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| Present: | Judith Robertson (Chair) JR  Jane-Claire Judson (JCJ)  Susan Kemp (SK)  Alan Mitchell (AM) |
| In Attendance: | Tiia Kontro (Minute Secretary) (TK)  Kavita Chetty (KC)  Liz Gibb (LG)  Emma Hutton (EH) |
| Apologies: | No apologies |
| List of Acronyms: | NHRI: National Human Rights Institution  SPCB: Scottish Parliamentary Corporate Body  HMIPS: Her Majesty’s Inspector of Prisons Scotland |

1. Welcome / Declarations of Interest

There were no declarations of interest.

1. Minutes of Previous Meeting

The minutes of the meeting held on 6 July 2020 and of the supplementary meeting held on 5 August 2020 were approved with minor changes.

In relation to the impact of COVID on the organisation, the Commission noted that staff capacity has increased due to schools and nurseries reopening. It was pointed out that some issues regarding childcare persist, but the Commission continues to support staff with reduced capacity.

AM requested a change to the way minutes from previous Commission meetings are handled. The suggestion was to circulate minutes from each meeting within two weeks of the meeting if possible and that all changes would be made in tracked changes over email. The final minutes would then be officially approved in the next meeting. AM pointed out that this would assist in ensuring the accuracy of the minutes. The proposal was approved by the Commission.

**Action:** The minutes to be circulated within two weeks of each meeting as possible for any changes to be noted by email.

1. Matters Arising

The matters arising report was discussed and the following points noted.

AM requested an update on the work on care homes and the discussion had with Richard Leonard MSP, Leader of the Scottish Labour Party. JR updated the Commissioners on the discussion at the meeting. It was noted that the conversation was very productive and that the Parliament has since agreed to include a human rights based approach in the care home review.

The Commission discussed the new Independent Review Group for Adult Social Care and it was noted that the Commission is planning on writing to the new chair of the review group. It was agreed that the Commission should press for a human rights based approach to be embedded in the group’s work. Inclusion of lived experience perspectives was also discussed.

KC joined the meeting.

The Commission discussed the issue of family visiting in care homes. It was noted that the Commission has written to the Clinical and Professional Advisory Group for Care Homes regarding Visiting Guidance for Adult Care Homes in Scotland. KC advised we have received positive feedback regarding the letter from families affected by the situation.

1. Operational Plan

KC introduced the Operational Plan paper to the Commission. There has been a delay in finalising the Operational Plan for this year due to COVID-19 impact on staff workload and prioritisation of COVID-19 response work over the Commission’s usual work.

KC updated the Commission on the main points of the Operational Plan. Comments and questions were invited and the following points noted.

AM asked if it would be possible to add a reference to COVID-19 as well as Brexit impact on the Commission’s work at the beginning of the Operational Plan as context. It was noted that one of the challenges is in taking forward pieces of work as set out in the plan whilst recognising that our way of working and our workload has been affected by COVID-19, and potentially Brexit, and that the Commission is required to do significantly more reactive work as a result.

The Commission supported the suggestion of adding a preamble that would make the COVID work more explicit.

**Action:** A note to be added to the Operational Plan to make the COVID-19 work continuation more explicit.

SK raised a question about barriers to access to justice and advice and suggested that the Commission work in this area be made more explicit in the plan .

KC confirmed that more resources are planned in this area especially through the work of the National Taskforce for Human Rights Leadership.

It was agreed that it might be beneficial to highlight the impact on the outcomes in the Operational Plan .

**Action:** KC to investigate further ways of reflecting this in the Operational Plan.

JCJ pointed out that the expected high number of new MSPs in the upcoming election could have an impact on our work in the need for support and training from the Commission.

KC clarified that the Commission is hoping to start working on training material for MSPs in the coming months. The aim is to test training in the next few months and for that to be rolled out in the Parliament with the next intake of MPSs.

1. Budget Discussion

LG joined the meeting.

LG provided an update on the operational budget 2020-2021 and the following points were noted.

An overspend will occur in the Commission’s normal funding due to maternity leave cover, but this will be largely covered by savings in other areas and contingency funding.

Underspend in the contingency budget has been predicted. This underspend is due to timing of recruitment and the Commission will request for a transfer of the underspend to the next financial year.

AM raised a question on overspend in Strategy and Legal team activity budget as well as the Communications budget. LG clarified that these were additional activities that were added due to underspend in other areas. The Operational budget was confirmed.

LG introduced the draft budget for 2021-2022 to the Commissioners. The following points were noted.

The Commission will be requesting a small increase in core budget for 2021-2022. This is mainly due to a planned increase in communications costs due to website improvements and an update in our audience insights work. Events and travel have been scaled back.

JCJ pointed out that the Commission should include a clear connection to the Operational Plan to justify the requested increase. LG noted that a narrative will be submitted alongside the budget submission ensuring this link is made clear.

It was noted that the budget will be submitted to SPCB in September 2020 which will be followed by further discussions before the decision is reached.

JCJ requested further information on the budget process to be included in the cover sheet next time a budget discussion is had. The Commission agreed that this would be useful.

**Action:** LG to include clear explanation on the process in the next budget coversheet.

1. HMIPS Update

AM shared an update on further discussions on the Commission’s concerns about prison conditions, particularly time out of cell, communication with families and lawyers, regime and the extent to which the Prison Amendment rules 2020 are still required.

It was noted that further updates will be shared with the Commission as soon as any changes happen.

1. Annual Report Discussion

EH joined the meeting.

EH introduced the Annual Report paper to the Commissioners and invited general comments and questions.

SK raised a question about whether the impact of COVID-19 should be reflected on the report. EH noted that as the report only covers time before 31st March 2020, the impact of COVID-19 is very limited in this report, but it will definitely be included in the report for 2020-2021.

The Commission discussed different ways of making the report clearer on subjects like poverty and the Commission’s previous work on Brexit. It was agreed that EH and KC would consider the appropriate form of words to reflect and clarify these subjects.

**Action:** EH and KC to amend the report according to the feedback from the Commissioners.

It was noted that the Commissioners will see the final report before it is laid at the Scottish Parliament.

1. Governance Review

JR explained the terms of reference for the upcoming Governance Review. Comments and questions were invited and the following points were noted.

JCJ and SK requested some clarification to specific wording within the terms of reference.

**Action:** JR to amend the terms of reference according to the feedback received from the Commissioners.

AM raised a question about the timeframe of the review. JR explained that the plan is to complete the review by the end of March 2021. The Commission discussed the various details that would impact the timeframe including new Commissioner recruitment and the decision on which of the current Commissioners would take part in the Review Steering Group.

JR formally proposed JCJ as the other Commissioner in the panel. The Commission approved the proposal.

1. AOB

AM requested an update on the recruitment activities the Commission is currently engaged in.

JR noted the number of applications for the two posts currently advertised. Shortlisting is underway and interviews are due to be held during the two last weeks of September.