



# A Route Map to a Fair Independent Scotland

Report of the Social Justice and Fairness Commission

Executive Summary

March 2021

# Executive Summary

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# 1. Introduction

**Independence** ensures that decisions about Scotland are taken by the people who live here. The transfer of powers to our Scottish Parliament will empower the people of Scotland, and present us with the opportunity to transform our country for the better. However, to build that better society, one with **compassion** and **wellbeing** at its heart, we need to use these powers differently. We need to reset the relationship between government, at every level, and the people it is there to serve, founded on a **renewed social contract** that delivers for the people of Scotland – a social contract focused on the realisation of our **human rights** and the pursuit of **equality**, which will guide all policy and spending decisions.

The **remit** of the Social Justice and Fairness Commission was to present a route map for delivering a fairer Scotland. Our destination is a **wellbeing society** that values and cares for everyone who lives here, based on the central principle that the function of government is to make life better for everyone and ensure no one is left behind.

With independence, we can build on the progressive policies of the **Scottish Government**. Unconstrained by a constitutional ceiling on our ability to effect **transformative change** we can think afresh about the policies we can choose to pursue, and how we make those choices at every level in Scotland.

**How we make decisions matters.** To achieve transformational change, policies need to be built on societal, and not just political, consensus. Decisions need to be made *with* people, not simply for them. Initiatives like the Citizens' Assembly of Scotland should be central to decision-making. In this way we can ensure that policies reflect what people need, that they are built on consensus, and that we are giving them the best chance to succeed.

The **pandemic** has brought enormous hardship and devastation, and it has caused us to reflect upon and consider what matters most. It has also demonstrated that change is not only possible, but necessary for our collective recovery and to build something even better.

Very few people want to return to exactly the way things were. The problems that were exacerbated by the pandemic – such as poverty, structural inequalities and the impact of discrimination – will all remain unless we make different choices. Now more than ever, we need **intersectional policy responses**.

The work of the Commission has been shaped by the current pandemic, and our report must be viewed in that context, along with additional challenges posed by **Brexit**. In an **era of recovery**, we will need to focus on protecting the most vulnerable in our society. We must recognise and respond to the reality that things are likely to become much tougher before they can begin to get better. We cannot, however, allow the circumstances we find ourselves in to lower our ambitions. **Social justice is not a luxury we should aim for when times are good. When times are hard it is more important than ever to ensure that society is fair and just for everyone who lives here.**

With independence we can reset Scottish society in order that **the economy serves us, the people, and not the other way around**. The pursuit of economic growth in and of itself does

not deliver what the vast majority of people need or want. **Our vision of a wellbeing society is predicated on a wellbeing economy.** We need to shift the emphasis of mitigating the harms of an economic system to ensuring our economic activity does not create these harms in the first place. Instead of growth, our main measure of success should be what the economy delivers for our individual and collective wellbeing within Scotland, and the contribution our wellbeing economy makes in improving the wider world.

The world is changing, and we must keep pace with that change – all the while harnessing the benefits of progress and protecting that most vital of resources, the planet on which we live. **Social justice and environmental justice go hand in hand.**

The challenges facing countries across the world are immense. As the pandemic has so vividly illustrated, we cannot predict all of the storms that lie ahead. But with **independence** we will have the tools – such as the full range of welfare powers, tax policy and employment law – to help us navigate the future and face those challenges.

The Commission has taken an **outcomes-based approach** to a range of issues. Some of our recommendations could be implemented in the shorter term, either under devolution or in the early days of independence, but we have found that independence is key to achieving the transformational change necessary for Scotland to fulfil its social justice and fairness aspirations for three fundamental reasons.

First, and crucially, **it will give our Scottish Parliament the tools it needs to eradicate poverty, rather than just reduce or mitigate its effects.**

Second, independence offers a unique opportunity for us to come together as a country, and across the political divide, to shape our long-term future. There will of course be political disagreement on policies and priorities – that is democracy – but there are some fundamental foundations upon which we will be able to **create state-building consensus.** Consensus is key to achieving **transformational long-term changes** that will improve life here in Scotland for generations to come.

Third, independence is an **opportunity for democratic renewal** across Scotland. *How* our parliament makes decisions is going to be just as important as the decisions themselves. The empowerment and participation of our citizens must be at the heart of our decision-making processes, across all areas of government at national and local level. Alongside our journey to independence, we also need to devolve even more power to communities across Scotland and truly empower people to get involved and shape our future. Government – national and local – should not be something ‘over there’ making decisions for us.

## Our Process

The Social Justice & Fairness Commission was established and supported by the SNP, but our membership includes individuals who are not party members. We have not sought to cover every policy that relates to social justice. We simply offer advice to those first governments about their approach to governance, decision-making and policy priorities. **It is not for us to predetermine the choices that the governments of an independent Scotland**

**should make, as the opportunity to make those decisions based on what people in Scotland need and want over time is the very point of independence.**

There is a **plethora of ideas and vibrant debate**, here in Scotland and internationally, covering all of the issues we have considered. It was not our role to reinvent these wheels, but to examine the substantial amount of work being done across the board by some of the most expert and forward-thinking people in their fields, and – importantly – reflect the discussions right across Scotland about what people need and want from government. We were particularly engaged and inspired by the innovative work of the **Wellbeing Economy Alliance (WEAll) Scotland**, which is part of a global collaboration working towards the realisation of a wellbeing economy that serves the people and the planet. And the inspiring **‘Creating a Caring Economy’** report of the Commission on a Gender-Equal Economy has framed much of our thinking on social care reform.

We have drawn heavily on the work of individuals and organisations referenced throughout this document, and we made ongoing efforts to **consult** communities of interest as we worked – within the networks of our Commission members and more widely, with a number of documents produced for public consultation. We also took our ‘A Secure Income for All’ discussion paper to the SNP’s National Assembly forum for debate and extensive feedback.

This report has been shaped by that input and is offered as a **blueprint to future governments in Scotland** to help deliver social justice and fairness. It also poses **further questions** that we should seek to answer collectively as we look to shape the kind of Scotland in which we all want to live.

During the course of our work we have also identified a number of measures that we could be taking forward in the shorter term, both under devolution and in the early days of independence, and we hope they are a useful contribution to the debate about how we can build back better from the current pandemic.

## 2. The Route Map to a Fairer Scotland

The **route map to a fairer Scotland** is not a predetermined list of policy decisions for an independent Scotland. It is about **three key elements: changing how we govern ourselves, agreeing the values we collectively view as our compass, and focusing on policies that prioritise the creation of a wellbeing society.**

It is a **model for inclusive decision-making** that truly empowers the people of Scotland to shape our own future. At the heart of that model is a **renewed social contract** between citizens and the state, which clearly sets out the responsibilities of those who govern to do so in the interests of, and in partnership with, the people it serves.

**Government is there to serve us all** – each and every one of us who has chosen to live in Scotland – whether we were born here or not. In order to ensure we can all have a good life, we need to **work together to build our wellbeing society**, which values and cares for

everyone who lives here, from baby box to old age – a society in which everyone can fully participate, with opportunities to flourish socially, economically, and culturally.

The **foundations of that wellbeing society** can be seen in the approach of the **Scottish Government** – using the powers of devolution to move us towards a fairer society. The use of Experience Panels to design and implement a new social security system in Scotland based on dignity, fairness and respect is an example of inclusive decision-making; of the government developing policy *with* people it is there to serve, not just for them.

The Commission believes that with independence we can build on the foundations that have been laid under devolution by the Scottish Government. Our report offers a **conversation starter** to find consensus about the kind of Scotland we want to build with independence and how best to get there.

In our report, we consider three key elements of the route map to a fairer Scotland:

- **Democratic renewal – changing how we make decisions**
- **Values rooted in human rights and equality**
- **Prioritising wellbeing – through transformative policies that put the wellbeing of people first**

### 3. Democratic renewal – changing how we make decisions

**How we make decisions matters.** To achieve transformational change, policies need to be built on societal, and not just political, **consensus**.

The transfer of powers that comes with independence presents opportunities for democratic renewal across our country – changing how we make decisions at every level and truly empowering the people of Scotland by further developing our own model of deliberative and participatory democracy.

**Citizen empowerment** is at the very core of the argument for independence, since independence is about our ability to make our own decisions and shape our own future. The autonomy and equality we seek for Scotland within an international community of nations reflects the desire for each of our citizens to be empowered to shape their own lives, as part of a wider society where we all look out for one another.

As a Commission, we take the view that **consensus** is key to achieving transformational long-term changes that will improve life here in Scotland for generations to come. After all, one political party presided over the creation of the **National Health Service**, but cross-party and cross-society consensus embedded it into the fabric of our communities for generations to come.

We need to ensure that people are not only consulted about decisions that impact them – they must be empowered to shape those decisions. At each level of decision-making,

**policies should be co-designed and co-produced with the communities served or affected by them** – whether that is a geographical community or another group of people who share particular characteristics or lived experience.

We believe **participatory budgeting** is a good example of communities actively shaping decisions, which should be developed and expanded, along with the use of **Citizens' Assemblies**, which have enormous potential to transform decision-making in an independent Scotland at every level. Citizens' Assemblies are a model for citizen empowerment and good government. It is an approach that is ideal for building **national consensus** on how to deal with major challenges faced by government and identifying the kind of transformative changes needed to eradicate poverty and tackle climate change. However, it is just as important to bring decision-making geographically closer to communities too, and to replicate co-production and empowerment at **local levels**.

The democratic renewal that independence offers is an opportunity to re-imagine our approach to **local democracy**. There is a strong argument for **radical reform of local government**, guided by the principle of empowering communities across Scotland to take the decisions that affect them. Community capacity-building and co-production are essential to building **resilient communities**.

Much more substantial **land reform** – specifically giving communities greater control of their land with accelerated community ownership – is also central to our democratic renewal, delivering on the right to a home and building our wellbeing society.

#### 4. Values rooted in human rights and equality

Governments of different political persuasions come and go, but there are values and shared goals that endure through those changes. **Agreeing, defining and enshrining our shared values and goals as a society** will be key to transforming Scotland over the longer-term. A **written constitution** that enshrines the rights of our citizens is therefore a crucial part of a **renewed social contract**.

In the view of the Commission the **realisation of our human rights and the pursuit of equality** are core to our shared values and our goals. In order to build a more equal society in which our fundamental human rights are protected, fulfilled and respected, the policy decisions of future governments must be guided by those values and focused on creating a **wellbeing society**.

In our report, we have therefore focused on policy areas we believe have the greatest potential to deliver that wellbeing society, founded on the realisation of human rights and the pursuit of equality. These include the right to a home, to access universal public services and a secure living income. We highlight how we can provide for the needs of everyone who lives here through a **combination of a secure living income and the provision of universal public services**.

We contend that **eradicating poverty** in Scotland is the single most important ambition that the government of an independent Scotland could seek to achieve, in the pursuit of equality, realisation of human rights and a wellbeing society.

The entrenched structural **inequalities** in our society were starkly exposed by the pandemic. These experiences are a consequence of the conditions and structures that have created and maintained inequalities and experiences of discrimination, and which must be at the heart of political, community, and legislative action to create a fair, equal and socially just Scotland.

The Social Justice and Fairness Commission considers the **elimination of discrimination** to be a core call to action for the advancement of equality. Scotland should ensure robust legal protection of rights, that effective anti-racist and pro-equality education supports sustained changes in social attitudes to diversity, gender-based violence, disabled people and diverse identities, and that institutional practices guarantee access to quality public services for all. **Intersectional approaches to policy** making are key. The Commission also recommends the **incorporation of international human rights conventions** to close current gaps in provision and a review and refresh of the **Public Sector Equality Duty** to re-establish their potential as powerful mechanisms to transform public policy making and service design.

In a modern independent Scotland, we also have an opportunity to address **racial discrimination** and promote **equality of outcomes** for those from black and minority ethnic backgrounds, through structural change and investment.

In addition, the Commission supports the establishment in law of an **Autism and Learning Disability Commissioner** to champion the human rights of people with autism and learning disabilities.

## 5. Policies that prioritise wellbeing

This section of our report sets out a number of recommendations on approaches the current Scottish Government and future independent governments should consider to help build a wellbeing society. Some of our proposals are achievable in the short-term under devolution, but we believe much more is realisable with independence.

Our focus has been the destination – what we want an independent Scotland to look like 15 or 20 years from now. We have therefore considered **transformative policies** that will take consensus, time and work to implement. There are no silver bullets for the challenges facing our society – each solution requires hard choices about how to distribute resources and the contributions people are asked to make. That is why it is imperative that, wherever possible, such big **decisions are taken collectively and grounded in consensus**. No single political party has all the answers, and lasting change can only be achieved by working together – across political parties, civic society and the wider public.



In addition to the policy areas considered below, we recommend the Scottish Government continues to demonstrate leadership and drive the establishment of a wellbeing society by bringing forward a **Wellbeing of Future Generations Bill**. The Bill would aim to improve the economic, social, environmental and cultural wellbeing of the nation to meet our present needs through sustainable means, whilst ensuring the ability of future generations to meet their needs is not compromised.

## 5.1 A Caring Society

The Commission believes that **care and compassion** for our citizens across the lifecycle is central to a wellbeing society.

### 5.1.1 Investing in Childhood

Giving children the **strongest possible foundations for a good life**, by investing in their wellbeing, is an investment in our society that creates wellbeing and helps to prevent ill health and social issues throughout life.

From **public health measures** like the Baby Box, and investment in Family Nurses and Health Visitors, to **poverty reduction measures** like the Scottish Child Payment and Best Start Grants, **the Scottish Government invests heavily in childhood**. This is based on the core value that every child matters and deserves the very best start in life. The baby box is not just an example of an effective public health initiative – it represents the kind of compassionate, caring and fair Scotland we all want to live in and embodies the social contract between the state and its citizens.

The Scottish Government has shifted how the state regards a service like **childcare and early years education** – recognising it as both a **valued public service** for the wellbeing of children and their families and as a **key investment in society** that creates employment, provides opportunities for parents and carers to participate in the labour market, and boosts the economy. It is a great example of the **circular economy** – of the state **investing in a social good which produces economic benefits** and positive health and wellbeing outcomes.

Investment in childhood is a strong foundation upon which to build a wellbeing society with independence. However, right now the single biggest barrier to a good childhood in this country is **poverty**. Poverty adversely impacts children and can lead to major implications for them throughout life. The single most significant intervention government can therefore make is the **eradication of child poverty**, which is why we need full powers over social security.

### 5.1.2 Tackling Scotland's problems with drugs and addiction

The pervasive impacts of **Adverse Childhood Experiences** and **poverty** are a root cause of addiction. Addiction problems are often the manifestation of severe socio-economic and health inequalities that cannot be fully tackled until we remedy the underlying problems of poverty, deprivation and absence of hope. By tackling poverty and creating conditions where all children can thrive, we can help stem the tide of people suffering addiction in future.

We need to pursue **preventative policies** to eradicate poverty and inequality, and we need to invest in childhood and wellbeing. In a caring, compassionate society where everyone has access to what is needed to live a good life, we move the odds heavily in favour of people actually living happy, healthy and fulfilled lives.

However, preventative measures alone will not help those currently struggling with addiction in Scotland, and we need a fresh approach to supporting people living with addiction – in terms of **harm reduction** and **recovery**.

Our way forward must reflect that **addiction is a health issue**, which should be underpinned by human rights and pragmatism. Those struggling with addiction need to be heard and **empowered** to be at the centre of their own treatment and recovery. Support services need to be **co-produced** by people with lived experience of addiction and by those with the expertise to help deliver those services. Government needs to **fund what works** and to support innovation in third and public sectors to deliver the services that people need.

**Transformational change** that is long-lasting and successful needs to be rooted in **consensus**. We would therefore propose utilisation of a Citizens' Assembly to look at issues such as decriminalisation for personal use, which we could advance with independence in our efforts to tackle addiction.

There is no single solution to Scotland's drug problems. It cannot be a choice between harm reduction or abstinence – either or both will be appropriate for different people at different times. Both are needed as key elements of a joined-up wraparound system.

In tackling our drugs crisis, it is crucial that a **human rights-based approach** is fully embedded within all services, ensuring that those accessing services are treated with dignity and respect, which will also help to reduce stigma. Empowering people to shape their own treatment is also a key part of recovery when so many personal challenges stem from a sense of hopelessness and disempowerment.

In terms of **harm reduction**, the Commission believes there should be wider availability of different treatment options. There is also a strong case for regular reviews of care and treatment, and a review of prescribing practice. The Commission supports the rollout of

Police Scotland's pilot of Naloxone kits across Scotland as a means of reducing drugs deaths, and the expansion of the Enhanced Drug Treatment Service model across Scotland.

With independence, powers over drug misuse will be transferred to the Scottish Parliament. The Commission supports the use of those powers to test the **safe consumption model**, with a view to expansion if it proves effective. In advance of the Scottish Government gaining the powers required to act, a blueprint should be developed for the operational practice of these facilities, co-produced with the communities they would serve. We would also recommend that the Scottish Government continue to explore every avenue to allow safe consumption spaces within the current powers of the Scottish Parliament, in order to save as many lives as possible.

An expansion of **residential rehabilitation** will be required to ensure that this is a viable option available quickly to those who could benefit from that service. The Commission therefore welcomes the Scottish Government's recent announcement to increase capacity.

**Community-based services** are also hugely important, ranging from providing crisis and peer support to family support and recovery-focused services. Stable longer-term funding for these community-based services requires to be addressed. We need to fund services that work, which have been co-produced by those who use and deliver the services in our communities.

We recommend that an **independently chaired commission** – informed by and including lived experience – is established with the specific task of considering, co-producing and building consensus across political parties, civic and wider society about the drug laws and policies we wish to see adopted and pursued.

### 5.1.3 Reform of Social Care

The Commission believes that social care should be a **universal service** available and accessible to all as part of our wellbeing-focused society and economy. The fundamental **human rights** of those in receipt of all forms of social care and support must be at the heart of decision-making. We need to build **consensus** on what is essential to our individual and collective wellbeing, and establish a long-term, sustainable model for social care.

We also want to ensure that **those working in the social care sector are better rewarded and recognised** for the valuable work that they do, and we draw particular attention to the fact the gendered nature of social care in Scotland means that action here has the potential to make a significant contribution to tackling gender inequalities.

We consider investment in social care as an **investment both in our wellbeing and our economy**, in the same way that investment in childcare and early years education delivers on multiple outcomes.

The Social Justice and Fairness Commission has established **nine key principles of social care** in Scotland to inform our proposals:

1. The focus of care of a person's life should be on protecting and maintaining as good and fulfilling a life as possible, recognising the need for the person to maintain choice and control
2. Universality is key, with the diverse needs of all who require care and support being met
3. Our care system should be publicly funded and not for profit, with the need for an inclusive open debate about how this is paid for and how we transition to such a model
4. Care should be of high quality and valued by those who receive it as well as by society generally
5. Dignity, respect and access to practical and emotional support must be offered to everyone receiving and providing care
6. Gender inequality is a root cause and consequence of many of the challenges in Scotland's care system and must be eliminated
7. Careers in care should offer decent working conditions, good levels of pay, and better training and progression opportunities
8. Participation and inclusion in co-produced design and delivery are essential, accommodating flexibility for individual needs and preferences, and reflecting local contexts
9. Regulation and inspection should be strengthened to ensure rigour and oversight

The Commission supports the introduction of a **National Care Service** in principle, and believes that, implemented properly to sit alongside and interlink with the NHS where appropriate, it can help society to value social care like it values the NHS.

There are excellent examples of **innovative care** that can and should become mainstream under a National Care Service. One such concept we are keen to see explored and tested is that of **care hubs or villages**, as part of a **blended care system** responsive to the changing needs of individuals across the life stages. These hubs could incorporate sheltered housing, permanent care, respite provision, day care services and a base for home care workers. They could also provide innovative **intergenerational care**, like nursery provision.

Care also needs to feature in our housing policy, infrastructure planning and as a core element of community participation and decision-making. Social care has the potential to fit perfectly within the '**20-minute neighbourhood**' concept – whereby people in any part of a town or city can find shops, public services, leisure facilities, green space and employment opportunities within a 20-minute walk from a good affordable home – and we should aspire to try, test, deliver and upscale it in practice.

Any vision of care in Scotland must integrate the experience of **unpaid carers** and their contribution to the wellbeing of others, and protect the wellbeing and economic security of carers. A future integrated care system must be based on the **inclusive participation of service users, carers, and providers** in developing a range of social care services and delivery mechanisms that ensure the dignity and respect of all recipients and providers.

A National Care Service brings opportunities to **improve and standardise pay and conditions** and facilitate career progression opportunities, and greater acknowledgement and action on the gender dimension of pay and conditions in social care.

It is vital to recognise social care as a **key wellbeing sector** that has a central role to play in **rebalancing gender inequality** for the social care workforce and service users. Future funding decisions should be primarily informed by a sharp focus on **social care outcomes performance** (i.e. quality of care and support for service users and families) and not outputs (e.g. numbers of social care staff or hours spent with a patient).

## 5.2 Inclusive citizenship: migration, asylum and immigration

Scotland is positive about inclusion. There is no place in Scotland for prejudice or discrimination – everyone deserves to be treated without prejudice, regardless of background. Our minority ethnic populations are an enormous strength, and Scotland should be a place where people from all backgrounds can live, work and study with peace of mind that they are safe and respected in their communities. Scotland must fulfil its potential as an **inclusionary and fair nation** which truly embraces all those who make it home.

**The UK Government's one-size-fits-all policy on immigration is hugely damaging to Scotland.** Its relentless pursuit of a hostile environment is inhumane and ineffective, and entirely at odds with Scotland's needs. The Scottish Government has made clear its desire to formulate and enable implementation of migration policy that is more conducive to Scotland's priorities. It favours independence as the best possible means through which to tailor policy for this purpose, but it has shown willingness and offered detailed plans that would allow it – right now – to take forward a much more suitable, and indeed humane, migration policy agenda under devolution.

There is a pressing need for a **fairer, bespoke approach** to Scotland's situation that would enable public and private employers to recruit individuals with the skills they need, and help the country be more responsive to demographic change. Migration policy should address the needs of all of Scotland, including those areas most at risk of **depopulation**, and should encourage and enable long-term settlement in Scotland. We should be able to attract talented and committed people from Europe and across the world to work and study here without excessive barriers, whilst protecting workers' rights, pay and access to employment, and preventing exploitation and abuse.

Devolution has allowed Scotland to adopt measures and policies that **mitigate some of the worst effects of the UK's hostile environment migration policy**, such as protecting voting rights of EU nationals and increasing access to education for asylum seekers, refugees and stateless children. Other examples include Scottish efforts to better facilitate integration and improve funding for English language strategies.

Scotland therefore has some **limited powers** to tinker at the edges of a hostile UK system. However, with immigration, asylum and citizenship laws reserved, and with only limited powers over employment and social security, the reality of devolution is that it does not have the teeth to fully deliver Scotland's aspirations for social justice and fairness.

The **opportunities of independence**, on the other hand, are enormous. As an independent nation Scotland has the potential to transform one of the United Kingdom's worst shames into an **exemplar of inclusiveness, social renewal, kindness, compassion, wellbeing and economic growth**.

With independence, **Scotland can dismantle two key pillars of UK immigration policy**: the unrelenting drive to reduce migration and the inhumane imposition of the hostile environment. Both are pernicious in effect – creating insecurity, undermining communities and damaging wellbeing – and neither has any evidential justification.

The Social Justice and Fairness Commission's recommendations on inclusive citizenship therefore include:

- Creating conditions to encourage migration to Scotland to benefit Scottish communities struggling with declining or ageing populations
- Restoring free movement and introducing a post-study work visa and other visa pilot schemes that target remote and rural locations and areas threatened by depopulation
- Reforming or abolishing UK rules and thresholds that price families out of living together
- Making the Scottish migration system much more accessible, simple and transparent
- Introducing a clear right to work for asylum seekers under an 'integration from day one approach'
- Establishing an independent agency to adjudicate on asylum applications
- Enabling greater local authority control and oversight over dispersal operations
- Bringing asylum support within the general social security system to re-establish the link with existing benefits and aid integration
- Removing barriers to security and social justice, such as no recourse to public funds, for those who achieve stable immigration status
- Improving approaches aimed at tackling modern slavery so victims have leave to remain and can be supported to put their lives back together

## 5.3 Wellbeing Economy

The Social Justice and Fairness Commission's vision for Scotland is very much predicated on a wellbeing economy. From our high-level ambitions for democratic renewal and our values rooted in human rights and equality to our policy ideas and suggestions, the thread of wellbeing-focused economy and society runs through it all.

This includes a focus of investment in areas that generate **social 'goods'** – such as childcare, social care and energy efficiency – as well as **economic returns**. There must be recognition that there are economic as well as social imperatives for investment in public services, and that a wellbeing economy can be a strong and well-balanced economy.

We wholeheartedly believe that by reorienting our focus in all spheres we can construct a wellbeing economy in Scotland that serves everyone and can help save the planet too.

### 5.3.1 A Just Transition: Climate Change and Food Security

The Social Justice and Fairness Commission wants Scotland to make rapid progress in achieving an **inclusive green economy** that delivers real benefits for our health, environment and wellbeing, as well as jobs and economic prosperity. An inclusive green economy is essential if we are to manage the transition to a net-zero future in a fair and socially just manner. In so doing, we will also ensure Scotland plays a leading role in helping tackle climate change.

We need a just transition to a **food system** founded on the principles of social and environmental justice that better values the people who work to produce and process food, supports the welfare of farm animals, and protects our natural resources.

An inclusive green economy is underpinned by and implicit in all of our proposals for Scotland's future because **climate justice and social justice are inextricably linked**.

The Social Justice and Fairness Commission recognises and agrees with the challenges and opportunities highlighted by the **Just Transition Commission** as it seeks to plan for moves towards a net-zero economy. All of our proposals are therefore designed to be implemented within an inclusive green economic and social framework that delivers on our human rights and wellbeing-focused priorities.

### 5.3.2 Fair Taxation

**The UK's tax system is widely recognised as dysfunctional.** It is complex, anomalous, inefficient and overly centralised, and reforms have not kept pace with economic and societal changes.

The main purpose of taxation is to fund the services and infrastructure we all use, and the support we provide to each other as a society. **How we raise taxes, and from what and whom, is of fundamental importance to achieving a fairer Scotland and wellbeing society.**

As a Commission, we have considered the issue of **fair taxation** within the context of independence, because that presents opportunities to do things differently. The Commission is also convinced that the necessity and urgency of tax reform is heightened by the **climate emergency**, and by the **pandemic**.

Our recovery from the pandemic, our actions to combat climate change, and our pursuit of a fair and socially just country require considerable investment, now and in the future.

**Those with the broadest shoulders need to carry a bigger share of the load in order that those with the least are not plunged into deeper depths of poverty and despair.**

**Shifting the burden** is justifiable not only on moral but also on economic grounds. With a fairer society resources can be better spent – reducing unnecessary expenditure and therefore the so-called ‘tax burden’ of alleviating poverty – but it will require radical action and investment to get there.

As part of our work, we consider it important to set out some **key principles for fair taxation** – grounded in our aims of properly realising human rights, equality and a wellbeing society – to guide policy decisions.

### **1. Progressive taxation**

The tax system of an independent Scotland should be progressive and better aligned with social security to provide a secure living income, reflecting the requirement that those with the broadest shoulders carry a bigger share of the load than those on the lowest incomes.

### **2. Simplicity**

A simpler system of taxation increases transparency and accountability, reduces bureaucracy and opportunities for avoidance and evasion, and helps people make better informed choices on matters such as pension savings.

### **3. Taxation as a progressive policy lever**

Taxation is one important method for raising revenue, but it can also function as an important policy lever for government. The Commission believes that we should **shift the burden of taxation away from productive parts of the economy that we want to encourage, towards areas and activities that we want to discourage**. The tax system can encourage desirable activities and investments in, for example, childcare, research and development, and pensions. Meanwhile **‘sin taxes’** – like those on alcohol and tobacco, and environmentally harmful activities – should be a key feature of a reoriented tax system.



#### 4. Decentralisation

The UK has a highly centralised system of taxation. In order to increase accountability and transparency, the Commission believes that increasing the share of taxes raised and spent locally is important for democratic renewal and empowerment of communities. We therefore recommend **reform of local government taxation** to bring power close to communities.

The Commission is also supportive of measures to implement an **excess profits tax** on those businesses and sectors that have benefited directly and substantially from the pandemic, but it is important that the motivation is to help support those who are least well off. This is reflective of our wider views on taxation policy in the wellbeing-focused society we seek. Those with the broadest shoulders should contribute more to enable us to pursue a fair, socially just, prosperous wellbeing economy to make Scotland better for all of us.

As we look to the future, it is crucial that we learn the lessons of the past decade. It is essential that we **reform our tax system**: existing taxes must be simplified and made fairer and more consistent; the tax base must be widened to place a greater emphasis on land and wealth; and the tax system should support action to help tackle the climate emergency and place more emphasis on taxing 'bads'. An independent Scotland needs to step up and take its place in the global society and economy as we face the biggest global challenge of them all, climate change. It is imperative that international cooperation and solidarity is integral to our approach.

#### 5.3.3 Land Value Tax

**Half of the UK's wealth is tied up in land and property, yet land and property only make up around 10 per cent of the tax base.** It represents a huge area of **untapped resource** which could and should be delivering wider public benefit. In a globalising world with increasingly mobile tax bases, it makes sense to **broaden the tax base**, particularly to make greater use of land, which is immobile. It also has a vital part to play in building a fairer and more socially just society.

The Commission supports the principle of a **Land Value Tax (LVT)** as part of wider reform of property taxation that would ultimately remove our dependence on Council Tax, Land and Buildings Transaction Tax and non-domestic rates. We believe that such reform has the potential to provide local government with much greater control over resources available to it than it does at present, although national government would still need to balance resources and needs between local authorities.

The Commission believes that Land Value Taxes (LVTs) – which apply only to the land itself and not to improvements on it such as buildings or infrastructure – have significant advantages over property value taxes, which apply to both the property and the land it stands on. LVT incentivises the development of land – and discourages land hoarding for

speculative purposes – because the tax liability for landowners is the same whether land is developed or not.

LVT would mark a radical change. It would need to be prepared carefully and phased in over time as part of a package of reforms of land and property taxation.

### 5.3.4 Community Wealth Building

The focus of community wealth building is very much on people and localism: by taking **people-centred approaches to economic development** that is concentrated in local geographical areas, local economies can be reinvigorated and sustained. And by redirecting wealth and maintaining ownership in local communities, the people who live in those communities and exert control over decision-making are the direct beneficiaries. It is an **economic system designed to build wealth and prosperity for everyone.**

The Social Justice and Fairness Commission is a champion of community wealth building as it is a model that promises to deliver precisely the outcomes we seek – a fair and just Scotland with wellbeing at its heart that includes, values and empowers everyone who lives here.

An integral part of building sustainable local economies is ensuring that every community and part of Scotland is included. One practical way to **invest in areas of depopulation** would be to ensure any new Scottish Government agency created with independence is located in an area of population decline. This would create opportunities and embed vital anchor organisations that can help to transform communities.

## 5.4 Secure income

In order to build a country that is **compassionate**, and where we **do the right thing by one another**, it is vital that we work together to **eradicate poverty in Scotland**. We all have a fundamental human right to live with dignity, so there is a moral imperative for us to ensure there is a line below which no one can fall. **It is in all of our interests to ensure that safety net exists**, for any one of us may find ourselves in need of support at some point in our lives. **Our ambition is to see a social security system that provides income security when we need it, just as the NHS does for our health and wellbeing.** A wellbeing society recognises that we are all connected and dependent on one another, so we must work together to share our collective resources, in good times and bad.

In his fact-finding mission to the UK in 2018, Professor Philip Alston – United Nations Special Rapporteur on Extreme Poverty and Human Rights – was damning in his assessment of poverty levels and the role of the UK Government in creating that poverty when he said,

“The experience of the United Kingdom, especially since 2010, underscores the conclusion that **poverty is a political choice.**”<sup>1</sup>

That is not a choice Scotland is willing to accept. Moreover, the eradication of poverty will also help to unlock our economic potential. **Lifting people out of poverty lifts us all up as a society.**

#### 5.4.1 Social security

The Social Security (Scotland) Act 2018 set out a framework for delivering social security in Scotland through **co-production** with the people it is there to support, informed by the expertise of the third sector. At the point of transfer, the Scottish Government was given responsibility for 15% of social security spending in Scotland, while 85% remained reserved at Westminster. How these two governments use their powers over social security tells a **powerful story of two parliaments, their approach to government, values, attitudes to the people they are there to serve and the choices that Scotland has to make.** Scotland’s social security system demonstrates what an independent Scotland could deliver – a system built on **dignity, fairness and respect** for those it is there to serve.

The approach of the **Scottish Government** to tackling poverty and working towards a more socially just country is a model the Commission would like to see developed. It has simultaneously **expanded the scope and provision of universal basic services** whilst taking a **targeted approach to social security, to support those on the lowest incomes** and particularly **families with children**. This has also been combined with an ambitious programme of **social housing**, which has helped curb rising poverty levels in Scotland.

The Scottish Government has used its limited powers over social security to build **Social Security Scotland** – a system based on dignity, fairness and respect and developed in partnership with Experience Panels involving 2,400 people with lived, first-hand experience of the social security system.

A key purpose of the Scottish social security system is to support low-income households, with a strong emphasis on reducing child poverty through a range of payments and support for such households facing additional costs, such as the **Best Start** programme of grants and the new **Scottish Child Payment**.

It is also important to reflect on the fact that part of the Scottish Government’s approach to social security, as with areas across the devolved powers, has involved **mitigation** of the effects of UK policies – in terms of social security, a notable example is discretionary housing payments for households in Scotland affected by the UK Government’s Bedroom Tax.

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<sup>1</sup> Alston, P (2018) Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights  
<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881>

### **What are the limits on action?**

The vast majority of social security spending remains reserved at Westminster. And even though the Scottish Parliament now has powers to create and top up benefits, its ability to do this is restricted by its lack of control over taxation and by its very limited borrowing powers.

Professor Philip Alston, the UN Special Rapporteur on Extreme Poverty and Human Rights, noted, as things stand, 'Devolved administrations have tried to mitigate the worst impacts of austerity, despite experiencing significant reductions in block grant funding and constitutional limits on their ability to raise revenue.' However, he added, '**mitigation comes at a price and is not sustainable.**'<sup>2</sup> With full powers over social security under independence, we could make a huge difference to the lives of a great many people in Scotland.

### **Defining and measuring poverty**

The Joseph Rowntree Foundation has developed a '**Minimum Income Standard (MIS)**, which has been co-produced with members of the public and defines what people agree is a 'sufficient income to afford a minimum acceptable standard of living'.<sup>3</sup> This approach is crucial to developing our approach to tackling poverty, because it recognises that defining, measuring and tackling poverty is about so much more than moving people over an arbitrary income line.

### **Eradicating poverty – three key stages**

#### **Stage 1 – Action now:**

The framework of **dignity, fairness and respect** which underpins the Scottish social security system is a **strong foundation** upon which to move forward, helping to ensure the realisation of rights and advancing greater equality of outcome by eliminating discrimination. The targeted approaches of raising incomes of those with the least in our society, combined with expansion of services in key areas like children's health and wellbeing and social housing, are having positive effects. It is clear where we have powers over social security in Scotland we are making better decisions on how to use them. The transfer of additional areas of social security, tax and borrowing powers prior to independence should therefore be pursued with urgency.

#### **Stage 2 – Early action upon independence:**

With independence, and the acquisition of full powers over social security, the immediate priority of the Scottish Government should be to **repair the damage** that has been done by the UK Government, which has led to **destitution** and growing dependence on **food banks**.

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<sup>2</sup> Alston, P (2018) Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881>

<sup>3</sup> JRF (2019) A Minimum Income Standard for the United Kingdom in 2019, York: JRF  
<https://www.jrf.org.uk/report/minimum-income-standard-uk-2019>

We need urgent action to **repair the holes in the safety net** that have emerged since 2010. We must reverse policies like the two-child limit, the pernicious rape clause, and the benefit cap, and bring an end to the five-week wait for Universal Credit.

The early years of independence are also the right time to look ahead. It is the right time to have a national conversation about what kind of social security system we want to have – which in turn addresses the bigger question of what kind of society we want to live in. As part of this process, the Commission believes Scotland should establish **pilots of two key models of social security – Universal Basic Income and the Minimum Income Guarantee.**

### **Stage 3 – Longer-term goals:**

Providing a safety net and ensuring people do not fall into poverty is one crucial role of social security. But with independence, we have the opportunity to **rethink the model of social security** and the different functions it can serve to help create a wellbeing society.

Early governments of an independent Scotland should put the foundations for a longer-term transformation of social security in place, reflecting its role in eradicating poverty, and taking into account an evolving model of labour market participation that rewards wider contributions to our society and demographic transfers. **It must be a system of social security that delivers more than just a bare minimum safety net – it should also play a central role in building a wellbeing society.**

We therefore propose the early establishment of an independent **Living Income Commission**, which would encompass **social security policy and employment policy.** The Living Income Commission would define the agreed Minimum Income Standard (MIS) to work towards, set out the minimum income that the state should provide, agree rates of social security payments, and set the rate of the Scottish National Living Wage.

**Public support** is crucial to achieving the sustained transformative changes needed to eradicate poverty and build a fairer system. That is why policies must be grounded in **consensus** across our society, and able to weather changes in government and economic downturns.

### **Universal Basic Income**

A Universal Basic Income (UBI) is founded on the premise that the state should provide everyone with a **standard minimum income without means-testing.** There are significant potential advantages, but also considerable difficulties, with delivering a Universal Basic Income – not least in relation to costs of delivery: an acceptable income for everyone would require levels of taxation that are significantly higher than they stand at present.

Our goal is to **eradicate poverty** by ensuring everyone in Scotland reaches the agreed minimum income. UBI is a potential means through which to achieve this aim, but we recognise there are practical and complex issues that require resolution to ensure UBI could deliver in this regard – including how to ensure those with additional living costs (for example due to childcare, living in an area with higher cost housing, or disability) get the additional support they need and how the transition from a predominately means-tested to universal system could be managed.

As has been demonstrated by the Department for Work and Pensions' refusal to provide support for a UBI pilot in Scotland, we will need the powers of independence just to evaluate UBI before there can be any plans to move forward with implementation.

### **Minimum Income Guarantee**

An alternative to UBI is a Minimum Income Guarantee (MIG). In contrast to UBI, the core MIG payment would not be made to everyone. Rather, it would:

“... set a floor below which no one could fall – a promise of security which we make to each other as a society and which we call upon at times in life when incomes are low or we face the extra costs of disability, illness and caring.”<sup>4</sup>

We would see MIG as employing a range of income-related and ‘categorical’ benefits (those aimed at particular groups, such as children) to ensure a minimum income. However, it would also be part of a wider strategy aimed at enabling more people to command higher incomes, for example through reducing educational inequalities, increasing childcare, and tackling structural inequalities in the labour market.

The Joseph Rowntree Foundation accepts that the idea is one that is “only in its early stages” but that it “should be tested further.”<sup>5</sup> The Commission agrees.

### **Pensions**

Providing a **secure income in retirement** is one of the most important objectives of any country that seeks to create a socially just society. Whilst pensioner poverty is lower now than it was in the mid 1990s, 15% of Scottish pensioners – approximately 150,000 people – live in poverty after housing costs have been taken into account. Further, pensions continue to mirror gender inequalities across society and the economy: at the UK level the gender gap in pension income was 34.4% in 2018.<sup>6</sup> Pension policy therefore provides huge opportunities and responsibilities for reform in an independent Scotland.

The transition to later retirement ages is one particular state pension issue that has not been well handled, with some people, especially women born in the 1950s, having been unaware of the changes and being given insufficient time to adjust to them. Many women in this position faced a lifetime of unequal pay, unequal promotion and discrimination, only to be let down by the government once again.

One of the key lessons of UK pension policy is the need to construct a **long-term policy** that does not chop and change. This is important in many policy areas, but none more so than pensions because people have to make decisions decades in advance of retirement. In order to construct durable, long-term policy, it is necessary to gain **consensus**, not only across the political spectrum but also among the people who call Scotland their home. That is why our

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<sup>4</sup> JRF (2020) Poverty in Scotland: the independent report, York: JRF  
<https://www.jrf.org.uk/report/poverty-scotland-2020>

<sup>5</sup> Ibid, p16

<sup>6</sup> Bradshaw, J and Bennett, F (2020) *Assessment of Pension Adequacy: United Kingdom*, European Social Policy Network Thematic Report, Brussels: European Commission

proposed **Living Income Commission** would include pension provision as part of its work to ensure a secure living income for all throughout life.

Having considered the evolution and operation of the UK pension system, the Commission has identified the following ideas for exploration by the Living Income Commission to inform policy development in an independent Scotland:

- Increase take-up of Pension Credit
- Make the age of qualification for Pension Credit lower than for the state pension
- Pay the New State Pension rate to all pensioners
- Move to residence as the basis of qualification for the New State Pension
- Review the tax treatment of pensions
- Consider introduction of a statutory earnings-related pension
- Encourage occupational Defined Benefit schemes that are open to new joiners
- Consider introducing pension indemnity assurance to replace the Pension Protection Fund model underpinning all occupational Defined Benefit schemes

#### 5.4.2 Fair Work

With independence, we have the potential to **make work really work for us all**, with fair pay, good working conditions, enhanced rights, greater flexibility and the work/life balance that is vital to our wellbeing – and great for productivity too. It's a win/win for employees and employers.

The Scottish Government has led from the front on promoting payment of the **real living wage in Scotland**, with all staff in its pay scheme, including NHS staff, being paid that rate as a minimum since 2011. By the end of January 2021 more than a quarter of accredited living wage employers in the UK – employers who are committed to paying wages that meet the real cost of living – were based in Scotland (1,930 out of 7,111 across the UK as a whole).<sup>7</sup>

But while the Scottish Government deserves credit for its comparative living wage successes, achieved by utilising the tools available to it under devolution, the flip side is that 350,000 of our nation's workers – over 15% of the total – are still paid less than the real living wage, and that the impacts are felt particularly acutely by women, young people, disabled people and those from black and minority ethnic backgrounds.

The **pandemic** delivered one of the most dramatic shocks to employment and workforce structures and practices in history. Lockdown meant that, almost overnight, hundreds of thousands of people were unable to go to work and do their jobs. One of the most profound and generally welcomed transformations relates to the enormous growth in **home working**. That has been enormously beneficial to swathes of working people in Scotland

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<sup>7</sup> <https://www.livingwage.org.uk/accredited-living-wage-employers>

and across the world, and it seems unlikely things will go back to the way they were in the pre-pandemic era.

However, it has also cast light on the **structural inequalities** in our society and our reliance on people – often undervalued – who go out to work and put themselves at risk in order that our society and economy can continue to function. There are cleaners and shop workers, hospitality workers and street cleansers, farm workers and fruit pickers – to name but a few – who perform essential jobs that cannot be done from home, and often for low rates of pay. The pandemic has brought **class and gender inequalities** and their effects into sharp focus. We should not only recognise this but also take action to remedy these deficiencies in our employment structures.

### **Urgent action required: devolve employment law to Scotland now**

The Commission gives its unequivocal backing to Scottish Government calls to fully devolve employment law to the Scottish Parliament as a matter of urgency. At present, employment law is reserved to the UK parliament, which prevents Scotland taking several fundamental actions to make work fair. The Commission recommends:

- Raising the minimum wage to the real living wage
- Banning exploitative use of zero-hours contracts
- Extending rights and protections to better protect workers in the ‘gig economy’
- Banning unpaid trial shifts
- Legislating against the practice of fire and rehire
- Aligning Scottish employment legislation with EU protections
- Taking tough new action to eliminate unequal pay

### **Equality in employment**

**Fair work is for everyone** and it is essential that we strive to ensure it delivers on that aim. We need all workplaces to be inclusive, diverse and ready to offer opportunities to everyone in order that we all have chances to fulfil our potential, whatever our background or circumstances. It is therefore essential that **targeted support** is in place to assist people from underrepresented groups who often face additional barriers and challenges in finding and maintaining work, such as people from minority ethnic backgrounds, disabled people, older workers, young people and women.

### **Our vision for fair work in an independent Scotland**

The Scottish Government is committed to developing Scotland as a world-leading fair work nation, but it is inhibited by the limits of devolution. With independence we can build on the **Scottish Government’s Fair Work Action Plan**, continuing to work in partnership with employers, workers and trade unions and embedding action in law where necessary. With powers over the minimum wage, we can **ensure the real living wage becomes the minimum wage in Scotland**. We can also **roll back the Trade Union Act 2016**, passed under David Cameron’s government, which placed unacceptable restrictions on trade unions.

With a **fair work** agenda, and **the increased productivity** it creates, there is a strong argument for introducing greater provision for a **four-day week**. This would not only give



people more time to spend with their families and pursue activities that are vital to their wellbeing such as exercise, it would also allow more people to devote some time to invest in their communities – for example by volunteering in formal or informal settings, or simply interacting with others. The Commission recommends further work to develop proposals for this transformative shift in working practice.

We need to think innovatively about how we work, and the space we need to facilitate that. As part of our efforts to combat climate change, taking a place-based approach to building sustainable communities and providing good spaces for people to work, we need to consider **local hubs as part of the concept of 20-minute-neighbourhoods**. A significant shift to homeworking will not negate the need for access to workspace for meetings or facilities to support that work, so collective community spaces for work will be vital going forward.

With independence we can implement widespread wholesale change to ensure fair work works for all. For example:

- Improving pay through putting the real Living Wage on a statutory footing
- Addressing inequalities and promoting equality by tackling under-employment and pay gaps for women, disabled people and people from black and minority ethnic backgrounds
- Offering greater flexibility to widen access to work and promote better work/life balance – including for those with caring responsibilities
- Improving maternity and paternity pay and leave to allow parents to spend more time with their children in the crucial early months of their lives
- Strengthening workplace health and safety measures – including for homeworking
- Strengthening workers' voices and rights, through access to trade union membership and other representation, and measures such as improved sick pay

## 5.5 Building Homes and Communities

Where we live – both in terms of our individual homes and our communities – has a huge impact on our general health and wellbeing. The implications of housing policies and decisions are felt across a vast array of policy areas, from employment and social security to mental health and climate change.

Housing is much more than a roof over one's head. To deliver social justice, we must ensure **everyone has the right to a home** – somewhere safe, warm, secure, affordable and part of a community – which is suited to their needs. **We have a duty to build the right homes in the right places, that address our needs now and for many decades ahead, to ensure all of us can live sustainable and fulfilling lives in thriving communities.**

The Social Justice and Fairness Commission has put housing and communities at the heart of our considerations. We have considered proposals under three headings – Housing; Planning; and Land – all of which are underpinned by a need for communities to be established, engaged and empowered.

### 5.5.1 Housing

We are keen to explore approaches an independent Scotland could take to ensure it delivers the very best housing it can for everyone who lives here and should acknowledge that our aspirations for housing in Scotland share much in common with the Scottish Government's **Housing to 2040** vision. That is a strong foundation upon which to build our proposals, although we could go further with more powers.

The right to a home is fundamental to building a fair society, and while there is still a long way to go, we have made considerable progress in **tackling homelessness in Scotland**. We support ongoing efforts such as the 'Ending Homelessness Together Action Plan', new legislation to protect the tenancies of victims of domestic abuse and the Housing First model.

Our exploration of Scottish housing policy and practice context has informed our recommendations for **five key policy proposal areas** to help ensure Scottish housing delivers the best outcomes it can for everyone who lives here:

1. Develop modernised aims of housing policy to establish a consensual understanding of a decent home for everyone at a price within their means that meets minimum energy efficiency, space and accessibility standards
  - Should be developed and agreed based on 'consensual' methods, building on Shelter's Living Home Standard.
2. Seek to move owner-occupation back towards a means to manage housing costs over the life cycle, and away from expectations of asset appreciation
  - In some countries, notably Germany and Austria, many people who could afford to be homeowners prefer to rent their properties, as there is less of a 'culture' of homeownership and housing is viewed more as a home than as an asset.
3. Use the expanded social rented sector to set standards across the housing system
  - The Commission supports sustained levels of social home building, to address need for diversity of affordable housing and for the purposes of standard setting.
  - Social renting can save governments money over the long term, but it requires outlay first: Scottish policy at present – at a cost of £3.6 billion over this parliament – is an exemplar of a preventative spending-based approach.
  - A commitment to social rented housing must be an ongoing one, so that its influence can extend across the rental sector.
  - We should continue to modernise private renting by making it easier for local authorities to establish Rent Pressure Zones and reviewing remaining 'no fault' grounds for ending tenancies
4. Retain and reform housing allowances as poverty falls

- Longer-term, as poverty falls, the role of housing allowances might be extended to improve affordability more generally, rather than remaining limited to income support.
5. Modernise existing stock
- Bringing homes up to the standards required of new housing developments is crucial in addressing climate change, tackling fuel poverty, and ensuring everyone’s home is fit to live in.

## 5.5.2 Planning

**The outcomes of good planning can significantly increase the life chances and choices of those who have the least** – for example, by ensuring integrated provision of a range of good quality, affordable housing with employment opportunities and a wide range of infrastructure, services and amenities that are accessible by public transport or active modes of travel. At present, however, these benefits are too often available only to those who can afford them, such as market premiums paid for housing in ‘good’ school catchment areas or close to green spaces. Uneven patterns of investment and disinvestment in places means those who cannot pay can find themselves displaced from neighbourhoods or living in places that constrain their choices, for example through a lack of accessible employment.

The Scottish Government’s promotion and support of **‘20-minute neighbourhoods’** – in which anyone can access vital services which meet all of their basic needs within 20-minutes of their home via active travel – in the 2020/21 Programme for Government is one which has been welcomed by Sustrans Scotland.<sup>8 9</sup> The Commission believes that having access to healthcare, shopping, travel and employment near your home without requiring a car is core to building community and tackling our climate crisis.

Too much of our planning system is reactive, relying on regulating the behaviour of developers through indicative, non-binding plans and case-by-case negotiation of development applications. A **more positive approach to planning** is required in order to realise its potential for significant contributions to social justice. The Commission has identified **four key planning recommendations** that we believe would enable this to be achieved:

1. Create a social justice purpose for planning
  - This would have the effect of creating a ‘social justice test’ for plans and development proposals, ensuring that all stakeholders in the system give active

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<sup>8</sup> <https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/>

<sup>9</sup> <https://www.sustrans.org.uk/our-blog/news/2020/september/scottish-programme-for-government-sustrans-scotland-responds>

priority to the achievement of clearly defined social justice outcomes and the realisation of just transitions towards a wellbeing economy.

2. Prioritise pro-social development

- Both plan-making and development management should give active priority to ‘pro-social’ schemes that contribute to community wealth building: affordable house building, local renewable energy schemes, local food production and creation of public and green spaces.

3. Integrate participatory planning for community empowerment

- A more integrated perspective is required to rethink how such comprehensive community plans can be anchored into stronger local democratic institutions and become a vehicle for the long-term stewardship of places and community assets.

4. Maximise and redistribute planning gain and community benefits

- Planning permission can lead to substantial increases in land value, as housing land is worth much more than agricultural land. New mechanisms to redistribute betterment could be considered, or usefully subsumed within wider proposals for land value taxation.

### 5.5.3 Land

The ways land is currently owned, used and developed contributes significantly to wealth inequalities and structural injustices. The **Scottish Land Commission (SLC)**, set up under the Land Reform (Scotland) Act 2016, is entrusted to develop land reform policies that can be adopted by government. After four busy years, its range of proposals, research and protocols open many opportunities that could be pursued now and with independence.

**Land reform – specifically giving communities greater control of their land – is central to meeting housing needs and building a wellbeing society and economy.**

The work of the Scottish Land Commission has greatly informed the work of the Social Justice & Fairness Commission in developing **six land policy proposals**:

1. Reform land and property taxation, moving away from regressive taxes
  - The Commission recommends that we move away from the Council Tax, which is regressive, towards a Land Value Tax
2. Invest in vacant and derelict land

- Investing in these sites and bringing them back into productive use has the potential to deliver several benefits including reducing inequalities, improving wellbeing, delivering inclusive growth and helping tackle climate change.
3. Reform the model of land release and housing supply by moving to a nationally underpinned system of land purchase and land preparation
    - By resetting the planning process – from the National Planning Framework to Local Statutory Plans – we can empower communities to make their own places.
  4. Establish transparency of land ownership
    - The 2016 Land Reform (Scotland) Act makes provision for greater transparency of ownership, and it gives Scottish Ministers powers to bring secondary legislation to implement it. However, the next step that the Commission proposes is to identify and register a responsible person in residence or management of any land, especially if the ownership is absentee. This is proposed so as to facilitate the early serving of local tax bills (e.g. the early application of LVT) and other regulatory matters (e.g. planning conditions).
  5. Encourage diversity in land ownership, particularly with regards to community ownership
    - We need land reform specifically geared towards bolstering community land ownership and the revitalisation of community housing associations to help meet housing need.
  6. Establish a Housing Land Corporation (HLC)
    - A Housing Land Corporation (HLC) could meet Scottish Government placemaking aspirations. It should be charged with acquiring and developing enough land to meet all affordable housing need.

## 6. Conclusions

The **remit** of the Social Justice and Fairness Commission is to deliver a **route map to the prize of a fair Scotland that values and cares for everyone who lives here** – a society that **prioritises human rights and equality**, so that **everyone can fully participate and flourish**. Independence is not the destination but the means by which we can deliver that wellbeing society, full of compassion and hope, for Scotland.

In each of the challenges faced by our country that we have examined there is a **constitutional ceiling on the progress that can be made under the current powers of the Scottish Parliament**. In areas like social security, which in spite of further devolution in recent years remains largely reserved to Westminster, the limit is more pronounced.

However, even in areas like housing and social care where powers are ostensibly devolved, the Scottish Government is constrained by limits on those powers – largely relating to tax and social security – that inhibit potential action or the desired effects of action. Add to the equation significant time and effort spent **mitigating the negative effects of policy decisions from Westminster**, and it is all the more difficult for any Scottish Government to effect the necessary transformational changes to tackle issues like poverty and health inequalities.

The pandemic has **highlighted and exacerbated existing inequalities** in our country and, in many respects, has made those challenges even more difficult to overcome. We have a long road ahead of us just to get back to where we were, and where we were was simply not good enough for far too many people.

**Independence is vital to our recovery from the pandemic and to ensuring that we rebuild our country in ways that benefit us all.** Independence is an opportunity for Scotland, and one which it is imperative is used to deliver real change. Our route map to a fairer Scotland through independence is therefore based on three key strands.

First, that **the way decisions are made in Scotland must be inclusive, consensual and empowering for people and communities, enabling them to shape their own futures.** Democratic renewal is at the heart of a wellbeing society – **we can only have good and fulfilling lives if we each have a voice in shaping the decisions that affect us.** Voting should not be the start and end of an individual’s opportunity to shape decisions. Government at all levels should work for us, and also with us.

Second, we believe that **decision-making must be based on human rights and equality,** because we want to build a society where no one is left behind.

And third, we contend that we should pursue the development of **policies that prioritise wellbeing** – harnessing deliberative democracy methods founded on our collective values around human rights and equality.

Crucially, our report recognises the **diversity of Scotland.** It is an action plan that can be **localised** to Scotland’s diversity of geographies and their populations.

Our process has examined policy areas that have transformational potential and presents options and recommendations for current and future governments in Scotland. We have also identified areas for further development and recommend the establishment of a **permanent Commission or body** to progress these areas of policy.

We believe that, taken together, the recommendations set out in our report would make our country **a better place to live for everyone,** but particularly those facing the greatest challenges in life. The purpose of government is to ensure that everyone has what they need to live a good life. That means giving every child the very best start in life, caring for people when they need it throughout their lives and ensuring needs are met through a combination of universal public services, a secure living income and the basic human right to a home. A society that meets those basic needs of its citizens provides a foundation on which to build opportunities for individuals and our whole society to flourish.

We hope our work is a useful contribution to this ongoing process of building consensus towards a better Scotland with independence.