Officer, Children and Young People's Commissioner Scotland.

4. Wellbeing and Sustainable Development (Scotland) Bill (In Private):

The Committee considered the evidence heard under item 2.

[29th Meeting, 2025 \(Session 6\) Thursday, 13 November 2025](#)

2. Wellbeing and Sustainable Development (Scotland) Bill:

The Committee took evidence on the Bill at Stage 1 from—

Richard Lochhead, Minister for Business and Employment, Kirsten Simonnet-Lefevre, Solicitor, and Iain Stewart, Team Leader, Strategy Division, Scottish Government.

3. Wellbeing and Sustainable Development (Scotland) Bill (In Private):

The Committee considered the evidence heard under item 2.

[30th Meeting, 2025 \(Session 6\) Thursday, 20 November 2025](#)

2. Wellbeing and Sustainable Development (Scotland) Bill:

The Committee took evidence on the Bill at Stage 1 from— Sarah Boyack, Member in charge of the Bill, Roz Thomson, Head of Non-Government Bills Unit, Sean Taheny, Assistant Clerk, Non-Government Bills Unit, and Caroline Mair, Solicitor, Legal Services, Scottish Parliament.

3. Wellbeing and Sustainable Development (Scotland) Bill (In Private):

The Committee considered the evidence heard under item 2.

[32nd Meeting, 2025 \(Session 6\) Thursday, 04 December 2025](#)

2. Wellbeing and Sustainable Development (Scotland) Bill (In Private):

The Committee considered key issues for its draft Stage 1 report.

[33rd Meeting, 2025 \(Session 6\) Thursday 11 December 2025](#)

5. Wellbeing and Sustainable Development (Scotland) Bill (In Private): The Committee considered a draft Stage 1 report. Various changes were agreed to, and the Committee agreed to consider a revised draft, at its next meeting.

[34th Meeting, 2025 \(Session 6\) Thursday 18 December 2025](#)

4. Wellbeing and Sustainable Development (Scotland) Bill (In Private): The Committee considered a revised draft Stage 1 report. Various changes were agreed to, and the report was agreed for publication.

- [1] Scottish Parliament. (2025, December 19). Official Report of the Social Justice and Social Security Committee. Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SJSS-30-10-2025?meeting=16653>
- [2] Scottish Parliament. (2025, December 19). Official Report of the Social Justice and Social Security Committee. Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SJSS-06-11-2025?meeting=16671>
- [3] Scottish Parliament. (2025, December 19). Official Report of the Social Justice and Social Security Committee. Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SJSS-09-10-2025?meeting=16635>
- [4] Scottish Parliament. (2025, December 19). Official Report of the Social Justice and Social Security Committee. Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SJSS-13-11-2025?meeting=16681>
- [5] Scottish Parliament. (2025, December 19). Official Report of the Social Justice and Social Security Committee. Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SJSS-20-11-2025?meeting=16696>
- [6] Scottish Parliament. (2025, December 19). Summary of written evidence. Retrieved from <https://www.parliament.scot/-/media/files/committees/social-justice-and-social-security-committee/correspondence/wellbeing-bill/spice-summary-wellbeing-and-sustainable-development-bill.pdf>

Social Justice and Social Security Committee

Stage 1 report on the Wellbeing and Sustainable Development (Scotland) Bill, 11th Report, 2025 (Session 6)

