

Response ID ANON-TFX7-27DP-6

Submitted to Wellbeing and Sustainable Development (Scotland) Bill
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What is your name?

Name:
Scottish Care

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Are you responding as an individual or on behalf of an organisation?

Organisation

Organisation details

Name of organisation

Name of organisation:
Scottish Care

Information about your organisation

Please add information about your organisation in the box below:

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)

Questions (page 1 of 4)

Do you think that more needs to be done to embed sustainable development and wellbeing as primary considerations into public policymaking?

Yes

Please tell us why in the box provided.:

Yes.

As the representative body for the independent social care sector in Scotland, we believe this Bill offers a vital opportunity to embed long-term thinking, wellbeing, and sustainability into public sector decision-making.

Embedding wellbeing and sustainable development as statutory duties would ensure that decisions reflect the long-term needs of individuals, communities, and the workforce. It would also help shift the focus from crisis response to prevention, aligning with the relational, rights-based nature of social care.

Social care is a cornerstone of Scotland's wellbeing economy. It supports individuals to live meaningful lives, strengthens community resilience and is essential to the achievement of collective wellbeing. At present, the sector faces chronic underfunding and sustainability challenges often as a direct

result of a failure to properly consider social care's key role in supporting thousands of individuals to live with dignity, autonomy, and connection, in providing local employment, and in reducing pressure on other services.

We therefore believe that clear legislation is essential to create a more equitable, resilient, and sustainable Scotland.

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

Please provide your response in the box provided.:

Scottish Care supports the Bill's objectives to embed long-term thinking, improve policy coherence, and strengthen accountability to future generations. We particularly welcome the emphasis on joined-up governance and the ambition to revitalise Scotland's approach to wellbeing and sustainable development.

We agree that sustainable development should be defined and that public duties towards ensuring sustainable development and collective wellbeing should be clarified. We agree that the proposed role of Futures Generation Commissioner represents a clear way to deliver such aims.

We believe that it is important to coordinate and tie in the approach to sustainable development and wellbeing with a revised National Performance Framework and to see the National Outcomes as the primary vehicle for delivering wellbeing and sustainable development in a clear and accountable manner. With the current proposed review of the NPF by the Deputy First Minister, there is an opportunity to clarify obligations and approaches across government at every level in Scotland.

It is also important to be clear that the delivery of sustainable development or the pursuit of wellbeing does not stop at Scotland's borders or should only apply to those living in Scotland. We believe that the collective wellbeing of present and future generations in one place is wholly dependent upon the wellbeing of others elsewhere, and the planet.

We urge that the Bill also explicitly recognise the role of social care in delivering these objectives. The sector must be seen not just as a service, but as a key driver of Scotland's wellbeing economy and a partner in sustainable development.

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

Strongly oppose

Please provide reasons for your response in the box provided.:

We believe the phrase "due regard" is insufficient. Public bodies must be required to actively deliver wellbeing and sustainable development and embed their support for this through associated strategic planning and ethical commissioning processes.

The Bill must move beyond "due regard" and instead require public bodies to actively deliver wellbeing and sustainable development. This requires stronger language within the Bill and National Outcomes to ensure accountability and coherence across sectors.

The Bill, in setting duties on public bodies and considering wider obligations such as services delivered on their behalf, must be cognisant of how commissioning and procurement practices impact the ability of social care providers to deliver sustainable and high-quality care. The unique nature of social care commissioning and contracting processes often significantly restrict the abilities of organisations to fully embed progressive policy, due to the constraints created by public bodies through underfunding, reduced packages of care and short-term approaches to planning and delivery. Scottish Care has consistently called for:

- Ethical commissioning that prioritises outcomes, workforce wellbeing, and sustainability over cost alone.
- Fair work principles embedded in contracts and funding arrangements, including support for training, career progression, and mental health.
- Transparency in funding and procurement decisions to ensure accountability and enable providers to plan sustainably.

Strengthening duties on public bodies to prioritise and evidence wellbeing and sustainable development in planning and commissioning processes is essential to achieving the Bill's goals of long-term thinking and coherent policy delivery.

Questions (page 2 of 4)

What is your view on the definition of "public body" (in section 17(2))?

Please provide your response in the box provided.:

Scottish Care supports a definition which is consistent with other legislation and policy in order to enhance consistency and understanding.

We would not support the direct inclusion of independent and third sector organisations commissioned by public bodies within the statutory duties of the Bill, given the operational complexities and constraints they face—particularly in the context of social care. However, these organisations play a critical role in delivering wellbeing and sustainable development outcomes. We therefore strongly support 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.

Is there a need for statutory definitions of wellbeing, and sustainable development?

Yes

Please provide the reasons for your response in the box provided.:

Yes. Clear definitions are essential for consistency, accountability, and effective implementation. They also need to be operationalised through guidance and performance frameworks.

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

Please provide your response in the box provided.:

The current definition is too limited to sufficiently reflect the complexity of the challenges we face. It overlooks the climate and environmental crises that directly impact the wellbeing of those who live and work in Scotland, now and in the future. It needs to encourage positive climate action.

It also fails to acknowledge the interconnectedness of wellbeing across borders. Decisions made in Scotland have far-reaching consequences, and our responsibilities as global citizens—particularly in relation to the UN Sustainable Development Goals—must be recognised.

Crucially, the definition does not reflect the principle of equity within and between generations, and across communities. From a social care perspective, sustainable development must mean reducing inequalities, sharing resources fairly, and ensuring that those who provide and receive care are not left behind.

Questions (page 3 of 4)

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

Please provide your response in the box provided.:

We support a definition that reflects collective wellbeing, shaped by individuals communities and supported by institutions and services. Wellbeing must be understood as shared and relational, not just individual. In its current form, the definition misses both collective and connective components.

In addition, while we welcome the Bill’s ambition to define wellbeing in a way that supports long-term, equitable outcomes, we believe the definition must go further in reflecting the lived realities of those who experience structural disadvantage. In particular, it should explicitly acknowledge the importance of addressing inequalities linked to protected characteristics, including age. Older people—who are often at the heart of social care—face systemic barriers to wellbeing, from ageism in policy and service design to digital exclusion and underrepresentation in decision-making. A robust definition of wellbeing must therefore be grounded in rights, equity, and inclusion, ensuring that the needs and voices of older people and other marginalised groups are not only recognised but prioritised in the pursuit of collective wellbeing.

The definition should also be strengthened through:

- Grounding in equity, participation, and human rights for both current and future generations
- Recognition of the role of sectors such as social care in enabling people to live meaningful lives.
- Commitment to periodic and inclusive review, especially with those furthest from decision-making.

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

Support

Please provide the reasons for your response in the box provided.:

We believe a Future Generations Commissioner offers the most effective mechanism to embed long-term thinking and accountability.

We recognise the potential of alternative models explored by others such as expanding Audit Scotland’s remit or creating a cross-cutting parliamentary committee, given existing political and fiscal constraints. These could provide a useful interim approach but we consider that a Commissioner model could provide strongest accountability and opportunity to meaningfully drive and monitor implementation. This requires clarified and strengthened detail in the Bill.

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

Please provide your response in the box provided.:

It is our view that in order to be effective, the Commissioner must have:

- Statutory powers to investigate and report.
- A clear mandate to engage with public bodies.
- A public education role to raise awareness of long-term thinking.

As currently set out, and without clarity on the duties of public bodies to implement a requirement to consider future generations in policies and actions, the role of the Commissioner is not strong enough to have an impact on how policy is crafted, nor to ensure the accountability of public bodies to implement the requirements of the proposed bill. The proposed powers to investigate are welcome but it is not clear to whom the Commissioner reports and/or what power the role has to ensure implementation of recommendations.

Questions (page 4 of 4)

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

Please provide your response in the box provided.:

We recognise the financial pressures facing the Scottish Government and public bodies. However, the Bill's preventative focus could deliver long-term savings by:

- Reducing crisis demand.
- Improving workforce retention.
- Enhancing service quality and sustainability.
- Meaningfully embedding preventative approaches.
- Improving strategic planning processes.

To support implementation, we believe there would require to be:

- Ring-fenced funding for social care to support commissioners and commissioned services to implement the Bill's objectives in practice.
- Support for smaller organisations to adopt sustainable practices and reporting.
- Investment in data infrastructure to enable transparent, evidence-based decision-making.

Do you have any other comments about the Bill?

Please provide your response in the box provided.:

From a social care perspective, in order to ensure effective implementation we recommend the inclusion of statutory guidance on “ways of working” that reflect the realities of delivery in this context:

- Participation: Engagement of communities and stakeholders including care workers, providers, and those receiving care in shaping outcomes.
- Integration: Alignment of commissioning, funding, and regulation with wellbeing and sustainability goals.
- Long-termism: Prioritisation of preventative care and workforce sustainability in meaningful action.
- Global citizenship: Recognition of the environmental and ethical implications of procurement and delivery approaches.
- Prevention: Significant investment in early intervention and community-based care, which requires disinvestment in other areas.
- Openness: Embedding transparency in decision-making and funding processes.
- Evidence-based: More effective use of data and lived experience to inform policy and decision-making.