



Stop Climate Chaos Scotland

Response to Consultation on Proposed Draft Climate Change (Reporting on Climate Change Duties) (Scotland) Order 2015

May 2015

Stop Climate Chaos Scotland (SCCS) is a coalition of organisations campaigning on climate change, including environment, faith and development organisations, trade and student unions and community groups. We welcome the opportunity to respond to this consultation. Our answers to the consultation questions are set out below.

Question 1: Do you agree that the powers in the Climate Change (Scotland) Act 2009 should be used to improve climate change reporting by public bodies?

Yes

Comments

SCCS welcomes the proposal to use the Act's powers to introduce a statutory reporting requirement for public bodies on their climate change duties. This is something we have argued for consistently since first campaigning for a strong Scottish Climate Change Act. We are pleased that the Scottish Government is now taking this forward. However, it is disappointing that the delay has meant the loss of several years in establishing a consistent and reliable reporting regime. This too has coincided with three years, so far, of missed emissions reduction targets. Yet the need for increased climate action here and globally is becoming ever more urgent.

This is a crucial year as world leaders meet in Paris in December to thrash out a new international agreement on climate change. As Lord Stern, and others, warned earlier this month, pledges made to date in advance of the UN talks will not be enough to keep global warming rises below the 2 degrees Celsius threshold¹. Scotland, with its claimed world-leading legislation, must step up its work to ensure future targets are met.

We agree, of course, with the consultation document comment that introducing 'Required Reporting' won't, in itself, achieve Scottish public sector emission reductions. We note that the consultation document says that, however, it "will demonstrate to public sector stakeholders, environmentalists and the public, that the Scottish Government takes its climate change obligations seriously and is doing everything within its current powers to deliver on this challenging agenda and to also encourage emission reductions to be ramped up across the sector."

We believe this is an overly optimistic interpretation of what it will demonstrate. SCCS has set out at various stages our calls for more and faster action, including delivering on the policies and proposals set out in RPP2. In March, the UK Committee on Climate Change said for the fourth time that more action is needed in Scotland to meet future targets, particularly in low-carbon heat, energy efficiency, the public sector, transport, and agriculture and land use sectors. SCCS Chair Tom

¹ http://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/2015/05/Boyd_et_al_policy_paper_May_2015.pdf

Ballantine said at the time: *“Scotland is rightly proud of its world-leading legislation on climate change but, as the Committee on Climate Change highlights today, the Scottish Government must deliver what is set out in our Climate Change Act, so that we can retain our credibility in this area and show other countries what the benefits are of a low carbon nation.”*

Implementing all policies and proposals in the RPP2 would help to show that the Scottish Government is doing everything within its powers. The Government’s decision to support mandatory reporting will contribute to meet emissions targets and should make a major difference if done properly. In the SCCS response to the 2010 consultation on Guidance for the Public Bodies Climate Change Duties under the Climate Change Act (Scotland) 2009, we argued: *“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.”*²

We welcome the report from the Rural Affairs, Climate Change and Environment Committee supporting mandatory reporting.

We also commend all those involved in arguing the case for this change, given the original considerable opposition.

Question 2: Do you agree that standardised reporting will improve the quality and consistency of climate change information reported by public sector major players?

Yes

Comments

We agree, *if* the reporting is sufficient to cover everything that it should to allow proper assessment and scrutiny.

Friends of the Earth Scotland (FoES) have been analysing the 2013-14 local authority (voluntary) Scottish Climate Change Declaration Year 6 reports. The FoES report³ shows that, despite “some bright examples” of climate change leadership and governance, the reporting on greenhouse gas (GHG) emissions is inconsistent and unsuitable for reliable comparisons. It states:

“In relation to the local authorities’ reporting specifically on their GHG emissions, these are the main conclusions that can be drawn:

Although local authorities have been under a duty in the Climate Change Act since 2009, and have been voluntarily reporting since 2008 to the Sustainable Scotland Network, it is not possible to find comprehensive information which allows us to report on the emissions reductions by the sector achieved in that period.

² <http://www.stopclimatechaos.org/sites/default/files/public-bodies-consultation-response.pdf>

³ <http://www.foe-scotland.org.uk/public-body-emission-report>

The problems identified in reporting to date are serious and include that:

- 1. Some local authorities have not reported at all*
- 2. Local authorities have started to report in different years*
- 3. They choose what categories of emissions to report on so aggregation of emissions data and comparison from one to another is not reliable*
- 4. Some local authorities change the categories on which they report in different years meaning that trends even for individual organisations are often unreliable.”*

This was predicted (see the SCCS public bodies guidance consultation response⁴) and some of these problems are undoubtedly why there has been pressure from public bodies themselves for the consistency that mandatory reporting should bring. An important lesson is to get the new template right. Our guidance consultation response, mentioned above, said:

“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). 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

⁴ Ibid

as they are referenced and easy to access via the public bodies climate change duties annual report.”

We believe that the new regime should be devised so that it produces reports that allow useful and valid comparisons across many if not most of the public bodies' functions (acknowledging that there are big differences in types of organisation) and ways of assessing the impact of emissions reductions plans. One existing problem, pointed out by FoES in their report, is that:

“The period in question is one of reductions in expenditure by local authorities. It is reasonable to assume that smaller budgets pay for less activity and that this in itself would result in some reductions in emissions. It is therefore difficult if not impossible to conclude how much of the reported changes result from deliberate actions and plans.”

We therefore suggest some further refining of the proposed form, and note from comments made by a range of public bodies giving evidence on the proposed Order to the Rural Affairs, Climate Change and Environment Committee on 29 April, that they support mandatory reporting for reasons from consistency, through identifying areas for improvement to engagement throughout the organisation. Scottish Enterprise said that mandatory reporting would push the interest in the 'carbon plan' and carbon reporting, which can fade away, “right back up to the top managers and leaders.” Clackmannanshire Council stressed the importance of reporting “for a purpose”, with analysis key, and noted that mandatory reporting would require additional time and resources but would lead to “improvements in how we handle climate change.” Glasgow City Council spoke about behaviour change among staff and said reporting keeps carbon high on the agenda and “gives us a bit of a push and influences the support for such innovative action that might be over and above what might be in a city council's realm.” The spokeswoman from Glasgow added that mandatory reporting lends support for the kind of longer-term initiatives, necessary in climate change action, but often hard to fit with political cycles.

These kinds of issues should be taken on board in finalising the form.

Question 3: Do you agree with the policy subjects and questions included in the proposed climate change reporting form (see Schedule 2 to the draft order)?

No

Comments

The proposed form has a lot of good subjects/questions. However, it doesn't cover all the items we have suggested, noted above. We are not convinced that the current template allows for sufficient collation of reliable comparable information, in particular on having the same methodologies used by all public bodies for key data. While it is good to be flexible and allow public bodies to report a wide range of activity, it is important to learn from experience, with a focus on reporting for a purpose and ensure useful analysis of the reports is relatively straightforward.

Also, there appears to be a major omission. Currently local authorities report voluntarily using the Scottish Climate Change Declaration reporting template, which

includes questions on area-wide emissions. This can cover things like, for example, use of the planning system. But the proposed draft order shows the new form, in part 3 (a) (Schedule 2) referring only to corporate emissions.

We think it is essential that local authorities should still be asked to report on efforts to reduce emissions from their areas as a whole, as an annex for local authorities within the new template. This is a recommendation of the FoES report, which says: *“The local authorities should still have to report on their co-ordination of plans for emissions reductions across their areas.”*

We also note that the Guidance on the Public Bodies Duties⁵ refers at several points to wider area emissions and suggest on reporting that:

“Major players’ reports might summarise the various aspects of the relationship between public body corporate planning and climate change action, namely:

- *Governance, leadership and management arrangements for climate change action and confirmation of the nominated senior management champion.*
- *Reductions in relation to public bodies’ direct greenhouse gas emissions.*
- *Emissions arising from exercising public bodies’ broader functions and the action being taken to address these.*
- *Action taken to assess risks of climate change impacts and work undertaken with others on adapting to the impacts of climate change.*
- *Examples of partnership working and climate change communications.*
- *Other activities and achievements: both highlights and areas for improvement.*

As above, we therefore propose some further refining of the proposed form to take these points into account, for all public bodies, not just local authorities. And we suggest a review of the form after the first couple of years.

We note also that the Public Sector Climate Leaders Forum minutes of the meeting of 12 January 2015⁶ says that it: *“Welcomed that work was planned for SSN and officials to develop reporting guidance and “Recommended” reporting annex.”* We stress that we think it is important that the area wide reporting is included under the mandatory Required Reporting template and not in what seems to be a proposed voluntary recommended reporting annex.

SCCS is also part of a coalition of coalitions that has an updated ‘Civil society 10 priorities for public procurement in Scotland’⁷. We would want the questions on procurement to be framed in ways that allow for comparisons and outcomes that can be tracked over time.

Question 4: What would you consider to be an appropriate deadline date for the annual submission of climate change public bodies duties reports?

We understand that there may be some difficulties for some public bodies in meeting proposed deadlines and are happy for the practitioners to sort out what is realistic.

⁵ <http://www.gov.scot/Resource/Doc/340746/0113071.pdf>

⁶ <http://www.gov.scot/Resource/0047/00470274.pdf>

⁷ http://www.unison-scotland.org.uk/publicworks/Procurement-10asks-regs+guidance_Apr2015.pdf

However, the date should also be timed to be useful for relevant Parliamentary timescales and reporting.

Question 5: Based on your current level of climate change/sustainability reporting, are there any additional resource implications associated with the proposed reporting requirement?

Not applicable to SCCS. However, we don't believe the resource implications are significant for major players.

Question 6: For public sector respondents only: Do you agree with the list of "major players" in Schedule 1 to the draft order?

Yes, with some provisos. SCCS is not itself a public sector respondent. However, we refer to the comments we made in our guidance consultation response, referred to above. We said there that there were anomalies, including that the Water Industry Commission for Scotland was omitted and that, for clarity, there should be a list of organisations that are included under Scottish Ministers, e.g. The Scottish Prison Service. We note and welcome that any integration joint boards are included, but suggest there should be ongoing, regular assessment of whether any 'new' major players should be included.

Would you voluntarily provide additional climate change information if recommended by the Scottish Government?

SCCS is not itself a public sector respondent. However, we would expect major players to be willing to provide further information on their climate change work, if asked to by the Scottish Government.

Question 7: What guidance should be provided for climate change public bodies duties reporting?

The guidance should be practical and can be fitted in with the guidance on the duties themselves, which should be updated to incorporate the new Required Reporting and any useful 'refreshing'/updating of information/resources.

Question 8: How do you think climate change public bodies duties reports should be monitored?

We suggest that Audit Scotland should be tasked with reporting annually on compliance with the duties.

Question 9: What should the consequences be if a major player does not comply with the climate change public bodies duties?

'Naming and shaming' – potentially with this being done formally through reports to Parliament. We have previously suggested, for example, that reports on the duties should be sent to Ministers, with perhaps Parliamentary Committees calling in a number of annual reports each year. Public bodies themselves could consider presenting reports to public meetings. These would mean considerable public scrutiny, and motivation to ensure compliance with the duties.

Question 10: Do you believe climate change public bodies duties reports should be validated prior to submission?

Yes, independently. While we acknowledge there will be small cost implications, we believe it is important to have figures that can be trusted and, from experience in other areas, that requires independent validation.

Question 11: Would you be content for your climate change public bodies duties report to be published annually on the Sustainable Scotland Network (SSN) website?

Not applicable

Question 12: How much time would your organisation expect to spend preparing a report in accordance with the draft order? (include any external consultancy time)

Not applicable

Question 13: With reference to the draft BRIA, do you think that the policy proposal presented may impact on business, the third sector (voluntary) or any other relevant areas?

Only in positive ways. We believe that the achievement of the stated objectives and the multiple benefits show the wisdom of this approach and just regret it was not instigated from the start. We agree that the benefits include having all major players “formally report their compliance with the climate change public bodies duties in an open and transparent fashion and demonstrate robust management of public funds and climate change action.”⁸

Question 14: Do you think that the policy proposal presented may impact on people differently depending on characteristics such as age, disability, gender, race, religion or belief, sexual orientation, gender identity or marriage or civil partnership status? Could the proposals enhance equality or good relations? If so, please comment.

We do not believe introducing mandatory reporting will impact particularly on people differently depending on these characteristics. Public sector action on climate change can and should in various ways be designed to take on board and enhance equalities issues, particularly in adaptation measures and taking into account, for example in transport, the differing needs of specific groups, including elderly people, disabled people, parents of young children etc. We hope the new reporting regime may indeed help enhance equality by providing easily comparable information consistently.

End of Questionnaire

⁸ Option 3, benefits section of p45 of the BRIA