



PUBLIC BODIES CLIMATE CHANGE DUTIES: PUTTING THEM INTO PRACTICE

RSPB Scotland response to the Scottish Government consultation on draft guidance required by Part 4 of the Climate Change (Scotland) Act 2009

RSPB Scotland¹ is part of the RSPB, which speaks out for birds and wildlife, tackling the problems that threaten our environment and promotes the conservation of wild birds and their habitats. We are supported by 88,000 members in Scotland, with a strong membership base in rural areas as well as towns and cities. We have practical experience of managing land for conservation, farming, forestry and other enterprises, and of providing advice to land managers. RSPB Scotland manages 68,240 hectares of land, much in management agreements with local farmers/ crofters and graziers. Our land management interests cover a wide range of habitats and geographic areas within Scotland. We undertake biological and economic research to underpin our policy analysis and advocacy.

As well as commenting on national planning issues, our professional planning and conservation staff are regularly involved in the development planning process and we comment on several hundred planning applications, annually. We also have experience of environmental education and training for all ages. In combination with RSPB staff across the UK, and our international partners in Birdlife International, we have cross-cutting expertise and experience of land use and sustainability issues within Scotland, the UK and internationally.

Key Points

- **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.**
- **We recommend that the guidance is clearer regarding how public bodies can develop policies and plan actions which optimise the three objectives of reducing GHG emissions, adaptation to climate changes, and sustainability. Specifically, we would like to see the guidelines clearly outline how public bodies can assess and select the most sustainable option before implementation.**

¹ The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654



Introduction

RSPB Scotland welcomes the opportunity to respond to this consultation on the public bodies' duty. In addition to this response we have contributed and signed up to the response from Stop Climate Chaos Scotland (SCCS) and fully endorse the detailed comments within their document.

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

RSPB Scotland believes there is a real risk that relying on a voluntary reporting regime for public bodies and could lead to a dangerous delay in meeting the Act's world leading targets. 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. We believe that 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, therefore, essential that there is mandatory annual reporting by public bodies and proper independent scrutiny of those reports. Public bodies must report on their action to mitigate climate change and adapt to a changing climate. In addition they must clearly report how they are doing this in a sustainable way. This requirement would underpin the success of the new duties. Without it, patchy voluntary reporting and a resulting lack of sufficient information to monitor action across the country, could lead to a drop in public confidence in and support for concerted action on climate change. As stated on p63, "transparent and open reporting is a crucial element of maintaining public confidence in the performance of a public body". **RSPB Scotland strongly recommends that Ministers use their statutory powers under the Act to immediately, by Order, establish an effective mandatory annual reporting system.**

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
- The actions taken by the public body to fulfil 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)

Reports submitted by public bodies must be scrutinised. The Scottish Government and the Scottish Parliament where relevant, must ensure there is 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 regular scrutiny should be carried out by a competent body, such as Audit Scotland. **RSPB Scotland recommends that for 'major players', Audit Scotland, should be tasked to annually provide a report on the performance of public bodies against the duties.**

Public Engagement

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 concerns that the overall approach does not give enough emphasis to ensuring that public bodies fully engage their workforce and their local community. We feel that 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.

Interactions between objectives

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



CONSULTATION QUESTIONS

NB: We have only answered relevant questions.

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

Yes No In part

Overall the guidance is, in the most part, clear and covers all aspects of the public bodies' duties. However, we believe that an emphasis on the need for **early action** is a serious omission throughout the draft guidance. 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." 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 welcome the reference on p26 to **mainstreaming action** being "the overarching goal for public bodies to work towards", but believe that this 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.*'

2. Do you currently have strategies and procedures in place to help your organisation respond to climate change?

Yes No

3. If you do have strategies and procedures in place for addressing climate change, is this guidance compatible with them?

Yes No In part

Strategies and procedures to help RSPB Scotland respond to climate change are provided by the RSPB's head office. The guidelines are compatible in part and add further checklists of issues to be considered in the future.

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



We do agree, as noted above, with the ‘**tiered approach**’, whereby more is expected of major players. 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.”

RSPB Scotland recommends the inclusion of the Water Industry Commission for Scotland as a major player. WICS has significant influence regarding how Scottish Water implements its duties and its decisions can have a strong influence on achievement of climate change objectives.

We recommend that UK organisations operating in Scotland and covered by UK Freedom of Information Legislation, such as the Forestry Commission and the Sustainable Development Commission, should aim to comply with the duties on a voluntary basis.

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

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, outcome 2 should be amended 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.*

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

Governance, leadership and commitment

RSPB Scotland recommends that the suggested actions on page 41 specifically includes an



action on achieving and developing buy-in throughout the organisation.

Developing a strategy or action plan

We recommend that strategies and action plans are used to drive change towards the objectives. Therefore we would like to see the guidelines require action plans to outline 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

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. This should be included in the list of suggested actions. We believe that small public bodies should also set targets and not just “reduce emissions as they go forward”. We believe that action to drive improvements such as cutting emissions is helped by setting targets. 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 public sector has a major influence on food procurement. Food should be mentioned in the checklist on p35, and in the suggested actions on p46/7 on tackling direct and indirect emissions.

RSPB Scotland recommends that a checklist question, on page 35, is included to ask ‘*Does your public body influence the ability of the natural environment to protect carbon stored within soil and vegetation and to sequester and lock up more carbon from the atmosphere in the future?*’.

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

The checklists of suggested actions on p49 seem weak and must contain more detail. The guidelines on helping Scotland to prepare 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. For example, this will be a core responsibility for public bodies such as SNH but must also apply to others such as Local Authorities who have responsibility to manage flood risk in response to climate change and in doing so can either help or hinder the natural environment to adapt. RSPB Scotland believes that this assessment is different to an assessment of impact on the sustainability of an action. At least section 6 should include, ‘*Public bodies should identify how their plans and policies can help Scotland’s natural environment to adapt to climate change.*’

Sustainability

RSPB Scotland believes that assessment of sustainability should be embedded in the work of



public bodies and mainstreamed in the guidelines. Assessment of sustainability must not be seen as a separate step or be a separate procedure following a decision being made on an action to reduce GHG emissions or to adapt to climate change. It must be an integral part of the process of deciding on policies or action to implement. Furthermore, the Act states that public bodies must act 'in a way that it considers is most sustainable.' Therefore, we would like to see the guidelines clearly outline the required decision making process to ensure that when actions or policies are under development a range of options should be considered in order to elucidate the most sustainable option before implementation.

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 templates

These comments are in addition to those outlined above.

RSPB believes that the Scottish Government should provide a reporting template 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. Templates should also be provided for smaller public bodies but be appropriate to the tiered approach. We recommend that where possible and appropriate the reporting process uses existing reporting systems used by public bodies.

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.

Ecosystem services

We welcome the reference (on p31) to the ecosystem services, such as natural flood management, providing resilience to Scotland. The RSPB would like to see more emphasis within the guidelines to indicate that ecosystem services can provide cost effective long-term benefits to the economy, society and the environment. We believe that public bodies are on the whole not familiar with the wide range of benefits that can be delivered by the natural environment or the value of them. The Scottish Government therefore needs to provide clear guidance and signposting within the guidelines.



Cost (referred to on p20)

We are concerned that in the current financial climate public bodies will feel under enormous financial pressure to reduce its spending on mitigation and adaptation. This is despite some climate change action having the potential to deliver massive savings. Short term savings can be realised through action such as energy efficiency, whereas long-term savings can be realised by investing in land management to protect, increase and enhance valuable ecosystem services, for example, natural flood management. 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.

Procurement

Procurement is a key part of climate change action. We welcome in particular the 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.”*

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.