

**Present:** Jim Farish (Commissioner, Interim Chair, JF)

Claire Methven O'Brien (Commissioner, CMO)

Shelley Gray (Commissioner, SG)

**In Attendance:** Jan Savage (Executive Director, JS)

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

Tiia Kontro (Business Support, Minute Secretary, TK)

Eleanor Deeming (Legal Officer, EDJ, for Agenda items 5.7. – 5.12. only)

Elena Jenny (Legal Fellow, EJ, observing Agenda items 5.7 – 5.12. only)

Luis Felipe Yanes De Dominicis (Legal Policy Development Officer, LFY, for Agenda items 5.1. – 5.6. only)

**Apologies:** No apologies

**List of Acronyms:** ARC: Audit and Risk Committee

CYPCS: Children and Young People's Commissioner for Scotland

SPCB: Scottish Parliament Corporate Body

## **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 13 May 2024 were approved with minor changes.

## **3. Matters Arising/Action Log**

- 3.1. DL provided a status update on the items on the Action Log. The following points were noted.
- 3.2. Action 02-02-24, DL confirmed that he had met with Lorna Johnston, Director at the Standards Commission, who has agreed and is delighted to attend the next Commission meeting to provide a presentation to support a discussion on Declarations of Interest.
- 3.3. In relation to action 03-03-24, scheduling of a meeting with SPS is progressing, but a date for the meeting has not yet been established. It was agreed that if a mutually suitable date cannot be found by the end of June 2024, the Commission will draft a letter to SPS outlining the key issues the Commission wishes to discuss at the meeting.

**Action:** Draft letter to SPS if suitable meeting date not agreed by the end of June.

## **4. Executive Director's Update**

- 4.1. It was noted that following advice from SPCB the Commission will observe the pre-election period in line with other public bodies. This will impact some of the Commission's scheduled publications which have now been delayed until the post-election period. OBS will now be published as closely after 4 July as appropriate and Access to Justice will follow on 22 July. Business as usual publications will be progressed as normal. It was agreed that JS would seek written

clarity from Ken McIntosh (KM) and David Watt (DW) for the Code of Governance in relation to pre-election protocols.

**Action:** Clarity to be sought from KM/DW on Code of Governance in relation to pre-election protocol.

- 4.2. **Operational Plan:** Operational Plan drafting has been completed and this is scheduled for publication during week commencing 10 June 2024. Commissioners will receive a copy via email prior to publication.
- 4.3. The Operational Plan sits below the Global Work plan and outlines how the Commission will deliver against the strategic priorities and thematic work programme and will feed both team and individual workplans, and will inform the support and supervision process.
- 4.4. The Commission considered whether a separate programme board should be created to monitor progress. It was agreed that a separate programme board would not be required as the Senior Leadership Team has the responsibility of oversight and monitoring the programme with feedback provided to the Commission via the Executive Director.
- 4.5. **People and Culture Programme:** JS provided an update on the development of the People and Culture which is designed to deliver the 'Strengthen the Organisation' strategic objective through a programme of change by ensuring effective support, development, wellbeing, and structural arrangements are in place. The plan includes three broad planning horizons across 2024-25 that focus on progressive development of staff wellbeing and support infrastructure, including a staff survey, updated employee handbook, policy review, and consideration of how we are structured and organised to ensure the Commission is both fit for purpose, and fit for the future.
- 4.6. JS reflected on the scale and importance of this programme and stated that the Commission will approach SPCB to request

contingency funding for a temporary change project manager to support the SLT in delivering the People and Culture programme.

**Action:** Approach SPCB to request contingency funding for the temporary, Change Project Manager.

## 5. Policy/Process

- 5.1. **Highlands and Islands Spotlight Project 2023-24:** LFY joined the meeting to present an update and findings from the Highlands and Islands Spotlight Project.
- 5.2. LFY reflected on having visited twenty towns across all eight Highlands and Islands Scottish Parliament Constituencies to carry out interviews and discussions.
- 5.3. It was evident that the overwhelming response from people was extremely positive and there was a real enthusiasm to engage.
- 5.4. LFY provided the Commission an update on the key findings of the project, of which there were 24 areas.
- 5.5. It became clear that the range of issues across the Highlands were broad and varied, and very place specific.
- 5.6. A number of key issues were more generally expressed across the Highlands including; a disconnect between national policy and local reality, concerns over metrics-based decision making, lack of accountability mechanisms, centralisation of services, and feelings of abandonment for local populations.
- 5.7. In addition, core themes emerged in relation to concerns in the areas of Health, Housing, Education, Poverty and Access to Justice.
- 5.8. LFY reflected on the essential learning from this project, being the first time the Commission has adopted this approach, to improve the planning, structure for engagement and methodology for future programmes.
- 5.9. A key success has been the visibility of the project and communication throughout the communities with significant interest across the range of media, including television and radio coverage.

5.10. The Commission discussed ways for developing the final report to best articulate the findings and outcomes in the context of the broad human rights legal framework. It was agreed that a further meeting would be scheduled to discuss this.

**Action:** Further discussion with the Commission and LFY to be scheduled to discuss the Highlands and Islands Spotlight Project report.

5.11. It was proposed that the focus of the next regional ESCR Monitoring Spotlight Project would be South Scotland, which has substantial similarities with the demographic and geographic profile of the Highlands and Islands. The proposal was approved.

5.12. **Access to Justice Spotlight – Places of Detention:** EDJ joined to present a progress update to the Commission on the Access to Justice spotlight project. EJ joined to observe.

5.13. EDJ highlighted that Prisons have been selected because there are constant concerns raised in relation to Human Right issues in prisons, and the prison population are vulnerable to Human Rights abuses.

5.14. The project has focused on the complaints processes in Scotland's prisons, specifically on prison related complaints via SPS and health related complaints via the NHS complaints process.

5.15. The work has highlighted that there is no commitment or progress to collect and publish data on ill-treatment complaints or to include human rights standards for prison staff training.

5.16. It was noted that no prisoners were interviewed during the process, partly due to time constraints and to ensure those being interviewed could provide a broad view of the whole system to inform the research.

5.17. EDJ updated the Commission on the next steps of the process. It was noted that phase two of the A2J spotlight project with focus on

Social Care will commence in June 2024 and that publication of prison report will take place mid-August.

- 5.18. EDJ noted that the Commission will draft a Publication of complaints advice and advocacy map in collaboration with CYPSCS and a Human Rights Factsheet for prisoners together with the Independent Prison Monitors.
- 5.19. The Commission welcomed the work and noted how well it links together with other Spotlight Projects and Commission Strategic Plan.

## **6. AOB**

- 6.1. The Commission discussed the best ways to support monitoring work going forward. The discussion included consideration on how the Commission could best engage with stakeholders on the specific spotlight projects.
- 6.2. The next Commission meeting will take place Monday 1 July 2024, 10:00 am, Bridgeside House.