



Public Bodies Climate Change Duties Pre-consultation Workshops Report

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1. Introduction

Part 4 of the Climate Change (Scotland) Act places duties on public bodies relating to climate change. The duties come into force on 1st January 2011 and cover around 7,000 public bodies¹, these being extremely diverse in terms of size and function.

The Act requires that Scottish Ministers provide guidance to relevant public bodies in relation to their climate change duties and that those bodies must have regard to such guidance. A public consultation on draft Scottish Government guidance is expected to take place in summer 2010. In advance of that a series of pre-consultation workshops were held across Scotland. The aim of these was twofold, namely to:

- Help build awareness of the Public Bodies Duties and the issues it raises for public bodies
- Begin discussion with public bodies as to how the planned Guidance on the Duties can best support them

This short report sets out the main messages that were drawn from the workshops.

2. Process

A total of five workshops were held across Scotland. A number of public bodies covered by the duties, and representatives from non governmental organisations, were invited to workshops in Inverness (22 March 2010), Glasgow (24 March 2010), Edinburgh (25 March 2010) and Dundee (26 March 2010).

¹ The duty applies to all 'public bodies', defined as a Scottish public authority within the meaning of section 3(1)(a) of the Freedom of Information (Scotland) Act 2002 (as amended)

COSLA hosted a further workshop in Edinburgh for Elected Members and senior Local Government staff (29 March 2010).

The workshops were organised and facilitated by the Scottish Government in collaboration with the Sustainable Scotland Network (SSN) and the Sustainable Development Commission Scotland (SDC). The Scottish Government commissioned SDC to produce a report of the workshops.

Attendance at the workshops was good with around 120 people participating. Many were sustainable development officers or energy/estate managers.

The workshops began with a presentation from Scottish Government officials, setting out the main points of the Act and the need for action on climate change. The remainder of the day consisted of facilitated discussions in small groups. The exact format of these evolved over the course of the 5 workshops, based on a review of what approach was most effective in promoting useful contributions.

3. Key issues Raised

The issues raised by participants were under four general themes:

- **What the public bodies will need to do to comply with the Duties**
- **What support will be required from the Scottish Government and others to ensure effective integration of the Duties into all work of public bodies**
- **How the Guidance should be structured and what it should contain**
- **Difficulties and challenges for public bodies**

There was a consistency in the issues raised across all 5 workshops with many of the concerns of practitioners also raised by the senior staff and Elected Members at the COSLA event. The main comments made under each heading are summarised below.

a. What the public bodies will need to do to comply with the Duties

Embedding climate change into corporate and business plans Compliance with the Duties will require that climate change is incorporated into all strategic planning of public bodies. There was discussion as to whether this would have to be done prior to the Duties coming into force in January 2011, or whether this is something that could be undertaken as and when plans and strategies are reviewed post 2011. It was requested that the Guidance provide clarity on this.

Building senior management, political and public awareness and commitment It is important that carbon considerations become a significant part of decision making processes across the public sector. A general view from participants in the workshops was that many senior decision-makers in public bodies could be better informed of the Government's climate change targets, the Duties and the need for public bodies to cut emissions and to adapt.

Investment and Decision making structures will have to change Climate change must be accepted as a high priority in all decision making. It is also important that public bodies move from short term (1-3 year) planning cycles to longer term cycles that allow consideration of carbon impacts and climate change adaptation all the way to 2050. In turn these need to be supported by an approach to investment that is based on long payback times and greatest overall lifecycle benefits.

Skills and capacity building In addition to building knowledge among senior management, investment needs to be made in skills to deal with carbon across the public sector. It was felt measures that will help build support for action and encourage behaviour change amongst staff were of particular importance. Awareness of carbon should become part of employee induction and performance appraisal.

More effective community leadership on climate change Many of those present felt that Community Planning could be more effective in delivering joined up action. The Duties should give public bodies and in particular local authorities, greater ability to influence and lead their local communities

b. What support will be required from the Scottish Government?

More coherent provision of advice and support At present a number of organisations provide advice to public bodies on climate change and it is often difficult to know who to turn to for guidance. It was suggested that a far better approach would be if there was a 'one stop shop' in Government or housed in another organisation that would assist public bodies in addressing the Duties. Training is required in financial and carbon accounting, technical solutions and also what the legislation will mean in practice. The establishment of a professional body or qualification around carbon might be useful.

Government must lead the way in terms of its own corporate performance and approach to policy It was felt that the Scottish Government has a leadership role with the wider public sector through its own actions. In particular through how it manages its estate and wider policy decisions.

Effective audit and scrutiny 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.

Mechanisms should be established to help share best practice between public bodies Many public bodies believe that there is not enough sharing of good practice between organisations in their sector and indeed between different sectors. There is therefore a lot of 'reinventing the wheel', with good and innovative ideas not always taken up more widely.

The adaptation agenda is less well understood at present and therefore needs support It was clear from the workshops that most of those attending felt far less certain as to how their organisation would adapt to climate change than reduce emissions. Awareness of the UKCP09 scenarios and how to apply them appeared low as did awareness of the wider support available to public bodies on adaptation.

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 financing work would also be useful.

Standardised and easy to use carbon assessment tools should be developed Many larger public bodies are now actively involved in carbon management on their estates through the Carbon Trust's programme. This was felt to be very useful but only in relation to corporate emissions. Wider carbon appraisal of impact requires the provision of new tools – Footprinting tools were not felt to be able to provide the detail required for community or service level appraisal. The most important attributes of any new tools were felt to be that they were standardised (or at least directly comparable), easy to use and provided useful and accurate information as far as that is possible.

At the same time it was recognised that the complexity of carbon assessment and the range of functions carried out by public bodies mean that a single unifying method may not be available/appropriate for everyone.

c. How the Guidance should be structured and what it should contain

Clarity and Simplicity is key A strong message from all the workshops was that the guidance must be clear in terms of what public bodies are required to do, and the guidance should be available in final form as close as possible to the commencement of the duties on 1 January 2011.

It was felt that some current Government guidance to the public sector was overlong and over-complicated. While there was a strong desire for the Guidance itself to be simple it was suggested that other sources of information should be signposted.**Stratification of public bodies based on their size and role** As the Government has recognised there is a need to address the significant variation in impact and responsibilities that different public bodies have.

There was strong support for the suggestion that the Guidance should be tiered, with only basic requirements placed on small bodies (GP surgeries etc) but more significant and wide ranging responsibilities placed on large organisations (Local Authorities, NHS Boards, large NDPBs etc).

It was proposed that the distinction between small and large bodies should be made based on annual income or staff numbers although it was recognised that some small bodies could have a significant impact. Another suggestion was that the distinction should be based on those bodies covered by the CRC although this would exclude many organisations which could be considered significant.

Case Studies should be provided Many of those at the workshops supported the development of case studies that would provide examples of the way in which different types of public bodies could address the various aspects of the Duties. These should be housed on a central website.

Explanation of the Sustainable Development requirement is needed Participants were confused as to what the third element of the Duties *'in a way that it considers most sustainable'* will mean in practice. For some there was a concern that it would provide an additional layer of complexity in making decisions. For others it was felt that it could be used as a 'get out clause' that would enable public bodies to justify decisions that were viewed as good for the economy but bad in carbon terms.

Guidance must show how Duties requirements fit with existing initiatives Many Public bodies are already involved in the Carbon Trust Carbon Management Programme (CMP) and are preparing for the introduction of the CRC Energy Efficiency Scheme (CRCEES). Guidance must show how these and other mechanisms can be linked to and support the action required under the Public Duties, avoiding duplication of effort.

Guidance should be clear about how to appraise both direct and indirect emissions There is a lack of clarity as to what the scope of the Duties was in terms of secondary and tertiary emissions. It was also unclear to many how indirect emissions can be measured and cut given that many such emissions were as the result of a combination of national and local actions. The Guidance should therefore make clear the extent to which organisations would have to measure and address emissions from the provision of services or from their wider influences.

Guidance should show how to balance carbon with economic and other considerations There was a general lack of clarity about the relative importance public bodies should attach to carbon considerations in comparison to economic development or other issues. Many were unsure whether every action or every new development had to lower carbon or whether the totality of impacts was key.

Guidance should explain whether public bodies are expected to achieve specific cuts in emissions The guidance should make clear whether public bodies should cut emissions (in their corporate estate or more widely) in line with the 2020 and 2050 targets or whether the Duties are less specific in terms of what should be achieved.

Guidance should stress the importance of adaptation as well as mitigation Much of the discussion at the workshops centred on the mitigation agenda – this was in part due to lower awareness of what adaptation actions are required and also a perception that adaptation is a lesser priority. The Guidance therefore needs to provide a clear steer on adaptation measures and how these can be integrated into corporate planning, services and community engagement.

d. Difficulties and challenges for Public Bodies

Attendees highlighted a number of issues that they felt could prove problematic for public body staff in implementing the aspirations of the Act.

Double Counting of Carbon For community wide emissions there was a risk that the same carbon savings could be assigned to more than one organisation. Clear guidelines as to how to count carbon at a local level were therefore required.

Climate change will add another layer of complexity to already complex decision making processes

Some of those present expressed concerns at the range of new requirements that public bodies were already expected to comply with. They feared the addition of further duties would make the decision making process slow and overly complicated.

Targets set could be unrealistic or inflexible Lack of capacity in public bodies could result in the setting of targets that were overly ambitious or conversely not demanding enough. The setting of realistic targets, backed by effective action, required either that organisations have internal capacity or they are able to access it from elsewhere.

Targets take no account of good performance to date Many bodies have already undertaken significant action on climate change. It was felt that there was a risk that good work to date would not be recognised in assessing performance post-Duties. This issue had emerged as important in discussions around the Carbon Reduction Commitment (CRC).

Effectiveness of the Duties in driving change The example of the Sustainable Development Duty in Best Value (BV) was cited as a requirement that had not led to significant change in local action. It was felt that a possible reason for this was a lack of importance attached to the BV Duty in reviews of public sector performance.

Resistance from the electorate Local Authorities in particular are answerable to local electors. Examples were provided of where there could be strong public support for projects, such as new roads, that were bad in carbon terms. In making decisions, public bodies were sometimes unclear how to balance public support for certain developments with action required to meet carbon targets. Active engagement with the electorate by both the Scottish Government and local organisations was seen to be important in building greater public backing for low carbon measures.

4. Conclusions

Attendance at the workshops demonstrated a significant degree of interest from public bodies in what the Duties will require. The majority of those participating were supportive of greater public sector action on climate change but unclear as to the potential impact the Duties will have on their organisation.

The discussions raise a number of issues for consideration in development of the draft guidance and in the Government's wider support for the public sector. Most important questions to address are:

- What is required of different public bodies i.e. based on size, role and responsibilities

- How carbon considerations should be integrated with wider requirements that public bodies have
- How public bodies will be supported in developing action on carbon
- What the adaptation agenda and the sustainable development requirement mean
- What cuts in carbon may be required from public bodies and how this will feed into their corporate, service and community level actions