

Scottish Human Rights Commission 2023-24 Transition Strategy

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Contents

1. Executive Summary.....	3
2. Background and Context	3
3. Rationale for 2023-24 Strategic Priority areas.....	5
4. Evaluation:.....	7
5. Risk	8
6. Resource	9
7. Conclusion.....	9
8. Appendices and Associated Reading	10
8.1. 2023 Organogram.....	10
8.2. Away Day Report.....	10
8.3. SWOT & PESTLE	10
8.4. 2020-2024 Strategic Plan.....	10
9. Existing Strategic Objectives	10

1. Executive Summary

As at February 2023, human rights in Scotland exist within an increasingly turbulent political and economic environment. Arguably, it has never been more important to have a robust National Human Rights Institution (NHRI) in Scotland.

However, following significant change within the Commission, as it enters into the final year of its 2020-24 Strategic Plan period, with a new leadership team of Full Time Chair, Commissioners, and Executive Director all appointed within the last 12 months, it is at a pivotal moment. Dysfunctional ways of working have evolved over time, which are presenting a high risk for the Commission as an effective public body.

In order to stabilise and strengthen the Commission for a new era of impact and effectiveness against its mandate, and to claim the space in public, legal and political discourse as Scotland's NHRI ready for the opportunities ahead of Incorporation, a traditional continuation of the existing operational plan into 2023-24 is not considered desirable or appropriate. The Commission is therefore moving ahead with a 2023-24 Transitions Strategy to deliver progressive change ahead of a high impact 2024-28 Strategic Plan.

In 2023-24 the Commission will deliver on the following three key strategic objectives:

Fig 1

Scottish Human Rights Commission Strategic Objectives 2023-24	
Strategic Theme	Strategic Objective
Purpose	Increase impact, visibility and maximise capacity of the Commission as Scotland's human rights watchdog
People	Ensure that the Commission is fully resourced with a skilled, supported, valued and stable workforce
Performance	Be a trusted, authoritative, accessible and credible public body which can demonstrate impact for rights holders and effective use of public funds

To enable delivery against these objectives, focused work across the Commission on structuring its outputs on key thematic programme areas; planning its work through the lens of strategic influencing and stakeholder engagement; and strengthening its Corporate Governance foundations will ready the Commission for its next formal strategic planning cycle 2024-28.

A summary diagram of this strategic framework is presented at Fig 2 below.

2. Background and Context

The Scottish Human Rights Commission (SHRC) was established in 2008 by the Scottish Human Rights Commission Act (SHRCA) 2006 as a public body funded by, but independent of, the Scottish Parliament.

Externally, Scotland is a very different place than it was in 2006 when its Parliament established the Commission, and indeed 2010 when it became operational. The SWOT and PESTLE analysis which informs this strategy confirms a turbulent external and internal operating environment.

The Commission itself is at something of a crossroads. It has the role of promoting accountability on the human rights record of the Scottish Government and duty bearers in Scottish society. It has the power to intervene in legal cases, to conduct inquiries, to inspect places of detention, and to provide advice and guidance on any issue pertaining to the protection or promotion of human rights in Scotland. Arguably, it is needed more than ever.

However, whilst there are many strengths within the Commission and a real desire to 'shake things up', it is an organisation which currently lacks confidence, and has experienced significant internal governance challenges which have the potential to derail its ability to deliver on its current mandate.

Internally, concerns have been expressed around focus, impact, risk appetite, quality assurance, strategic vs operational controls, team work and leadership. There is a clear sense of dissatisfaction across staff, commissioners and key stakeholders who feel frustrated that they cannot articulate impact, influence, profile or demonstrate fully the purpose of the Commission.

Indeed, the movement in Scotland to establish a series of new Commissions and/or Commissioners could be considered as evidence of the lack of impact that the Commission is perceived to have for certain groups of rights holders and across civil society. (*see separate paper on Proliferation of Commissioners*).

That notwithstanding, the Commission is currently not resourced to deliver fully on its current mandate – to date, it has not yet enacted its power of Inquiry for example, and has utilised its intervention powers infrequently. There is a pressing need to address and establish a fit for purpose Participation model for the Commission, and to deliver a more accessible work programme and profile.

The maintenance of the 'A Status' NHRI accreditation and adherence to the Paris Principles are of critical, foundational importance to the Commission. By its nature however, it is challenging, but not impossible, to demonstrate the direct impact of the international focus of the Commission's work to a mainstream audience of rights holders and civil society.

Beyond the issues which the 2023 Governance Review will rightly unpick, there are immediate operational gaps in leadership and quality assurance within Legal and

Policy, delivery of Participation, approach to influencing and external affairs, stakeholder engagement, insight from civil society, rights holders and duty bearers, skills gaps on digital engagement, and lack of clarity of purpose and planning on key pieces of work. Put simply, three questions which require to be asked more often are: “Why?”, “So what?”, and “What next?”

3. Rationale for 2023-24 Strategic Priority areas

Whilst the Commission does have a Strategic Plan to 2024, which has been approved by Parliament, evidence from the staff Away Day, the SWOT and PESTLE analysis, careful consideration of the circumstances around the proliferation of asks for new public bodies to uphold the human rights of groups of rights holders, and early insight from the 2023 Audience Research confirms that continuation of the Commission’s current operational plan against this Strategy is not desirable or appropriate.

There is forceful agreement that the Commission must evolve, and a clear challenge from civil society, rights holders and indeed our auditors to operate more effectively. There are huge opportunities on the horizon via the Incorporation process, and a clear space in public discourse for the Commission to step into a more proactive space of protecting, promoting and progressing the human rights of the people of Scotland. Therefore, a renewed focus on the **Purpose** of the Commission and how best to use its resources to achieve that purpose is the first area of strategic intent. In such a small team, a cohesive work programme delivered through the teams must be the new model.

Whilst the appetite for change is high, the organisational resilience for change is low. Therefore, the next priority for the Commission must be on **People** and Culture. Significant change in operating model is required, but how this change is designed, implemented, and experienced is mission critical for the Commission at this stage. This is as true for the Commissioners as it is for the Commission staff. Employee engagement and working in partnership with the Commission’s recognised Trade Union will be a key principle underpinning all change. Corporate resilience is also low, and so the final strategic priority area must be **Performance**, to allow a focus on corporate governance, risk management and impact reporting.

The Transitions Strategy to deliver ‘**One Commission**’ therefore focuses on three key areas of strategic intent:

- **Purpose**
- **People**
- **Performance**

Priorities will fall from this structure:

Figure 2:



A more focused, evidence led, thematic approach to identifying priority areas of human rights concern, and recommended actions will promote the Commission’s mandate. Whilst the resource is not available within the current budget to establish its powers of Inquiry, desk based investigation is possible, informed by the participation of rights holders and duty bearers.

Tactically, the Commission will be prepared to enter a period of factual, evidence led, human rights analysis and assessment of issues, and proactive promotion of the resulting reports. This may feel more political than the Commission has been used to, and of course, will lead to political discourse and media coverage – as it should. Our role is to be objective and to claim this space. A longer term plan to monitor and hold to account on strategic themes and the SNAP2 is a core element of the Commission’s work planning.

Other public bodies do this well. For example, Audit Scotland frequently publish reports on the impact of spending decisions of public bodies against intended outcomes, such as NHS waiting times. Audit Scotland are clearly respected and referred to as the spending watchdog – no one doubts their credibility, their role, or their findings. Politicians then use this data to debate the decisions that led to this position.

In order to deliver the greatest possible impact through its work, improving the Commission’s influencing strategy and stakeholder management is a key priority. A **Theory of Change** model for the Commission will be developed and adopted for 2023-24 to inform the future strategic planning cycle. A targeted stakeholder engagement plan will underpin all outputs of the Commission in order to maximise impact. In the short term, each thematic priority area will be supported by a Communications and Influencing Plan, which will plot activities against key outcomes pursuant of the progression of the full enjoyment of human rights in the areas of focus.

Key stakeholder awareness and positive regard for the Commission will be achieved through a programme of regular stakeholder communications, an agile social media strategy, and enhanced media profile as commentators, thought leaders and champions on key human rights issues.

4. Evaluation:

Performance of the Commission against these strategic objectives will be measured via the following key performance indicators:

Figure 3

SHRC 2023-24 Strategic Objectives – KPI Framework		
Increase impact, visibility and maximise capacity of the Commission as Scotland’s human rights watchdog		
Purpose	KPI 1	a) Proactively protect and promote the human rights of citizens whose rights are most at risk (Deliver 4 high profile, thematic projects and increase interventions by 100% in year)
	KPI 2	b) Rights holders are engaged meaningfully, respectfully, and purposefully in the Commission’s work (100% of thematic priority projects and 2024-28 strategic plan directly informed by rights holders and civil society)
	KPI 3	c) Publish and promote human rights legal analysis of all relevant legislation proposed by SG or members business in 2023-24 and communicate this to relevant stakeholders (Publish and promote human rights legal analysis of 100% of priority legislation and Scottish Government Budget; associated engagement plans meet >75% of KPIs)
Ensure that the Commission is fully resourced with a skilled, supported, valued and stable workforce		
People	KPI 4	a) Reduce staff and Commissioner turnover Complete Governance Review, and implement 100% of Action Plan; 100% of staff and commissioners have access to appraisal process, with 360 feedback embedded into our Commissioner appraisal process.
	KPI 5	b) Operate at full capacity and implement Senior Leadership Structure

		Successfully recruit and retain Participation Officer & Comms Officer in Q1; implement new leadership structure across Legal and Policy Function; establish Legal and Policy Advisory Group by Q2
	KPI 6	c)Improve employee wellbeing 100% of staff have access to monthly support and supervision; no less than 90% of training budget is utilised; flexi credits are within 10% of agreed limits at any time
Be a trusted, authoritative, accessible and credible public body which can demonstrate impact for rights holders and effective use of public funds		
Performance	KPI 7	a)Demonstrate clear impact on the human rights landscape in Scotland Thematic projects achieve >75% of their KPIs to plan
	KPI 8	b)Increase domestic public profile, increased political engagement and stronger civil society networks Accessible, digitally enabled communications (issue no less than 4 stakeholder newsletters, achieve open rate of more than 10%; increase social media reach and engagement by X%; increase mainstream media coverage as a commentator and thought leader)
	KPI 9	c)Increase trust and confidence in our duties as a public body of SPCB Commission operates within agreed levels of expenditure, risk and achieves 100% compliance with internal and external audit process

Quarterly reporting at Commission level against these key strategic performance indicators will provide a robust Governance overview. The 2023-24 operational plan will be developed by the Commission team and sit beneath this Strategy. A more detailed KPI framework will be developed to sit beneath this to inform the operational management of the Commission through its leadership structures.

5. Risk

In the absence of a robust risk management strategy, the Commission has become quite risk averse. Risk will be robustly managed through the Audit and Risk Committee through a revised Risk Register from 1st April 2023, and thereafter, by exception reporting of new or significant movement of risk will be reported to Commissioner level.

Risk will be managed through the Commission leadership team planning and monitoring.

The successful move to a Shared Services Agreement with the Scottish Public Services Ombudsman will remove single point of failure risks across key corporate functions of finance, budget, payroll and HR. A successful move to the Scottish Government eRDM system will derisk the Commission around its legacy data and records management system.

Building on the existing Research Advisory Group model, a Legal and Policy Advisory Group will be assembled to provide a sounding board for the Commission team on key points of analysis.

6. Resource

The Commission is a small organisation and enters into 2023-24 with an approved budget from SPCB of £1.37m and 14.5 FTE staff. Around 85% of the Commission's budget is in staff costs.

The objectives of this Transition Strategy can be met within the 2023-24 budget.

Variables at this stage may exist around the delivery of a new leadership structure across the legal and policy function, and budget available to consider brand and website development within year.

Looking ahead to 2024-25 and beyond, it would be desirable to increase the resource of the Commission to service its mandate fully – i.e. to conduct an Inquiry, to deliver a Strategic Intervention Strategy, to increase our research capacity and to future proof any expansion in our legal powers. Scenario planning and independent business case will inform any such requests to the SPCB.

7. Conclusion

There is a huge degree of internal and external impetus for the Commission to evolve, grow and position as Scotland's human rights watchdog. This impetus will require a huge degree of transformation to match. This 2023-24 Transition Strategy is therefore necessary to address the weaknesses in the Commission's operations, and shape the Commission's outputs, operations, corporate governance and communications to both deliver short term impact and be ready for an ambitious 2024-28 strategic planning cycle.

8. Appendices and Associated Reading

8.1. 2023 Organogram

8.2. Away Day Report

8.3. SWOT & PESTLE

8.4. 2020-2024 Strategic Plan

9. Existing Strategic Objectives

Strategic Priority 1: Progressing understanding and strengthening legal protection of economic, social and cultural rights.

Strategic Priority 2: Strengthening accountability for meeting human rights obligations.

Strategic Priority 3: Building wider ownership of human rights.

Strategic Priority 4: Advancing best practice locally and sharing our learning globally

Existing Vision, Mission and Values

Our vision

The Commission wants to see all human rights protected, harnessed and realised in a Scotland where everyone lives with dignity and thrives.

Our mission

We will strengthen accountability and implementation in human rights law, policy and practice to improve people's lives.

Our values

Our values are grounded in our statutory mandate which is underpinned by the United Nations Principles relating to the Status of National Institutions – the 'Paris Principles'. Our values reflect how we strive to operate under these principles.

- ✦ The Commission is independent, authoritative and influential
- ✦ The Commission is collaborative
- ✦ The Commission is participatory, inclusive and empowering
- ✦ The Commission is accountable and holds others to account