

### **Present:**

Shelley Gray (Commissioner, Interim Chair, SG)

Jim Farish (Commissioner, JF, until Item 5.2 inclusive)

Claire Methven O'Brien (Commissioner, CMO)

### **In Attendance:**

Jan Savage (Executive Director, JS)

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

Sheilanne Rose (Business Support, Minute Secretary, SR)

Lorna Johnston (Executive Director, Standards Commission, LJ, Item 6.2 Only)

### **Apologies:**

No Apologies

## List of Acronyms:

NHRI: National Human Rights Institute

SPCB: Scottish Corporate Parliamentary  
Body

SPS: Scottish Prison Service

NPM: National Preventative Mechanism

EHRC: Equality and Human Rights  
Commission

ENNHRI: European Network of National  
Human Rights Institutes

ARC: Audit and Risk Committee

UNCRC (Act): United Nations Convention  
on the Rights of the Child (Incorporation)  
(Scotland) Act 2024

CERD: Committee on the Elimination of  
Racial Discrimination

NIHRC: Northern Ireland Human Rights  
Commission

## 1. Welcome/Declarations of Interest

1.1 SG welcomed Commissioners and staff and requested any declarations of interest in relation to the agenda items. No declarations were noted.

## 2. Minutes from Previous Meeting

2.1 The minutes of the last meeting held on 3 June were approved pending minor amendments.

## 3. Matters Arising/Action Log

3.1 DL provided a status update on the items on the Action Log. It was agreed, action reference 01-03-24, review of 2023-24 will be tabled as an agenda item on the 2 September Commission meeting.

3.2 Under reference 05-03-24, the draft 4 NHRI minutes will be sent to CMO following today's meeting and circulated to the network thereafter.

3.3 In relation to action reference 06-03-24, due to capacity constraints, Rights on the Road would be closed. Instead, a new action to be developed on Commissioner engagement, and reframed into a series of engagements planned against outputs from the Operational Plan. SG requested an agenda item to be tabled for the next Commission meeting on 2 September, allowing the new Chair to participate in the discussion on engagement planning.

**ACTION** – Send draft 4 NHRI minutes to CMO and circulate to 4 NHRI colleagues.

**ACTION** – Close Rights on the Road action point.

**ACTION** – Open new action on Stakeholder Engagement and arrange planning discussion for engagement events aligned with the Operational Plan.

**ACTION** – Include agenda item on Stakeholder Engagement for September meeting.

## 4. Executive Director's Update

4.1 **Chair Update** - JS highlighted that the new Chair's indicative start date is the 26<sup>TH</sup> of August. The agenda for her first Commission meeting is currently being planned.

4.2 JS reflected on the induction programme for the Chair, which will be delivered within a busy policy environment for the Commission. It was noted the new Chair has invited Commissioners to have informal 1-1s prior to taking up post, which would be set up in due course, with support from the Business Support team.

- 4.3 It was noted letters of congratulations have been received from ENNHRI and EHRC.
- 4.4 JS gave thanks to Commissioners for their support throughout this interim period as they have served as rotational Chairs to provide continuity.
- 4.5 Commissioners also offered thanks to JS and DL for their support during this period and recognised the progress that had been made.
- 4.6 **Code of Governance** - Following approval of the Code of Governance at the ARC meeting on Monday 24 June, final adoption of the Code will now be tabled for the 2 September meeting, once the Chair has taken up post. This will allow Commissioners the opportunity to provide feedback and participate in a second follow up session on the Code with JS. Commissioners requested this to be scheduled for mid-late August. This was further discussed under Item 6.1.
- 4.7 **Publications** - JS updated Commissioners on upcoming publications. The CERD report will be circulated following the meeting for sign off. A briefing session on the Deinstitutionalisation publication will be scheduled ahead of the September meeting, presented by the project lead. The Open Budget Survey and Places of Detention reports are scheduled for publication throughout July, following short delays as a result of the pre-election period.
- 4.8 **People and Culture Plan** - JS confirmed she had met with SPCB and had submitted a paper on the People and Culture plan. This included a bid for contingency funding for a temporary Head of Legal and Policy, Project Management support to assist with the Employee policies review and organisational design and increasing administrative support internally as a result of embedding the Governance Review recommendations. SPCB have requested JS attend a meeting to discuss the plan and funding bid in September.
- 4.9 **The Finance and Public Administration Committee Inquiry** - JS, noted the evidence of appetite from a number of sources for updating and potentially extending the Commissions mandate. JS noted that the report is expected in September.
- 4.10 **UNCRC** - JS noted that UNCRC (Incorporation)(Scotland) Act comes into effect on 16 July. A discussion on the funds committed to the Commission in order to fulfil its role under the legislation followed. It was noted that the Commission had submitted a proposal to the SG Bill Team to inform a business case to release the funding to the Commission to meet the resource requirements and costs of implementing the new duties and powers of the Act.
- 4.11 **Operational Plan** - It was agreed the Operational Plan will be published as planned.

- 4.12 **Commonwealth Forum of National Human Rights Institutions (CFNHRI)** - Following discussions at the Four NHRI meeting hosted by the Commission in February, JS confirmed that the Commission does currently hold an active membership of the CFNHRI. It was agreed that membership will be maintained, and active participation will be reviewed on an ongoing basis against the requirements of the Strategic Plan and current resourcing.

**ACTION** – Maintain membership of CFNHRI.

## **5. Policy and Process**

### **5.1 State of the Nation**

5.1.1 JS tabled a paper on options for the approach to the State of the Nation report. Commissioners gave thanks to ELD for her work in developing the paper.

5.1.2 Having reviewed the options it was agreed the most suitable approach in terms of strategy and resources would be a thematic focus on Civil and Political Rights in Scotland, to be progressed further in subsequent years to explore different rights and areas of rights most at risk. The option allows for a four-year approach to develop, in line with the Strategic Planning cycle, learning as we go, and building a clear structure.

5.1.3 SG noted the opportunity for participation between the Commission and rights holders with lived experience.

5.1.4 It was agreed that publication would be supported by a strong communications and engagement plan.

5.1.6 It was also agreed that advisory support may be explored to provide assurances on the substance of the report.

### **5.2 Human Rights Bill**

5.2.1 JS tabled a paper relating to the current emerging context in relation to the Human Rights Bill.

5.2.2 Following discussion it was agreed that a second letter will be drafted to send to the First Minister, requesting a meeting to discuss the Programme for Government and the status of the Bill as a matter of urgency. It was further agreed that the Commission will host an expert roundtable meeting on the Human rights Legal Framework in mid late September.

5.2.3 Finally, it was agreed that a paper will be tabled with the Commission providing suggested briefing notes to ensure that the Commission is ready to engage with the Programme for Government.

Note: JF left the meeting at this point.

**ACTION** – Issue follow up letter to First Minister

**ACTION** – Plan and host expert roundtable

**ACTION** – Produce briefing notes in preparation for engagement with Programme for Government

## **6. Governance**

### **6.1 Code of Governance**

6.1.1 JS tabled the draft Code of Governance that had been discussed at the ARC on 24 June. It was noted the Code was one of the key recommendations of the Governance Review.

6.1.2 JS reflected on the process undertaken to draft this Code, which draws upon best practice and guidance from other Human Rights institutions and public bodies including NIHRC, EHRC and OnBoard Guidance for Public Bodies. The Code brings together under one structure, the core principles, content, and documentation pertaining to all of the Commission's governance arrangements. It sets out the general functions of the Commission along with the roles, responsibilities, and relationships, of individual members as well as the framework for ethics, behaviours, and accountabilities.

6.1.3 JS noted that the Code addresses a gap in developing a set of standing orders for Commission meetings, alongside the existing Terms of Reference for ARC and the schemes of delegation. Existing documents had not been altered in anyway but had now been integrated into an overall code.

6.1.4 JS highlighted the Governance Framework appendix which has brought together all relevant information from SPCB.

6.1.5 JS confirmed the Code would be shared with the staff team ahead of ratification at the September meeting for awareness and noted this would then form the basis of the next phase of Governance Review implementation to support the refresh of the Staff Handbook at a later date.

6.1.6 It was agreed Commissioners would participate in a further session in August to with JS to discuss the Code ahead of formal adoption at the Commission meeting in September.

**ACTION** – Find suitable date for session in August.

### **6.2 Declarations of Interest – Presentation**

6.2.1 Lorna Johnston, Executive Director of the Standards Commission for Scotland, joined and presented on managing conflicts of interest. The presentation focussed on informing and highlighting how best to support Commissioners in identifying conflicts and making and managing declarations of interests.

6.2.2 LJ discussed the process by which identifying conflicts of interest should be used, including explanations around what is meant by a connection, an interest and participation in a meeting.

6.2.3 LJ highlighted that the use of transparency statements is a tool that can be used to highlight a connection but one that does not meet the standards of the objective test was discussed.

6.2.4 The appointment process with SPCB was discussed. It was noted that a perceived conflict would be relatively easy to identify given appointments are based on the expertise of the individual.

6.2.5 Commissioners reflected that the presentation had been very useful in building understanding around the issues in relation declarations of interests and the mechanisms in place to help manage potential conflicts.

6.2.6 SG gave thanks to LJ for her time, noting the session was insightful and beneficial.

## **7. AOB**

7.1 The date of the next meeting and agenda were agreed, pending inclusion of additional items on the Code of Governance. It was agreed this would be a full day meeting.

7.2 JS tabled a paper from the Legal and Policy team which seeks support for a visit to the Commission from Professor Yvonne Donders, member of the UN Human Rights Committee. The Commissioners discussed this opportunity and the recommendation. Referencing current capacity, commitments, and budgetary restrictions, it was agreed that this was not the right time for this to take place.

7.3 Following discussion, it was agreed an internal process for managing similar enquiries and events was required.

7.4 Commissioners agreed to write to Professor Donders, thanking her for her interest in visiting the Commission and with the possibility of a future engagement.

**ACTION** – Establish internal process for engaging international experts from UN and CoE Treaty Bodies

**ACTION** – Draft and issue letter to Professor Donders.

Meeting Ends.

**Date of next meeting:** 2 September 2024.