

Present: Claire Methven O'Brien (Commissioner, Interim Chair, CMO)

Shelley Gray (Commissioner, SG)

Jim Farish (Commissioner, JF)

In Attendance: Jan Savage (Executive Director, JS)

David Lees (Head of Commission Secretariat and Business Support, DL)

Tiia Kontro (Business Support, Minute Secretary, TK)

Alison Hosie (Research Officer, AH, for Agenda item 6.1 only)

Apologies: No apologies

List of Acronyms:

ARC: Audit and Risk Committee

ENNHRI: European Network of National Human Rights Institutions

FPA: Finance and Public Administration Committee

GANHRI: Global Alliance of National Human Rights Institutions

OBS: Open Budget Survey

SPCB: Scottish Parliament Corporate Body

SPS: Scottish Prison Service

1. Welcome / Declarations of Interest

- 1.1. No declarations of interest were noted in relation to any of the agenda items.

2. Minutes of Previous Meeting

- 2.1. The minutes of the meeting held on 8 April 2024 were approved with no changes.

3. Matters Arising/Action Log

- 3.1. DL provided a status update on the items on the Action Log. It was agreed that action ref 03-09-23, relating to the Illegal Migration Bill, will be closed.
- 3.2. In relation to action ref 02-02-24 JS advised that following discussion with SPCB, Commissioners are requested to contact SPCB directly to discuss and seek support in relation to their declarations of interest and to update these as required. This includes any appointments/changes in professional circumstances since those which were discussed at initial appointment as members of the Commission.

Action: Discussion on declarations of interest process will be included on the agenda for the June 2024 ARC meeting as part of the Code of Governance agenda item.

Action: Commissioners to inform SPCB of any changes to declarations of interest.

4. Executive Director's Update

- 4.1. **Chair Recruitment:** JS confirmed that the appointment of Professor Angela O'Hagan as the new Chair of the Commission will be endorsed by the Scottish Parliament on Thursday 16 May 2024. Subject to formal approval of her appointment by His Majesty the King, she will take up her post in August. Commissioners expressed their congratulations to Professor O'Hagan and will write formally to welcome her to her new role as Chair.

4.2. It was agreed that the existing rotational Chair arrangements will continue until the new Chair commences in August.

Action: The Commission will issue a formal welcome letter to the new Chair.

4.3. **Political Context.** The Commission discussed ministerial changes following the appointment of John Swinney MSP as the new First Minister for Scotland. It was agreed that the Commission would write to the new First Minister, with a copy circulated to Shirley-Anne Somerville MSP, Cabinet Secretary and Kaukab Stewart MSP, Minister for Equalities, requesting clarification on the Scottish Government's proposals and timetable in relation to the Human Rights Bill.

4.4. It was agreed that the letter would also highlight the need to strengthen the statutory mandate of the Commission, as assessed and reflected in the evidence provided to the Parliament's Finance and Public Administration for the Inquiry into the Commissioner Landscape.

4.5. The Commission will seek a meeting with the First Minister to discuss these matters.

Action: Letter to First Minister on HRB and strengthening Commission mandate to be drafted and issued.

4.6. **Code of Governance/Governance Framework.** JS reported that whilst the task of developing the Framework was more extensive and complex than first envisaged, progress was being made. It was noted that with the new Chair not commencing in post until August, the Framework could now be tabled at the scheduled ARC meeting on 24 June, and no extraordinary meeting was required. Following the ARC meeting, the item will be tabled for ratification at the Commission meeting in July 2024.

Action: Code of Governance and Governance Framework to be tabled for June 2024 ARC meeting; and thereafter for adoption by the Commission at the July 2024 meeting.

4.7. **People and Culture programme.** JS stated that the Governance Review implementation plan work programme will be closed out by the end of May with the conclusion of the Code of Governance and Employee Handbook, and replaced by a People and Culture programme, being developed through SLT, to be established from June. The programme, which will deliver the 'Strengthening the Organisation' objective of the new Strategic Plan, will be focussed on wellbeing, support, including a staff survey, continuing development of the staff handbook, HR policies and process, as well as a broader look at structure and organisation in anticipation of an evolving mandate and new HRB.

Action: An update on this will be provided by JS at the ARC meeting in June 2024.

5. Governance

5.1. **KPI Scorecard Q4:** JS tabled the Strategic Performance Scorecard for Q4. Substantial progress was noted across a number of areas during what was a challenging transition year for the Commission, with recognition of areas that were not fully concluded by year end, and the rationale/learning as a result. The Spotlight projects, for example, progressed well but in retrospect, required a longer lead time to complete. This knowledge will be reflected in future planning. A review of 2023-24 will be provided at the July 2024 Commission meeting.

5.2. **Chair Induction Programme:** JS updated that work has progressed with drafting of a comprehensive Chair Induction Programme and highlighted the broad structure and core areas that will be included.

5.3. The programme will be in place in advance of the commencement of the new Chair. JS commented that the intention would be for

existing Commissioners to also be included where appropriate in the delivery of the Induction Programme to align induction experiences.

Action: JS will develop the Induction Programme and will share it with the Commission in due course.

5.4. The Commission discussed the recruitment of the fourth part-time Commissioner and agreed to write to SPCB on the matter.

5.5. The Commission discussed the possibility of seeking input from ENNHRI and GANHRI colleagues to support the recruitment.

Action: JS to develop draft letter to SPCB regarding fourth Commissioner and scope the further involvement of ENNHRI in that context.

6. Policy/Process

6.1. **Open Budget Survey (OBS) Briefing:** AH joined the meeting to provide a presentation on the Open Budget Survey (OBS) 2023, aligned to delivery of the Commission's 2024-28 Strategic Plan Purpose objective.

6.2. AH provided the Commission with information on the background of the OBS and how the data has changed since the last time the report was published in 2020.

6.3. It was noted that OBS was created in 2006 by the International Budget Partnership (IBP) and is the only global, independent, comparative, and fact-based measure of essential aspects of governance and accountability.

6.4. OBS is recognised as authoritative by the IMF, the World Bank, and the OECD.

6.5. Core themes are Transparency, Participation, and Oversight.

6.6. It was noted that the latest report will be launched in May 2024, and includes over 125 countries worldwide.

6.7. Comparative analysis for Scotland OBS from 2019 to 2023 shows progress but more is required. Progress is not universal.

6.8. AH provided the Commission with an update on the next steps following the report launch.

- 6.9. The Commission discussed the ways in which the work around OBS can be linked to the other parts of the Commission's new Strategic Plan aligned to strategic focus on Poverty as well as Human Rights Budgeting and work alongside the Scottish Parliament to support its role in taking a human rights-based approach to budget scrutiny.
- 6.10. It was suggested and noted that the Commission should ensure that its communications of this project be accessible to all. The staff team will produce a short summary of elements of a human rights-based approach to budget scrutiny, and some case studies which demonstrate the impact and value-added of human rights budgeting in terms of rights realisation. It was noted that consideration of the impact of human rights budgeting should underpin Commission outputs in this area over the next 4 years.
- 6.11. The Commission thanked AH and the staff team for their work on this project.

Action: The OBS will be published on 29th May by the Commission

- 6.12. **Human Rights Bill Stage 1 Briefing:** JS shared a short, verbal update on the status of the Human Rights Bill Stage 1 Briefing and current uncertainty in respect of the Bill timeline. At this stage, it was noted as unlikely that Stage 1 would commence before summer recess, and that further detail would be brought to a future Commission meeting.
- 6.13. As previously agreed in the meeting, the Commission will write to the First Minister requesting an update on the Scottish Government's commitment to and timetable for the Human Rights Bill.
- 6.14. **Places of Detention Spotlight Project:** It was noted that this spotlight project is due to be launched on 24 June 2024, and that Commissioners had received a briefing session from the staff team on 2 May 2024. The full report is with Commissioners for their consideration, and any comments from the Commission are due no later than 17 May 2024 in order that the publication timetable can be met. Commissioners thanked CA and the staff team for their work on this project.

6.15. **FPA Committee Inquiry on the Commissioner Landscape:** JS provided a verbal update on the process and the Commission's oral evidence session on the 30 April 2024. It was noted that CMO and JS participated as the Commission representatives. In line with Strategic Priority 'Purpose,' it was agreed that the Commission would issue a further briefing to the Public Finance Committee to provide detail on a revised mandate and cost model to inform its fullest considerations of the issues raised by the Inquiry.

Action: Briefing to Public Finance Committee to be prepared and issued in due course.

7. AOB

7.1. JF proposed the introduction of a formal decision log in addition to the action log currently in place for Commission meetings. The Commission agreed that a decision log should be developed.

Action: A decision log is to be developed.

7.2. The Commission discussed their concerns about the increase in prison population in Scotland having now exceeded the maximum capacity levels established by SPS. It was agreed that the Commission will write to SPS highlighting the human rights concerns posed and seeking clarification on how they are mitigating the challenges presented by the increase.

Action: A letter will be issued to SPS from the Commission in relation to the increase in the prison population.

7.3. The Commission noted the correspondence received in relation to the resignation of Wendy Sinclair-Gieben from the post of HMCIPS and the role of joint chair of NPM. Commissioners agreed to invite Wendy Sinclair-Gieben to meet with the Commission and to reflect on her experience in these roles in the context of Human Rights.

Action: Wendy Sinclair-Gieben will be invited to meet with the Commission.

7.4. The next Commission meeting will take place on Monday 3 June 2024, Bridgeside House.