

Present:

Ian Duddy (Chair, ID)

Jim Farish (Commissioner, JF)

Shelley Gray (Commissioner, SG)

Claire Methven O'Brien (Commissioner,
CMO)

In Attendance:

Jan Savage (Executive Director, JS)

David Lees (Head of Commission
Secretariat and Business Support, DL)

Tiia Kontro (Business Support, Minute
Secretary)

Luis Felipe Yanes (Legal Policy
Development Officer, LFY, Item 4 only)

Eilidh Dickson (Policy and International
Officer, ELD, Item 7 only)

Simon Routh-Jones (Director, SRJ
Associates, conducting Governance Review,
observing only)

Apologies:

No apologies

List of Acronyms:

NPM: National Preventive Mechanism

SPCB: Scottish Parliament Corporate Body

SPS: Scottish Prison Service

1. Welcome / Declarations of Interest

No declarations of interest in relation to the Commission Meeting Agenda were made.

2. Minutes of Previous Meeting

The minutes of the meeting held on 3 April 2023 were approved with minor amendments.

3. Matters Arising

- 3.1. The Chair put forward a proposal for a facilitated away day for staff and Commissioners to discuss the Commission's next 4-year Strategic Plan covering 2024-2028. The away day would be led by an external facilitator to allow staff and Commissioners to fully engage in the process. The proposal was agreed, and a date has been circulated to staff and Commissioners.
- 3.2. A further proposal for Commissioners to reconvene in July to discuss the outcomes of the Governance Review was also supported by everyone.

4. Incorporation

LFY joined the meeting for this item.

JS and LFY introduced a paper setting out options to consider for new legal powers for the Commission, given the forthcoming Human Rights Bill.

- 4.1. JS and the Chair confirmed that the aim of the discussion was to provide a framework for consideration of future legal powers for the Commission, and for Commissioners to reach agreement on the framework for evaluating potential new legal powers.
- 4.2. Commissioners also received an update on the expected consultation timeline and discussed the opportunities for the Commission to submit views and to engage with civil society as part of the Commission's external stakeholder engagement work.

The Chair said he was due to meet Ministers later that week who would ask for his views on new powers for the Commission. Therefore, it was helpful and important to have an agreed framework which allows the Commission to indicate the options it is appraising, which he clarified as a “comprehensive approach”, highlighting the powers that other already NHRIs enjoy.

- 4.3. Commissioners agreed with the broad framework for evaluating each proposed new legal power. The staff team were asked to continue with their research, including more detailed consideration of the resource implications.
- 4.4. The Commission noted the recent proliferation of requests for new public bodies to uphold the human rights of particular groups of people. It was noted that the framework approach had highlighted that the people of Scotland are served by an NHRI which has less legal powers than any other UK NHRI.
- 4.5. The Chair said he would like the resource and staffing considerations also further developed.

5. Strategic Performance Scorecard

Strategic Performance Scorecard was tabled and discussed. The following points were noted.

- 5.1. The Scorecard has been developed by the Executive to provide Commissioners high level monitoring of progress against the Transition Strategy in 2023/24.
- 5.2. The Commission agreed that the Scorecard would be a useful framework for both staff and Commissioners to monitor progress and felt that it was appropriate to table quarterly.
- 5.3. Commissioners also received an update from the Executive on the operational work planning for 23/24 and noted a new project planning approach now in place to provide a tool for resource and budget planning.

Action: Strategic Performance Scorecard will be tabled for Commission Meetings quarterly.

6. Commission Work Programme

A draft Commissioner Work Programme was introduced.

- 6.1. Building on the objectives of the Transition Strategy, and in line with section 5 of the Commissioner handbook, JS set out proposals for individual Commissioner activities for the remainder of 2023/24, which would include community outreach and Commissioner leadership for each spotlight project.
- 6.2. The Commission discussed the relationship of the Commissioner Work Programme and proposals to create a draft Code of Conduct (discussed in agenda item number 8.). JS stated the intention was to pilot the Commissioner work programme for this year, subject to further reflections and amendments once the Governance Review has been completed.
- 6.3. The Commission discussed how to best align the Work Programme with Commissioners' individual objectives. The Chair recommended that Commissioners update their personal objectives to incorporate these ideas and that objectives are shared with staff.

Action(s): Commissioners to update their personal objectives and share with staff. A more integrated workplan will be developed with staff in due course.

7. Scottish Government Consultation: Reforming the Criminal Law to Address Misogyny

ELD joined the meeting for this item.

ELD updated the Commission on the Scottish Government consultation on reforming the criminal law to address misogyny, in line with the 23/24 Legislative Work Programme approved at the March Commission meeting.

- 7.1. ELD said the deadline for submitting comments to the Scottish Government was 2 June.
- 7.2. Commissioners would receive, by email, a draft submission and be asked to provide written comments in advance of that submission.
- 7.3. Action: Draft submission to be shared with Commissioners in advance of submission date.

8. Commission Code of Conduct

- 8.1. JS updated that she had attended an Office Holders meeting on 17 April 2023 at the invitation of the SPCB, to discuss issues around codes of conduct for office holders of the Scottish Parliament.
- 8.2. In the meeting the SPCB set out an expectation that all office holders must have a code of conduct. JS said that the SHRC is therefore required to develop a Code of Conduct and associated practice. JS explained that there were existing models of good practice to draw upon.
- 8.3. It was noted that the SPCB have an oversight role in the process, in order to safeguard office holder independence. It may be appropriate to consider an annual report of any complaints or issues raised in line with the Code of Conduct to submit to the SPCB. The Commission discussed the option to include this as part of our existing annual report.
- 8.4. The Commission agreed with JS that she should start the process by sharing existing examples of working codes of conduct from different office holders.

Action: Draft codes of conduct to be circulated and an update to be shared during the July Commission meeting.

9. AOB

- 9.1. JS shared a short forward look calendar on upcoming communications highlights for the 23/24 operational year,

including an upcoming blog post from JS which will highlight the Commission's spotlight projects.

- 9.2. ID provided a short readout of the First Ministers Anti-poverty Summit on 3 May 2023.
- 9.3. ID noted that recruitment for 3 additional staff roles in the Commission will start next week.
- 9.4. JF provided a short update on the NPM Scottish Subgroup work.
- 9.5. CMO raised a question on whether the Commission was planning on providing input into the SPS policy review on trans prisoners. ID said we could do that, but any input would need to be upheld by Commissioners under collective responsibility.

Action: Chair to confirm status of the SPS review.

Next Commission meeting is scheduled for 5 June 2023.