

Present:

Judith Robertson (Chair) (JR)

Susan Kemp (SK)

Alan Mitchell (AM)

Jane-Claire Judson (JCJ)

In Attendance:

Tiia Kontro (Minute Secretary) (TK)

Kavita Chetty (KC, items 1-8 only)

Barbara Bolton (BB, items 1-8 only)

Liz Gibb (LG, item 6 only)

Emma Hutton (EH, item 3 only)

Chloe Trew (CT, item 3 only)

Margaret Williamson (MW, observer)

Apologies:

No apologies

List of Acronyms:

SPCB: Scottish Parliament Corporate Body

1. Welcome / Declarations of Interest

There were no declarations of interest.

2. Minutes of Previous Meeting and Matters Arising Report

The minutes of the meeting held on 2 November 2020 were approved with minor changes.

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

- 2.1. AM noted that SPCB have advertised for two new part time Commissioners. JCJ raised a question on whether an informal handover or a catch up would be arranged for the new Commissioners. All Commissioners agreed that this would be useful. It was agreed that the option for this would be investigated nearer to the time.
- 2.2. Action: The Commission to seek to arrange a voluntary and informal handover for the new Commissioners.

3. Participation Strategy

EH and CT joined the meeting.

EH and CT Emma shared an overview of work underway regarding development of a new Participation Strategy for the Commission.

- 3.1. It was noted that the Commission has engaged in a range of different participation activities under the current Participation Strategy. CT noted that the activities have varied widely in size and ambition. CT shared an update on some of the main participation activities with the Commissioners.
- 3.2. The Commission warmly welcomed the papers and expressed their appreciation for this whole area of work and emphasised its importance for the Commission overall. A number of discussion areas were covered including: the importance of the Commission hearing the Reference Group's voice directly, the limited resources available to the Commission for participation

work, the relation of the Reference Group to the governance of the Commission, and any barriers to direct communication between the Commissioners and the Reference Group .

- 3.3. The Commission also noted plans to include participation in new pieces of work the Commission is taking forward, discussed the membership of the current Reference Group and agreed with the plan to increase both diversity and number of participants. The concern about resources to support this work to the fullest extent was re-iterated and agreed that the Commission's position on this would be monitored.
- 3.4. The Commission were pleased to clarify Commissioners commitment and interest in engaging directly with the Reference Group and in wider participation work.
- 3.5. It was agreed that the plans were approved taking into account Commissioner comments. EH also noted that the Commission has recently requested quotes for research to review and evaluate options including potential financial remuneration for people's participation in our work.

4. Commission Powers

KC introduced a discussion paper to the Commissioners. It was noted that the discussion is at very early stages and contains the types of functions being discussed by the National Taskforce on Human Rights Leadership. KC pointed out that this is the first time there has been an explicit proposal about extending the Commission's powers. Comments and questions were invited and the following points were noted.

- 4.1. The Commission discussed the budgetary and human resources implications of any potential new powers the Commission might be granted and agreed that including consideration of resource implications on any new powers was a necessary part of the discussion going forward.
- 4.2. The Commission discussed different existing and potentially new powers and how they do/could link to the Commission's work in practice. It was noted that the Commission needs to determine its goals and which powers help the Commission to reach these goals and the Commission agreed with the approach outlined in

the paper and the need for further discussion as work moves ahead.

5. Outcomes Report

KC introduced the Outcomes Report to the Commissioners. It was noted that the report includes data from a longer period of time due to delays in reporting caused by COVID-19. Comments and questions were invited and the following points noted.

- 5.1. AM raised a question on how much feedback has been received from the MSPs on different briefings the Commission has produced. JR explained the way most of the feedback from MSPs is received. It was noted that feedback is received from politicians from a range of political parties.
- 5.2. AM pointed out that the Commission should prepare to be included in discussions about human rights around the new COVID-19 vaccinations. The Commission agreed that the issues around COVID-19 have highlighted other issues in general and that the work completed has been very important in informing the Commission's work in the future.

6. COVID-19 and the Student Population

JR introduced a policy paper to the Commissioners. It was noted that the paper is the Commission's response to the situation with students returning to halls of residence amidst the COVID-19 pandemic. The Commission welcomed BB and acknowledged staff work on this. The following points were raised.

- 6.1. SK noted that it is imperative that the Commission publishes the paper as it may assist with any further issues that may arise around Christmas.
- 6.2. AM noted that one of the issues around COVID-19 is the question of proportionality of the restrictions. The Commission agreed that this was an important point of the situation and that it should be recognised that the student population is a much more

diverse group of people than the restrictions suggest to be the case.

- 6.3. SK also suggested that the Commission would clarify that the focus of this piece of work is on students rather than universities as a whole.

7. Working from Home Policy (COVID)

JR clarified that the Commission policy for home working is part of our Flexible Working policy and that the paper presented to the Commissioners is a combination of a few different policies.

- 7.1. The Commission discussed in some detail both the benefits and disadvantages of home working in the context of the current Covid-19 pandemic . It was advised on the various formal and informal risk assessments re. this that had been undertaken with staff. Commissioners sought clarification of over what record was in place for audit and assurance purposes. It was recognised that more recently processes have been put in place to record such discussions and decisions. LG agreed to share a summary of the Office Working Risk Assessment that had been undertaken and the full risk assessment on the impact of COVID on staffing.
- 7.2. Action: JR and LG to prepare the risk register around home working during COVID-19 and present it to the Commission at its next meeting.

8. Sign Off Protocol

JR introduced the new Sign Off Protocol to the Commissioners. It was noted that the main update in the document was incorporation of the new Head of Legal and Policy role in the already existing protocol. No further changes have been made. Comments and questions were invited and the following points noted.

- 8.1. SK raised a question on the inclusion of detailed information about key roles. SK suggested removing or amending the section to avoid any confusion caused by incorrect or incomplete information. The Commission discussed the rationale behind

including the section in the protocol and subsequently agreed to remove it.

Action: LG to remove the section about key roles from the protocol.

9. AOB

- 9.1. SK suggested scheduling a short meeting for the Commissioners to discuss current and future Criminal Justice work.
- 9.2. SK noted that it would be useful to discuss what kind of work the Commission is planning in this area. AM agreed and added that the Commission should reach a decision on the Commission's participation in the Independent Prison Monitoring Advisory Group. JR agreed to set this up for the new year..

Action: JR to seek to find a suitable time for an informal brainstorming session about Criminal Justice work planning with the other Commissioners in 2021.

- 9.3. The Commission then had a short Commission only discussion on the new management structure and its relationship to the Governance Review.