

SHRC

Scottish
Human Rights
Commission

Operational Plan 2024-25



May 24



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About the Scottish Human Rights Commission

The Scottish Human Rights Commission (the Commission) is Scotland's human rights watchdog. We are an independent, expert body that works with and for the people of Scotland; we monitor, listen, speak up for all of our rights and respond when things go wrong.

The Commission is a public body created by the [Scottish Commission for Human Rights Act 2006](#) to protect and promote the human rights of all people in Scotland.

"The Commission's general duty is, through the exercise of its functions under this Act, to promote human rights and, in particular, to encourage best practice in relation to human rights." Scottish Commission for Human Rights Act 2006, section 2(1)

The Commission is also part of the international human rights system. We are internationally accredited as a National Human Rights Institution (NHRI), trusted to provide impartial evidence to the United Nations (UN) on the enjoyment of human rights in Scotland

As an NHRI, we also comply with a set of standards called the UN Paris Principles, ensuring our pluralism, independence and effectiveness.

The Commission is independent of government and accountable to the people of Scotland via the Scottish Parliament. We receive our annual core funding through the Scottish Parliamentary Corporate Body (SPCB). The Commission ensures efficient and effective use of public funds and works with an independently chaired Audit and Risk Committee, which meets quarterly.

There are currently four members of the Commission (a part-time Chair and three part-time members) appointed by the Scottish Parliament. As a group, these members form the Commission and meet up to nine times a year.

Chair: Professor Angela O'Hagan (appointed by the Scottish Parliament on 14th May 2024, expected to take up office in September 2024)

Members: Jim Farish, Shelley Gray, Dr Claire Methven O'Brien

Foreword

This plan outlines the work the Commission will deliver in the first year of its Strategic Plan 2024-28, laid before the Scottish Parliament in April 2024.

The Commission is operating in a complex external environment and at a crucial moment for human rights in Scotland. At the time of writing, Scotland has a new First Minister, and we await a timetable to bring the Scottish Government's Human Rights Bill before the Scottish Parliament.

A UK General Election has been called by the Prime Minister for 4th July 2024, and the impact of a new UK Government on the human rights framework in Scotland is unknown.

The Finance and Public Administration Committee of the Scottish Parliament is undertaking an Inquiry into the strategic landscape of Commissioners in Scotland, with a particular focus on the role of Scottish Parliament-supported bodies, of which the Commission is one of seven.

The Scottish Government's proposed Human Rights Bill has the potential to create a stronger legal framework around human rights for the people of Scotland, providing a guide for the design and delivery of public services which progressively realise all of our human rights. We have an important role to play in that process. As Scotland's NHRI, the Commission has been making the case to Parliament for a strengthened mandate to play a more substantial role in upholding the human rights of the people of Scotland, in line with that of other NHRIs operating in Great Britain and beyond.

In 2021, the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions expressed concern over the funding available to the SHRC and encouraged additional funding to ensure it can effectively carry out the full breadth of its mandate.

To ensure the Commission is ready to meet the opportunities of future development of its mandate, it has undertaken a major programme of strategic and operational transformation, which will continue in 2024/25.

The Commission's small, skilled and dedicated workforce has delivered a huge amount of work in the last 12 months to focus the Commission's outputs on the human rights priorities of the people of Scotland and to strengthen the governance of the Commission to promote its resilience for future development.

In 2024/25, we will continue to implement the work of the 2023 Independent Governance Review, recruiting to full capacity, producing a new Employee Handbook and suite of internal policies and publishing a new Code of Governance. We also look forward to welcoming our new Chair, Professor Angela O'Hagan, in September 2024, who will provide leadership and guide the Commission's work to strengthen human rights protections for all as we navigate the challenges and opportunities of the current operating environment.

The Commission's skilled team will deliver the work outlined in this Operational Plan for 2024-25, utilising its existing mandate to the greatest effect, and pursuing the most efficient and effective use of public funds to maximise its impact and insight on the action required to promote human rights in Scotland.

A handwritten signature in blue ink that reads "Jan Savage". The signature is written in a cursive style with a period at the end.

Jan Savage

Executive Director

Our Purpose, Vision, Mission and Values

Our Purpose

We are Scotland's human rights watchdog. Our job is to work with people and communities to understand their experiences, hold public bodies to account where human rights are not upheld, and help them to do better.

Our Vision

A fairer Scotland where human rights are respected, understood, and where there is justice when things go wrong.

Our Mission

To be a strong, independent authority that works collaboratively to uphold everyone's human rights in Scotland.

Our Values

We are accessible

We involve people in the work of the Commission on issues that affect their rights, and ensure our work is understood by all.

We are independent

We hold duty bearers to account by monitoring human rights standards in Scotland, the system of accountability, and using our mandate to take action where required. We are accountable to the people of Scotland.

We uphold everyone's human rights

Human rights belong to everyone. We recognise where bias, discrimination and power dynamics have an impact on human rights violations, and we take action on rights and groups most at risk.

We educate and engage

We help everyone to understand their human rights and make sure that decision makers are fully supported to develop policy and practice which affect people's rights.

We are authoritative, expert and trusted

We keep watch over national and international human rights law to help duty bearers understand the impact of their plans and actions on their human rights obligations, ensuring that this is rooted in rule of law, and easily understood.

Our Strategic Objectives 2024-28

Purpose, People, Performance

Purpose

We will deliver and extend our mandate to improve accountability for human rights in Scotland; and inform the Scottish Parliament on the human rights implications of proposed legislation.

People

We will ensure that the Commission is informed by, and works alongside, people and communities throughout Scotland who have direct knowledge of how human rights are being experienced; and use our mandate to focus on poverty, places of detention; access to justice; and the rights of at risk specially-protected groups.

Performance

We will monitor and report on how human rights are being experienced in Scotland and play our part in embedding a stronger human rights culture.



Our 2024-25 Operational Plan

This 2024-25 Operational Plan outlines how we will deliver against our three strategic priorities, our new thematic work programme and our work to strengthen the Commission operationally.

It provides detail of how we are planning to use our budget to deliver this work, and information about how the Commission decides on its priorities. Each priority is informed by evidence and public interest, and where we believe our work will contribute a significant impact in upholding the human rights of people in Scotland. This includes the impact of poverty on human rights, human rights in places of detention, access to justice, and the human rights most at risk of particular groups of people.

We will ensure that we have capacity to continue to provide advice to the Scottish Parliament on its work to scrutinise proposed legislation through a human rights legal framework.

Strategic Objective 1 – Purpose

We will advise the Scottish Parliament on whether Bills are compatible with human rights upon request, and on such other occasions as the Commission considers appropriate. Given the scale of the Commission's expert team, we will manage this as follows:

Screen all legislation introduced to the Scottish Parliament and provide advice upon request, or on issues which the Commission considers appropriate.

Priority will be given to the Human Rights Bill, and those issues which align with the Commission's 2024-28 Strategic Priorities.

At the time of writing, the 2024-25 Programme for Government has not been published, but we will consider it and inform Parliament's consideration on key Bills that have relevance for human rights.

We will publish the Open Budget Survey results for Scotland and engage directly with Committee Conveners and Clerks to inform a human rights based approach to their pre-Budget scrutiny in 2024-25.

We will respond to the Scottish Parliament's call for evidence around the National Performance Framework.

We will screen consultation exercises issued by the Scottish Government on policy proposals which have significant human rights implications; but given our resource constraints we have limited capacity to deliver this.

As a consequence of the UNCRC (Incorporation) (Scotland) Act 2024, we will prioritise our role as a statutory consultee to respond to draft guidance resulting from this Act, and we will develop a new Memorandum of Understanding with the office of the Children and Young People's Commissioner Scotland to explore effective ways of working together.

We will increase capacity in our team of human rights experts to monitor court judgements, and civil proceedings through the Scottish legal system which may have wider human rights implications for the people of Scotland.

We will explore opportunities to utilise the powers of the Commission in respect of its new strategic litigation route via the CRC Act, and via the SCHR Act 2006 to intervene in legal proceedings (s14) or scope the use of our Inquiry power (s8). These will be subject to available resources and will be guided by work which aligns with our strategic priorities, or by exception on issues which the Commission considers appropriate.

We will provide written and oral evidence to the Scottish Parliament's Finance and Public Administration Committee inquiry *Scotland's Commissioner Landscape: A Strategic Approach*.

We will engage with the United Nations and Council of Europe treaty examination processes and the United Nations Human Rights Council. We will:

- Submit a response to the United Nations Committee on the Elimination of Racial Discrimination to inform its examination of the UK.
- Submit a report to the Council of Europe Inquiry into the impact of the cost of living crisis in the UK.
- Submit a report to the United Nations Committee on Economic, Social and Cultural Rights to inform its examination of the UK
- Engage with the United Nations Human Rights Council on issues relevant to Scotland, in conjunction with the other United Kingdom NHRIs.
- We will promote compliance with international reporting obligations by the Scottish Government, by monitoring recommendations and sharing those which are specific to Scotland with the relevant departments and with the Equalities, Human Rights and Civil Justice Committee of the Scottish Parliament.

Finally, we will explore and inform all opportunities through the Scottish Parliament to review the mandate of the Commission to strengthen its ability to uphold and promote the human rights of the people of Scotland as the country's NHRI.

Strategic Objective 2 – People

We will undertake research and produce reports on issues that the Commission considers necessary or expedient, that fulfil our mandate and align to the priorities outlined in our Strategic Plan 2024-28. The Commission's decision making framework is provided as [Annex A](#).

In 2024-25, we will publish research reports on:

- **Human Rights in Places of Detention**
An evidence-based examination of progress in Scotland towards realisation of Articles 2 and 3 of the European Convention on Human Rights and recommendations from human rights treaty bodies over the last decade.
- **Access to Justice**
 - In partnership with the office of the Children and Young People's Commissioner for Scotland, an overview of advice and law centres across Scotland where people can access support in progressing human rights complaints.
 - An examination of the routes to access justice and remedy for individuals who are in custody, and the barriers faced.
 - An examination of the routes to access justice and remedy for individuals who are experiencing difficulties with their right to access social care and the barriers faced.
- **Deinstitutionalisation of people who have learning disabilities and autism**
An evidence-based human rights analysis grounded in Article 19 of the Convention on the Rights of Persons with Disabilities (UNCPRD) of the circumstances of institutional care of people who have learning disabilities and autism in Scotland and the progress in ending this practice.

We will deliver these reports to the committees of the Scottish Parliament to inform their own roles in upholding the human rights of the people of Scotland and explore how we may work together.

We will begin a new research project on the rights of the Gypsy/Traveller community to cultural identity, and we will scope work to explore the impact of poverty on the human rights of people in Scotland.

We will publish a new Participation Strategy which will guide how the Commission will involve people in its work over the next four years. We will develop a Research Strategy to outline the methodologies adopted by the Commission to deliver the outputs of this Strategic Plan cycle.

We will work with civil society organisations to ensure that the voices of lived experience are informing our research and our input to the UN and Council of Europe treaty examination processes, and we will consider ways to share the findings and outcomes of these processes with the rights holders most impacted.

Our Commissioners will run a programme of visits to communities across the country, promoting our work widely and listening to the human rights concerns of local people and duty bearers, with a particular focus on our strategic priorities.

We will use our social media channels to communicate with people about the work of their Commission and seek media coverage of our research findings to promote awareness and understanding of human rights issues in Scotland.

Finally, we will issue a stakeholder survey to help us understand what people's awareness and understanding of the Commission is in 2024.

Strategic Objective 3 – Performance

We will monitor and report on law and practice that impacts upon the protection of human rights in Scotland. This will include the production of the Commission's first annual 'State of the Nation' report to the Scottish Parliament in December 2024.

We will develop a methodology for the Commission to adopt over the four year period of its Strategic Plan 2024-28 to monitor the status of human rights enjoyment in Scotland.

We will place a focus on spending time in communities to understand how human rights are being experienced in people's lives, and we will report on this. In 2024, we will:

- Publish a report outlining the status of economic, social and cultural rights enjoyment across the Highlands and Islands.
- Commence work in a new region of Scotland exploring the status of economic, social and cultural rights.

Subject to resource, it is expected that this will inform a four-year baseline of ESC rights enjoyment in Scotland to inform future monitoring of the impact of the forthcoming Human Rights Bill.

We will make a submission to the European Network of National Human Rights Institutions (ENNHRI) annual State of the Rule of Law in Europe monitor, reporting on developments in new and proposed legislation as it impacts on the human rights legal framework in Scotland.

We will promote compliance with international reporting obligations by Scottish Government departments.

We will work in partnership with the Northern Ireland Human Rights Commission and the Equality and Human Rights Commission to deliver under the mandate of the designated Independent Mechanism (UKIM) under Article 33 of the United Nations Convention on the Rights of Persons with Disabilities. Our focus will be on issues that affect the promotion and protection of the rights of disabled people in Scotland.

We will continue our active membership of the National Preventive Mechanism (NPM), including via the Scotland Sub Group. The NPM is an independent monitoring system established in the United Kingdom in March 2009, after the UK ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2003. Its primary goal is to prevent ill-treatment and torture by monitoring places of detention. The NPM consists of 21 members, representing inspectorates and monitors from England, Northern Ireland, Scotland, and Wales, who collaborate to focus attention on practices in detention that could amount to ill-treatment.

We will deliver our Annual Report for 2023-24 to the Equalities, Human Rights and Civil Justice Committee to inform Parliament's scrutiny of the impact of the Commission's work programme against its mandate.

We will implement a new Theory of Change for the Commission to demonstrate its impact over the course of the 2024-28 Strategic Plan period and implement new software to support staff to capture evidence of impact.



Strengthening our Organisation

We will conclude the work to deliver the recommendations of the 2023 Independent Governance Review, namely by:

- Publishing a new Code of Governance and the Commission's Governance Framework
- Producing a new Employee Handbook
- Recruiting to full capacity, including building the Senior Leadership Team
- Implementing a new support and supervision programme for staff in the Commission, aligned to the Strategic Plan 2024-28 objectives, and identifying training opportunities for skills and competency development
- Designing and delivering a full induction programme for the new Chair of the Commission

We will continue to ensure that employee voices are respected through fulfilment of our relationship with the Commission's recognised Trade Union partner, PCS.

In collaboration with the staff team, we will develop and deliver a People and Culture strategy for the Commission, focused on making the Commission a great place to work. We will establish a regular staff survey and wellbeing committee.

Aligned to the objectives of the Strategic Plan 2024-28, we will implement a review of role profiles, competencies and contracts to align and provide consistency and clarity across the Commission.

We will maximise continuous professional development for our staff by facilitating a training and development programme, which will include:

- Trauma-informed practice
- Report writing
- Unconscious and conscious bias
- Enabling shared knowledge and understanding of the Code of Governance between staff and members of the Commission
- Data protection
- Project management
- Financial management
- Risk management
- Cyber security

We will develop and deliver a global work plan across the Commission, which aligns and maximises the limited staff resources, with defined project leadership.

We will continue to co-operate with the UN and any other organisations in the United Nations system, the regional institutions and the NHRIs of other countries which align with the objectives and organisational status of the Commission and its priorities.

This will include, in particular, engagement with the Global Alliance of National Human Rights Institutions (GANHRI), the European Network of National Human Rights Institutions (ENNHRI), and the Commonwealth Forum of National Human Rights Institutions .

We will prioritise attendance and participation at ENNHRI General Assembly and GANHRI General Assembly meetings to ensure that the Commission continues to fulfil its obligations as an accredited NHRI within the UN human rights system.

We will maintain membership of ENNHRI working groups including the Expert Group on NHRI Standards; Communications Working Group; the Legal Working Group; Economic, Social and Cultural Rights Working Group; Business and Human Rights Working Group; and Convention on the Rights of Persons with Disabilities Working Group.

We will continue to promote efficient use of public funds through our Shared Services Agreement with the Scottish Public Services Ombudsman, providing the Commission with high quality financial transaction support, payroll, HR, and core training and development.

We will implement a new Data Governance plan for the Commission and complete the transfer of our files to a new cloud based ERDM system, with training for all staff and members of the Commission.

To comply with our obligations as a National Human Rights Institution and as a Scottish Parliamentary Supported Public Body, the Commission will:

Produce and publish our Annual Accounts and Audit including the financial statements for the year ending 31 March 2024, completed by our external audit partner Audit Scotland.

In line with s15 of the SCHR Act 2006, we will publish our Annual Report of the performance and impact of the Commission's activities in 2023-24 to deliver its general duty and lay this before the Scottish Parliament.

In pursuit of our commitment to continuous improvement, continue to work with the Commission's internal auditors Wyllie Bisset, and follow up on any recommendations made as a result of their audit visits and findings.

Continue to respond to requests under the Freedom of Information Act within 20 working days.

Publish a BSL Plan for 2024-2030 outlining the steps that the Commission will take to promote the inclusion of BSL users in our work and in our workplace.

Continue to meet our target of paying 90% of undisputed invoices within five working days.

Publish our Public Services Reform return detailing statements of expenditure relating to public relations, overseas travel, hospitality and entertainment and external consultancy, and payments in excess of £25,000, as required by the Public Services Reform Scotland Act 2010.



Annex A: How we decide our priorities

Scottish Human Rights Commission 2024-25 Decision Making Framework

Pre-screening: Mandate and Strategic Plan – if these cannot be answered yes, we would not apply the following criteria

Criteria	Yes / No	Comments
Is the issue within our mandate?	Yes	
Is the issue within one of the priorities identified in our Strategic Plan?	Yes	

Capacity

Criteria	Maximum score	Score	Comments
Do we have the staffing capacity needed?	10		
Do we have any existing work on the issue?	5		
Do we have the experience/technical capacity within the staff team? Or can it be acquired?	10		

Evidence and rights analysis

Criteria	Maximum score	Score	Comments
Is there a credible evidence base available? E.g. civil society evidence, outcome of a robust participatory process, reports of other public bodies, SHRC evidence-gathering, SNAP	10		
Is the issue highlighted by a human rights body e.g. CPT, treaty body recommendations, UPR?	10		
Is there a clear link to the human rights framework and standards?	10		
What is the gravity of the issue i.e. severity of issue (e.g. absolute, limited/ qualified rights, rights subject to progressive realisation) balanced against number of people affected?	10		
Does the issue impact on those whose rights are not sufficiently promoted?	5		

Added value and non-duplication

Criteria	Maximum score	Score	Comments
Is the Commission making a unique contribution? (the human rights lens should be very clear in articulating what it adds to the debate and how it can be transformative)	10		
Is there a clear overlap with the mandate of another body?	5		
Would we be duplicating the work of other actors?	10		

Opportunities to influence

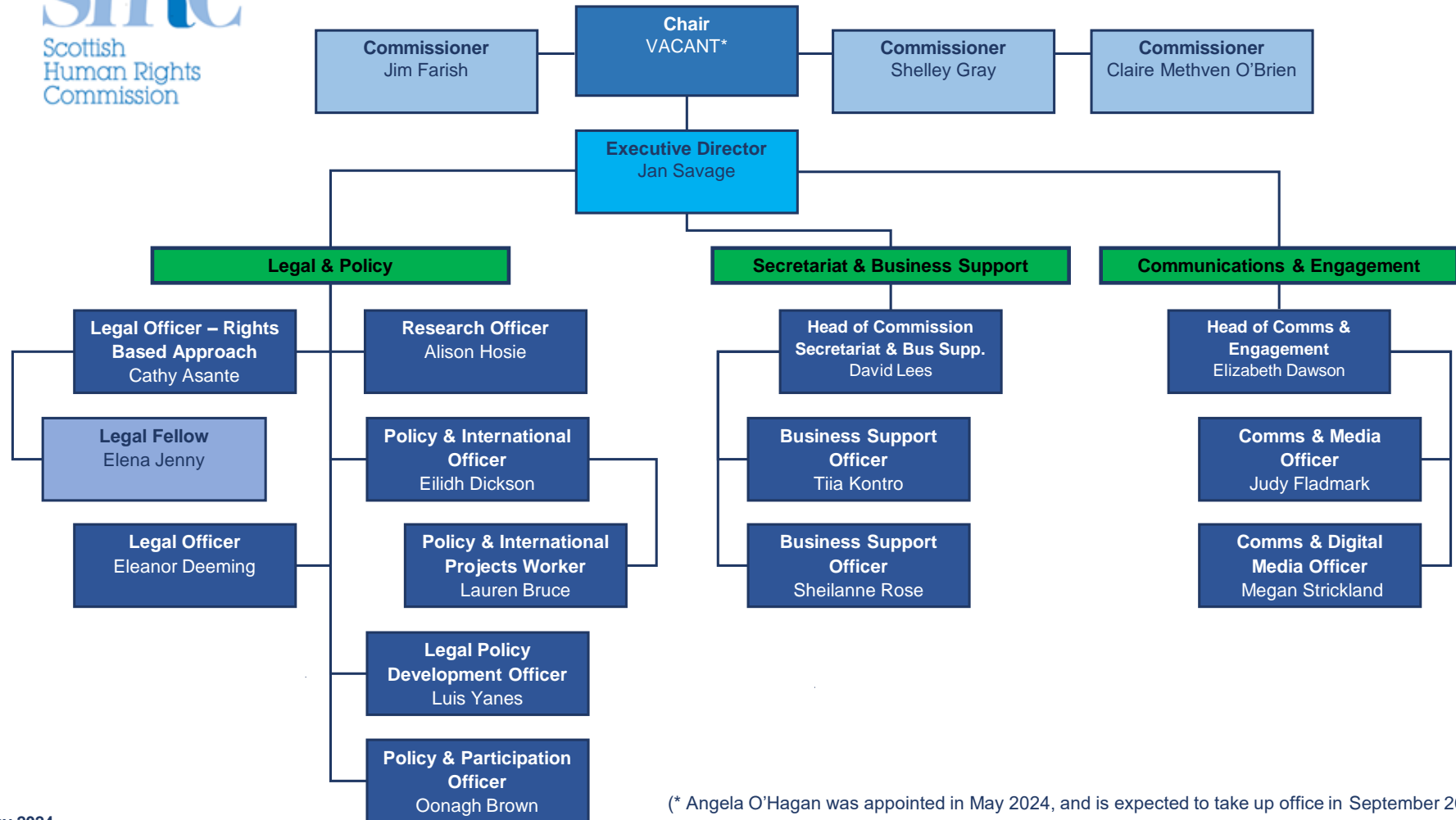
Criteria	Maximum score	Score	Comments
Is the proposed activity within the Commission's gift to deliver e.g. do we have relevant influence or relationships to make it happen?	10		
Is there an identifiable proposed action which is likely to deliver change?	10		
What levers are there to influence change domestically? E.g. is there an alignment with the work of parliamentary committees or the legislative agenda?	5		

Total scoring

Criteria	Maximum score	Score
Capacity	25	
Evidence and rights analysis	45	
Added value and non-duplication	25	
Opportunities to influence	25	
Total	120	

Our People

OFFICIAL



(* Angela O'Hagan was appointed in May 2024, and is expected to take up office in September 2024)

Budget 2024-25

The Commission's annual budget proposal of £1,456K for 2024-25 was approved by Scottish Parliament Corporate Body (SPCB) in March. At the time of writing, the pay award for the year has not yet been confirmed and so the cost breakdown detailed below may be subject to revision.

Cost type	Amount
Total Staffing Costs, including Chair and members of the Commission	£1,175,000
Programme Costs	£185,120
General Running Costs	£95,880
TOTAL	£1,456,000

In addition to the core budget of £1,456K, up to a further £39,000 is provided on an annual basis, through contingency funding arrangements with SPCB, for the recruitment of a Legal Fellow for a 12-month term as part of the Scottish Human Rights Fellowship scheme.

The financial memorandum for the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 indicates further resource for the Commission to deliver its new powers and general duties in respect of that Act. This will be reflected in the Commission's budget settlement in due course throughout 2024-25 as the Act reaches commencement stage. This is therefore not reflected in the financial details included above.



More information

For more information on the Commission's Operational Plan 2024-25, please contact hello@scottishhumanrights.com

And follow us on:

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