**Public bodies climate change duties: consultation on draft Statutory Guidance**

**Respondent Information Form**

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/> and refer to the Privacy Notice at the end of this document.

**What is your name?**

**Becca Young**

**Are you responding as an individual or an organisation?**

Only select ‘organisation’ if you are submitting a response on behalf of an organisation rather than your own individual views.

(Required)

Individual

**Organisation**

**What is your organisation?**

**Scottish Care**

If responding on behalf of an organisation, please enter the organisation’s name here.

If you are responding as an individual you can leave this blank.

**The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:**

(Required)

Publish response with name

**Publish response only (without name)**

Do not publish response

**Information for organisations only:**

The option *'Publish response only (without name)'*refers only to your name, not your organisation’s name. If this option is selected, the organisation name will still be published.

If you choose the option *'Do not publish response'*, your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

**Further information about your organisation's response**

Organisations may use this space to provide additional context for their response. This could be information about, for example:

* any research your organisation undertook to inform the response
* any engagement with your members or audience undertaken to inform the response

This is optional.

**Scottish Care is the representative body for the independent social care sector in Scotland, committed to advancing a rights-based, person-led approach to care. Scottish Care is the representative body of over 350 private, not for profit and charitable provider organisations (the independent sector) organisations delivering residential care, nursing care, day care, care at home and housing support services. These organisations deliver a wide range of registered services for older people and those with long term conditions, learning disabilities, physical disabilities, dementia or mental health challenges. The independent sector supports:**

* **90% of all care home residents in Scotland (nearly 31,000 people)**
* **over 56% of people who receive care at home provision (nearly 43,000 people), and**
* **employs 76.8% of the total adult social care workforce (over 101,600 people)**

**In 2021, Scottish Care co-produced a Climate Action Report with the Health and Social Care Alliance Scotland (the ALLIANCE), launching the Social Care Climate Change Action Collective. This initiative brought together stakeholders across the sector to explore the unique role of social care in both contributing to and being affected by climate change. Through a series of roundtables, the Collective identified the disproportionate impact of climate-related events—such as heatwaves, flooding, and poor air quality—on older and vulnerable populations, and highlighted the urgent need for climate-resilient infrastructure and ethical procurement practices for care settings. The report called for inclusive climate action that embeds environmental sustainability into every facet of care delivery—from energy use and food systems to pharmaceuticals and commissioning.**

**As a sector that delivers the vast majority of care and support, including on behalf of public bodies, the independent social care sector is deeply embedded in Scotland’s public service landscape. Providers operate within commissioning and procurement frameworks set by local authorities, health boards, Integration Joint Boards (IJBs), and Health and Social Care Partnerships (HSCPs), and work in close partnership with government agencies. As such, climate change duties placed on public bodies have direct and significant implications for the social care sector. Any meaningful climate strategy and associated duties must therefore be supportive and practical for the sector in meeting shared sustainability goals, ensuring that responsibilities are equitably resourced and practically achievable.**

**Scottish Care continues to advocate for a just transition that recognises the social care sector as a vital partner in achieving Scotland’s net-zero ambitions, and is actively engaged in research collaborations to develop practical frameworks for decarbonising care provision.**

**Scottish Care aims to bring a vital social care perspective to this consultation, particularly regarding the impact of statutory guidance for public bodies on the services they commission and procure—services that constitute the majority of social care and support provision in Scotland. While we acknowledge that some aspects may be addressed through supplementary non-statutory guidance and intersect with broader procurement and policy frameworks, it is essential that the unique context of the social care sector is fully considered. This includes recognising the implications of climate change duties on those most vulnerable to its effects—both the individuals who rely on care and support, including older people, and the workforce that delivers it. Their needs and experiences must be meaningfully reflected throughout the development and implementation of climate-related responsibilities.**

**Do you work for, or are you responding on behalf of, a Scottish public body subject to the climate change duties?**

If you are responding as an individual and do not work for an organisation subject to the duties, please answer 'no' and skip the questions about your sector and job role.

Your response to this question and those below about sector and job role will not be published.

(Required)

Yes

**No**

Don’t know

Prefer not to say

**If you answered ‘yes’ to the question above, please indicate which sector your organisation belongs to:**

Local authority

NHS Scotland body

Integration joint board

Transport partnership

College or university

Central government body

Other

Prefer not to say

**If you work for a Scottish public body subject to the climate change duties, which of these categories best describes your role:**

Leadership or senior management

Policy

Operational or delivery role

Specialist (e.g. finance, procurement)

Other

Prefer not to say

**Is your organisation a public body subject to the mandatory annual reporting on compliance with the climate change duties under the Reporting Order, i.e. the public bodies climate change duties reporting?**

If you are responding as an individual and do not work for an organisation subject to the Reporting Order, please answer 'no' and skip the questions about your sector and job role.

Your response to this question and the one below about your role will not be published.

(Required)

Yes

**No**

Don’t know

Prefer not to say

**If you answered ‘yes’ to the question above, in your role, are you the lead reporter for the organisation (i.e. are you responsible for completing and submitting the annual report) or do you contribute to the annual public bodies climate change duties report?**

Yes

No

Prefer not to say

**Do you consent to Scottish Government contacting you again in relation to this consultation exercise?**

(Required)

**Yes**

No

**What is your email address?**

If you would like to be contacted again in future about this consultation please enter your email address here. You will also need to give permission to be contacted in the question above.

**becca.young@scottishcare.org**

Your email address will never be published.

**I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.**

(Required)

**I consent**

**Consultation Questionnaire**

**Climate change and equalities**

1. **With respect to the protected characteristics, could the content of the Statutory Guidance be changed or added to, to strengthen any positive impacts or lessen any negative impacts as it is implemented by public bodies?**

Yes

No

Don’t know

**Scottish Care recognises that climate change is a major threat to human rights, especially for those who give and receive care. There is a need for a rights-based, intersectional, and equality-focused approach in climate-related social care planning.**

**This reflects a growing awareness that older people, those accessing social care and those working in the sector (82% of whom are women) are disproportionately affected by climate change, and that the sector must be both a responder to and a driver of climate resilience.**

**The guidance would be strengthened by further emphasis on the need for public bodies to consider the specific vulnerabilities and needs of people receiving and delivering social care when planning and implementing climate action, given this will also influence commissioning processes and the services who are engaged in these.**

If so, how? Please give us your views.

1. **With respect to inequality caused by socio-economic disadvantage, could the content of the Statutory Guidance be changed or added to, to strengthen any positive impacts or lessen any negative impacts as it is implemented by public bodies?**

Yes

No

Don’t know

If so, how? Please give us your views.

**Taking climate into account in decision making**

1. **Does the guidance make it clear how public bodies can fulfil the requirement to ‘best calculate’ the climate impact of their actions?**

Yes

Partially

No

Don’t know

Please provide comments below.

1. **Does the guidance make it clear how public bodies should take future climate scenarios into account when making plans and investment decisions?**

Yes

Partially

No

Don’t know

Please provide comments below.

**The first duty: reducing emissions (climate change mitigation)**

1. **Do you have any comments about the guidance provided in this chapter (chapter 5) on complying with the first duty?**

**Chapter 5 offers a broad overview of emission reduction actions for public bodies, but clearer guidance is needed on setting expectations for social care bodies since public bodies’ efforts to reduce emissions will impact requirements for commissioned providers of services.**

**The social care sector, especially those partially or wholly commissioned by local authorities, is diverse, and the impact of climate-related action will vary significantly depending on each provider’s structure, funding, and operational model. Replacing gas boilers to improve energy use in buildings, or fleet changes such as switching petrol vehicles with low-carbon alternatives, for example, requires considerable investment and may place undue strain on already stretched budgets.**

**Many care homes in Scotland are older buildings which, whilst offering a homely environment to residents, are more difficult to adapt. The guidance should therefore include a clearer commitment to co-producing expectations with the sector to ensure they are realistic and achievable.**

**Mitigation actions, such as decarbonising buildings and fleets, must be matched by appropriate and accessible funding support (current mechanisms exclude most social care support providers due to their design) and backed by tailored asset strategies and risk assessments that consider the sector's complexity.**

**Social care providers should therefore be involved in developing guidance concerning how public bodies should set expectations for commissioned services in relation to emission reduction, and what support is envisaged or needed (including financial support envisaged through the likes of an innovation fund) to enable providers to make necessary changes.**

**This should be achieved through meaningful co-production and engagement with key stakeholders, including social care providers, to ensure practical implementation that reflects the sector's diverse needs and capacities.**

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

1. **Do you think the Carbon Management Plan template is suitable for its intended purpose as outlined in Annex A?**

Yes

No

Don’t know

Please give us your thoughts.

1. **Do you think the Climate Change Plan template for local authorities is suitable for its intended purpose as outlined in Annex B?**

Yes

No

Don’t know

Please give us your thoughts.

**The second duty: adaptation**

1. **The guidance lays out an approach whereby public bodies should: review the Scottish National Adaptation Plan (SNAP); identify the objectives relevant to them; contribute towards those objectives; and, where relevant, report annually on progress in their public bodies climate change duties report.**

**To what extent do you agree or disagree with this proposed approach?**

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Don’t know

**We agree with the proposed approach as a structured method which supports alignment with national climate resilience goals and creates a consistent framework for accountability.**

**However, its success when applied in the social care sector relies heavily on transparent resourcing, and inclusive and collaborative implementation with key stakeholders like social care providers who are critical to supporting people who rely on their services.**

**Social care support is essential, is a sector with considerable reliance on external providers, and must be resilient to climate impacts which can disrupt delivery and pose risks to vulnerable people**. **Social care and support services are uniquely exposed to climate-related risks—such as heatwaves, flooding, or power outages—and must be resilient to ensure the safety and continuity of care for those who depend on them.**

**Therefore, it is essential that public bodies engage care providers directly in identifying relevant SNAP objectives and co-developing adaptation and resilience strategies. This includes involving them in local risk assessments, planning exercises, and decisions about resource allocation and infrastructure improvements.**

**Public bodies must recognise their responsibility to support the resilience of commissioned services, not just in-house operations. This includes embedding climate adaptation in service specifications, providing support for contingency planning, and ensuring that care settings are prepared for extreme weather.**

**Furthermore, enabling care providers to contribute meaningfully to SNAP objectives requires investment in training, capacity building, and sustainable procurement practices.**

Please provide any additional comments below.

1. **Do you have any other comments about the guidance provided in this chapter (chapter 6) about complying with the second duty?**

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

**On adaptation, the guidance rightly emphasises resilience to climate impacts; however, providers should be directly involved in risk assessments to ensure continuity of care for people who rely on social care services and support.**

**Encouragingly, the guidance promotes partnership working, but this should translate into a formalised expectation that public bodies engage meaningfully with commissioned services, including social care providers, throughout planning and implementation. Without this collaborative approach, well-intentioned policies risk undermining service delivery.**

**In summary, we support the proposed approach on this basis of consistency, but its effectiveness depends on strong, ongoing collaboration with care providers, recognising their frontline role in protecting specific individuals from the effects of climate change.**

**The third duty: acting in the most sustainable way**

1. **Having considered the content of the chapter (chapter 7), is it clear how public bodies should implement the third duty, to act in the most sustainable way?**

Yes

Partially

No

Don’t know

**The guidance notes that public sector procurement can be used to drive carbon reductions and improve sustainability. This is a critical area for commissioned social care providers, as procurement requirements set by public bodies significantly influence their operations.**

**The guidance should be strengthened to include how public bodies should define and require sustainability in commissioned social care, advocating for an approach that is collaborative and takes account of the sector's capacity and resources.**

**There is a need for public bodies to implement the Sustainable Procurement Duty in social care commissioning in a way that is realistic, supportive, and enables providers, particularly smaller organisations, to meet environmental standards without undue financial or administrative burden.**

**Through Scottish Care’s Climate Action report with the Alliance, we outlined the need for a dedicated innovation fund to support providers in making necessary changes influenced by procurement. The required amount to enable this to be meaningful and effective will now significantly exceed the £25 million recommended at the time of publication.**

Please give us your thoughts.

1. **Do you have any other comments about the guidance provided in this chapter (chapter 7) about complying with the third duty?**

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

**Reporting of scope 3 emissions**

1. **To what extent do you agree or disagree with the proposed baseline reporting of the scope 3 emission categories outlined in section 8.3.5.1 of the guidance?**

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Don’t know

Please provide any additional comments below.

1. **Do you think that any other categories of scope 3 emissions should be included in the recommended baseline for reporting, where these are relevant and applicable? Please tick all that apply.**

Purchased goods, works and services

Capital assets (e.g. construction)

Upstream transportation and distribution

Upstream leased assets

Downstream transportation and distribution

Processing of sold products

Use of sold products

End-of-life treatment of sold products

Downstream leased assets

Franchises

Investments

If you ticked any of the categories of scope 3 emissions above, please provide an explanation. This field can also be used for any other comments related to this chapter.

**Scottish Care welcomes the ambition to expand Scope 3 emissions reporting as part of public bodies’ climate responsibilities. However, we urge that the implementation of these proposals—particularly regarding purchased goods and services (Category 1)—reflects the specific context of the social care sector, where the majority of services are externally commissioned.**

**1. Proportional and Phased Implementation**

**We support a phased approach to expanding reporting boundaries. However, any new requirements on reporting emissions from procured social care services must be proportionate, recognising the limited capacity of many providers, particularly in the third and independent sectors.**

**2. Addressing Data Gaps and Capacity**

**There are currently significant gaps in data relating to climate impacts and emissions within the social care sector. Any new data collection requirements must:**

* **Be realistic and targeted, avoiding unnecessary burden.**
* **Recognise the capacity and financial resourcing required to collect and report meaningful data.**
* **Acknowledge that, due to the mixed economy of care delivery, public bodies will need to rely on data from external organisations to build a complete and effective emissions picture.**

**3. Collaborative and Integrated Data Development**

**We recommend a collaborative approach to developing data sources and methodologies, involving care providers and commissioners. This will help ensure:**

* **Data is consistent and aligned with existing care sector reporting systems.**
* **Providers are supported with clear guidance and training.**

**4. Avoiding Unintended Burdens**

**It is essential that Scope 3 reporting does not create duplicative or fragmented data demands. Integration with existing reporting frameworks will help avoid unnecessary administrative burden and support more effective data use.**

**5. Recognising Social Care’s Role in Climate Resilience**

**Finally, we urge recognition of the dual role of social care—as both a sector with environmental impacts and a key contributor to community resilience. Reporting frameworks should reflect this broader value and avoid framing care services solely in terms of emissions.**

**Overall reflections**

1. **Do you think that the guidance fulfils its stated purpose of providing support to public bodies in putting the climate change duties into practice?**

Yes

No

Don’t know

**Overall, while the guidance is a constructive step, greater specificity, partnership, and co-production are essential to enable the social care sector to contribute effectively to climate objectives and to be appropriately supported with climate action by public bodies.**

Please provide further comments below.

1. **Do you have any further comments about the guidance?**

**While the draft guidance is a welcome and constructive step, we note that several important themes raised in the full consultation document are not explicitly reflected in the questionnaire. In particular, we recommend that the final guidance and supporting materials give greater attention to:**

* **The role of ethical commissioning and procurement in supporting climate and circular economy goals, including the need for flexibility, innovation, and efficiency in care delivery models.**
* **The importance of strategic oversight and accountability mechanisms, such as reporting frameworks that track climate-related commissioning outcomes.**
* **The need for dedicated funding mechanisms to support climate action in the social care sector, recognising the financial pressures and limited capacity of many providers.**
* **The requirement to align with current policy developments such as the Care Reform (Scotland) Bill.**
* **The integration of circular economy principles into commissioning and procurement practices, which is not currently addressed in the questionnaire but is a key enabler of sustainable care.**

**We encourage the Scottish Government to ensure these areas are reflected in the final guidance and any future consultation or implementation processes.**

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

**Privacy Notice**

**General information**

This privacy notice tells you what to expect us to do with your personal information when you respond to this consultation, including by email and post.

When we process your personal information, we promise to:

* make sure you know why we need it
* only ask for what we need, and not collect too much or irrelevant information
* make sure it is accurate and up to date
* let you know if we share it with other organisations, unless we have a legal obligation to pass it on without telling you
* protect it and make sure nobody has access to it who shouldn't
* make sure we don't keep it longer than is necessary.

Please see our privacy pages for further general information: <https://www.gov.scot/privacy/>

**Our contact details**

This consultation is being run by the Net Zero Public Sector Team, Domestic Climate Change Division, Scottish Government. The Net Zero Public Sector Team led on the development of the draft Statutory Guidance which is the focus of this consultation.

The Scottish Government falls under the legal entity of the Scottish Ministers in relation to processing of your personal information. We are the data controller for the personal information we process, unless otherwise stated.

You can email us at: [climate.change@gov.scot](mailto:climate.change@gov.scot)

Postal enquiries should be sent to:

Scottish Government

Net Zero Public Sector Team, DCCD

Area 3F - South  
Victoria Quay  
Edinburgh  
EH6 6QQ

**Data Protection Officer's contact details**

You can contact our Data Protection Officer at [DataProtectionOfficer@gov.scot](mailto:DataProtectionOfficer@gov.scot) or via our postal address. Please mark the envelope ‘Data Protection Officer’.

**Your data protection rights**

Data protection law gives you certain rights that you may exercise in respect of your own personal information. Not all these may be relevant to this consultation as some of the types of information mentioned below may not be requested or provided during this consultation.

* you have a right to request a copy of personal information we hold about you, by making a subject access request. This right always applies. There are some exemptions, which means you may not always receive all the information we process. [We have published further information on this](https://www.gov.scot/publications/subject-access-request-form/) (https://www.gov.scot/publications/subject-access-request-form/)
* you have the right to ask us to update our records if you believe that the data we hold is inaccurate or incomplete. This right always applies
* you have the right to ask us to erase your personal information. There may however be some circumstances in which we cannot comply. Such as, if we have a legal duty to keep data, or we process it in a particular way
* you have the right to ask that we stop or restrict the processing of your information in certain circumstances
* you have the right to object to processing if we are able to process your information because the process forms part of our public tasks
* you have the right to ask that we transfer the information you gave us from one organisation to another, or give it to you. This right only applies to information you have given us and we are processing information based on your consent or under, or in talks about entering into a contract and the processing is automated

You are not required to pay any charge for exercising your rights. We have one month to respond to you. Please contact us at [dpa@gov.scot](mailto:dpa@gov.scot) if you wish to make a request, or contact our Central Enquires Unit on 0300 244 4000.

**Your right to complain**

If you have concerns about our compliance with data protection laws, please contact our Data Protection Officer in the first instance at [DataProtectionOfficer@gov.scot](mailto:DataProtectionOfficer@gov.scot). They will look into the concerns you have raised and provides the response.

If you are not satisfied with the DPO’s response you have the right to lodge a complaint with the Information Commissioner's Office (ICO). The ICO are the supervisory authority responsible for data protection in the UK. You can contact the Information Commissioner at:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 08456 30 60 60

Website: [www.ico.org.uk](http://www.ico.org.uk/)

More information is available at [make a complaint on the Information Commissioner's site](https://ico.org.uk/make-a-complaint/).

**How we will collect the information**

The personal information we will process is provided to us directly by you, as you respond to this consultation. If you respond online through the Citizen Space platform, the information will be gathered on the ‘About you’ page. If you respond by email or post, the information will be gathered through the Respondent Information Form.

**Why the information is needed and how it will be used**

**Purpose of this consultation**

The purpose of this consultation is to gather feedback on draft Statutory Guidance for public bodies in relation to the climate change duties, and to inform the development of the final guidance.

**Lawful basis for processing personal data**

The lawful basis for processing personal data is article 6(1)(e) of the UK GDPR, which allows the processing of personal data when this is necessary for the performance of a public task in exercise of official authority and article 6(1)(a) of the UK GDPR which allows the processing of personal data where clear consent has been given for the processing of data for a specific purpose.

Under [section 45(1)](https://www.legislation.gov.uk/asp/2009/12/section/45) of the Climate Change (Scotland) Act 2009, Scottish Ministers must give guidance to relevant public bodies in relation to the climate change duties.

Sections 45(2) and (3) of the Act require Scottish Minsters to consult local authorities and other such persons as the Scottish Ministers consider appropriate, before giving such guidance.

Data processing is necessary for us to perform these tasks for our official functions, and the task has a clear basis in law, i.e. it is a ‘public task’.

**Why have we asked for your name and contact details?**

Names and email addresses, and if applicable, postal addresses and postcodes, are requested solely in relation to communication about the consultation.

Your name will only be published as part of your response if you give us permission to do so (see ‘Publication of responses’ below).

Names and contact details will not form part of the analysis.

**Why have we asked for organisational information?**

We have asked for information regarding organisational responses, sector and whether the organisation is subject to the climate change duties and to the reporting duty. This is to enable us to differentiate between responses submitted by those who will be required to have regard to the guidance (i.e. the intended audience - public bodies subject to the climate change duties) and those who will not. This will inform the analysis, and in turn the final version of the guidance.

We are requesting information about the type of role that responders have, to further inform the analysis. We envisage that different users will utilise different sections of the guidance, e.g. that senior managers may find the leadership and governance sections of most use, while staff in delivery roles may focus on the chapters on implementing the duties. The guidance needs to be fit for purpose and gathering this data will help us ensure that it has been tailored correctly to the different users.

These questions are voluntary and respondents can choose not to answer, or to select a response such as ‘don’t know’ or ‘prefer not to say’. The responses given to these questions will not be published.

Where a responder submits an organisational response, and provides the name of the organisation, we may use publicly available data to verify and or determine whether the organisation is subject to the climate change duties, and to the related reporting duty.

Public bodies subject to the climate change duties are defined as Scottish public authorities within the meaning of section 3(1)(a) of the [Freedom of Information (Scotland) Act 2002 (asp 13)](https://www.legislation.gov.uk/asp/2002/13/contents). This defines public authorities as being: (i) those listed in [schedule 1](https://www.legislation.gov.uk/asp/2002/13/schedule/1) of that Act; or (ii) those designated by order under section 5(1).

Public bodies subject to the reporting duty are listed in [schedule 1](https://www.legislation.gov.uk/ssi/2015/347/schedule/1/made) of [The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015](https://www.legislation.gov.uk/ssi/2015/347/contents/made), as amended.

**Data sharing**

The consultation responses will be shared with an external contractor (the data processor) solely for the purposes of conducting an analysis of the consultation and producing a consultation analysis report. At the end of the contract, any datasets required will be transferred back to Scottish Government. The contractor will not retain any copies of the individual responses or related datasets.

**Publication of responses**

Responses will be published in accordance with respondents’ expressed publication preferences. These preferences can be selected on the ‘About you’ page on Citizen Space for online responses; or on the Respondent Information Form for email and postal responses.

Where respondents have given permission for their response to be published, with or without their name, and after the Scottish Government has redacted any defamatory content which contravenes the moderation policy, consultation responses will be published online on Citizen Space at <http://consult.gov.scot>

**How long your data will be kept**

Information will only be kept for as long as is necessary to achieve the purpose it was collected for, i.e. to inform the development of the Statutory Guidance. After 12 months, Scottish Government will undertake a review to determine whether the data needs to be retained or destroyed. If it is decided that there is no rationale to justify continuing to hold the data, then it will be destroyed. If it is decided that there is justification to continue to hold the data then it can be held until a further review 12 months later.

**Data protection policy document**

See: <https://www.gov.scot/publications/information-assurance-and-data-protection-appropriate-policy-document/>