

- Present:** Shelley Gray (Commissioner, Interim Chair, SG)
Claire Methven O'Brien (Commissioner, CMO)
Jim Farish (Commissioner, JF)
- In Attendance:** Jan Savage (Executive Director, JS)
David Lees (Head of Commission Secretariat and Business Support, DL)
Sheilanne Rose (Business Support, Minute Secretary, SR)
Luis Felipe Yanes (Policy Officer, LFY, Item 6 Only)
Elizabeth Dawson (Head of Communications and Engagement, ED, Item 9 Only)
- Apologies:** No apologies
- List of Acronyms:** ARC: Audit and Risk Committee
SPS: Scottish Prison Service
UNCRC: United Nations Convention on the Rights of the Child
SPCB: Scottish Parliament Corporate Body
NPM: National Preventive Mechanism
SP: Strategic Plan

PCS: Public and Commercial Services
Union

SPSO: Scottish Public Services
Ombudsman

HRB: Human Rights Bill

NHRI: National Human Rights Institution(s)

ESC: Economic, Social and Cultural Rights

NZHRC: New Zealand Human Rights
Commission

ENNHRI: European Network of National
Human Rights Institutions

CSBS: Commission Secretariat and
Business Support

1. Welcome / Declarations of Interest

- 1.1. SG welcomed members of the Commission and staff.
- 1.2. No declarations of interest were made in relation to agenda items for today's meeting.
- 1.3. SG noted a change to the agenda. She advised that she had agreed that in light of the paper required for Item 6.3 not yet being available, ED would attend to provide a verbal update on the Communications planning in relation to the launch of the new Strategic Plan.

2. Minutes of Previous Meeting

- 2.1. The minutes of the meeting held on 5 February 2024 were approved in principle pending minor changes.

3. Matters Arising/Action Log

- 3.1. DL provided a status update on the items on the Action Log, with updates noted accordingly in the log.

4. Executive Director's Update

- 4.1. **Strategic Plan:** JS confirmed that the new Strategic Plan 2024-28 (SP) had been submitted to SPCB and correspondence had been received this week confirming its acceptance.
- 4.2. **2024-25 Budget:** The Commission received confirmation on 1 March of approval from SPCB for the submitted budget of £1.456M, plus £39K contingency to deliver year 2 of the Legal Fellow programme. The budget includes some additional non salary overheads to support more outputs, which was welcomed. The Commission awaits the outcome of the negotiations in relation to the pay award for 2024-25 to assess the impact of this on the final budget position.
- 4.3. JS noted that as part of the budget setting process, additional non staffing, non-recurring costs were also identified, including updating the website, piloting the roll out of the Highlands and Islands monitoring model across Scotland, and the

cost of further audience insight research into duty bearer attitudes to human rights. We have been advised that such requests may be considered through in year applications for Contingency Funding.

- 4.4. **Internal Audit:** A final round of internal audit for 2023-24 has been completed, focussing on financial processes and the relationship between the Commission and SPSO through the Shared Services Agreement. DL reflected that the auditors, Wylie & Bisset, had noted 'STRONG' assurance with the Commission's financial processes which are continuing to evolve. The auditors will present the audit report at the next ARC meeting on 18 March.
- 4.5. **Operational Plan 2024-25:** The Staff team had participated in a development session for the new operational plan on 26 February. This focused on core operational objectives and outputs in order to deliver year 1 of the new Strategic Plan. JS noted that the work undertaken by the Comms Team to map out sign off protocols and outputs had been significant and was highly valued in the planning process.
- 4.6. It was noted there was a good cohesion emerging between the teams and the new operational approach.
- 4.7. Prioritisation and capacity planning would continue to be a key focus to ensure goals would be met.
- 4.8. JS noted that in relation to the Participation Strategy for the Commission, work is ongoing to approve a model for payment for lived experience in the Commission's work.
- 4.9. **Risk:** It was noted that emerging People and Culture issues related to a significant and sustained period of change have been included on the strategic risk register and would be considered further at the Audit and Risk Committee on 18 March.
- 4.10. It was flagged to Commissioners that a current supplier, Onclusive, had recently experienced a data breach, but no Commission data had been affected. Appropriate steps had been taken in response.

5. Governance

Scorecard:

- 5.1. JS provided an overview of key points on the Scorecard, which reflects the significant progress and delivery against the Transition Plan 2023-24. It was noted that the scorecard format has been useful in providing a high-level overview of progress to plan, and any persistent challenges.
- 5.2. The lack of progress on filling the vacant leadership position within the Legal and Policy team was acknowledged, as was the impact of this on capacity. Whilst not yet concluded, this process has allowed reflections on legacy structures and the need to ensure that both current and future arrangements are appropriate to support the Commission's new Strategic Plan.
- 5.3. The significance and success of the new way of working which underpinned the Spotlight Projects approach was noted. Moving forward, this model will continue where appropriate, and may evolve towards more formal monitoring and investigation processes.
- 5.4. Commissioners noted that it has been a significant year of impact and learning, and that it would be helpful to dedicate a specific agenda item to a review of the year at a later Commission meeting.
- 5.5. Declarations of Interest: Verbal Update, New Suppliers Ref item 3, no further discussion at this stage.

Action: Capture learning from transition year and scorecard reflections, for delivery in Q1.

6. Policy/Process

Human Rights Bill (HRB) – impact on the Commission:

- 6.1. LFY joined the meeting. JS presented an overview on the proposed new powers and duties for the Commission via the upcoming HRB. The presentation provided; an update on progress and the Commission's development work to date on extending its mandate, a matrix of the powers and duties which we understand are currently being proposed following the conclusion of the public consultation on the Bill, along with the

evidence source and likelihood of progress, the powers and duties being considered at Stage 1 and others which may be explored at Stage 2, and the prioritisation of work in relation to informing the financial memorandum for the Bill to ensure that the Commission is sufficiently resourced to deliver any new powers and duties.

6.2. Discussion on the approach for the Financial Memorandum was reflected through 4 key themes:

- model on the basis of other NHRIs with these functions and powers
- Right size for Scotland population serviced.
- Delivery model – staffing, skills, systems, liabilities
- Independent Assurance via Internal Audit

LFY explained in further detail some aspects of specific proposed powers and duties would entail.

6.3. JS highlighted the understanding that mandated powers would be funded by government for the first year based on the financial memorandum and by SPCB thereafter.

6.4. Commissioners discussed the possibility of additional members and extended treaty monitoring duties. It was noted that this would likely come at Stage 2 of the Bill process should this be proposed by Government, or via the Parliament via another route.

6.5. It was noted that in terms of enabling powers and monitoring, the models considered would be those closest to home and most culturally similar, the UK based NHRI's, while other developments including numbers of commissioners and treaty monitoring models would be examined through international examples. Input was welcomed from Commissioners on which NHRIs should be engaged and JS highlighted engagement with ENNHRI would also take place through this process.

6.6. Commissioners noted the process and approach to developing the financial modelling to inform the Bill.

6.7. It was noted that further updates on the wider aspects of the Bill would be brought to future Commission meetings to inform Stage 1 advice.

Finance and Public Administration Committee Inquiry:

- 6.8. LFY provided an update on the development of the Commission's response to the Finance and Public Administration Committee Inquiry on Scotland's Commissioner Landscape, a Strategic Approach.
- 6.9. The Commission's previous work on proliferation was discussed, including the publication 'At a Crossroads - what next for human rights in Scotland?' round table discussions with CSOs, meeting with the OHCHR, and further ongoing discussions in relation to the new HRB.
- 6.10. The inquiry questions were discussed and were reflected in the presentation through reference 4 themes, (listed below), with particular focus on the first of these, the Commissioner model and purpose.
- Commissioner model and purpose
 - coherence, complexity and duplication, with particular concern over clarity for access to justice
 - governance and accountability
 - public finance and value for money
- 6.11. Commissioners gave thanks for a comprehensive presentation and discussed key considerations in relation to the framing of the Commission's response from a rights holder's perspective.
- 6.12. It was agreed the draft response would be circulated to Commissioners for comment, ahead of submission deadline on 11 March.

Action: Circulate draft response to Commissioners for sign off via rotational Chair and submission on 11th March.

6.13. SPS Policy on the Management of Transgender People in Custody:

6.14. JS confirmed that the update paper as requested by the Commissioners at the meeting on 16th January 2024 was in progress, but not yet ready for submission. It was agreed that the paper would be circulated to Commissioners in due course, and a

Teams meeting scheduled to review ahead of the next Commission meeting.

Action: Issue paper and schedule Teams meeting.

7. NPM Scotland

- 7.1. JF gave a brief overview and update on the NPM Subgroup. Following discussion, it was agreed that JF will provide a regular update to the Commission on the outcomes of the NPM subgroup as a standing agenda item. It was also suggested that it may be helpful for a briefing session from the NPM Secretariat to promote general awareness of its workplan.

Action: NPM update to be a standing agenda item and arrange briefing session with NPM secretariat.

8.4 NHRI Meeting

- 8.1. CMO and JS provided an overview of the 4 NHRI meeting, hosted by the Commission in February.
- 8.2. It was noted this was a positive and productive discussion experience, with shared input between all jurisdictions. From the discussion, there was general agreement that meetings should be more strategically focused with progress follow ups throughout the year to support more regular communications. The value of this event being in person was noted. JS gave thanks to CMO for stepping in to Chair the meeting on behalf of the Commission.
- Action: Produce draft minutes for review, and to circulate amongst delegations with the support of CSBS.

9. AOB

- 9.1. Commissioners discussed the upcoming meeting with the SPCB, resources had been prepared by the team to support this.

- 9.2. ED joined to deliver a session on the communications plans ahead of the launch of the Strategic Plan, in addition to the Rights on the Roads plans, in lieu of item 6.3.
- 9.3. It was confirmed the Strategic Plan was now with a designer, thereafter accessible formats would be commissioned and made available as publications on the website.
- 9.4. The Communications Plan for the Strategic Plan will focus on engaging with rights holders in person, Scotland wide, in facilitated engagements with members of the Commission in areas including the North, West and South. It was also agreed that as well as a place-based approach, that a Diversity, Equity and Inclusion (DEI) perspective is applied to ensure we engage as wide a representation and opportunity for participation across communities, groups and networks as is possible.
- 9.5. These engagements will highlight key areas in the Commission's work plan and will support methods of participation to ensure connection with members of the community and community-based organisations. Key considerations have been given on best practice in this respect. JF voiced support for this, noting it would be beneficial to tailor such engagements in a personable way. It was agreed these sessions should take place as soon as is practical.
- 9.6. ED proposed establishing an annual plan, for ongoing engagement between members and rightsholders, to maintain a connection with the Commission. The sessions will also provide an opportunity to discuss next steps and follow up. It was also noted a calendar of events for Commissioners throughout the year would be preferable.

Action: Briefing session arranged for Commissioners with staff members ahead of engagement sessions.

- 9.7. Meeting ends.
Date of next meeting: **08 April 2024.**