

## Background

The Scottish Human Rights Commission (the Commission) was established in law in 2006 by the Scottish Commission for Human Rights Act 2006 and has been operational since Dec 2008. The Commission is both a Scottish public authority and a National Human Rights Institution. As such it is bound by the general legal obligations of Scottish Public Authorities and also by the guiding principles of the UN Human Rights Committee for National Human Rights Institutions (The Paris Principles<sup>1</sup>).

The Commission is a body corporate and has a full-time Chair and three part-time Members. The Chair is also the Accountable Officer. The Commission is accountable to the Scottish Parliament in the exercise of its statutory functions. The Scottish Parliament Corporate Body (SPCB) supports the Commission and its statutory duties include appointing the part-time members, approving its funding, approving the terms and conditions of appointment for both the members and staff, and appointing the accountable officer.

The Commission has a general duty to promote human rights and in particular encourage best practice in relation to human rights.

This review has come about as a good practice check on how the Commission functions, to understand the governance strengths and challenges it faces and make recommendations that can further support the Commission in its work.

## Objectives

In order to capture the current governance model and make recommendations for improvements, this review will:

- Review Commission strategic and financial oversight of the organisation, decision-making processes and relationship between governance/non-executive and executive functions.

- Review the role of the Finance, Risk and Audit Committee (FRAC) and the Audit Advisory Board (AAB) in the financial and risk oversight of the organisation.
- Review the role of the Chair, the Commissioners and their remit as set out in legislation, and their capacity to fulfil that remit and how it relates to the staff team.
- Review the role of SPCB in financial and strategic oversight in the governance of the Commission and the way this works in practice.
- Make recommendations on Commission and other stakeholder ways of working which will enhance the governance of the organisation, including the role of “rights holders” (people with direct lived experience of human rights challenges) in Commission governance going forward.

## **Review Methodology**

The Review will be undertaken by the Review Consultant and will include:

- Desk research including review of Commission founding legislation and governance documentation, Commissioner Handbook, FRAC remit and AAB remit, relevant guidance from SPCB, Commission minutes, Scheme of Delegation, senior staff Job Descriptions and review of international good practice.
- A number of stakeholder interviews including Commissioners, key Commission staff, members of existing Reference Group of rights holders, PCS union representatives and key SPCB personnel.

## **Output of Review**

The Review will be completed by the production of a report with recommendations to the Commission for improvements in ways of working, and identification of associated resource, legislative and practical implications.

## **Oversight of Review**

The Scottish Human Rights Commission is the commissioner of this review and the principal decision-making body in terms of taking forward recommendations from the Review.

To support the review process the Commission will establish a short-life Advisory Group for the Review. This group will meet twice, once when the Review is commissioned to help steer the work, and once when the draft Report is ready to review to reflect on recommendations. The Advisory Group will be chaired by the Chair of the Commission, and have one further commission member on it to be determined at a Commission meeting. The Commission's Head of Strategy and Legal and Head of Corporate Services will also participate.

## **Specification for Review Consultant**

### **Experience**

Direct experience of governance processes; experience of being on the board of public sector or large third sector organisation, or of relating directly to the board as a senior executive.

Experience of external independent assessment of governance structures and procedures for a variety of bodies.

### **Knowledge**

Broad knowledge of public sector duties in relation to governance and management.

Understanding of relevant legislation.

Awareness of good and emerging practice in relation to governance models, including participatory and other non-traditional approaches.

Awareness of good and emerging practice in applying the principles of equality and non-discrimination in a governance context.

## **Competencies**

Ability to grasp and explain complex structures and systems quickly and accurately.

Ability to relate to a wide range of stakeholders from diverse backgrounds.

Ability to compile written reports with recommendations that are clear, concise and widely accessible.

## **Timeline**

The timeline for delivery is subject to agreement but the interim version of the report must be delivered no later than 1<sup>st</sup> Feb 2021. The final report must be presented to the Commission no later than 1<sup>st</sup> March 2021.

## **Applicant Information**

Applicants are requested to submit proposals for this work which include:

- a statement of the qualifications and relevant experience of those applying to compile the review (please attach a short CV summarising most relevant experience);
- the proposed budget (guide price £10,000 inclusive of VAT); and
- the proposed timeline, including start and completion dates.

The deadline for receipt of applications is Friday 6<sup>th</sup> November 2020. Applications should be no longer than four pages (12 point, standard space, excluding appendices).

Please send applications to [liz.gibb@scottishhumanrights.com](mailto:liz.gibb@scottishhumanrights.com). Shortlisting will take place the weeks of 9<sup>th</sup> and 16<sup>th</sup> November and shortlisted candidates will be invited to meet the selection panel in the week of 23<sup>rd</sup> November.

If you have any questions related to this invitation to tender, please contact [liz.gibb@scottishhumanrights.com](mailto:liz.gibb@scottishhumanrights.com).

Applicants may be contacted by email or telephone to clarify their proposal.

## **Assessment of Applications**

The Review Advisory Group will assess the merits of each application. The successful application will be the proposal considered to be of the highest quality which best fulfils the specification for Review criteria set out above and below, and offers value for money:

- Understanding of the issues being addressed and the requirements of the outputs;
- Evidence of capacity, experience and skills required to undertake the proposed work including achieving desired outcomes;
- The proposal of a realistic timeframe for the work;
- Evidence of previous harmonious working relationships with contractors;
- Evidence of previous high quality written work;
- The proposed budget compared to the funds available.

## **Decision Notification**

The Review Advisory Group is not bound to accept any application.

The prospective contractors may be required to make a proposal presentation before a final decision is made with regard to awarding a contract.

All those who have been involved in the tendering process will be informed in writing or by telephone. Feedback can be provided to unsuccessful applicants at this point on request. The Commission aims to inform all applicants of its decision by 30<sup>th</sup> November.

## **The Briefing Meeting**

Prior to the provision of a signed contract, a briefing meeting will be held between the Review Advisory Group and the successful applicant in order to:

- Clarify the roles and responsibilities of the applicant and establish a working relationship;

- Confirm a common understanding of the planned work and realistic expectations of the project;
- Clarify the aims and objectives and discuss any proposed changes to the submitted proposal;
- Provide the applicant with any additional information required;
- Reach a consensus regarding quality standards and expected outcomes (i.e. reports, executive summary etc);
- Agree the terms of a contract;
- Discuss and finalise an agreed timetable for the work and required outcomes.

## **The Contract**

The contract will contain information regarding the terms and conditions for the specific piece of work being commissioned. A template contract will be personalised through negotiation with the successful applicant and signed by both parties. The contract will cover:

- The agreed scope of the work;
- A timetable for the work and payment schedule;
- A statement regarding copyright and ownership of any outputs;
- Arrangements for approval of any sub-contracting;
- The law applicable to the contract.

## **Data Privacy**

Any personal information collected as part of this procurement process will be processed in line with our [Procurement Privacy Notice](#).

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<sup>1</sup> <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>