

Scottish Human Rights Commission

Annual Report and Financial Statements

Year Ended 31 March 2020

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Performance Report

Overview

1. Introduction

This overview section explains who the Commission is, what its functions are, and its strategic priorities. It includes a statement from the Chair of the Commission summarising the Commission's performance during 2019-20.

The financial statements for the financial year ended 31 March 2020 are presented in accordance with paragraph 15(1) of Schedule 1 to the Scottish Commission for Human Rights Act 2006 and prepared in accordance with an Accounts Direction given by the Scottish Ministers.

2. Statement from the Chair of the Commission

Strengthening accountability when there are failures to protect people's rights is a key priority for the Commission and will continue to be so as we move into our next Strategic Plan in 2020-21. This year, we used our legal powers to intervene in civil litigation for the first time. We intervened in a case challenging the use of "lock changes" to force people seeking asylum – and who are often extremely vulnerable – from their accommodation in Glasgow. Although we were disappointed with the ultimate judgment by the court, our intervention was important in raising matters of wider public interest and we will continue to actively explore future opportunities for strategic litigation.

The Commission's long-running programme of work on human rights budgeting began to impact this year on wider debates around how Scotland's budget is both raised and spent. We published a series of practical briefings in partnership with a range of civil society and academic partners, which were widely shared and accessed, and provide us with a strong foundation for continued influencing work in this strategically important area.

Scotland took a major step forward in its human rights journey this year with the creation of a new National Taskforce on Human Rights Leadership. Tasked with developing proposals for a new Act of the Scottish Parliament to provide direct legal protection for a broad range of economic, social, cultural and environmental rights, the Taskforce has a vital role to play in helping Scotland become a place where everyone's rights are respected, protected and fulfilled.

Since the beginning of our work back in 2008, the Scottish Human Rights Commission has relentlessly advocated for and worked hard to secure stronger legal

protection for this broader range of rights. I was therefore pleased to accept an invitation from the Scottish Government to represent the Commission on the Taskforce. Building on our decade of work in this area, the Commission will work constructively to support the Taskforce in a number of ways: providing strategic advice and guidance; sharing our expertise in human rights law and practice; drawing on best practices from international human rights networks and frameworks; and supporting wider public engagement in the development of legislative proposals.

Scotland's National Action Plan for Human Rights (SNAP) will also have an important relationship with the Taskforce, taking forward a series of actions to strengthen human rights in Scotland. This year, the Commission continued to coordinate and support a Development Working Group of people from across the public sector and civil society to develop draft proposals for a second SNAP. As the year came to a close, we welcomed renewed commitment from the Scottish Government to support SNAP both in terms of governance, resources and the practical delivery of actions. Work to finalise plans and next steps was paused in March 2020 due to COVID-19 but will re-start in 2020-21.

2019-20 also saw the landmark project, Housing Rights in Practice, come to a close. With £2.3 million invested by the local authority in improving housing conditions for residents in Leith and strong evidence of much wider impact on people's confidence and ability to understand and claim their human rights, the project has provided us with an illuminating case study, with a final "Lessons Learned" report published in May 2020.

In March 2020, the Commission was also appointed as Chair of the Scottish Sub-Group of the National Preventative Mechanism, which brings together a range of statutory bodies to strengthen protection of people in places of detention.

More broadly, the Commission continued to build, strengthen and deepen its engagement with a range of core audiences and stakeholders for its work. This included the Scottish Parliament, both in terms of individual MSPs and the Parliament's Committee structures, and with a wide range of civil society and third sector groups, including a focus this year on proactive engagement with Scotland's black and minority ethnic communities. The Commission also consulted extensively with a wide range of stakeholders in the development of its new strategic priorities. This both shaped and reaffirmed our direction of travel and core work going forward.

Despite all of this strong progress, the Commission faced a number of key challenges this year. While the broad public and political discourse around human rights is positive, with continuing strong rhetorical commitments being made, this has yet to be translated into a significant shift in how resources are invested, or how public policy decisions are made, implemented and evaluated as a matter of course.

The Commission itself continues to face a real challenge around the need and demand for its expertise and input, and its operational capacity to respond to that. While we were pleased to secure a modest temporary increase in our funding for the two years ahead, we will continue to work with the Scottish Parliamentary Corporate Body to pursue a more permanent and substantive solution to our resource challenges.

Finally, like every other institution in Scotland, we ended 2019-20 dealing with the impact of the COVID-19 pandemic. For the Commission, this presented a twofold challenge: the need to ensure the health, safety and wellbeing of our staff team alongside the need to provide rapid and robust scrutiny and input to a raft of emergency legislation and emergency policy measures. Our ability to rise to this challenge successfully is testament to the solid and steady work we have put into our operations over preceding years, and to the skill and commitment of our current staff team.

As we move into 2020-21 with a new Strategic Plan to frame our work, the Commission remains well-placed to continue to provide leadership to Scotland on its human rights journey.

Judith Robertson
Chair, Scottish Human Rights Commission

3. About the Commission

This section details the Commission's purpose, operating model and environment, organisational structure, strategic priorities and outcomes (objectives) and activities.

3.1 Purpose of the Commission

The Scottish Human Rights Commission was established by the Scottish Commission for Human Rights Act 2006 (the Act). The Act sets out the Commission's functions, duties and powers.

- The Commission has a general duty to promote awareness, understanding and respect for all human rights to everyone, everywhere in Scotland, and to encourage best practice in relation to human rights.
- The Commission fulfils this duty through recommending changes to Scottish law, policy and practice as necessary, awareness raising, carrying out research and providing guidance.

- The Commission also has powers to conduct inquiries into the policies or practices of Scottish public authorities, enter some places of detention, and to intervene in civil court cases where relevant to the promotion of human rights and where the case appears to raise a matter of public interest.
- The Commission has a duty to ensure it is not duplicating work that others already carry out.
- The Commission promotes and protects the human rights guaranteed by the European Convention on Human Rights (ECHR), which form part of the law of Scotland through the Human Rights Act 1998 and the Scotland Act 1998, as well as other human rights which are guaranteed by international conventions ratified by the United Kingdom (UK).
- The Commission works to a set of Strategic Priorities set out in its Strategic Plan to ensure it meets its mandate and is accountable.
- The Commission began operating in 2008 and its current office is located in Bridgeside House, McDonald Road, Edinburgh.

3.2 Operating model

The Commission operates as both an Officeholder of the Scottish Parliamentary Corporate Body and as a National Human Rights Institution.

3.2.1 Scottish Parliamentary Corporate Body (SPCB)

The Commission is an Officeholder of the SPCB. This relationship is defined and governed by statute. In practice, this means that:

- The SPCB nominates to Her Majesty an individual for appointment as Chair of the Commission. This is a full-time remunerated appointment for up to six years.
- The SPCB appoints Members of the Commission. These are part-time remunerated appointments for up to six years.
- The SPCB sets the terms and conditions of appointment of the Chair and Members of the Commission.
- The SPCB provides the Commission with an annual budget.

- While operating as an independent institution, the Commission is accountable to the SPCB for the use of its resources and delivery of its statutory mandate.

3.2.2 National Human Rights Institution

The Commission is also an accredited National Human Rights Institution (NHRI) within the United Nations (UN) human rights system.

- NHRIs are accredited by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI).
- Accreditation takes place against Principles Relating to the Status of National Institutions, which were adopted by the UN General Assembly in 1993 (known as the 'Paris Principles').
- The Commission was accredited as an A-Status NHRI in 2010, re-accredited in 2015 and is due to be assessed again for accreditation in 2020-21.
- The Commission's A-Status NHRI accreditation enables us to report directly to the UN on the implementation of human rights in Scotland.

3.3 Operating environment

The Commission is a Scottish public authority and therefore has a range of accountabilities arising from this, including requirements to comply with all general Scottish public sector responsibilities and relevant legislation in areas such as freedom of information, equality, public procurement, data protection and others. The Commission takes part in a range of networks and fora with other relevant public authorities to develop and share good practice where possible. We seek to utilise opportunities for joint working where this is an efficient and appropriate approach. We work particularly closely with the Scottish Public Services Ombudsman and the office of the Children and Young People's Commissioner for Scotland, with whom we share office accommodation, enabling us to arrange joint training and information sessions on topics such as deaf blind awareness, allergy management and waste reduction.

3.4 Organisational structure

The Commission's governance and delivery structure reflects the requirements of its operating model outlined above. In 2019-20, the Commission began the process of restructuring its delivery model; this process will complete in 2020-21.

3.4.1 Governance

The Commission's governance structure comprises the Chair of the Commission (operating in her non-executive capacity) and three part-time Members of the Commission (also known as Commissioners). Meetings of the Commission take place around ten times each year, on an approximately monthly basis (with exceptions for key holiday periods).

3.4.2 Delivery

The Commission's work is delivered on a day-to-day basis by a staff team of thirteen people (10.6 FTE). The staff team is organised into three departments / teams. The heads of each department / team form the Commission's management team, along with the Chair of the Commission (operating in her executive capacity).

See Diagram 1 (page 18) for an organisational structure chart.

3.5 Strategic priorities and outcomes (objectives)

3.5.1 Strategic priorities

The Commission operates against four-year Strategic Plans, which are based on external consultation with relevant people and organisations, approved by the Commission and laid before the Scottish Parliament.

Our work during 2019-20 took place in the final year of the Commission's third Strategic Plan, which contained the following five Strategic Priorities:

1. Building a human rights culture – SNAP and beyond.
2. Promoting respect for dignity and rights in health and social care.
3. Promoting a rights based approach to poverty and social justice.
4. Increasing accountability for rights: law, regulation, monitoring and accessing rights.
5. Learning, sharing and promoting our work and human rights internationally and nationally.

During 2019-20, the Commission developed and published its fourth Strategic Plan. This establishes four new Strategic Priorities which will guide our planning, delivery and reporting during 2020-24.

1. Progressing understanding and strengthening legal protection of economic, social and cultural rights
2. Strengthening accountability for meeting human rights obligations
3. Building wider ownership of human rights

4. Advancing best practice locally and sharing our learning globally

3.5.2 Outcomes (objectives)

The Commission uses an outcomes framework to operationalise its strategic priorities and to guide work planning and resource decisions. The following ten outcomes represented our organisational objectives for 2019-20:

1. The UK and Scottish governments and public authorities more effectively implement international human rights obligations.
2. The Scottish Parliament demonstrates it is a human rights guarantor through improved structures, procedures and actions.
3. More people have a better understanding of international human rights and what they mean.
4. People with lived experience of human rights issues increasingly influence decisions that affect their human rights.
5. More organisations apply a human rights based approach throughout their work.
6. More people feel confident and equipped and face fewer barriers to claiming their rights and hold government, parliament and other public bodies to account.
7. Human rights standards are embedded and used more explicitly in regulation, inspection and monitoring frameworks.
8. SNAP 2 is operating as a collaborative framework for action on human rights.
9. International human rights standards and good practice are developed, informed by and better understood by relevant domestic and international stakeholders.
10. The Commission builds its strength as an organisation to support the effective and efficient delivery of the Strategic and Operational Plans.

Indicators for each outcome were identified at the outset of 2019-20 and were used as the basis for quarterly reporting of activities, progress and variance in relation to work planned to deliver each outcome throughout the year.

3.6 Activities

The Commission delivered a wide range of activities during 2019-20 to deliver its outcomes, including:

- strategic litigation
- parliamentary engagement
- legislative and policy development
- international human rights treaty monitoring and reporting
- monitoring places of detention
- participation in a range of external advisory groups
- media and communications
- working alongside people with lived experience of rights issues
- coordination of Scotland's National Action Plan on Human Rights
- facilitating collaboration on human rights budget work
- training and capacity building with external organisations
- international collaboration and practice exchange
- development of new strategic priorities for 2020-2024
- corporate services and operational management.

More detailed information about the Commission's activities during 2019-20 will be included in the Commission's Annual Report 2019-20, which will be published and laid before the Scottish Parliament in October 2020.

4. Key Issues and Risks

This section describes the key issues and risks in relation to the Commission's ability to deliver on its strategic priorities and outcomes (objectives).

The Commission develops and maintains a strategic risk register to identify, assess and mitigate against strategic risks. This risk register is reviewed and updated at regular intervals by the Commission's management team, the Finance, Risk and Audit Committee, and the Commission itself.

A range of strategic risks for the Commission relate to its statutory mandate, its institutional independence, its "A" status as a National Human Rights Institution, and the national and international human rights frameworks within which it operates. During 2019-20, there was a focus on the risk that the Commission's funding remains static or reduces such that it is insufficient for the Commission to fulfil its mandate. Mitigation actions for this risk included conducting a comprehensive resources review and making a partially successful application to the SPCB for additional funds. These additional funds were granted on a temporary basis in the

first instance. The Commission will continue to focus on working to secure sufficient long-term resources to deliver across its mandate.

Given the wider context of the UK General Election and the UK's departure from the European Union, other particularly relevant risks during 2019-20 included the risk of the Commission's mandate being changed in a way that threatens its ability to operate as an NHRI; that support for the human rights legal framework is weakened; repeal or weakening of the Human Rights Act; and decreasing stakeholder support for the Commission and our work. Ongoing actions to mitigate these risks include a continued programme of communications actions, highlighting the Commission's mandate and governing Paris Principles; strategic and operational planning; and maintenance of effective stakeholder relationships.

Other identified risks relate to the effective management of the organisation. In 2019-20 the risk of staffing levels not being maintained sufficiently for the Commission to deliver its objectives required attention, as vacancy gaps arose in key Corporate Services roles as a result of office relocation. The risk of unplanned events affecting business continuity was also significant in relation to the emergence of COVID-19. Robust business continuity planning aided the mitigation of both of these risks in year. Effective recruitment processes meant that all vacancy gaps were filled, although there was some reduction in our overall delivery capacity during the associated delay. The Commission's existing flexible and remote working resources and culture aided with the transition to new working practices under COVID-19 restrictions.

Another key risk for the year was the potential failure to comply with the Commission's statutory obligations both as an employer and a public body. The Commission has ensured that it has the support required to mitigate against this risk. Advisers with expertise in health and safety and employment matters are in place, and the Commission has the support of a shared Data Protection Officer at the Scottish Parliament to enable it to fulfil its data protection obligations. Staff training on Freedom of Information requirements was carried out during the year in response to an internal review of knowledge and practice. Staff knowledge of key health and safety policies and procedures was also updated. The risk of cyber security measures being insufficient was also addressed during the year. Self-assessment against the requirements of the Public Sector Action Plan on cyber resilience was carried out and resulting actions identified and planned.

5. Performance Summary

The Commission performed strongly against all ten of its operational outcomes (objectives) in 2019-20 although faced challenges in some areas.

Outcome 1: The UK and Scottish governments and public authorities more effectively implement international human rights obligations.

Strategic litigation

The Commission used its legal powers for the first time this year, by making an intervention in litigation relating to forced evictions of people seeking asylum in Glasgow. Our intervention was unsuccessful insofar as the Court did not ultimately agree with our legal argument. Nevertheless the Commission raised matters of public interest in its intervention and the points raised will continue to be of strategic importance. Our intervention was welcomed by broader civil society and helped to raise awareness of the human rights issues engaged.

Legislative and policy development

The Commission made submissions to Scottish Government and Scottish Parliament consultations and legislative processes on a range of human rights issues including biometrics, food insecurity, forensic medical services, gender recognition reform, children's rights and budget reform. Our submissions were generally welcomed and well-received by policy makers and led to a range of specific law and policy responses, for example, the introduction of a Biometrics Commissioner for Scotland. However, some of our policy work did not lead to direct or immediate impact this year. For example, although our work on the Right to Food has fulfilled our outcome to raise the profile of this right within the broader discourse, the Scottish Government has not yet committed to incorporating this into its Good Food Nation Bill.

International human rights treaty monitoring

The Commission engaged with the United Nations human rights system by submitting a series of monitoring reports with associated recommendations for action in relation to the Convention on the Elimination of Discrimination Against Women, the Convention Against Torture and the International Covenant on Civil and Political Rights. Many of the issues we identified were included in subsequent reports by the relevant United Nations Committees although we continue to face challenges with the Committees not recognising the devolved nature of the UK and Scotland not securing robust implementation plans.

National Taskforce on Human Rights Leadership

The Commission joined and took part in this newly-established Taskforce to advance incorporation of economic, social and cultural rights including by providing expert advice on international human rights models and standards, and advising on public engagement strategies.

Human rights budget work

The Commission published a series of briefing papers on the "What, Why and How?" of human rights budget work, continued to chair a Human Rights Budgeting Working

Group and engaged with a number of scrutiny bodies, government officials and third sector organisations to advance understanding of this area of work. While progress has been made, and our work is beginning to change the terms of discussions in this area, we have yet to see substantive changes in the culture, structures and processes of budget-setting that reflect human rights principles and standards.

Incapacity and mental health law reform

The Commission engaged with and is represented within a newly-established Mental Health Act Review Group.

Outcome 2: The Scottish Parliament demonstrates it is a human rights guarantor through improved structures, procedures and actions.

The Commission delivered human rights training this year for Members of the Scottish Parliament and Committee clerks. Continued work is planned in this area but has been paused due to COVID-19. The Commission also provided written and oral evidence throughout the year to several parliamentary committees on a range of human rights issues and has continued to do so remotely as a consequence of COVID-19.

Outcome 3: More people have a better understanding of international human rights and what they mean.

The Commission produced and widely disseminated a new short animation on the Right to Food, in collaboration with Nourish Scotland. We also undertook the first stages of a user experience review of our website, continued to build our media and social media reach, produced and disseminated a range of publications in support of our legal, policy and project activity, and took steps to improve the accessibility of our communications outputs for disabled people. Plans to produce and disseminate a series of infographic-style briefings on a wider range of economic, social and cultural rights did not go ahead this year due to a lack of capacity. The publication of a “Lessons Learned” report on the Housing Rights in Practice project was also delayed until 2020-21.

Outcome 4: People with lived experience of human rights issues increasingly influence decisions that affect their human rights.

The Commission continued to work with and support a Reference Group of people with lived experience of poverty to advance the Right to an Adequate Standard of Living. We also undertook widespread public engagement with people in relation to SNAP. We developed a new programme of participation and engagement with black and ethnic minority communities. Throughout the year we received some constructive but critical feedback on the need to improve our participation and engagement practices, which we are seeking to address. We also began work to

review and update our Participation Strategy for the year ahead; however, resourcing challenges have meant we have not progressed this work as far as we wanted in this year.

Outcome 5: More organisations apply a human rights based approach throughout their work.

and

Outcome 6: More people feel confident and equipped and face fewer barriers to claiming their rights and hold government, parliament and other public bodies to account.

The Commission completed an evaluation and review of its landmark Housing Rights in Practice project and prepared a full report for publication in early 2020-21. We also worked with the Scottish Housing Regulator to develop a training programme for their staff (delayed due to COVID-19) and held training and advice sessions for a range of other organisations including funders, public sector bodies and third sector organisations.

The Commission continued to be an active member of the Historic Abuse InterAction Review Group which operates as an accountability mechanism for the ongoing implementation of the Scottish Government's Historic Abuse Action Plan. Progress was made in advancing plans to establish a financial redress scheme for survivors and victims of historic abuse.

There is an overdue need to develop the Commission's website and/or another online portal as a repository of good practice and practical guidance on taking a human rights based approach. We have not been able to progress this as hoped due to a lack of staff capacity and the need to prioritise other activities. This task will remain on our work plan for 2020-21.

Outcome 7: Human rights standards are embedded and used more explicitly in regulation, inspection and monitoring frameworks.

The Commission continued to be an active member of the National Preventative Mechanism, a joint monitoring mechanism with other statutory bodies across the UK, and also continued to take part in monitoring Scotland's prison estate in collaboration with Her Majesty's Inspectorate of Prisons in Scotland.

Outcome 8: Scotland's National Action Plan for Human Rights is operating as a collaborative framework for action on human rights.

The Commission facilitated and worked with a Development Working Group of around 15 organisations and individuals to produce a set of draft proposals for a second iteration of SNAP. We ran a public engagement programme to seek feedback on these proposals and coordinated talks with the Scottish Government to secure their ongoing commitment and resources for SNAP. While significant progress has been made the timescales for this work have become very stretched due to resource pressures, and then as at March 2020 work on this was suspended temporarily due to COVID-19.

Outcome 9: International human rights standards and good practice are developed, informed by and better understood by relevant domestic and international stakeholders.

The Commission took part in a range of international human rights networks and practice exchanges during the year as part of its membership of the European Network of National Human Rights Institutions, the Global Alliance of National Human Rights Institutions and the Commonwealth Forum of National Human Rights Institutions. Key focus areas this year including strategic communications about human rights; advancing economic, social and cultural rights; human rights and the Sustainable Development Goals; and the COP 26 climate change summit.

Outcome 10: The Commission builds its strength as an organisation to support the effective and efficient delivery of the Strategic and Operational Plans.

In summer 2019, the Commission undertook a review to assess and identify the resources required to fully deliver on all of its Strategic Priorities for 2020-2024. The review concluded that significant additional staff resource would be required, and a business case for growth was submitted to SPCB. Additional funds representing around a 10% increase to our annual budget were subsequently approved for the next two financial years (April 2020 – March 2022).

Business continuity plans were implemented in March 2020 due to the impact of COVID-19. These were successful in allowing Commission operations to continue with minimal impact to productivity despite the required changes in working practices and conditions.

The Commission's organisational policies and procedures were assessed at the end of 2019 and those requiring review and/or update were identified. These policy reviews commenced at the end of 2019 and will continue into 2020-21.

6. Summary of expenditure

The Commission receives funding on a cash basis from the Scottish Parliamentary Corporate Body (SPCB). The SPCB approved a cash budget of £988k for financial year 2019-20 (2018-19: £1,044k).

Financial year 2019-20 was the Commission's eleventh full year of operation. The Commission's net expenditure for the year ended 31 March 2020 totalled £975k (2018-19: £994k). This was on staff costs £829k (2018-19: £750k), other expenditures £183k (2018-19: £260k) and depreciation £2k (2018-19: £4k). Details of staff costs and other expenditures are shown in notes 4 and 6 to the financial statements respectively.

The Commission's budget for 2019–20 was £988k (2018-19: £1,044k), which included £6k approved contingency funding and £12k funding towards increased pension contributions. Expenditure was within 2% of the approved budget (2018-19: 5%). The Commission also received income of £38k in respect of salary costs for a member of staff who was seconded externally for a period of time.

Expenditure on the purchase of non-current assets during the financial year is detailed in note 7 and note 8 to the financial statements.

7. Significant developments / financial issues

This section describes significant developments and key financial issues for the Commission this year.

External policy environment

During the year, several key developments took place in the broad external policy context for the Commission's work which have significant implications for the Commission's work. These were:

- The UK's departure from the European Union with the associated reductions and ongoing risks to legal protections for human rights.
- The UK General Election and the subsequent announcement by the UK Government of a proposed Constitution, Democracy and Rights Commission, the remit of which remains unclear.
- The creation by the Scottish Government of a National Taskforce for Human Rights Leadership, charged with developing new legislation to bring a wider range of human rights directly into Scots law; and
- The emergency legislative and policy responses required to deal with the COVID-19 pandemic, many of which had (and continue to have) significant human rights dimensions requiring scrutiny.

Strategic litigation

As noted above, the Commission also used its legal powers to intervene in civil litigation for the first time this year. This was in line with our strategic priority to strengthen accountability for human rights obligations. The intervention meant that the Commission incurred fees for legal counsel totalling £33k, as shown in note 6 to the financial statements. This type of cost has not been incurred by the Commission previously but may recur if future interventions are undertaken.

COVID-19

As noted above, the implications of COVID-19 and the related measures and restrictions had a significant impact on the work carried out by the Commission towards the end of 2019-20 and continuing into 2020-21. Demand for our commentary and analysis increased on a wide range of related human rights issues and we proactively engaged with and sought to influence legislation, policy and practice on a number of urgent and high priority human rights concerns arising from COVID-19. These included clinical guidance from the Chief Medical Officer; judge-led trials; impacts of emergency measures on adults with incapacity; state obligations in relation to care homes; prison conditions; police use of emergency powers; economic recovery considerations, and more.

COVID-19 related measures and restrictions also had some impact on the Commission's ability to operate effectively. All staff are able to work at home and the majority did so regularly before the restrictions were put in place. However, staff capacity was affected by caring responsibilities, particularly with the closing of schools, nurseries and other childcare providers, and by other implications of the restrictions. The Commission implemented policies for staff regarding working terms and conditions which were aligned with those of the SPCB. The ongoing impact of this on staff health and wellbeing, as well as overall operational capacity, is being monitored into 2020-21 and operational plans will be adjusted as required.

See also note 16 to the financial statements.

8. Payment of Trade Payables

The Commission is committed to the Confederation of British Industry (CBI) Prompt Payment Code for the payment of bills for goods and services received. Payments are normally made as specified in the agreed contract conditions. Where there is no contractual position or other understanding, the Commission makes payment within 30 days and additionally aims to make payments within 10 days of receipt of the goods or services. Payment performance for invoices against the 10 day target in 2019-20 was 58% (2018-19: 82%) and within 30 days was 85% (2018-19: 98%). The average time to pay suppliers in 2019-20 was 15 days (2018-19: 6.4 days). These

figures were significantly affected by vacancy gaps in the Corporate Services team as a result of the office relocation, with payments and invoice processing being undertaken by part-time staff members not usually responsible for these tasks. These vacancy gaps were filled by mid-March 2020. Business continuity planning meant that despite the changes in staff with associated vacancy gaps the Commission was still able to operate effectively and maintain appropriate internal controls.

9. Diversity and Equality

The Scottish Human Rights Commission promotes and protects the human rights of everyone in Scotland. In relation to the work of the Commission, we are working to increase awareness, recognition and respect for human rights, and make them more relevant and easier to apply in everyday life.

In relation to the running of the organisation, the Commission takes a human rights based approach in our organisational governance and our work. This includes promotion and demonstration of equality of opportunity and diversity which is central to our work. A core pillar of a human rights based approach is non-discrimination and equality.

10. Community, Social and Human Rights

The Commission was established to promote and protect all human rights and has been committed to taking a human rights based approach to all of its activities since its inception in 2008. Information about a human rights based approach, and our work to promote it, is hosted on the Commission's website.

11. Environment and Sustainability

The Commission's Sustainability report for 2018-19 was published in November 2019 and is available on the Commission's website.

<http://www.scottishhumanrights.com/media/1925/sustainability-report-2018-19.pdf>

The 2019-20 report will be published in autumn 2020 and will be available on the Commission's website at that time.

The Commission's office location at Bridgehouse is shared with the Scottish Public Services Ombudsman and the Children and Young Peoples' Commissioner Scotland. The Scottish Public Services Ombudsman reports on these matters for the building as a whole. The implications of the move to shared office accommodation have been reviewed and are not considered likely to have a long-term impact on the Commission.

We recognise that our activities may have both positive and negative impacts in Scotland and further afield. Through our policies and procedures, the Commission encourages the use of public transport wherever practicable.

12. Anti-corruption and Anti-bribery

The Commission as a small organisation, with a small budget and a low volume and value of purchases and payments, has a relatively low level of vulnerability to fraud, corruption or bribery. The Commission however recognises that all organisations, regardless of size, are vulnerable to fraud and is committed to having a robust approach to the prevention, detection and management of fraud. The Commission has a Fraud Policy Statement and additionally has a number of policies and procedures in place that support the detection and prevention of fraud for key processes where there is a greater vulnerability of fraud, corruption or bribery occurring.

There have been no incidences of fraud in the current or prior year.

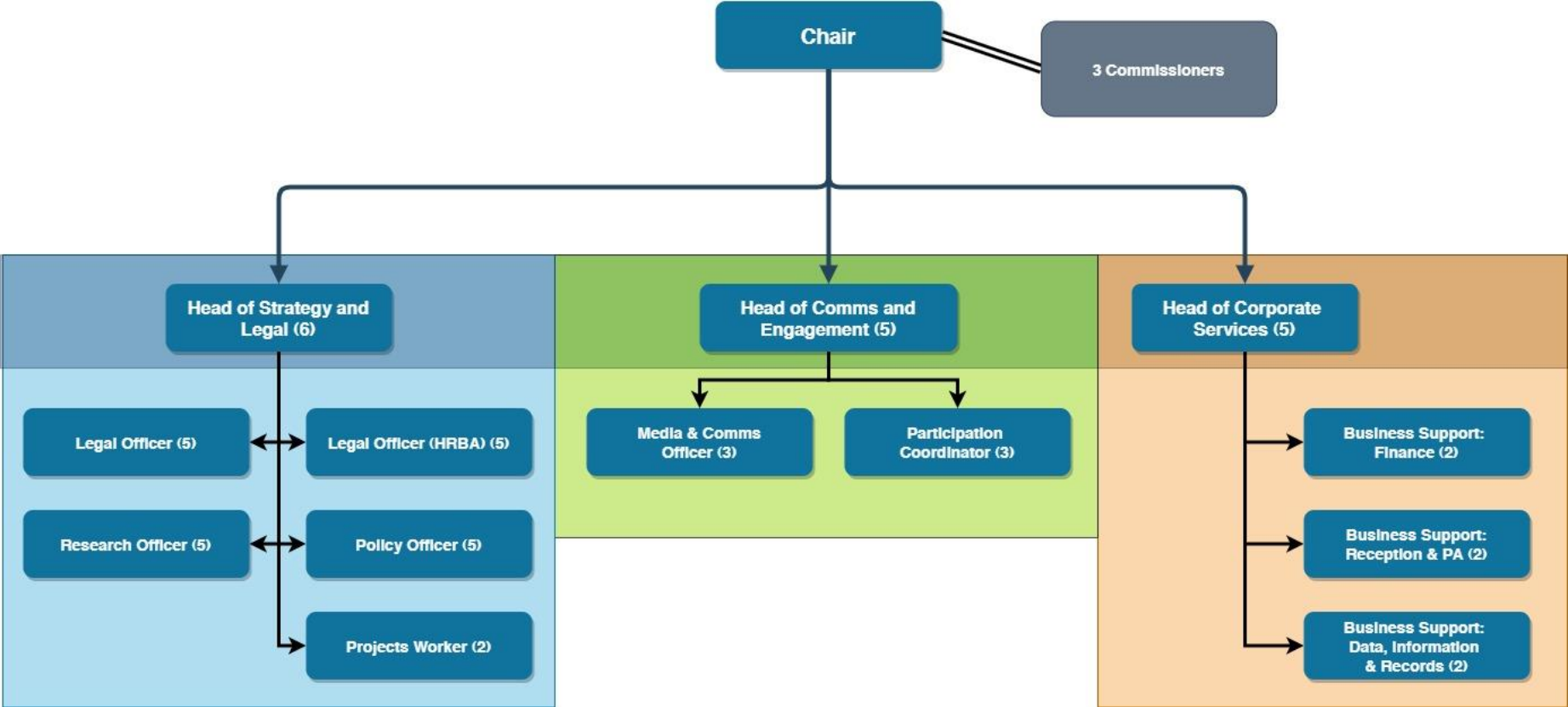
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Judith Robertson
Chair, Scottish Commission for Human Rights

Date: 21 August 2020

Diagram 1: Organisational Structure Chart



Accountability Report

Corporate Governance Report

Director's Report

Chair and Members of the Scottish Commission for Human Rights

The Chair: Judith Robertson
Appointed 21 March 2016 for one term of 6 years.

Members: Susan Kemp: Appointed 1 May 2015 (for one term of 6 years).

Alan Mitchell: Appointed 1 May 2015 (for one term of 6 years).

Jane-Claire Judson: Appointed 1 September 2017 (for one term of 6 years)

In 2019-20 Susan Kemp and Jane-Claire Judson served as members of the Commission's Finance, Risk and Audit Committee (FRAC).

Provision of Information to Employees

The Commission has adopted the principles of openness and participation in its organisation and places a high level of importance on both informing and consulting staff. It does so by providing access to documents, through oral and written briefings, by staff consultations, meetings and events and through engaging with the recognised union. Information is only withheld where this can be shown to be justified or where a duty of confidence is owed to a third party.

Pensions

Details of pension costs can be found in notes 1.6, 4.2 and 5 to the financial statements.

Register of Interests / Freedom of Information

The Commission maintains a register of company directorships and other significant interests held by the Commission members and the Commission staff. The interests of our Commission members are published on our website at the following link <http://www.scottishhumanrights.com/about/people/>

Paragraph 17 to Schedule 1 of the Scottish Commission for Human Rights Act amends the Freedom of Information (Scotland) Act 2002 (FOISA) to include the Commission as a Scottish public authority. This creates a range of duties on the Commission that include ensuring that staff are trained on FOISA, ensuring that processes are in place to deal with Freedom of Information requests and ensuring that there is a records management system and an approved publications scheme.

Personal Data

There were no incidents relating to personal data in the current or prior year.

Audit

The financial statements are audited by an auditor appointed by the Auditor General for Scotland in accordance with paragraph 15(1) of Schedule 1 of the Scottish Commission for Human Rights Act 2006. There has been no remuneration paid to the auditor for any non-audit work and no non-audit work has been undertaken by the auditor.

Statement of Accountable Officer's Responsibilities

Under paragraph 15(1) of Schedule 1 to the Scottish Commission for Human Rights Act 2006, the Scottish Ministers have directed the Commission to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The financial statements are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Commission and of its income and expenditure, Statement of Financial Position and cash flows for the financial year.

In preparing the financial statements, the Accountable Officer is required to comply with the requirements of the *Government Financial Reporting Manual* and in particular to:

- (i) Observe the Accounts Direction issued by the Scottish Ministers, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis.
- (ii) Make judgements and estimates on a reasonable basis.
- (iii) State whether applicable accounting standards as set out in the *Government Financial Reporting Manual* have been followed, and disclose and explain any material departures in the financial statements.
- (iv) Prepare the financial statements on a going concern basis; and

(v) confirm that the annual report and financial statements as a whole is fair, balanced and understandable and take personal responsibility for the annual report and financial statements and the judgements required for determining that it is fair, balanced and understandable.

The SPCB designated the Chair as the Accountable Officer for the Scottish Human Rights Commission on 21 March 2016. The responsibilities of an Accountable Officer, including responsibility for the propriety and regularity of the public finances for which the Accountable Officer is answerable, for keeping proper records and for safeguarding the Commission's assets, are set out in the Memorandum to Accountable Officers of Other Public Bodies issued by the Scottish Government and published in the Scottish Public Finance Manual.

As Accountable Officer for the Commission, I have taken all the steps that I ought to have taken to make myself aware of any relevant audit information and to establish that the Commission's auditor is aware of that information. So far as I am aware, there is no relevant audit information of which the auditor is unaware.

Governance Statement

Chair of the Commission

The Chair is responsible for ensuring that appropriate and adequate internal controls are in place to support the office in successfully accomplishing its objectives and to safeguard the public funds under its control.

The Scottish Commission for Human Rights Act 2006 provides that the Commission is an independent office in the exercise of its functions and is not subject to the direction or control of any member of the Scottish Parliament, any member of the Scottish Government or the SPCB, unless where otherwise indicated (see paragraph below).

The Scottish Commission for Human Rights Act 2006 provides that the SPCB shall pay the salaries, allowances and any expenses properly incurred by the Commission. It also provides that SPCB approval is required as to the number and terms and conditions of staff and the arrangements for pensions, allowances and gratuities and the payment of advisers. The SPCB also approves the annual budget.

The office of the Scottish Commission for Human Rights

The Chair of the Commission is appointed by Her Majesty on the nomination of the Scottish Parliament. The appointment of the current Chair of the Commission is for a

term of six years. The Chair and Commission Members can only be removed before the end of a term by a vote of two thirds of the total number of Members of the Scottish Parliament. The Commission comprises the Chair of the Commission and three Commissioners appointed by the Scottish Parliamentary Corporate Body. The Chair of the Commission is the Accountable Officer.

The staff management team comprises the Head of Strategy and Legal, the Head of Corporate Services and the Head of Communications and Engagement.

The Governance Framework of the Commission

The Commission operates against four year strategic plans which are developed and approved by the Commission and laid before the Scottish Parliament. Strategic Plan 2016-2020 is delivered through implementation of annual Operational Plans. The Commission's Operational Plans are linked to our budget and risk management strategy and delivery of plans is supported by internal operating procedures and policies.

Members of the Commission convene throughout the year and are responsible for:

- employment of staff and their well-being
- ensuring the Commission acts within its financial provision and has accountable governance arrangements in place
- setting the strategic direction of the Commission
- ensuring the delivery of Strategic Plans
- ensuring the effective and efficient running of the Commission.
- reviewing performance against Strategic and Operational Plans.

The members of the Commission operate within the terms of reference contained in the Commissioners' Handbook.

The Commission is supported in its function by FRAC, which advises the Commission and Accountable Officer on the:

- strategic processes for financial and budgetary risk;
- control and governance and the Governance Statement;
- finance and budgetary policies;
- planned audit activity and results of external audit;
- adequacy of management response to issues identified by audit activity, including external audit's management letter/report;
- effectiveness of the internal control environment;
- assurances relating to the corporate governance requirements for the organisation.

FRAC operates within agreed Terms of Reference.

The Commission and FRAC meetings are conducted against a pre-agreed agenda. Minutes of Commission meetings are published on the Commission's website.

FRAC comprises of two Commissioners. The current members are Susan Kemp and Jane-Claire Judson who is the current Chair. The role of Chair rotates amongst members.

FRAC meets at least twice per year as appropriate and reviews the financial performance of the Commission against planned budget and is engaged in supporting the annual audit process. FRAC activities are conducted against an annual timetable set at the beginning of each financial year.

In addition the Commission has an Advisory Audit Board (AAB). The members of the AAB are Jean Couper CBE and David Watt.

The role of the AAB is to provide independent oversight of the management of risk and audit issues, including monitoring the integrity of the Commission's financial statements, reviewing the effectiveness of internal controls, performance and risk management.

There was no internal audit activity this year as none was deemed necessary. This position is kept under review.

Risk and Control Framework

A Risk Management approach has been developed which considers the key risks to which the Commission could be exposed, analyses the likelihood and impact of each risk crystallising, captures and details how the Commission will identify, control and mitigate any such risks in accordance with best practice, through the use of a Strategic Risk Register. A key strand is identifying and regularly reviewing the risks which may deflect the Scottish Commission for Human Rights from achieving its strategic objectives. In 2019-20, the Commission continued to ensure that actions to control risks were undertaken and that new or changing risks were identified.

Internal Control Environment

Systems of internal control are designed to identify the principal risks to the achievements of goals, aims, priorities and objectives and to manage and mitigate these risks efficiently, effectively and economically. These accord with the guidance set out in the Scottish Public Finance Manual. Risks and internal controls are routinely reviewed by FRAC and the Commission.

No significant internal control or risk management breaches were identified during 2019-20.

The Commission carried out a full review of policies during 2019-20, identifying a number of policies needing to be updated. The updating of these policies also began in 2019-20 and this work, which has been disrupted due to the effects of COVID-19 measures, is continuing into 2020-21.

Review of effectiveness

As Accountable Officer, and Chair of the Commission I have the responsibility for reviewing the effectiveness of the Commission's Corporate Governance. The following arrangements have been established to date and are operating effectively:

In 2019-20:

- The Commission met throughout the year to consider the plans and strategic direction of the organisation.
- The principles of the Scottish Public Finance Manual are adhered to.
- The Commission reviewed performance against budget and audit reports.
- FRAC provided assurance to the Commission on areas delegated to it.
- A full review of Commission policies and procedures was begun.
- A resources review was carried out to assess and identify future resource requirements.

No capital projects were undertaken during 2019-20.

Data Security Lapses

There were no data security lapses in 2019-20.

Future Developments

In the coming year we will:

- Conclude the review and updating of the Commission's policies and procedures.
- Undertake a governance review to ensure our governance structure and processes are fit for purpose in light of our new strategic plan and resources review.

- Continue to adhere to the Scottish Public Finance Manual, by employing appropriately skilled and trained staff, and adopting policies which adhere to the Manual and are reviewed and audited regularly.
- Continue to identify and monitor risks that may impact delivery of strategic and operational plans.
- Seek to maximise the impact of the additional financial resources approved by SPCB for the period to 31 March 2022.

More generally, the organisation is committed to a process of continuous development and improvement. The Commission will continue to be guided by the Scottish Public Finance Manual in reviewing its systems.

Remuneration and Staff Report

On 31st March 2020 there were four Members of the Commission, including the Chair.

The officeholders' terms and conditions, including remuneration, are set by the Scottish Parliamentary Corporate Body.

- The current Chair's appointment is for one term of 6 years. The Members are appointed for one term of 6 years.
- The Chair's and Member's remuneration and Chair's pension entitlement are set out below. The Chair is a full-time appointment. The other three Members are paid a daily rate of £274.46 and expenses for up to a maximum of 30 days per year which equates to a maximum pay of £8,233.92 per annum per part-time Member.

The part-time Members' posts are non-pensionable. The Chair was employed on a full-time basis in 2019-20.

Senior remuneration (audited)

	Remuneration 2019-20	Pension 2019-20	Total Remuneration 2019-20	Remuneration 2018-19	Pension 2018-19	Total Remuneration 2018-19
	£'000	£'000	£'000	£'000	£'000	£'000
Chair Remuneration:						
Judith Robertson	70-75	20	90 - 95	70-75	16	85-90
Part Time Members' Remuneration:						
Alan Mitchell	5-10	-	5-10	5-10	-	5-10
Susan Kemp	5-10	-	5-10	5-10	-	5-10
Jane-Claire Judson	5-10	-	5-10	-	-	-
Matt Smith	-	-	-	5-10	-	5-10

The pension cost is the employer contribution paid. There are no real increases in the pension/ lump sum figure, no pension benefits figure and no Cash Equivalent Transfer Values because the Chair's pension is not a Civil Service Pension. The post

of the Chair of the Commission is not eligible for admission to the Civil Service Pension.

Salary includes basic salary and does not include employer National Insurance or pension costs.

Fair Pay Disclosure (audited)

The highest paid member of the senior management team was the Chair. The remuneration of the Chair was 1.6 times the £44,107 median remuneration paid to Commission staff in 2019-20 (2018-19: 1.6 times £44,927). The Commission remuneration ranged from £22k - £74k (2018-19: £26k- £72k).

Pension Benefits (unaudited)

Pension contributions of £20,424 (2018-19: £16,018) were made on behalf of the Chair to a defined contribution scheme and no further liability therefore exists on the Organisation with regard to these contributions.

Staff numbers and costs (audited)

During 2019-20, the Commission had four Members, including the Chair and an average over the year of fifteen (10.6 FTE) staff, seven full time and eight part time.

	2019-20 Male Number	2019-20 Female Number	2019-20 Total Number	2018-19 Male Number	2018-19 Female Number	2018-19 Total Number
Members of the Commission	1	3	4	1	3	4
Employees	2	13	15	1	12	13
Total	3	16	19	2	15	17

	2019-20 Permanent staff FTE	2019-20 Temporary / fixed term contract staff FTE	2019-20 Total FTE	2018-19 Total FTE
Commission Members	1.3	-	1.3	1.3
Staff	8.8	1.8	10.6	10.4
Total	10.1	1.8	11.9	11.7

Scottish Human Rights Commission
Annual Report and Financial Statements For The Year Ended 31 March 2020

	2019-20	2019-20	2019-20	2018-19
	Permanent	Temporary	Total	Total
	staff	/ fixed term		
		contract		
		staff		
	£'000	£'000	£'000	£'000
Commission Members				
Salaries / wages	99	-	99	97
Social security costs	9	-	9	9
Pension costs	20	-	20	16
Total Commission Members	128	-	128	122
Staff				
Salaries / wages	442	71	513	478
Social security costs	46	7	53	50
Pension costs	120	15	135	100
Total Staff	608	93	701	628
Total	736	93	829	750

Employee Information (not audited)

No members of the Commission's staff left under voluntary or compulsory exit schemes in 2019-20 (2018-19: nil).

The average number of days lost due to sickness in the year was 1.6 days (2018-19: 1.4 days) per person.

Staff policies for disabled persons (not audited)

The Commission is committed to applying a human rights based approach to work, of which a core pillar is non-discrimination and equality. This commitment extends to providing equality of opportunity to all as part of standard recruitment practices. Applications from those with disabilities who meet essential selection criteria are encouraged.

Active HR support and guidance is provided to managers to ensure that all staff are well supported. Reasonable adjustments in response to staff requirements are made and monitored in each individual circumstance in line with relevant HR policies and best practice.

Other Employee Matters (not audited)

The Commission signed a recognition agreement with The Public and Commercial Services (PCS) union in November 2017. PCS is currently the sole union to hold a

recognition agreement with the Commission. The agreement sets out the arrangements for working constructively together with the aim of achieving positive industrial relations. The Commission has an Equality Policy and a range of other policies within the Employee Handbook that support a positive working environment and good industrial relations. Staff are consulted on and invited to participate in decisions that affect them, in line with a human rights based approach to work. The Commission is committed to ensuring the health, safety and wellbeing of all staff and has a Health and Safety policy and an Employee Assistance Programme in place.

Trade Union Facility Time (not audited)

Number of employees who were relevant union officials during the year 1 April 2019 to 31 March 2020	Full-time equivalent employee number
2	1.3
Percentage of time spent on facility time	Number of representatives
<i>Percentage of time</i>	
0%	-
1 – 50%	2
51 – 99%	-
100%	-
Percentage of pay bill spent on facility time	
Total cost of facility time	£5k
Total pay bill	£829k
Percentage of the total pay bill spent on facility time	1%
Paid trade union activities	
Time spent on paid trade union activities as a percentage of total paid facility time hours	20%

Expenditure on Consultancy (not audited)

In 2019-20 the Commission's expenditure on consultancy was £18k (2018-19: £20k).

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Judith Robertson
 Chair, Scottish Commission for Human Rights

Date: 21 August 2020

Independent Auditor's Report

Independent auditor's report to the members of Scottish Human Rights Commission, the Auditor General for Scotland and the Scottish Parliament

Report on the audit of the financial statements

Opinion on financial statements

We have audited the financial statements in the annual report and accounts of Scottish Human Rights Commission for the year ended 31 March 2020 under the Scottish Commission for Human Rights Act 2006. The financial statements comprise the Statement of Comprehensive Net Expenditure, the Statement of Financial Position, the Statement of Cash Flows, the Statement of Changes in Taxpayers' Equity and Notes to the Financial Statements, including a summary of significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and International Financial Reporting Standards (IFRSs) as adopted by the European Union, and as interpreted and adapted by the 2019/20 Government Financial Reporting Manual (the 2019/20 FReM).

In our opinion the accompanying financial statements:

- give a true and fair view in accordance with the Scottish Commission for Human Rights Act 2006 and directions made thereunder by the Scottish Ministers of the state of the body's affairs as at 31 March 2020 and of its net expenditure for the year then ended;
- have been properly prepared in accordance with IFRSs as adopted by the European Union, as interpreted and adapted by the 2019/20 FReM; and
- have been prepared in accordance with the requirements of the Scottish Commission for Human Rights Act 2006 and directions made thereunder by the Scottish Ministers.

Basis of opinion

We conducted our audit in accordance with applicable law and International Standards on Auditing (UK) (ISAs (UK)), as required by the [Code of Audit Practice](#) approved by the Auditor General for Scotland. Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report. We were appointed by the Auditor General on 31 May 2016. The period of total uninterrupted appointment is four years. We are independent of the body in accordance with the ethical requirements that are relevant to our audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and we have fulfilled our other ethical responsibilities in accordance with these requirements. Non-audit services prohibited

by the Ethical Standard were not provided to the body. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Conclusions relating to going concern basis of accounting

We have nothing to report in respect of the following matters in relation to which the ISAs (UK) require us to report to you where:

- the use of the going concern basis of accounting in the preparation of the financial statements is not appropriate; or
- the body has not disclosed in the financial statements any identified material uncertainties that may cast significant doubt about its ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from the date when the financial statements are authorised for issue.

Risks of material misstatement

We have reported in a separate Annual Audit Report, which is available from the [Audit Scotland website](#), the most significant assessed risks of material misstatement that we identified and our conclusions thereon.

Responsibilities of the Accountable Officer for the financial statements

As explained more fully in the Statement of the Accountable Officer's Responsibilities, the Accountable Officer is responsible for the preparation of financial statements that give a true and fair view in accordance with the financial reporting framework, and for such internal control as the Accountable Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accountable Officer is responsible for assessing the body's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless deemed inappropriate.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, intentional omissions, misrepresentations, or the override of internal control. The capability of the audit to detect fraud and other irregularities depends on factors such as the skilfulness of the perpetrator, the frequency and extent of manipulation, the degree of collusion involved, the relative size of individual amounts manipulated, and the seniority of those individuals involved. We therefore design and perform audit procedures which respond to the assessed risks of material misstatement due to fraud.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website www.frc.org.uk/auditorsresponsibilities. This description forms part of our auditor's report.

Other information in the annual report and accounts

The Accountable Officer is responsible for the other information in the annual report and accounts. The other information comprises the information other than the financial statements, the audited part of the Remuneration and Staff Report, and our independent auditor's report. Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon except on matters prescribed by the Auditor General for Scotland to the extent explicitly stated later in this report.

In connection with our audit of the financial statements, our responsibility is to read all the other information in the annual report and accounts and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether there is a material misstatement in the financial statements or a material misstatement of the other information. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Report on regularity of expenditure and income

Opinion on regularity

In our opinion in all material respects the expenditure and income in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers.

Responsibilities for regularity

The Accountable Officer is responsible for ensuring the regularity of expenditure and

income. We are responsible for expressing an opinion on the regularity of expenditure and income in accordance with the Public Finance and Accountability (Scotland) Act 2000.

Report on other requirements

Opinions on matters prescribed by the Auditor General for Scotland

In our opinion, the audited part of the Remuneration and Staff Report has been properly prepared in accordance with the Scottish Commission for Human Rights Act 2006 and directions made thereunder by the Scottish Ministers.

In our opinion, based on the work undertaken in the course of the audit:

- the information given in the Performance Report for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance with the Scottish Commission for Human Rights Act 2006 and directions made thereunder by the Scottish Ministers; and
- the information given in the Governance Statement for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance with the Scottish Commission for Human Rights Act 2006 and directions made thereunder by the Scottish Ministers.

Matters on which we are required to report by exception

We are required by the Auditor General for Scotland to report to you if, in our opinion:

- adequate accounting records have not been kept; or
- the financial statements and the audited part of the Remuneration and Staff Report are not in agreement with the accounting records; or
- we have not received all the information and explanations we require for our audit.

We have nothing to report in respect of these matters.

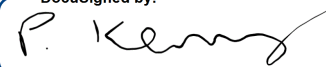
Conclusions on wider scope responsibilities

In addition to our responsibilities for the annual report and accounts, our conclusions on the wider scope responsibilities specified in the Code of Audit Practice are set out in our Annual Audit Report.

Use of our report

This report is made solely to the parties to whom it is addressed in accordance with

the Public Finance and Accountability (Scotland) Act 2000 and for no other purpose. In accordance with paragraph 120 of the Code of Audit Practice, we do not undertake to have responsibilities to members or officers, in their individual capacities, or to third parties.

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Pat Kenny, CPFA (for and on behalf of Deloitte LLP)
110 Queen Street
Glasgow
G1 3BX
United Kingdom

21 August 2020

Statement of Comprehensive Net Expenditure for the year ended 31 March 2020

Expenditure	<u>Notes</u>	<u>2019-20</u> £'000	<u>2018-19</u> £'000
Staff costs	4	829	750
Depreciation	7/8	2	4
Other Expenditures	6	183	260
Total expenditure for the year		1,014	1,014
Income	3	39	20
Net expenditure		975	994

All amounts relate to continuing activities. There have been no gains or losses other than those recognised in the Statement of Comprehensive Net Expenditure.

The accompanying notes on pages 39 to 49 form an integral part of these financial statements.

Statement of Financial Position as at 31 March 2020

	<u>Notes</u>	<u>2019-20</u> £'000	<u>2018-19</u> £'000
Non-current assets			
Property, plant and equipment	7	7	5
Intangible assets	8	1	-
Total non-current assets		<u>8</u>	<u>5</u>
Current assets			
Trade and other receivables	9	15	9
Cash and cash equivalents	10	37	46
Total current assets		<u>52</u>	<u>55</u>
Total assets		<u>60</u>	<u>60</u>
Current liabilities			
Trade and other current payables	11	(33)	(42)
Total assets less current liabilities		<u>27</u>	<u>18</u>
Net Assets		<u>27</u>	<u>18</u>
Taxpayers' equity			
General Reserve		<u>27</u>	<u>18</u>
		<u>27</u>	<u>18</u>

The Accountable Officer authorised these financial statements for issue on 21 August 2020

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Judith Robertson, Chair
Scottish Commission for Human Rights

Date: 21 August 2020

Statement of Cash Flows for the year ended 31 March 2020

	Notes	<u>2019-20</u>	<u>2018-19</u>
		£'000	£'000
<u>Cash flows from operating activities</u>			
Net Operating Cost		(975)	(994)
Adjustment for non cash transactions			
Depreciation	7/8	2	4
Loss on disposal of property, plant and equipment		-	3
Movements in Working Capital			
(Increase) in Trade and other receivables	9	(6)	(1)
(Decrease) in Trade and other current payables	11	(9)	(3)
Net cash outflow from operating activities		(988)	(991)
<u>Cashflows from investing activities</u>			
Purchase of property, plant and equipment	7	(4)	(7)
Purchase of intangible assets	8	(1)	-
Net cash outflow from investing activities		(5)	(7)
<u>Cashflows from financing activities</u>			
Financing from the Scottish Parliamentary Corporate Body		984	979
Increase / (decrease) in Cash		(9)	(19)
<u>Net Decrease in Cash and cash equivalents</u>			
		At 1 April 2018 £'000	At 31 March 2019 £'000
Cash at Bank and in Hand	10	46	37
		(9)	37

Statement of Changes in Taxpayers' Equity for the year ended 31 March 2020

	General Reserve £'000	Total Reserves £'000
Balance at 1 April 2018	33	33
Changes in taxpayers equity for 2018-19		
Net expenditure for the year	(994)	(994)
Total recognised income and expense for 2018-19	(961)	(961)
Funding from Scottish Parliamentary Corporate Body	979	979
Balance at 1 April 2019	18	18
Changes in taxpayers equity for 2019-20		
Net expenditure for the year	(975)	(975)
Total recognised income and expense for 2019-20	(957)	(957)
Funding from Scottish Parliamentary Corporate Body	984	984
Balance at 31 March 2020	27	27

Notes to the Financial Statements

1 Statement of Accounting Policies

1.1 Basis of accounting

These financial statements have been prepared in accordance with the 2019-20 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of the Commission for the purpose of giving a true and fair view has been selected. The particular policies adopted by the Commission are described below. They have been applied consistently in dealing with items that are considered material to the financial statements.

1.2 Accounting convention

The financial statements have been prepared on a going concern basis under the historical cost convention modified in a form determined by Scottish Ministers.

1.3 Non-current assets

1.3.1 Capitalisation

Purchases of assets, or groups of assets, for a value exceeding £200 inclusive of irrecoverable VAT are treated as capital.

1.3.2 Valuation

Tangible fixed assets are held at depreciated historic cost as a proxy for fair value.

1.3.3 Depreciation

Depreciation is provided on all tangible fixed assets at rates calculated to write off the cost or valuation in equal instalments over the remaining estimated useful life of the asset. These are as follows:

- Office equipment 5 years
- IT equipment 3 years

1.4 Intangible assets

Software and licences are capitalised as intangible fixed assets and amortised on a straight-line basis over the expected life of the asset up to a maximum of 3 years.

Notes to the Financial Statements (continued)

1 Statement of Accounting Policies (continued)

1.5 Funding

Funding received from the SPCB is credited directly to the general fund in the period to which it relates.

1.6 Pension costs

The Commission Members

Pension contributions of £20,424 were made on behalf of the Chair to a defined contribution scheme and no further liability therefore exists on the organisation with regard to these contributions. The part time members' posts are not pensionable.

Employees

Employees are members of the Civil Service Pension Scheme. The scheme is a multi-employer, defined benefit scheme where the share of the assets and liabilities applicable to each employer is not identified. The Commission therefore accounts for pension costs on a defined contribution basis as permitted by IAS19 and no liability is shown in the Statement of Financial Position. Pension contributions of £135k were recognised as expenditure in 2019-20 (2018-19: £100k). The pension scheme is an unfunded scheme and not an invested fund. It is subject to quadrennial valuations by the scheme actuary (the Government Actuary's Department). If that valuation identifies a notional deficit or surplus, employer contributions are increased or decreased accordingly. There is no available information about any notional deficit or surplus or the basis used to determine such. There are no significant implications for the Commission.

A full actuarial valuation was carried out as at 31 March 2016. The scheme is financed by payments from the employer and from those current employees who are members of the PCSPS, who pay contributions at different rates which depend on their salaries and the section of the pension scheme of which they are a member. The rate of employer contributions is typically set following an actuarial valuation. The 2016 actuarial valuation recommended employer contributions of 27.3%.

Government Actuary's Department has been appointed as the PCSPS actuary. Further details can be found in the separate scheme statement of the PCSPS Actuarial valuation:

<https://www.civilservicepensionscheme.org.uk/media/490508/csps-2016-valuation-report-final.pdf>.

Notes to the Financial Statements (continued)

1 Statement of Accounting Policies (continued)

1.7 Value Added Tax

The Commission is not VAT registered. All VAT, except that on purchases of non-current assets, is charged to the income and expenditure account.

1.8 Financial instruments

As the cash requirements of the Commission are met by the SPCB through the spending review process, financial instruments play a more limited role in creating and managing risk than would apply to a non-public sector body. The majority of financial instruments relate to contracts to buy non-financial items in line with the Commission's expected purchase and usage requirements and the Commission is therefore exposed to little credit, liquidity or market risk.

1.9 Critical judgements in applying accounting policies

In applying the accounting policies set out in these notes, the Commission has had to make judgements about financial transactions or those involving uncertainty about future events. The critical judgement made in the financial statements is that the organisation will continue as a going concern and will be appropriately funded by the SPCB.

No significant estimates have been used in the preparation of these financial statements.

1.10 Newly adopted IFRS

In these financial statements, there are no adopted IFRS's which are effective for the first time which have a material effect on the financial statements therefore there has been no restatement of the comparatives.

1.11 IFRS's issued not yet effective

At the date of authorisation of these financial statements, the Commission has not applied the following new and revised IFRS Standards that have been issued but are not yet effective:

- IFRS 16: Leases (effective 2020-21);
- IFRS 17: Insurance Contracts (effective 2021-22);
- Amendments to References to the Conceptual Framework in IFRS Standards (applicable 2020-21);
- Amendments to IAS 1 And IAS 8: Definition of Material (effective 2020-21);

Notes to the Financial Statements (continued)

1 Statement of Accounting Policies (continued)

1.11 IFRS's issued not yet effective (continued)

- Amendments to IFRS 9, IAS 29 and IFRS 7: Interest Rate Benchmark Reform (effective 2020-21);
- Amendment to IAS 1: Classification of Liabilities as Current or Non-Current (effective 2022-23, not yet endorsed for use in the EU)

The Commission does not expect that the adoption of the Standards listed above will have a material impact on the financial statements in future periods.

There are no new standards, amendments or interpretations early adopted this year.

In the current year, the Commission has applied a number of amendments to IFRS Standards and Interpretations that are effective for an annual period that begins on or after 1 January 2019. Their adoption has not had any material impact on the disclosures or on the amounts reported in these financial statements:

- IFRIC 23: Uncertainty over Income Tax Treatment;
- Amendment to IFRS 9: Prepayment Features with Negative Compensation;
- Annual Improvements to IFRS Standards 2015-2017 Cycle

Their adoption has not had any material impact on the disclosures or on the amounts reported in these financial statements.

2 Performance against budget

The Commission is funded through the SPCB. For financial year 2019-20, the Commission was allocated a budget of £988k (2018-19: £1,044k), including approved contingency funding for maternity leave cover of £6k (2018-19: £30k) and for increased pension contributions of £12k (2018-19: £0k).

Notes to the Financial Statements (continued)

2 Performance against budget (continued)

	<u>2019-20</u> Budget £'000	<u>2019-20</u> Expenditure £'000
Comprehensive Net Expenditure	988	975
Capital Expenditure	-	5
Total Expenditure	<u>988</u>	<u>980</u>
Accruals adjustments:		
Non cash items	-	(2)
Working capital (including cash)	-	6
Cash Funding from SPCB	<u>988</u>	<u>984</u>

3. Income

	<u>2019-20</u> £'000	<u>2018-19</u> £'000
Grant income	-	7
Contributions to joint costs from partners	1	13
Income in respect of seconded member of staff	38	-
	<u>39</u>	<u>20</u>

4. Staff costs

4.1 Average staff employed (Full Time Equivalent)

	<u>2019-20</u> FTE	<u>2018-19</u> FTE
Chair and members	1.3	1.3
Staff	10.6	10.4
	<u>11.9</u>	<u>11.7</u>

Notes to the Financial Statements (continued)

4. Staff costs (continued)

4.2 Commission members and staff costs

	<u>2019-20</u>	<u>2018-19</u>
Staff costs	£'000	£'000
Salaries / wages	513	478
Social security costs	53	50
Pension costs	135	100
	<u>701</u>	<u>628</u>
 Commission members		
Salaries / wages	99	97
Social security costs	9	9
Pension costs	20	16
	<u>128</u>	<u>122</u>
	<u>829</u>	<u>750</u>

The position of Chair of the Commission is not eligible for admission to the Civil Service Pension Schemes. The arrangement is that employer's contributions equivalent to what would have been paid into the Civil Service Pension Scheme are paid into a personal pension for the Chair of the Commission. Employer contributions are not made for other Commission members.

5 Staff pension costs

For 2019-20 the employer's contributions of £135,475 (2018-19: £99,749) were payable to the PCSPS at one of four rates in the range 26.6 to 30.3 per cent (2018-19: 20.0 to 24.5 per cent) of pensionable pay, based on salary bands.

The contribution rates reflect benefits as they are accrued, not when the costs are actually incurred, and reflect past experience of the scheme.

Outstanding scheme contributions at 31 March 2020 amounted to £0k (2018-19: £0k). Expected contributions for 2020-21 amount to c. £157k.

Notes to the Financial Statements (continued)

6 Other expenditures

	<u>2019-20</u>	<u>2018-19</u>
	£'000	£'000
Operational costs	52	107
Operational consultancy	18	20
Operational legal fees	33	-
Property costs	-	44
IT costs	15	15
Web-site	4	1
Training, conferences and subscriptions	13	17
Auditor's remuneration	14	15
Printing, stationery & library costs	3	3
General office costs	9	8
Travel, subsistence and hospitality	12	18
Legal and consultancy fees	4	5
Recruitment Costs	6	4
Loss on disposal of fixed assets	-	3
	<u>183</u>	<u>260</u>

The above total includes £13,890 for external auditor's remuneration for 2019-20 (2018-19: £13,690 plus an adjustment cost of £1,019 relating to 2016-17).

In 2019-20 no lease payments were recognised as an expense (2018-19: £31,159).

Notes to the Financial Statements (continued)

7 Property, plant and equipment

	Office Equipment <u>£'000</u>	IT Hardware <u>£'000</u>	Total <u>£'000</u>
<u>Cost</u>			
At 1 April 2018	9	27	36
Additions	-	7	7
Disposals	(6)	(21)	(27)
At 31 March 2019	3	13	16
At 1 April 2019	3	13	16
Additions	-	4	4
Disposals	-	(3)	(3)
At 31 March 2020	3	14	17
<u>Accumulated depreciation</u>			
At 1 April 2018	4	27	31
Charge for Year	2	2	4
Disposals	(3)	(21)	(24)
At 31 March 2019	3	8	11
At 1 April 2019	3	8	11
Charge for Year	(1)	3	2
Disposals	-	(3)	(3)
At 31 March 2020	2	8	10
<u>Net Book Value at</u>			
At 31 March 2020	1	6	7
At 31 March 2019	-	5	5

Notes to the Financial Statements (continued)

8 Intangible assets

	IT Software & Licences <u>£'000</u>	<u>Total £'000</u>
<u>Cost</u>		
At 1 April 2018	6	6
Additions	-	-
Disposals	(6)	(6)
At 31 March 2019	<u>-</u>	<u>-</u>
At 1 April 2019	-	-
Additions	1	1
Disposals	-	-
At 31 March 2020	<u>1</u>	<u>1</u>
<u>Accumulated amortisation</u>		
At 1 April 2018	5	5
Charge for Year	-	-
Disposals	(5)	(5)
At 31 March 2019	<u>-</u>	<u>-</u>
At 1 April 2019	-	-
Charge for Year	-	-
Disposals	-	-
At 31 March 2020	<u>-</u>	<u>-</u>
<u>Net Book Value at</u>		
At 31 March 2020	<u>1</u>	<u>1</u>
At 31 March 2019	<u>-</u>	<u>-</u>

9 Trade and other receivables

	<u>2019-20</u> <u>£'000</u>	<u>2018-19</u> <u>£'000</u>
Trade receivables	-	-
Prepayments and accrued income	15	9
	<u>15</u>	<u>9</u>

Notes to the Financial Statements (continued)

10 Cash and cash equivalents

	<u>2019-20</u>	<u>2018-19</u>
	<u>£'000</u>	<u>£'000</u>
Balance at 1 April	46	65
Net change in cash and cash equivalents	(9)	(19)
Balance at 31 March	37	46
The following balances at 31 March were held at:		
Commercial Banks	37	46

11 Trade and other current payables

	<u>2019-20</u>	<u>2018-19</u>
	<u>£'000</u>	<u>£'000</u>
Trade payables	4	3
Accruals and deferred income	29	39
	33	42

12 Capital commitments

As at 31 March 2020 there were capital commitments for the purchase of furniture totalling £7k (2018-19: £nil). This furniture was ordered at the end of February 2020 but due to COVID-19 restrictions the order was delayed until July 2020.

13 Contingent liabilities

There were no contingent liabilities as at 31 March 2020 (2018-19: £nil)

14 Related party transactions

The Commission was constituted by the Scottish Parliament which provides funding via the SPCB. The SPCB is the Commission's sponsoring body and is regarded as a related body. The Commission has no parent department.

During the year the Commission had transactions with the Scottish Government for IT systems and hardware totalling £24k (2018-19: £14k) and rental of office accommodation totalling £nil (2018-19: £44k). At 31 March 2020 there was an outstanding balance with the Scottish Government of £2k (2018-19: £nil).

Notes to the Financial Statements (continued)

14 Related party transactions (continued)

Neither the Chair, Commission members or staff has undertaken material transactions with the Commission during the year.

A Register of Interests is available to view on request.

15 Commitments under operating leases

At 31 March 2020 the Commission had no commitments under operating leases (2018-19: £nil).

16 Post balance sheet events

The Commission closed its office and moved to fully remote working for all staff on 17 March 2020 as a result of national measures taken to restrict the spread of COVID-19. All staff are able to fulfil their normal responsibilities whilst working from home, with restrictions on capacity being due to caring and other responsibilities arising from the COVID-19 measures. SPCB funding for 2020-21 has not been affected.

Staff will not be asked to return to working in the office if they do not wish to for at least the remainder of the calendar year. A partial reopening of the office, accessible to a small number of staff for whom working from home presents challenges, is planned for the beginning of September, subject to risk assessment, appropriate protocols and guidance for staff.

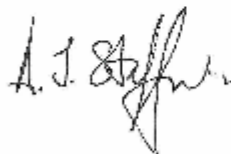
Appendix 1: Accounts Direction



Scottish Commission for Human Rights

DIRECTION BY THE SCOTTISH MINISTERS

1. The Scottish Ministers, in pursuance of Schedule 1, paragraph 15 of the Scottish Commission for Human Rights Act 2006, hereby give the following direction.
2. The statement of accounts for the financial year ended 31 March 2009, and subsequent years, shall comply with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (FReM) which is in force for the year for which the statement of accounts are prepared.
3. The accounts shall be prepared so as to give a true and fair view of the income and expenditure and cash flows for the financial year, and of the state of affairs as at the end of the financial year.
4. This direction shall be reproduced as an appendix to the statement of accounts.



Signed by the authority of the Scottish Ministers

Dated: 16 October 2008