

Introduction

The Scottish Human Rights Commission is an independent public body set up to protect and promote human rights for everyone in Scotland. Our powers and duties are set out in law and we are accountable to the Scottish Parliament.

This document sets out the Terms of Reference for the Lived Experience Leadership Group supported by the Commission.

Background

The Adequate Standard of Living Reference Group was created in 2014 as part of Scotland's National Action Plan on Human Rights (SNAP). It was first formed following an Innovation Forum on poverty and the right to an adequate standard of living, which highlighted the importance of having a group of people with lived experience of poverty to drive the work of the SNAP Action Group in this area.

The Group contributed hugely to developing a rights based approach to this policy area, for example through submitting policy responses to influence the proposals on a devolved social security system, as well as supporting the Commission to engage widely with rights holders as part of a National Participation Process to advance SNAP in 2017.

As SNAP came to the end of its first four-year cycle, the Group continued to meet and to contribute to the work of the Commission.

Activity included:

- informing communications and participation work, including the Commission's animation on the right to social security and the participation strategy;

- contributing to the development of the Commission’s 2020-2024 Strategic Plan;
- developing policy and strategy on housing, fuel poverty, climate justice and the right to food from a lived experience perspective, distinct from but informing the Commission’s own positions; and
- submitting evidence and meeting with the former Special Rapporteur on Extreme Poverty, Professor Philip Alston on his visit to Scotland in November 2018.

Individual members of the Group also participate in a whole range of rights-related activities, including in the proposals of the First Minister’s Advisory Group, the SNAP Health and Social Care Action Group and in the work of groups and movements which are committed to equality and a rights based approach.

As the Group has continued to develop, and as proposals for SNAP 2 were finalised, it has become clear through discussions in the Group that their work and contributions are more closely tied to the activities of the Commission itself than to SNAP.

In August 2020, the Group discussed its continuing development, expressing a wish to identify itself as connected to the Commission itself, rather than to SNAP. The Group’s conclusions informed a proposed new Terms of Reference set out below and agreed with the Group.

Reflecting the proposed broader role and remit, the Group will be known as the Commission’s Lived Experience Leadership Group from January 2021.

Terms of Reference

1. Purpose

The Commission’s Strategic Plan 2020-2024 identifies four strategic priorities for our work, which include both progressing understanding and strengthening protection for economic, social and cultural rights, as well

as building wider ownership of human rights, including through direct participation work with people with lived experience.

The Commission's Strategic Plan includes an intended outcome that "the Commission's work increasingly reflects the voices and experiences of people affected by the human rights issues we work on, and those experiences are more reflected in public debate."

The Lived Experience Leadership Group will play an important role in ensuring that the Commission takes a human rights based approach to our work on addressing poverty and related human rights issues.

The Commission seeks to influence how law, policy and implementation meets human rights norms and standards in relation to economic, social and cultural rights (ESC rights). We will work alongside people with lived experience of these issues to support people to understand rights and how to influence change using rights, including through rights based scrutiny of the proposals, policies and actions of public bodies. The Commission will ensure that we provide people with the support they need to participate in a meaningful way.

2. Membership

The Lived Experience Leadership Group is a group of people from across Scotland who have lived experience of a range of human rights concerns, especially in relation to ESC rights, such as the rights to an adequate standard of living, housing, food, social security; however, the Group's work recognises the connections and interdependence of all rights.

The Group will number around 15-25 people from across Scotland at any one time, and its members will be drawn from the diversity of Scotland's communities, ensuring membership from intersectional/equality groups, as well as people from different geographical areas.

While placing a lower limit on the number of members, the Commission anticipates that the membership of the Group could expand further in

future as it develops working practices, although staff capacity will dictate the ability of the Commission to support large numbers of people.

There is no expectation from the Commission that all members of the Lived Experience Leadership Group will be willing or available to participate in all of its discussions. There will be the possibility of smaller groups working together to address specific issues which are particularly of interest.

The Commission will seek to refresh the membership of the Group periodically, ensuring that any new members can access the support they need to participate, including through appropriate capacity building.

3. The Group's Role

The Group has several roles:

- To draw the Commission's attention to issues of significance and importance, or which have an urgent or pressing nature in relation to ESC rights; similarly the Commission can discuss issues of importance with the group, with their agreement.
- To influence relevant law and policy development from a rights-based, lived experience perspective.
- To inform and influence the Commission's strategic and operational decisions and activities in relation to ESC rights in light of their knowledge and expertise as individuals with lived experience of many of these issues and to ground these decisions in the reality of people's lives.
- To ensure that the experiences of people and communities at the grassroots are effectively communicated and understood by staff and Commissioners, with the support of the Participation team.
- With appropriate support and acknowledgement from the Commission, and on a voluntary basis, to act as advocates and

ambassadors for rights and rights based approaches to addressing ESC rights issues.

4. The Commission's Role

The Commission will provide the Group with support through:

- organising and providing meeting infrastructure, whether virtual or face-to-face;
- providing practical support to travel and paying expenses in line with Commission policy;
- meeting preparation and facilitation to enable the full participation of group members, including seeking any necessary support to meet accessibility requirements;
- meeting recording and reporting;
- capacity building on rights and rights-based standards;
- providing evidence and briefings to the group on rights issues where necessary;
- drafting written statements or policy submissions which articulate the group's views;
- providing a link between the group's views and the Commission; and
- recognising that the Commission and the group may take different positions and explaining why the Commission's conclusions may differ. The Commission's independence is a vital aspect of our ability to act as NHRI.

The Group is free to raise any discussions on the Commission's approach to participation at any time. The Commission views good practice in participation as an evolving part of our work and one which

we will always be willing to reflect on to ensure that it is as inclusive and supportive as possible.

While there will be occasions where the Group wishes to be reactive, for example through responding to external consultations, it is also free to develop and set its own agenda in relation to ESC rights.

5. Ways of Working

To fulfil its role, the Group will meet around 6 times per year, with the potential for more frequent and/or extraordinary meetings to discuss pressing or complex issues. Meetings will be a mix of virtual and face-to-face participation; meetings may take place at accessible community venues across Scotland.

In some cases, the Commission may attend relevant participation activities flagged by members of the Group or others which are relevant to the work of the Group, on a listening basis.

At present, group members meet on a voluntary basis with all expenses related to travel, accommodation, caring or childcare covered. However, following discussion with the existing group, the Commission is currently exploring the potential for providing financial acknowledgement to group members for their time and expertise.

To build understanding of the contribution of the Group to the work of the Commission, and to develop the relationship between Commissioners, staff and people with lived experience of right issues, a number of practical steps are proposed:

- The Commission receives a summary of the discussions of the Lived Experience Leadership Group as a standing item at Commission meetings.
- The Leadership Group can make formal recommendations to the Commission on matters it views of importance.
- A member of staff from the Legal and Policy team or the Communications and Engagement team (other than the

Participation Officer) will attend each meeting of the Leadership Group both to contribute where relevant and to listen and observe the Group's discussions.

- The Group will be asked to provide scrutiny and feedback on the Commission's participation practices on a regular basis, with at least one annual report to the Group from the Head of Communications & Engagement and Participation Officer.
- At least once during each Strategic Plan cycle, and ideally on an annual basis, the Leadership Group and the Commission will hold a joint meeting to review progress on the Commission's Strategic Priorities from a lived experience perspective.
- The Chair of the Commission will attend at least one Lived Experience Leadership Group meeting per year.
- The Group will contribute a report on its activities to feed into the Commission's Annual Report each year.
- The Commission will acknowledge and publish relevant information about the Group's Terms of Reference and its work on its website (although personal data will not be shared).