

Commission Meeting Minutes

Date: 13 January 2025

Time: 11:00 - 14:45

Present: Angela O'Hagan (Chair) AOH
Claire Methven O'Brien (Commissioner) CMO
Shelley Gray (Commissioner) SG

In Attendance: Jan Savage (Executive Director) JS
Tiia Kontro (Minute Secretary) TK
David Lees (Head of Secretariat and Business Support) DL

Apologies: No apologies

List of Acronyms: ARC - Audit and Risk Committee
EHRC - Equality and Human Rights Commission
EHRJC - Equality Human Rights and Civil Justice Committee
ESCR - Economic, Social and Cultural Rights
FAI - Fatal Accident Inquiry

GANHRI - Global Alliance of National Human Rights Institutions

NPM - National Preventative Mechanism

1. Welcomes

- 1.1. The Commission formally noted the resignation of Commissioner Jim Farish and extended their thanks for his contributions to the Commission.
- 1.2. AOH welcomed colleagues at the start of a new year, noting the volume of work already in place.
- 1.3. AOH also noted the new agenda structure with the intention of streamlining updates across policy, legal, and performance and strategy matter as part of several ongoing actions to improve the quality and timeliness of papers to Commission and support more effective discussion and staff involvement in Commission meetings.

2. Declarations of Interest

- 2.1. There were no declarations of interest with regards to any of the proposed agenda items.

3. Minutes of Previous Meeting

- 3.1. The minutes of the meeting held on 4 November 2024 were approved with minor changes.

4. Matters Arising

- 4.1. **Action Log Review**
- 4.2. DL provided a review of the Action Log, and the following points were noted.

- 4.3. JS and CMO have not been in a position to progress scheduling meetings with regards to Access to Justice due to timing and capacity constraints. The action is still to be progressed.
- 4.4. DL has contacted Sam Gluckstein to progress with scheduling a briefing on NPM for the Commissioners. The aim is to schedule this for Q4.
- 4.5. The proposal for FAI systems spotlight project is still in development. As soon as the proposal is ready, it will be presented for the Commission for review.

5. Executive Director's Update

- 5.1. JS provided a short verbal update as the Executive Director.
- 5.2. It was noted that the aim is to produce a written Executive Director's Update going forward. This has already been agreed in relation to ARC and will also be implemented for Commission meetings.
- 5.3. JS noted that recruitment for People and Culture Manager is currently live and once the position has been filled, the People and Culture Project can be proceeded with more clarity.

6. Workstream Updates

- 6.1. **Policy (verbal update)**
- 6.2. The Commission formally notes a decision made at the development session on 2 December 2024. A paper on human rights tracker tool was provided to the Commission in December. Following discussion, the commission agreed to progress with the work as per recommendations in the paper with one commissioner dissenting.

6.3. Legal Update (paper)

- 6.4. JS noted that the aim is that the new Head of Legal and Policy will present this update in future and that recruitment to the post is underway.
- 6.5. It was noted that the aim of the paper is to provide structure to matters discussed at Commission, remind the Commission of any related powers, especially as the Commission seeks to engage in more extensive use of current powers.
- 6.6. JS noted that priority recently has been to ensure resources are aligned with each workstream efficiently and how the Commission monitors workload management from staff capacity perspective.
- 6.7. The Commission discussed on the potential of arranging a development session on how to use Commission's new intervention powers. No decision was made on the specific timeframe, but it will likely be in in Q1 of the new fiscal/operational year.
- 6.8. The Commission agreed that a robust and transparent process on decision-making will need to be developed to detail how the Commission decides which cases to intervene in. It was agreed that the new Head of Legal and Policy will lead on this work once they have started. The Commission agreed that careful consideration will need to be given to staff capacity and acknowledged the stretch across the full team.
- 6.9. The Commission Legal Fellow will be attending the court to observe the Legal Challenge to Winter Fuel Payment Cuts brought by Govan Law Center. Briefing from the hearing will be circulated with the Commission as soon as available.
- 6.10. CMO revisited the Commission's decision not to intervene in the case between For Women Scotland vs Scottish Ministers.

AOH reminded members that the matter had been discussed in multiple Commission and special meetings where collective agreement applied to the actions taken including to instruct external counsel, prepare an advice note for Commission, and maintain a watching brief throughout. AOH noted that EHRC had made arguments based on Equality Act 2010 only and whilst the Commission was on standby throughout the hearing for any consent requests from EHRC to raise human rights argumentation in support of their submission, no such request was received. AOH noted that this was in line with the MoU between the Commission and EHRC, and the requirement for the SHRC not to duplicate the action of another human rights body.

6.11. Human Rights Monitoring (verbal update)

- 6.12. JS noted that the intention is to develop a paper on human rights monitoring. This update will include timelines and milestones for each spotlight project and the focus will be on implementation of the work as well as share ideas on future spotlight projects.
- 6.13. It was noted that timetable for Commissioners with regards to Highlands and Islands project revisits is nearly done. An update and briefing session will be scheduled with leading staff members.

Action: Highlands and Islands briefing session to be scheduled for the Commissioners with LFY and AH.

- 6.14. Deinstitutionalisation project launch event will be taking place in Glasgow on 30 January 2025. JS noted that the Commission has received a strong response to the invitations and staff have worked collaboratively to ensure event is accessible for all.

- 6.15. JS noted that publication for Access to Justice spotlight project is planned for later in 2025.

Action: JS will share an update with the Commissioners on Access to Justice spotlight project ahead of publication.

7. Governance

7.1. ARC report

- 7.2. It was noted that the purpose of the ARC report is to provide the Commission a formal update from the previous ARC meeting and to note any formal decisions arising from the ARC requiring Commission attention.

- 7.3. The Commission formally noted membership change. SG will be attending future meetings as a member of ARC. The current constraints in Commissioner availability was noted, and that the process to recruit back to full complement with 4 Commissioners is in development with the SPCB.

7.4. EHRCJ Committee Evidence Session

- 7.5. The Commission's Annual Report will be considered by the EHRCJ Committee on 14 January 2025. The Commission discussed the expected questions to be fielded by AOH and JS as the Commission representatives. JS provided an update on planned Comms activities around the Evidence Session.

7.6. Committee Inquiry (paper)

- 7.7. A paper to update Commission on the Committee Inquiry on the SPCB Officeholder Landscape was tabled with the Commission.
- 7.8. It was noted that each Officeholder will be given a separate, 45-minute evidence session. The Commission has been

invited to give evidence at a meeting of the Committee on Thursday 27 February 2025.

- 7.9. AOH proposed a short life working group of the Commission would prepare and coordinate input into the Inquiry. The Commission accepted the recommendation.

Action: A short life working group of the Commission will be formed to prepare and coordinate the Commission's input into the inquiry.

7.10. GANHRI Re-accreditation (paper)

- 7.11. JS provided an update on the GANHRI Re-accreditation process. AOH proposed a short life working group of the Commission be formed to prepare and coordinate input and final submission to the reaccreditation process. The Commission accepted the recommendation.

Action: A short life working group of the Commission will be formed to prepare and coordinate the accreditation process.

7.12. Scottish Human Rights Commission and EHRC Memorandum of Understanding (paper)

- 7.13. JS noted that MoU has been established in 2009 and updated periodically since. The MoU has not been updated since 2016 and requirement for an update was discussed at the last 4 NHRI meeting in 2024.
- 7.14. It was noted that no significant changes were anticipated, but that a regular review is best practice to ensure any organisational changes are reflected accurately.
- 7.15. AOH proposed the Commission to establish a short life working group to coordinate and prepare input into the review of MoU with the EHRC. It was noted that the day-to-day

relationship of will be managed between the Executive Director of the Commission and the Head of Scotland for EHRC.

7.16. CMO noted that the Commission should ensure any parts of the MoU which may create ineffective working relationships should be carefully considered to ensure most beneficial working relationship for both organisations.

7.17. The Commission agreed that both SG and CMO would participate in the short life working group. JS will liaise with EHRC on further practical arrangements for forming the working group.

Action: JS to liaise with EHRC on further practical arrangements for forming the short life working group on MoU work.

8. Performance and Strategy

8.1. Impact

8.2. DL noted that the aim is to present a fully formed KPI scorecard to the Commission going forward. The scorecard is currently in redevelopment and is part of the project on strengthening the organisation. Q3 assessments are being completed and full KPI scorecard will be presented to the Commission in due course.

Action: DL to present the KPI scorecard to the Commission.

8.3. Theory of Change (verbal update)

8.4. JS noted that the Commission last received an update at the Commission meeting in October 2024. JS pointed out that bi-monthly may not be a long enough cycle to demonstrate enough change and noted that once the process has been fully finalised, updates may be brought to the Commission bi-annually instead.

8.5. People and Culture (verbal update)

- 8.6. JS updated the Commission on the People and Culture project. It was noted that recruitment for all vacant positions is currently live, and a positive response has been received for all roles.
- 8.7. The Commission acknowledged that recruiting for multiple positions at the same time has created a huge strain on capacity of all staff members involved.
- 8.8. JS shared an update on the external consultant to lead on the People and Culture project. The preliminary plan is to arrange for targeted workshops on roles and responsibilities at Commission level, produce a report for the Commission and subsequently move onto work with staff in a similar way. Once both reports are completed, a joint session with staff and Commissioners will be scheduled.

8.9. Operational Plan 2025 - 26 (verbal update)

- 8.10. JS noted that first week of February has been held in all staff diaries as a work planning week for. The purpose is to take time across the team to plan work for the year ahead.
- 8.11. AOH noted that the process is fully operations led and will be shared with Commission for visibility later.

9. AOB

- 9.1. The next formal Commission meeting will take place on 3rd March 2025.