

Wellbeing and Sustainable Development Bill Consultation

BACKGROUND

This response is submitted on behalf of Learning for Sustainability (LfS) Scotland; Scotland's United Nations University-recognised Regional Centre of Expertise (RCE) on Education for Sustainable Development. LfS Scotland is an open membership network of more than 1,000 organisations and individuals working to harness the full potential of learning to create a flourishing, sustainable world. Members and partners come together to undertake collaborative projects, and research and advocacy that advance and embed Learning for Sustainability practice and policy in Scotland. (<http://learningforsustainabilityscotland.org>).

It contains a synthesis of inputs from our members, core staff team, and academic colleagues.

1. Is a statutory definition of 'wellbeing' required?

Yes

2. Do you have any views on how 'wellbeing' can be clearly defined in legislation?

Several possible principles were offered by our members.

Principles should include:

- 'Wellbeing' should include planetary and ecological wellbeing
- 'Human wellbeing' should be considered in its broadest sense; including not only physical wellbeing but also mental wellbeing and the inter-reliance of all forms of human wellbeing on the natural, 'more-than-human' world and vice-versa.
- Definitions should include the wellbeing of adults, young people and children
- 'Wellbeing' is a broad concept and care needs to be taken to ensure the design of appropriate methodologies and indicators for monitoring and evaluation purposes. Our members suggested that the 'Getting it Right for Every Child' (GIRFEC) model demonstrates one methodology for how wellbeing is being adhered to and reported on with regards to young children.

3. Is a statutory definition of 'sustainable development' required?

Yes

4. Do you agree with our proposal that any definition of sustainable development should be aligned with the common definition: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"?

No

5. Do you have other views on how ‘sustainable development’ can be clearly defined in legislation?

“We have moved beyond this definition”

Our members feel strongly that we have moved beyond this definition. The Brundtland definition (1987) is important because it marks the time and agreement that initiated global discussion on a shared future living within environmental limits. However, it has since been superseded by evolved thinking on sustainable development.

In brief, the original ‘three pillars’ model was recognised to identify the areas of ‘society, environment and economy’, but these were not necessarily presented as being ‘connected’ in any way. As is now increasingly evident, the health and wellbeing of human society and the ecosphere are interconnected - and interdependent.

There are now many definitions and understandings of sustainable development; including Raworth’s doughnut (Raworth 2012) which offers the foundation for society and the safe and healthy limits within which we can survive, but also highlights how we are not achieving health and equity goals. We have shifted from *human-centred* to *nature-respecting*; from *needs* to *rights*. There is now more focus on *equity* and *inclusion*, and *dignity for all*, with *no harm to planet*; recognising the rights for choice, freedom and agency by poor or marginalised peoples. In some ways this plurality impedes shared understanding and action, but providing the principles are broadly understood, allowing people to identify with sustainable development definitions in context can be very powerful and provides significant opportunity for meaningful, relevant, place-based action.

“Sustainable development is more than the SDGs”

Many of our members work with the UN Sustainable Development Goals (SDGs), but they realise that ‘sustainable development’ is not the same as the SDGs. The SDGs frame the latest policy context. They are useful in that they represent a wide scope of areas and a holistic approach; they are universal; applying to all UN nations, sectors, scales and actors (unlike the MDGs); they represent the results of a wide consultation across 7 million people and many lobbying groups; and they integrate human and environmental concerns. Since their launch in 2015, they have slowly been taken up by much of the public sector, larger private companies, some NGOs and agencies and other countries; presenting a common language for discussion of sustainable development action and a shared suite of indicators by which to assess progress towards targets. Of course, Scotland’s National Outcomes embed the SDGs and frame the current work of government here. However, the SDG multiplicity has proved an implementation barrier, and the different views that led to these SDGs have created the paradox of rhetoric for post WWII international development and neoliberal forms of economic growth through global trade versus rhetoric for aspiration and liberal, rights-based approaches. Our members noted that some people only connect with one or two SDGs, although the SDGs represent a holistic approach and system and we should be addressing this interactivity.

Definitions of ‘learning for sustainability’

Significant progress has been made both in Scotland and internationally in terms of the creation and implementation of policy and practice to weave ‘sustainability’ across both formal (i.e. early learning & childcare, schools, colleges and universities) and non-formal (i.e. community, youth, adult) learning. Some of this thinking may prove to be of use when determining how ‘sustainable development’ can be defined in legislation.

Learning for Sustainability (internationally known as Education for Sustainable Development) is *‘an international and national priority for education; which enables learners to take informed decisions and responsible actions for environmental integrity, economic viability and a just society, for present and future generations, while respecting cultural diversity. It is about lifelong learning, and is an integral part of quality education. ESD is holistic and transformational education, which addresses learning content and outcomes, pedagogy and the learning environment. It achieves its purpose by transforming society’*. UNESCO 2019 (<https://www.unesco.org/en/education/sustainable-development>)

Scotland has a long-standing commitment to Learning for Sustainability (Lfs). It aligns with many other aspects of learning; notably quality education and learner engagement. It is not merely learning about ‘sustainability’ but rather supports a suite of competencies to enable learners to fulfil their own potential, contribute to society and pursue ecologically, economically, culturally, and socially-sustainable futures in an uncertain, changing world.

In Scotland, Lfs is defined as *‘a cross-curricular approach which enables learners, educators, schools and their wider communities to build a socially-just, sustainable and equitable society. An effective whole-school and community approach to Lfs weaves together global citizenship, sustainable development education and outdoor learning to create coherent, rewarding and transformative learning experiences’*. (Scottish Government, 2013)

In 2023, the Scottish Government’s refreshed national Lfs Action Plan - *‘Target 2030: a movement for people, planet, and prosperity’* - set out Scotland’s continuing vision for Learning for Sustainability in educational settings through to 2030. This continues to align with the UN SDGs and sets out specific actions for stakeholders and delivery partners to achieve two key aims; namely that all Scottish learners receive their ‘entitlement’ to Lfs and that all 3-18 learning establishments become ‘sustainable learning settings’ by 2030.

The intentions and practices of learning for sustainability overlap with other contemporary agendas; including a recognition of its importance in enabling the ‘joined-up’, policy-coherent vision outlined in Scotland’s National Performance Framework . *“Making Lfs a key driver in the future of Scottish education will not only enable us to heed the call to action from learners but will allow us to achieve much more besides. All of our policy ambitions in relation to the UN Sustainable Development Goals (SDGs), United Nations Convention on the Rights of the Child, climate and net zero, biodiversity, circular economy, and economic and social transformation can only be delivered with the commitment of Scotland’s people, supported throughout their education.”* (Scottish Government, 2023). <https://>

This holistic approach is also evident in the way that Learning for Sustainability can be viewed as a ‘golden thread’ across much of the educational policy reform recommendations that are currently under consideration by Scottish Government. This includes:

- Referencing the concerns of young people regarding climate change and human rights, and including [Article 29 of the UN Convention on the Rights of the Child](#) as a key element of the vision for Scottish education (Professor Ken Muir’s *‘Putting Learners at the Centre’*: <https://www.gov.scot/publications/putting-learners-centre-towards-future-vision-scottish-education/pages/2/>)
- “Overall, the most powerful message emanating from the National Discussion is the need to educate **all** learners in Scotland for an uncertain and unpredictable future...” (*‘All Learners in Scotland Matter – national discussion on education summary report’*:

<https://www.gov.scot/publications/learners-scotland-matter-national-discussion-summary-report/pages/4/>

- “Scotland’s qualifications and assessment system should...Reflect the Scottish curriculum whilst being responsive to the changing needs of individual learners and of society, creating a positive and sustainable future for learners, their communities and the wider world.” ([‘It’s our Future’: independent review of qualifications and assessment](https://www.gov.scot/publications/future-report-independent-review-qualifications-assessment/pages/5/)): <https://www.gov.scot/publications/future-report-independent-review-qualifications-assessment/pages/5/>
- “The transformation facing our economy and society is enormous as changing technology, changing demographics, and a changing climate act as catalysts for the emergence of new industries and the reinvention of others.” ([‘Fit for the Future: review of the skills delivery landscape](https://www.gov.scot/publications/fit-future-developing-post-school-learning-system-fuel-economic-transformation/): <https://www.gov.scot/publications/fit-future-developing-post-school-learning-system-fuel-economic-transformation/>)

This approach necessitates a holistic approach to education - beyond merely the acquisition of ‘knowledge’ – that gives equal value and weight to the development of competences, values, attitudes and skills. Enabling learners, educators, schools and their wider communities to build a socially-just, sustainable and equitable world will require a shift from ‘teaching’ to ‘learning’, and the linking of formal and informal learning - with a corresponding shift in the way we assess this.

Defining ‘sustainable development’

Our definition of sustainable development is drawn from a recent paper we led on and represents the combination of aspiration and action and the need to work collectively whilst exploring contextual relevance.

“Sustainable development can be considered a process that facilitates the pursuit of sustainability. This is, at first, an aspiration; a vision of the future and articulation of possibilities (Ferraro et al 2011; White 2013; UN 2015). Secondly, it is a journey, with different routes towards sustainability (UN 2015). This journey requires maps and goals, technology and innovation, tools and navigation, and travelling together despite our different travel agendas. Sustainable development thus requires a form of knowledge production, exchange and implementation that is both collective and deeply individual (White 2013). Future possibilities are human desires, influenced by region, values, status and knowledge. However, future possibilities are dependent on us living within our planetary boundaries (Rockström et al. 2009), understanding the values of ecosystem services whilst reconnecting with nature (Barragan-Jason et al 2022). “ White et al (2023) p02

(White RM, Kockel U, King B, Leask K, Higgins P, and Samuel A (2023) The future starts in the past: embedding learning for sustainability through culture and community in Scotland. *Front. Sustain.* 4:1128620. doi: 10.3389/frsus.2023.1128620)

6. What future wellbeing issues or challenges do you think legislation could help ensure we address?

Legislation needs to support learning for sustainability

Our focus is on learning for sustainability, life-long, formal, non-formal and informal. Such learning occurs in school, college and university settings, but also in continuous professional development, in

communities and in society as a whole; as individual behaviours, social practices and structures change across the lifespan. Learning is key to sustainability transitions and the shift to a future context with healthy societies and ecosystems. Learning should underpin all activities to achieve wellbeing, and learning for sustainability should be maintained and strengthened in legislation. People who feel a sense of wellbeing are more able to benefit from education, and likewise education is an opportunity to fulfil one's potential and hence a route to achieve enhanced wellbeing. The innovative pedagogies encouraged in learning for sustainability open opportunities to all; providing engaging options for those sometimes disenfranchised or struggling with education, such as marginalised groups or neurodiverse individuals. Finally, the competencies supported through learning for sustainability include key knowledge, skills and capacities that can facilitate and support individuals, communities, institutions and companies to create human and ecological wellbeing.

“We need collective wellbeing”

As well as individual well-being, our members noted that we need *collective* well-being. This means recognising social inequalities, and leaving no one behind. It also means considering the well-being of communities and sustainable places. It means enabling and celebrating the rich and diverse cultural landscape of Scotland and the way in which we relate to others across the world. Finally, it includes the need to integrate human well-being with the well-being of the natural world surrounding them.

“Don't forget the wellbeing of nature”

It is critical that any wellbeing legislation focus on ecological as well as human wellbeing. This includes the well-being of the 'more-than-human'; of all flora and fauna, of ecosystems and habitats, of healthy ecosystem processes and of the planet. Nature should be supported in urban areas, productive places such as agricultural land and commercial forests, and in wild places.

“Policy coherence across sectors”

Well-being is a complex issue and requires attention from all areas of government. This means that policy coherence is needed to ensure that synergies across policies are realised, and that negative trade-offs are minimised.

A 'systems-thinking' approach is crucial

A 'systems-thinking' approach is crucial in order to ensure coherence and impact – and the provision of opportunities that everyone in Scotland can identify with to some extent and feel a sense of ownership towards. An example of how we need well-being, and the legislative support it will require from different areas, is represented by the food system – and this also provides an overview of how wellbeing can be interwoven with sustainable development in a meaningful way that supports inclusion and action by every sector of society.

Sustainable food systems – good for people, planet and prosperity alike - require individuals and communities to have access to healthy, nutritious, fair forms of food that is grown and transported in ways that do not damage the environment. Such food should provide prosperity to local communities, growers and producers, yet be accessible and available at reasonable cost to local people. Food production should enhance the health of local ecosystems and their processes. People should be protected from trade deals that prevent them growing and trading local food products. The food grown and cooked and eaten should enable people to represent their cultures.

A sustainable food system enabling human and ecological well-being thus requires attention from, for example, economic and trade sectors, agricultural and forestry sectors, biodiversity, land management and access, water, pollution and carbon sectors, health, community and social service sectors, culture and immigration and refugee sectors, at local, regional, national and international scales. Learning for sustainability will be required to underpin actions and policies in all of these sectors.

7. We are aware that the term ‘sustainable development’ has been set out in various legislation of the Scottish Parliament since devolution in 1999, and that careful consideration will need to be given to how any new definition will impact on these. What impact, if any, would the proposed definition have on other areas of legislation?

A legal definition of ‘sustainable development’ provides significant opportunities to ensure coherence and clarity of purpose across the legislative landscape in Scotland. The UN SDGs currently underpin all eleven outcomes of the National Performance Framework, and weaving an updated, strengthened legal definition of ‘sustainable development’ across all existing and future legislation will help to achieve a more coherent approach to policy.

8. How should a legal duty be defined to ensure that public authorities uphold sustainable development and the interests of future generations?

We need to ensure that a legal duty is embedded for all public agencies and departments. The legal duties should align with existing processes. The current National Performance Framework with its eleven National Outcomes is welcome, but has not always been fully implemented across all sectors and skills. The statutory duties relating to carbon outlined in 2011 relating to the Climate Change (Scotland) Act 2009 have shifted behaviours and priorities and a statutory sustainable development duty would further enhance this.

Any legal duty should not only apply to the Scottish Government and public bodies such as local authorities and health boards, but should also apply to all private sector bodies and contractors undertaking actions on which Scottish Government funds are being spent.

As described above, it is important that any duties be enforced through policy coherent processes. Positive synergies should be maximised and negative trade-offs identified and minimised.

9. Are there specific areas of decision making that should be included or excluded from the Bill?

This Bill should cover all areas of decision-making; including the ethos and principle of national and local government as well as legal duties.

10. What issues, if any, may result from strengthening the requirement to have regard to the National Outcomes?

- Clear definitions, guidance, support and scrutiny for accountability will be required.
- It may be challenging to bring different organisations on board and this will need consistent, relevant and ongoing resource and support across all geographies and sectors.

- There will need to be detailed research and ongoing dialogue between national and local Government/other bodies to explore the effects on, for example, schools, colleges and universities. The many individuals and institutions who will be involved in implementing any statutory requirements of this kind; particularly given the resource implications for already-stretched services.
- Learning for sustainability should be supported and embedded across formal education establishments (3 to 18 years) to ensure that our future citizens and workforce understand the challenges and solutions that we face. In addition, we will need continued professional development and training for all responsible for public duties – and training and regulation and support for private sector individuals and organisations to whom public money is being paid.

11. Should any duty apply to the Scottish Government?

Yes

12. Do you have any views on the range and type of organisations that any duty should apply to?

Any organisation or individual receiving public funding; including private sector contractors brought in to execute public duties e.g. construction companies building schools, healthcare contractors brought in to support local health & social care activity, events and catering firms brought in to support local authorities.

The duty should also apply to Scottish Ministers and there must be:

- Legally-binding service level agreements for organisations that work with local government or national government
- Having 'best practice' guidance is as important as legislation e.g. a GIRFEC approach to young people does not end when the young person reaches a particular age simply because the legal requirement is no longer enforceable
- A shared understanding that legislation will not be wholly effective if it does not cover public and private sectors

13. Do you have any views on how we can better report the achievement of wellbeing objectives which supports clear accountability and scrutiny of public bodies in Scotland?

- There is a need to ensure a joined-up approach between the indicators and reporting practices that we design and implement as a result of this legislation and the way in which we report on our progress towards the UN SDGs. Once the legal definitions of both 'Wellbeing' and 'Sustainable Development' have been agreed, a mapping exercise is required to ascertain all existing statutory requirements that currently relate, or could relate, to Wellbeing and Sustainable Development.
- Ministers should report regularly on the progress of the National Outcomes to Parliament, e.g. annually, to enable regular scrutiny and discussion and to review the Outcomes and National Performance Framework as a 'holistic whole'; rather than a series of isolated ambitions.

- We also need reporting outside of Parliament e.g. visual and public summaries for the public, a report to a Citizen’s Assembly (or similar ‘grassroots’ scrutiny) or the Sustainable Development Commission. Reporting on individual Outcomes should be much more visible and made available along with a holistic update on all activity, to all levels of employees in the sectors concerned with delivery on each Outcome. This is essential to ensure ongoing dialogue and a sense of ownership by all concerned.
- The Sustainable Development and Wellbeing Commissioner should hold government to account in a similar way to the Children’s Rights or Human Rights Commissioners. An independent Commissioner outside of government could scrutinise and hold to account public and private bodies.
- We need coherence across Commissioners.
- We need education, training and the creation of effective communication methods with and between and for all involved on an ongoing basis.

14. What additional steps are needed to ensure collaboration and working across boundaries?

- As described above, we must have a policy-coherent approach
- We need a systems-approach to public regulation and implementation
- We need effective, ongoing communication; with the use of appropriate language for different audiences.
- We need clarity around principles, definition, processes and targets.
- We need participation, engagement and an ethos of co-design and co-ownership by all
- We need collaborative ways of working
- We need to recognise the interdependence of healthy societies and a healthy natural world
- We need good governance and the effective ongoing production, sharing and implementation of knowledge; including sound science, local knowledge and practitioner expertise
- We need continued professional development (and increased uptake of available continued professional development), for educators, government officials, civil servants, the private sector and civil society.
- Across all forms of education, we need continued support for the embedding of learning for sustainability. Learning for sustainability, together with consideration of the SDGs must be a key ethos across all forthcoming legislation being proposed across education. This is particularly important in secondary, further and higher education, where we are less likely to see the holistic approaches and innovate pedagogies prevalent in early learning & childcare and primary education.]
- We need to ensure the provision of continuing professional development – and the time and capacity to engage with it - in colleges and universities to ensure staff and students can engage with learning for sustainability and can contribute effectively to current and future versions of the existing UN SDGs and relevant Scottish legislation.]
- Community Planning Partnerships have had declining prominence – but have a key role to play. Strategies and resources for engaging with them in a joined-up way should be made available.

- Often people are working on Wellbeing and/or Sustainable Development activities but without full recognition that they are doing so. Improving awareness and communication around the SDGs and the forthcoming Bill should enable better integration.
- Areas of government need to communicate very clearly and collaborate effectively with one another; identifying synergies and opportunities for closer integration and activity wherever possible.

15. Do you have any views on whether any duty related to ways of working could create conflicts with duties currently placed on you?

16. Do you have any views on the additional resource implications necessary to discharge any wellbeing duty in your organisation?

We are not a public body – our members have specific perspectives.

17. Should Scotland establish an independent Commissioner for Future Generations?

Yes

18. In what ways could an independent Commissioner for Future Generations increase the accountability, scrutiny and support for decision making?

Whilst we fully agree that there should be an independent Commissioner to support the implementation of this proposed Bill, we have questions regarding the name, powers and roles of this individual.

1) *Title of the Commissioner*

We recognise that for some people, the name ‘Commissioner for Future Generations’ feels tangible and one with which few people would argue, as it implies a remit for protecting children, future thinking and visionary, holistic action. However, for others, this title neglects the natural world and feels somewhat anthropocentric; whilst also implying that the needs of ‘existing generations’ are somehow ‘less important’. For some of our members in our consultation process, the title of ‘Commissioner for Wellbeing and Sustainable Development’ felt more closely aligned with the goals of the Bill and the principles of integrated human rights and societal health within environmental limits.

2) *Commissioner expertise and capacities*

This role should be undertaken by an individual who has skills and expertise in the area of Wellbeing and Sustainable Development, but also who has the capacities for systems-thinking, collaborative working, empathy with different positions and an appreciation of both the human and natural worlds. The Commissioner should use participatory approaches to engage and benefit from the perspective of the many individuals and groups in society.

3) *Commissioner and Commission*

This should not be a role for one individual person but rather should be supported by a collective, informed group drawn from different groups in society, with representation for the more-than-human world.

4) *Scrutiny and powers*

The Commissioner will need to be given access and resources for effective scrutiny and the powers to enforce adherence to duties for Wellbeing and Sustainable Development. The Commissioner will need to ascertain the areas and bodies that need to be included in the scrutiny; including both those that will require scrutiny and those that will be carrying it out. Appropriate targets and indicators will be required to monitor and evaluate. Participatory evaluation will deepen accountability and learning. These processes will require resource and effective, ongoing communication and engagement.

5) *Coherence and coordination*

A Commissioner could focus on coherence as one of the mechanisms to support a joined-up approach to policy. They could, for example, encourage coordination and collaboration across the remits of their fellow Commissioners; as well as the monitoring, evaluation and reporting across the National Performance Framework. They may need to link with the Scottish Public Services Ombudsman and other groups such as Environmental Standards Scotland.

19. Are there alternative ways we can increase the accountability, scrutiny and support for decision making?

- The Commissioner could form a number of sub-groups: such as e.g. an education sub group, possibly linked to the learning for sustainability 'movement for change', to ensure that lifelong learning, community action, tertiary education and continuing professional development - as well as formal 3-18 learning - are actively encouraged and supported to embed and celebrate an ethos of Learning for Sustainability. Enhancing learning for sustainability in schools, colleges and universities, and non-formal learning will enable young people and learners to engage in informed democratic debate and address individual and collective concerns through action and agency.
- Any such sub-groups should draw together relevant bodies and investigate ways in which the ambitions of the National Performance Framework enhance their existing activity ; rather than view this as 'additional' or 'competing' work.
- More community engagement and awareness-raising will be needed to enable support for decision-making, but this in turn will enable policy-makers to 'tap into' the social capital of Scotland's communities.
- Whilst we believe that scrutiny by an independent Commissioner is important, the Scottish government also needs to deliver effective leadership and lead an ethos of co-design and co-delivery to enable this culture change. Joined-up messaging, leadership and coherent policy-making from Scottish Government ministers will be essential; working with agencies and organisations from outside government to ensure effective delivery and scrutiny.
- Whilst we support the appointment of a Wellbeing and Sustainable Development Commissioner, we also argue that wellbeing and sustainable development should be fundamental to all roles and in all areas. There is a danger that outsourcing responsibility to one particular individual will result in people in all areas taking less individual or professional responsibility.