



# Stop Climate Chaos Scotland

## Public Bodies Climate Change Duties: Putting them into practice

Response to the consultation on draft guidance required by Part 4 of the Climate Change (Scotland) Act 2009

### Introduction

Stop Climate Chaos Scotland (SCCS) welcomes the opportunity to respond to the Scottish Government consultation on draft guidance on the public bodies climate change duties<sup>1</sup>. SCCS is a coalition of around 60 organisations campaigning together to tackle climate change. Our membership is drawn from a wide range of Scottish society: faith groups, trade unions, education, environment and international development groups, to name a few. Together we represent over two million people, an amazing 40% of the Scottish population.

We played an important role in the development of the Climate Change (Scotland) Act 2009 (hereafter referred to as 'the Act') and are proud that MSPs, by voting unanimously for this world leading legislation, listened to the many people who pressed for strong action from Government. SCCS strongly supports the public bodies duties and believes it is essential that the public sector leads by example in action on climate change.

This response represents broad consensus in the coalition. However, some members might also submit their own more detailed individual consultation responses.

### Executive summary

- **Ministers should use their Order-making powers under the Act to set up an effective mandatory annual reporting regime for the public bodies climate change duties.**
- **The Scottish Government and Scottish Parliament, where relevant, should establish a system of effective scrutiny. As part of this, Audit Scotland should be tasked with producing an annual report on performance against the duty, based on the reports from public bodies.**
- **Overall, the guidance needs more emphasis on community/public engagement and on the need for public bodies to involve their entire organisation, instead of expecting a top down approach to drive change.**

### SCCS response

We welcome the draft guidance and the inclusion of stakeholders, including SCCS, in the Climate Change Public Bodies Duties External Advisory Group and in the pre-consultation workshops held in March. However, we have major concerns about arrangements for reporting and scrutiny as well as criticisms about an overall approach that says too little about community/public engagement and that often assumes leaders will drive change from the top, when it should stress the importance of fully involving the entire organisation.

Our response does not neatly respond to the 10 questions<sup>2</sup> in the Consultation Questionnaire, partly due to the nature of SCCS being a large coalition, partly because the questions do not cover all the specific areas of concern that we have.

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<sup>1</sup> <http://www.scotland.gov.uk/Publications/2010/09/16112110/0>

<sup>2</sup> <http://www.scotland.gov.uk/Publications/2010/09/16112110/5>

This document starts with our main points, referencing the relevant part of the consultation document (these could be used as answers to Q10 on 'any other feedback'). We then go on to respond to the questions from the questionnaire that are relevant to us.

### **Background and approach to draft guidance, pp4-8**

We welcome the fact that the guidance recognises the public sector's "crucial leadership role in the delivery of Scotland's climate change ambitions for both mitigation and adaptation, as set out in the Act, and in acting sustainably". It is right to recommend that public bodies "embed climate change in all core corporate and business planning processes". We also agree with the "tiered approach" for demonstrating compliance with the duties, whereby more is expected of larger public bodies, listed as 'major players'. Of course, all public bodies must comply with the duties.

### **Reporting and scrutiny**

On page 7, it is stated that Ministers would be interested in early views on the possible future use of their powers under the Act to impose additional duties, to require reports and to designate a monitoring body.

We want to see these powers used now to set up an effective mandatory reporting regime. The guidance says on page 7 that there will be an expectation that good practice is for the 'major player' larger public bodies to "consider reporting annually". This is entirely voluntary. The larger public bodies, as listed in Annex F, are those with a "wider influence over public policy and/or substantial staff, estates or budgets".

SCCS believes there is a real risk that relying on a voluntary reporting regime could lead to a dangerous delay in meeting the Act's world leading targets. Early action on cutting emissions is absolutely vital. A key part of ensuring that Scotland meets its targets is being able to assess what action is under way and what progress has been made towards targets.

A voluntary reporting regime would also lead to delays in understanding and implementing best practice adaptation responses to the impacts of changes in the climate and sharing lessons learned and valuable experience.

We believe it is essential to have mandatory annual reporting and proper scrutiny of those reports. This would underpin the success of the new duties. Without this, and if the first couple of years see gaps in the voluntary reporting and a resulting lack of sufficient information to monitor action across the country, we fear that public confidence in and support for concerted action could be severely damaged. As stated on p63, "transparent and open reporting is a crucial element of maintaining public confidence in the performance of a public body".

**It is, therefore, our strong recommendation that Ministers use their statutory powers under the Act to immediately, by Order, establish an effective mandatory annual reporting system.** This should apply to the larger public bodies, described in the tiered approach. It should include a reporting template that public bodies can incorporate into their existing annual reporting mechanisms. This will ensure consistency in reports, which is important for being able to understand overall progress on this agenda within the public sector. Reports would need to clearly demonstrate how the public body is acting on climate change through all of its functions and services, with clear figures on emissions reductions achieved and projected. This will help ensure that climate change action is fully incorporated into the organisation's business planning, public engagement work, and all the services it delivers.

We would propose the urgent establishment of a project group tasked with quickly compiling a reporting template, in consultation with larger public bodies.

We suggest the following should be included in the template, to ensure proper reporting on action taken against each of the 3 duties:

- The total direct and indirect emissions (measured for both production and consumption emissions) that the public body has saved, measured against targets; the amounts predicted for future savings, against targets; and evidence of how the report is being used to inform the next year's plans and actions
- How the public body is fulfilling its commitments to implementation of the Scottish Government's Climate Adaptation Framework
- Information to demonstrate that the policies and actions implemented are the most sustainable options
- Information on how the public body has met any requirements placed upon public bodies by the Scottish Government's most up to date Report on Policies and Proposals
- Information on how the public body has met any other applicable reporting requirements that may be placed upon it under the Act (e.g. under Section 76)

We would expect the above to include: reporting on the impact of the public body's work on habitats and the non-built environment; reporting on procurement policies and activity; green workplace action (including, on adaptation issues, 'inward' and 'outward'-facing adaptation work [www.tuc.org.uk/extras/adaptation.pdf](http://www.tuc.org.uk/extras/adaptation.pdf)). It would also be useful to include a section on challenges/barriers and requests for national policy support, where applicable.

SCCS also believes it would be beneficial for the template to include reference to all relevant existing reporting requirements (e.g. Single Outcome Agreements, Carbon Reduction Commitment information and the proposed Scottish Sustainability Reporting Framework) so that it can be a 'one-stop shop' for all such related information. It may not be necessary to repeat those reports as part of this, as long as they are referenced and easy to access via the public bodies climate change duties annual report.

We note that on p66 there are some similar suggestions about what reports should include, in line with the Scottish Climate Change Declaration<sup>3</sup> (SCCD) reporting. However, the comment that major players should, "wherever possible, seek to use a consistent approach to reporting" is far too weak. **A template is needed.** Otherwise, multiple different approaches will evolve, preventing comparison, aggregation and the necessary identification of progress or barriers to delivery.

Indeed, we note that an important point about the need for comparable data collection, management and reporting across the sector is made in the newly published Energy Efficiency Action Plan<sup>4</sup> (EEAP). This makes clear that effective annual reporting by the public sector on energy efficiency targets is essential. The EEAP states, in Action 4.3, pp50-51, that all public bodies should set targets which should be reported annually, alongside progress on meeting them. It adds: "*As public sector energy consumption data is not centrally held or reported on, we will make tools available to ensure comparable energy data collection, management and reporting across the sector. **Without this, accountability and measurement of any targets for the sector will not be significantly robust***"(our emphasis).

The draft guidance suggests a five-part step-by-step approach to putting the duties into practice. On p63, it states that the outcome of Step 5, on Reporting, will be: "*Transparent and open reporting on the delivery of the public bodies climate change duties, which generates public confidence in the performance of public bodies, drives improvement and assists public bodies in demonstrating compliance with their climate change duties.*"

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<sup>3</sup> <http://climatechange.sustainable-scotland.net/>

<sup>4</sup> <http://www.scotland.gov.uk/Publications/2010/10/07142301/0>

While we fully agree with this, the outcome is unlikely to be met from the voluntary regime proposed. Ministers should take account of lessons learned from equalities legislation where there was little progress until public bodies had to mainstream work in this area and report on their progress. There is ample evidence from the equalities area and from other reporting regimes<sup>5</sup> that voluntary measures do not deliver the required information and that organisations themselves would welcome a reporting template. The final guidance should include this.

At best, with voluntary reporting, the result would be a variety of different reports with no consistent format, making it hard to compare approaches. The Scottish Climate Change Declaration, signed by all Scotland's local authorities, does at least use a template. However, in the first year of this voluntary measure less than half of the 32 councils reported. In 2009, this had risen to 25, but there is no publicly available assessment of the reports, and their content is mixed at best.

A report in June 2010 looking at reporting by local authorities and local supply boards in Wales (the Devolved Administration Greenhouse Gas Inventory Improvement Programme 2009-10 Wales Public Sector Scoping Study<sup>6</sup>) said in its Conclusion and Recommendations:

*"A range of examples of energy and emissions reporting by local public organisations have been reviewed. Whilst in some cases the reports provide valuable information, there appears to be no consistent scope or method of reporting across Wales. The lack of a structured and consistent requirement or guidance for LAs to report their GHG emissions limits the usefulness of existing data. A more consistent and complete reporting system needs to be implemented to improve data usefulness for inventory compilation and tracking of progress against energy and emissions policy targets."*

**If Scotland's public bodies duties reporting system is not right from the start, valuable time could be lost and, as stated above, this could lead to a dangerous delay in meeting the targets.**

### **Monitoring/scrutiny – additional duties**

SCCS argued, during the passage of the Bill through the Scottish Parliament, for a monitoring body to be appointed, with the power to carry out investigations into public bodies' compliance with the duties. At this stage, if Ministers establish mandatory reporting and proper monitoring/scrutiny of these reports through existing bodies, we are happy to wait for an assessment of how that is working. Therefore we are not calling for Ministers to use their powers further, on a monitoring body or by imposing additional climate change duties. The guidance proposes (1.3, p6) that it will be subject to review after two years to ensure it is as up-to-date as possible with the latest innovations and thinking on climate change tools and techniques. We propose Ministers should review by March 2013 (giving time for assessment of two annual reports) and that this review should assess performance to date against all aspects of the duties, as well as considering the need for updates. This review should also consider whether they should further use their powers under the Act, with a view to any subsequent use of Orders happening within the lifetime of Session Four of the Scottish Parliament. Of course, the powers could be used at any time in the future, including in Sessions Five and beyond.

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<sup>5</sup> In reporting on violence in the workplace, Scottish local authorities learned lessons from the NHS about the need for reporting of incidents to be comparable. In 2003 the NHS issued clear guidance, including on reporting and collecting data. <http://www.scotland.gov.uk/Publications/2003/02/16388/18311> Several years were wasted while councils all used different systems and criteria. This year new guidance for local authorities will help ensure much more co-ordinated reporting.

<http://www.healthscotland.com/uploads/documents/12251-OccupationalViolenceAndAggressionInTheWorkplace.pdf>

<sup>6</sup> [http://www.airquality.co.uk/reports/cat07/1006231328\\_Report\\_ED45322204\\_Issue\\_1\\_June2010.pdf](http://www.airquality.co.uk/reports/cat07/1006231328_Report_ED45322204_Issue_1_June2010.pdf)

There are various existing ways in which public bodies have their performance scrutinised. We want the Scottish Government, and the Scottish Parliament where relevant, to ensure some system of effective scrutiny of compliance with the climate change duties. It should cover all public bodies, even if such monitoring for smaller bodies is less frequent. The scrutiny will include monitoring by bodies such as Audit Scotland and occasional commissioned reports. **SCCS suggests that for 'major players', Audit Scotland should be tasked with reporting annually on their performance against the duties.** But the system should also see reports sent to Ministers and should consider ideas such as Parliamentary Committees calling in a number of annual reports each year and, for example, larger public bodies presenting their annual report to meetings of local schoolchildren and other public meetings. Such meetings could also be an extremely useful part of a powerful public/community engagement strategy to involve communities in work on climate change.

We note that one of the points made in the report from the pre-consultation workshops<sup>7</sup> is on the importance of effective audit and scrutiny. The report says: "*Many of those attending the workshops believed that the most important driver of progress in their organisation was external scrutiny and audit. If the Climate Change Duties are to be meaningful then they must be supported by effective evaluation by Audit Scotland or an alternative body.*"

**Strong reporting and scrutiny will instil confidence in the Act and in Scotland's ability to deliver our country's share of the change that is needed to safeguard the planet for future generations.**

### **Overall approach**

There is much that is good and helpful in the guidance and it contains information about excellent work already under way in some of the case studies provided. However, we have real concerns that the overall approach does not give enough emphasis to ensuring that public bodies fully engage their workforce and their local community. There is too much of a top down approach, assuming leaders will drive change from the top. While it is certainly important that senior managers and decision-makers fully understand and prioritise action on climate change, for real cultural change, which is required to properly comply with these duties, public bodies must secure 'buy in' throughout the organisation. This should be addressed by the final guidance, with specific support and advice on ways to engage everyone. It is important that this guidance is practical and useful and not something that will be treated as a tick box exercise, with minimal real change.

### **Key principles**

SCCS strongly supports the emphasis in Section 2.3.1, key principles, on outcomes and evidence-based policy-making. The outcome approach should ensure that competing priorities (for example, an organisation could have a strategy to achieve modal shift from private to public transport and at the same time a transport strategy which includes road expansion, which would lead to increased car use) are recognised and addressed in order to achieve the necessary carbon reductions. In terms of evidence-based policy, it is vital that carbon impacts are assessed as options are developed, and form part of the iterative process of developing policy and programmes. Scenarios to assess carbon impacts of different options should become a standard way of informing policy, just as forecasting impacts on jobs or the wider economy is now.

### **Interactions between objectives**

SCCS welcomes the focus on integration of climate change into the everyday work of a public body. We welcome the clarity on the importance of the three areas of mitigation, adaptation and sustainability. However, we recommend that the guidance is more clear regarding the interaction between these three. Specifically, we recommend that it states that in developing policies and planning actions, public bodies should assess these against all criteria before any implementation. For example, an action to adapt to the impacts of climate change should not increase GHGs or be

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<sup>7</sup> <http://www.sd-commission.org.uk/publications.php?id=1069>

unsustainable. Public bodies should, of course, ensure that the policies or planned actions are the most sustainable options, as outlined in the Act.

### Legal challenge

It should be made entirely clear that public bodies could be the subject of a legal challenge concerning their compliance with the duties. By acknowledging the possibility of judicial review, the guidance will prevent any uncertainty or confusion further down the line. We believe the actions listed in section 2 – board level leadership, the setting of targets, an associated action plan, and the use of carbon assessments to inform decision making should form the basis on which public bodies would be able to demonstrate their compliance. Making this clear may also enhance compliance with the duty.

## CONSULTATION QUESTIONS - NB We have only answered relevant ones.

### 1. Is the draft guidance clear and easy to understand?

Yes  No  In part

*If the guidance is not always clear or easy to understand, please tell us which sections this applies to and why.*

Overall the guidance is clear and covers all aspects of the public bodies duties. However, we believe a serious omission throughout the draft guidance is in not explaining the need for early action. This need is referred to only in general terms on p9, where it says: "Crucially, if emissions are reduced early and rapidly, the extent of climate change will be mitigated." However, it should be explained in more detail here for clarity and elsewhere in the document to help organisations understand the need to minimise the area under the 'emissions curve' and how what they each do in the next few years is essential to getting Scotland on track to deliver the early action required to meet the targets and prevent dangerous runaway climate change. We don't have time to wait several years. Public bodies need to know that urgent action is needed straight away. The key principles on p19 should include a reference to public bodies' key role in championing *early* climate change action.

We believe this explanation is essential in helping people understand the whole case for climate change action and the importance of the public bodies duties. Relevant to this point, we would suggest that the welcome reference on p26 to mainstreaming action being "the overarching goal for public bodies to work towards", is undermined by saying that effective mainstreaming could take some time. We suggest pointing out that *'effective mainstreaming will require more effort in some bodies than others to keep up with the scale and pace of change required.'*

Also, on p29, this may be an error, but the five principles of sustainability (shown in the diagram on p30) should include one of 'Ensuring a strong, healthy and just society'. But on p30, this is written as 'Ensuring a stronger, healthier society.'

It should be made entirely clear that public bodies could be the subject of a legal challenge concerning their compliance with the duties. By acknowledging the possibility of judicial review, the guidance will prevent any uncertainty or confusion further down the line. We believe the actions listed in section 2 – board level leadership, the setting of targets, an associated action plan, the use of carbon assessments to inform decision making etc, should form the basis on which public

bodies would be able to demonstrate their compliance. Making this clear may also enhance compliance with the duty.

**5. Do you agree that the organisations identified as ‘major players’ in the guidance are the right public bodies to set an example through their action on climate change?**

Yes  No  In part

*Please provide any comments, including suggestions of other bodies who might be considered as major players.*

We do agree, as noted above, with the ‘tiered approach’, whereby more is expected of major players. However, the list in Annex F appears to have some major omissions - and ‘omissions’ that should perhaps be explained for clarity. We therefore welcome the point made on p80 that this is not exhaustive, nor a cast-iron classification. It is right that it should also not restrict “those bodies not suggested as major players from taking forward actions suggested for major players if they so wish.” Omissions that we do not understand include fire boards, Skills Development Scotland and the Water Industry Commission for Scotland. These should be defined as major players due to their high profile and influential roles in their areas of responsibility. There are also organisations such as Scottish Transport and the Scottish Prison Service, Highlands and Islands Airports Ltd and David MacBrayne Ltd (CalMac) which we would expect to be seen to be major players but which are included under Scottish Ministers. For clarity, we believe it would be helpful to offer a list of some of the major players included in ‘Scottish Ministers’.

We have two points about other potential major players:

1) There are anomalies of a few bodies, such as the Forestry Commission, Health and Safety Executive and Sustainable Development Commission. These are UK organisations operating in Scotland and covered by UK FOI legislation. They are therefore not subject to the public bodies duties. We would hope the Scottish Government would make it clear the general expectation is that such organisations should aim to comply with the duties on a voluntary basis. On p7 it is stated that they are not prevented from considering the draft guidance as a potential source of information, tools and support. Similar wording is on p11. This wording should be strengthened to encourage them to join with the rest of the public sector in Scotland and to publicly state that they will comply with the duties. In addition, the Scottish Government may wish to consider, when reviewing whether to make use of its order-making powers, extending the definition of public bodies to include these and any other relevant anomalies.

2) The Freedom of Information (Scotland) Act may soon be extended to cover a wider range of public bodies that carry out functions of a public nature. We welcome the fact that the duties will apply to those bodies, as they should be seen as part of the public sector. We support the inclusion of private companies carrying out large public service contracts. As regards climate change action, this is a sensible and logical extension of sustainable procurement policies.

**6. Are the desired outcomes within each of the steps of Section 2 helpful in providing a guide to the steps towards mainstreaming climate change action?**

Yes  No  In part

*If you answered 'no' or 'in part', please provide additional comments on your answer.*

The desired outcomes are reasonable in providing a guide to the steps required to mainstream climate action. However, we would suggest adding in a further outcome in Step 3 to assist in emphasising the need to achieve buy-in throughout the organisation, as part of embedding this throughout corporate and business planning processes.

For example, by amending outcome 2 here to:

*Public bodies have strategies/action plans to address climate change as appropriate, including greening their workplace and working for buy-in throughout the organisation.*

Given the importance given by the Scottish Government to its 2009 communiqué with the STUC on climate change, we would like to see more reference to its themes throughout the draft guidance, including the importance of workplace action. The communiqué states: "*The greening of the workplace has a central role to play in delivering emissions cuts and promoting environmental action throughout society. Worker involvement is the key to culture change in the workplace. Good practice developed in the workplace will also have a positive influence in the home and community.*" <http://www.stuc.org.uk/news/643/stuc-and-scottish-government-issue-joint-communique-on-climate-change>

Finally, unless the reporting for the major players is made mandatory, with effective scrutiny, there is the danger that some will not prioritise this work in the way they should and the benefits of early action right across the public sector will not be properly realised. See the earlier comments on reporting.

**7. Are the suggested actions contained within each of the steps of Section 2 helpful in providing a steer on areas of activity to cover?**

Yes  No  In part

*Please suggest any additional actions you think should be included.*

**Governance, leadership and commitment**

SCCS agrees with the reference on p40 to strong leadership and shared ownership of climate change action, but this is not reflected in the suggested actions on p41. These should specifically talk about achieving buy-in throughout the organisation. The action on a public commitment should include a reference to reporting on that commitment to stakeholders. The final action should also refer to reporting regular updates.

**Developing a strategy or action plan**

This is important but must not be something that is full of fine words, then left in a drawer. It needs a detailed work programme that will be resourced, actioned and reviewed regularly. It should include a programme for reporting on progress.



### **Tackling direct and indirect emissions**

SCCS has always acknowledged that public bodies will have different 'appropriate' targets. We welcome the comments on p43 that public bodies should identify "ambitious" targets, that major players should be echoing the ambition of the national targets, and if not, the reasons for this should be explained. But this should be in the list of suggested actions. We would like to see an addition here, saying that public bodies should strive to overshoot the national targets where possible. Also, we are concerned at the suggestions that small public bodies may not want to set targets, but just "reduce emissions as they go forward". We believe that action to drive improvements such as cutting emissions is usually helped by setting targets. We welcome the fact that the EEAP recognises this. In Action 4.3, pp50-51, referred to above, the Scottish Government says it will ensure all public bodies set appropriate individual annual energy saving targets consistent with the overall sectoral target. It states: *"In order to ensure that the Scottish public sector is accountable on energy efficiency and can effectively demonstrate that it leads by example, it will be necessary to back policies with performance reporting against clear objectives. Therefore, in terms of the overall action plan, the public sector must aspire to an energy reduction target which is at least as ambitious as any overall national energy efficiency target covering all sectors."*

We are pleased that there is an emphasis in many parts of the guidance on public bodies' role in influencing cutting indirect emissions. We think it would be useful to back up the actions here by providing a worked example of a public body setting targets including both direct and indirect emissions and a report on progress.

The reference to energy efficiency on p47 could look at more advanced action than simply switching off lights and office equipment at night. Energy efficiency has a huge role to play and this is not properly reflected here.

### **Carbon Impact Assessments (see also comments on this in answer to Q10)**

SCCS supports the use of Carbon Impact Assessments. However, we think that the note on p47 suggesting it might in some instances not be appropriate to quantify or measure emissions from the 'wider sphere of influence' should be deleted.

### **Preparing your organisation and Helping to prepare Scotland for a changing climate**

These checklists of suggested actions on p49 seem weak and must contain more detail. In 'Preparing your organisation', guidelines should require consideration of practices to ensure the organisation enhances, and does not hinder, the adaptation of other sectors or the natural environment to climate changes. This applies where the organisation might have an external influence. SCCS believes that this assessment is different to an assessment of impact on the sustainability of an action.

### **Sustainability**

The guideline questions on sustainability need to be developed into a more detailed checklist of the potential impacts on the 3 'pillars' of sustainability – environmental, economic and social. For example, the environment is a wide and diverse category which can be impacted in a wide variety of ways. This needs to be reflected and clearly set out, such as in a more detailed version of the list of questions in Box 4 on page 38.

## Reporting

We would prefer to see a reporting template (see earlier comments, including on suggested content) and believe that most bodies would welcome this rather than just being urged, on p66 to wherever possible use a consistent approach in terms of what they report. SCCS is also concerned to avoid a situation where only 'major players' (and possibly not even all of them, given the voluntary nature of this) provide annual reports. The actions on p67 suggest others could report, for example, on a 3 year cycle. We would suggest that most public bodies will already produce some form of annual report, however limited, that could be used to provide basic information, even if more detail is perhaps provided only every second or third year.

## Legal Challenge

As stated in answer to question 1, public bodies could be the subject of a legal challenge concerning their compliance with the duties. We believe the actions listed in this section – board level leadership, the setting of targets, an associated action plan, and the use of carbon assessments to inform decision making should be basis on which public bodies would be able to demonstrate their compliance.

## 9. Do you have examples of support, tools or guidance for embedding climate change action into strategic and corporate processes which you could share with others to enable capacity building?

Yes  No  Not sure

*Please tell us more about the kinds of help you could offer and which types of public body this might assist.*

The Scottish Council for Voluntary Organisations worked with Scottish Environment Link to develop a simple carbon accounting tool. This was seen as useful for smaller organisations to calculate details of their energy and transport emissions, and may prove helpful for some of the smaller public bodies too. The CarbonLINK tool is available online at <http://www.scvo.org.uk/about-the-sector/scvo-the-environment/what-can-you-do/count-your-carbon/>

We are pleased that the draft guidance uses a case study of the TUC's 'Go Green At Work' booklet (p45). We hope current work in this area will soon be able to offer case studies and further examples of support etc for when this guidance is reviewed in two years. However, for now, and in line with our criticism of the 'top down' overall approach, we would like to see reference made to the importance of negotiated green workplace agreements and reference to other themes from the STUC / Scottish Government 2009 Climate Change Communiqué.

### Local Footprints

pp43/44, Setting targets for Direct and Indirect Emissions

We welcome the strong emphasis given to indirect emissions in the guidance. This is essential if we are to shape policies and programmes to drive a low carbon future. For example, for an average local authority producing some 30,000 tonnes of CO2 per annum, its community generates just over 1.8 million tonnes. Action on mitigating climate change therefore must address the way we live and work in our communities.

However, this is a relatively new approach for many public bodies, so we

were disappointed to see the lack of case studies which would help inform their work. For example, the Local Footprints project, and before that, Scotland's Global Footprint Project, has worked with several local authorities on building evidence to inform transport, planning and energy policy. Case studies are available in the Local Authority guide on the Local Footprints website:

[http://www.localfootprints.org/documents/8477\\_LFP%20Footprint%20Guide%20FINAL.pdf](http://www.localfootprints.org/documents/8477_LFP%20Footprint%20Guide%20FINAL.pdf)

We welcome the mention of Local Footprints, on page 50, regarding partnership working. We recommend the inclusion of a weblink and not just a phone number for ease of reference. With regard to Ecological Footprinting, on p 60, we recommend changing this heading to Carbon and Ecological Footprinting, as both are supported through Local Footprints, and given the emphasis on carbon in the public sector duties, it is only appropriate that public bodies may wish to focus on carbon footprint only.

Please also see our answers to Q10 for further comment on the forthcoming Scottish Carbon Impact Assessment (SCIA).

## **10. If you have any other feedback on the draft guidance, please provide your comments in the box below.**

Please see our comments at the start of this response, on reporting and scrutiny and the overall approach.

With regard to our comments on the overall approach, it seems particularly unfortunate that a case study on p41 about SEPA's internal awareness and engagement provides no information on the difference their 40 staff awareness presentations made.

### **Cost (referred to on p20) and carbon assessment tool**

We are concerned that in the current financial climate public bodies will feel under enormous financial pressure, even though some climate change action, particularly in energy efficiency, could deliver massive savings. It seems sensible for the Scottish Government to make some funding provision both for capacity building for all public bodies and for a strategic climate fund for local authorities. SCCS has proposed in our 2011 manifesto that:

*"Ambitious local authorities should be encouraged by a strategic climate fund offering 'spend to save' funding for 'step-change' emissions reduction projects. This would support challenging projects that would drive emissions down ahead of targets in the Climate Change (Scotland) Act."*<sup>8</sup>

The pre-consultation workshops report, mentioned earlier<sup>9</sup> said:

*"Seed money and new finance mechanisms are required to promote carbon reductions. We are entering an 'age of austerity' for public finances. This adds to concerns among public bodies that they will not be able to access the resources to fund low carbon measures, even ones which make financial sense in the longer term. The provision of a central pot of money to fund good local initiatives was proposed, and guidance/capacity building on new and innovative means of*

<sup>8</sup> A good example of a similar type of fund (although focused on energy efficiency) is the £10m allocated by the Scottish Government this year for local authorities for a universal home insulation scheme.

<sup>9</sup> <http://www.sd-commission.org.uk/publications.php?id=1069>

*financing work would also be useful.”*

It also highlighted the need for new carbon assessment tools that are standardised, easy to use and provide useful and accurate information. We welcome the development of the forthcoming Scottish Government guidance, the Scottish Carbon Impact Assessment, and the suggested use of this by the wider public sector. We urge the Scottish Government to ensure it is compatible with other carbon impact tools that have been developed for housing and transport. The guidance should also make it clear that all major policies and programmes should be informed by carbon assessment.

We recognise that advice and tools in the area of setting targets and providing the evidence base for policy in the area of indirect emissions is a fast-developing field. Hence, we would like to see the guidance provide some commitment to supporting capacity-building in this area, such as the support the Local Footprints project provides to local authorities, and more recently Community Planning Partnerships. It is essential that public bodies are given clear direction on indicators, outcomes and tools to assist them with compliance with this duty.

### **Procurement**

Procurement is a key part of climate change action. We welcome in particular this comment on p32:

*"Many public bodies also deliver services through contractors and/or various other arrangements such as arms length companies. Through the duties, there is an expectation that where public bodies procure or deliver services through others, these incorporate climate change expectations."*

### **Food**

The public sector has a major influence on food procurement. Food should be mentioned in the checklist on p35, probably in the list of sectors in the fourth question, and in the suggested actions on p46/7 on tackling direct and indirect emissions. We are disappointed that East Ayrshire's excellent and innovative sustainable healthy school food programme has not been used as a case study or referenced in any way here.

### **Public engagement strategy (first referred to on p14)**

We welcome the comments on p50 and in suggested actions on p51 about the public engagement strategy and how public bodies can support this, but suggest that its relevance to the public bodies duties and action by public bodies should also be highlighted earlier in the document. Similarly, we hope that the PES, when published, will reference the duties and action expected of public bodies.

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Stop Climate Chaos Scotland (SCCS) is a growing coalition of organisations campaigning on climate change. SCCS brings together environment, faith and development organisations, trade unions, community activists, and women's and students' groups.

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