

**Present:** Jane-Claire Judson (Meeting Chair) (JCJ)  
Jacqueline Kinghan (JK)

**In Attendance:** Tiia Kontro (Business Support, Minute Secretary) (TK)  
Liz Gibb (Head Corporate Services, LG)  
Emma Hutton (Head of Communications and Engagement, EH)  
Isla McIntosh (Participation Officer, IM items 1 - 5 only)  
Barbara Bolton (Head of Legal and Policy, BB items 7 – 8 only)  
Luis Felipe Yanes (Legal Policy Development Officer, item 8 – 10 only)  
Lucy Mulvagh (SNAP Secretariat Lead, LM observing items 1 – 5 only)  
Mandy Gallacher (Business Support: Information, Records and Data, MG observing items 8 – 9 only)

**Apologies:** Judith Robertson (Commission Chair, JR)  
Anna Black (AB)

**List of Acronyms:** FOI: Freedom of Information

HMIPS: Her Majesty's Inspectorate of Prisons for Scotland

SPCB: Scottish Parliament Corporate Body

SNAP: Scotland's National Action Plan for Human Rights

# 1. Welcome / Declarations of Interest

No declarations of interest.

In the Chair of the Commission's absence, JCJ was agreed as Meeting Chair.

It was noted that with the Chair of the Commission and one of the Commissioners absent, the meeting would ordinarily not be quorate. However, as per previous discussions with Commissioner AB and with the importance of topics discussed, the Commission has agreed to hold the meeting.

## 2. Minutes of Previous Meeting

The minutes of the meeting held on 4 October 2021 were approved.

## 3. Matters Arising

The Matters Arising Report was introduced and the following points were noted.

- 3.1. The Commissioners requested an update to be added to the Commission's forward look which would link upcoming consultation deadlines and key meetings into ongoing pieces of work.

**Action:** EH to discuss with KC how to best build a list as an annex to the Commission's forward look.

- 3.2. The Commission wanted to reiterate that a decision has been made at previous Commission meetings to re-start engagement with prison inspections and that work to assess risk and ensure staff comfort levels should be taken forward.
- 3.3. The Commission noted that a hold email has been sent to SPCB explaining the delays in discussions regarding the Women's Commissioner.
- 3.4. The Commissioners agreed that the internal briefing session regarding Deaths in Custody Review Report had been welcomed

and useful. It was agreed that similar briefing sessions would be useful in informing the Commission's decision making in key pieces of work in the future.

## **4. Participation Strategy Update and Discussion**

EH shared an overview of the Commission's participation journey so far and key learnings that have impacted the draft Participation Strategy.

IM updated the Commission on the key areas of the new Participation Strategy. The following points were noted.

- 4.1. IM noted that key part of the updated Participation Strategy is the aim to increase the current Lived Experience Leadership Group to at least 15 members.
- 4.2. It was noted that member recruitment would be completed via a process of arranging a series of human rights cafes taken into different community groups. IM explained that whilst a lengthier and more time consuming process, this way the Commission expects to be able to reach more people who may have been otherwise excluded during a more traditional recruitment process.
- 4.3. IM noted that the Lived Experience Leadership Group is currently in the process of working on their brand identity and renaming of the group. It was noted that the group is looking this to distinguish the group from other similar groups in the public sector as well as clarify the group's purpose. The Commission agreed that this is a positive development for the group.
- 4.4. JK raised a question on the current selection process for identifying new group members. IM explained that the group has identified a range of areas of lived experience on human rights and equality the group does not currently have. It was noted that recruitment of these groups would be done via the community cafes.
- 4.5. The Commission discussed the Lived Experience Leadership Group's relationship and alignment to the Commission. It was agreed that the nature of the relationship could be usefully clarified in additional guidance for the group.

- 4.6. The Commission raised a question about overlaps between the Lived Experience Leadership Group and SNAP Leadership Panel. LM requested to table the discussion for a future Commission Meeting.

**Action:** Discussion on potential synergies between Lived Experience Leadership Group and SNAP Leadership Panel will take place at a future Commission Meeting as part of wider discussions about SNAP.

## **5. Payment for Participation**

EH updated the Commission on the process of researching options for payment for participation so far. The following points were noted.

- 5.1. EH explained that the Commission is now ready to start slowly implementing advice received from external research that was completed on how the Commission could best provide payment for participation work.
- 5.2. It was noted that it's important that the Commission proceeds with caution to avoid any potential implications to participants, particularly in relation to welfare benefits.
- 5.3. The Commission supported publishing the research report as proposed, noting it may benefit other organisations currently looking at payment for participation options.

**Action:** EH will send final research report and foreword to the Commission for final authorisation.

## **6. 10<sup>th</sup> December Human Rights Day Event Proposal**

JCJ explained that the suggestions the Communications team has prepared have been received by the Commissioners.

- 6.1. It noted that Chair and staff absences have had a significant impact on the staff availability and together with the workload pressures the Commissioners actively supported the notion that this year's programme should be kept to a relatively small scale. The Commission will focus more on social media and online activities this year.

- 6.2. It was agreed that should the Commission wish to organise a larger programme next year, planning for that should commence promptly after New Year.

**Action:** EH to schedule a planning meeting for 10<sup>th</sup> December 2022 programme for April/May 2022.

## **7. Deaths in Custody Review Comms Update**

EH shared a brief update on the Deaths in Custody Review Report communications. The following points were noted.

- 7.1. EH noted that the Commission has offered to lead on communications. The Commission discussed the implications, issues and proposed approach and agreed with the general plans as outlined.
- 7.2. The Chairs absence was discussed. It was noted that this presents some challenges from communications perspective.
- 7.3. It was noted that a further discussion will happen between HMIPS and Families Outside to confirm the comms plan.

**Action:** EH to liaise with HMIPS and Families Outside to finalise the communications plan.

**Action:** EH to update the Commissioners as and when updates are available.

## **8. Programme for Government Priorities**

BB explained the context of the conversation and noted that the aim is to look for the Commissioner's opinion on the forward plan.

- 8.1. JCJ expressed her support on the suggested priorities.
- 8.2. JK raised a question on consultations the Commission is unable to respond to and whether there are any reputational risk included.
- 8.3. BB noted that the Commission has always had restricted resources and has had to decide on which consultations to respond to.

- 8.4. The Commission approved the suggested priorities with note to update KC upon her return.

## 9. Policies and Procedures

LG shared the paper regarding FOI and Data Protection Requirements. Questions and comments were invited and the following points were noted.

- 9.1. JCJ suggested circulating the Commission's current FOI and Data Protection policy with the new Commissioners. LG noted that the policy is currently under review, but that the current approved version will be shared with the Commissioners.

**Action:** LG to share the currently approved version of the FOI and Data Protection policy with the Commissioners.

- 9.2. JCJ raised a question on acquiring Commission laptops and email addresses to the Commissioners. LG noted that there had been significant delays in obtaining equipment which had caused a delay in getting these arranged for the Commissioners.
- 9.3. The Commission discussed the decision making process for any decisions made at the Commission fortnightly catch ups. It agreed that a rolling decisions record would be kept of the fortnightly catch ups and included as an annex in the official minutes from the monthly Commission Meetings.

**Action:** A note taker will be designated at the beginning of each fortnightly catch up and the decision record will be included as an annex to the monthly Commission Meeting minute.

## 10. Possible Future Commission Powers

JK shared a short update on the initial conversations regarding potential changes to the Commission powers.

- 10.1. JK noted that the meeting was very helpful and whilst there are some questions about capacity, JK is confident the Commission has the combined expertise in-house to start the

process of drafting suggestions. Further legal advice might be required later in the process.

- 10.2. It was noted that the Commission aims to include key stakeholders in the process.
- 10.3. Timetable of the process was discussed. LFY noted that anticipation is that the Commission decisions need to be finalised by mid-February 2022 and that it's imperative the Commission begins the process as soon as possible.
- 10.4. It was agreed that a clearer timetable would be discussed at the next fortnightly catch up.

## **11. Human Rights Act Update**

EH shared a short update on the Human Rights Act Review and information the Commission has received and potential requirements on future work and communications.

- 11.1. The Commission discussed the two potential options for further communications on the subject. It was noted that there are benefits to both a UK wide response together and a Scottish-specific response.

## **12. SNAP Update**

EH shared a short update on the progress of the new SNAP Secretariat Lead role.

- 12.1. The Commission discussed the impact the Chair's absence has had on the line management of the new role. It was agreed that the line management would be continued as is until end of the year, during which time the Commission will clarify future continuation of line management process.

## **13. Process for decisions on HR policy changes**

JCJ introduced the subject and explained the Commission is aiming to clarify the process for how decisions are made for HR policy changes. It was noted that this process will help in informing further work regarding the Employee Handbook and other policy reviews.



- 13.1. JCJ noted that the aim is to form a statement to staff which would clarify how decisions are made at Commission level.
- 13.2. It was noted that whilst the Commission is independent from SPCB, there may be circumstances where SPCB policies are adopted as is. The Commission also agreed that reasoning behind decision making needs to be made clearer to all parties involved.
- 13.3. LG noted that there is a some staff feeling that simply following SPCB policies may not be appropriate for the Commission as an NHRI. It was noted that the Commission should clarify where and why decisions are made that may not align with staff feedback.
- 13.4. It was agreed that the Commission will go through the statement and make the suggested amendments before sending this to staff.

**Action:** JCJ will update the statement as per discussion and forward to staff at the earliest convenience.

## **14. AOB**

Commission Meeting dates for 2022 were pencilled in the diary with the note that they may be subject to change upon the start of the new Commission Chair.

## **15. Commissioner Only Discussion**

Commissioner only discussion took place. This discussion was not minuted.