

**Present:** Judith Robertson (Chair) (JR)

Anna Black (AB)

Jacqueline Kinghan (JK)

Jane-Claire Judson (JCJ)

**In Attendance:** Kavita Chetty, Head of Strategy and Legal (KC)

Emma Hutton, Head of Comms and  
Engagement (EH)

Liz Gibb, Head of Corporate Services, Minute  
Secretary (LG)

**Observing:** Isla McIntosh, Participation Officer

**Apologies:** No apologies

**List of  
Acronyms:** GANHRI: Global Alliance of National Human  
Rights Institutions

HMIPS: Her Majesty's Inspectorate of Prisons  
for Scotland

IPMAG: Independent Prison Monitoring  
Advisory Group

NHRI: National Human Rights Institution

## **1. Welcome / Declarations of Interest**

No declarations of interest.

## **2. Minutes of Previous Meeting**

The minutes of the meeting held on 26 July 2021 were reviewed. It was agreed an amendment was required to clarify the decision made around prison inspections, and to include the correct date of the meeting.

**Action:** LG to amend the minutes and circulate.

## **3. Matters Arising**

JR noted that AB is confirmed as a member of the Independent Prison Monitoring Advisory Group. It was agreed that prior to attending a meeting JR and DQ would have briefing meeting with AB.

The next steps for the Governance Review follow up were discussed. It was agreed that two facilitated workshops should be arranged, one for Commissioners and management team, and then one with Commissioners and all staff. JCJ asked that Commissioners be copied in on communications to staff.

**Action:** LG/TK to schedule dates for workshops.

**Action:** JR to draft Terms of Reference and consider facilitation options.

## **4. Q1 Outcomes Report**

JR introduced the Outcomes Report and highlighted key areas of work as shown in the Overview. Comments and questions were invited and the following points were noted.

- 4.1. JK noted that the oral evidence JR gave to the Joint Committee on Human Rights was excellent, and emphasised how responsive the Commission is to external requirements.
- 4.2. The publication date for the Deaths in Custody Review report was discussed. JR confirmed that all evidence gathering is now complete, and that the report is being finalised. HMIPS are leading this work and the planned publication date in late November may change subject to the work required.
- 4.3. AB asked for an update on the COP26 NHRI event. JR advised that this will be a Symposium and will now be held remotely rather than in person, over three afternoons in the last week of November. GANHRI will be sending “save the date” emails shortly. It was noted that the Commission will not have a representative at COP26 itself. No NHRI has observer status or participation rights and the Commission would not have the capacity to support engagement beyond the NHRI Symposium in any case.
- 4.4. JK raised a question about the intervention and litigation outcomes and next steps on these. KC advised that there was very little activity planned for this year, due to legal team capacity being committed elsewhere. The anticipated work to be carried out is initial preparatory work and a review of the SERCO intervention, with a view to a potential intervention next financial year if additional resources are secured.
- 4.5. JK expressed some concern about being on the back foot in future years when we are able to use our existing intervention powers and any potential new legal powers, and that we should start planning for this now.
- 4.6. JCJ raised a question about the progress of the work on monitoring and evaluation. KC confirmed that no activity had been planned for Q1 and that activity in future quarters would be delayed.
- 4.7. JCJ also raised a question about the process in place for producing and signing off the Outcomes Report. The process was discussed and it was agreed that this could be firmed up slightly.

## **5. Q1 Finance Report**

LG introduced the Finance Report and gave an overview of key points. It was noted that expenditure on legal counsel fees relating to an intervention was forecast to be underspent. The Commission discussed using this money to obtain legal advice on future use of legal powers, in preparation for future years.

**Action:** JK to discuss potential commissioning of legal advice with BB and update the Commission.

## **6. 2022-23 Budget Bid**

The Commission reviewed the remaining comments in the document and agreed the required changes. It was also agreed that the Annexes with the resource requirement assessment table and the detailed job roles should be excluded, but that they would be available should SPCB want them.

A timescale was agreed for updates to be incorporated and reviewed by the Commission in time for submission on Friday 10 September.

**Action:** EH to circulate amended version to Commission for final approval by close of play Wed 8 September.

## **7. FMAG on Women and Girls**

JR explained that First Minister's Advisory Group on Women and Girls had included a recommendation in their report that a Women's Commissioner should be appointed at the Commission. They have written to the Parliament's Presiding Officer accordingly and Janice Crerar (JC) from SPCB has asked for the Commission's views on the recommendation.

The advantages of and potential barriers to the proposal were discussed. It was agreed that the Commission's views would depend largely on what the desired outcome is from the recommendation. Clarifying the desired outcome would enable the Commission to assess whether this would be achieved by the recommendation or if another solution would be more effective.

It was agreed that JR would respond to the Presiding Officer to the effect that the Commission would need to further explore the recommendation with the Advisory Group. This will allow us to assess how effective the proposal would be in achieving the desired outcomes.

**Action:** JR to respond to Presiding Officer as agreed above

## **8. AOB**

No AOB.