

SHRC

Scottish
Human Rights
Commission

Independent Governance Review

Key Themes Summary

September 2023

BACKGROUND

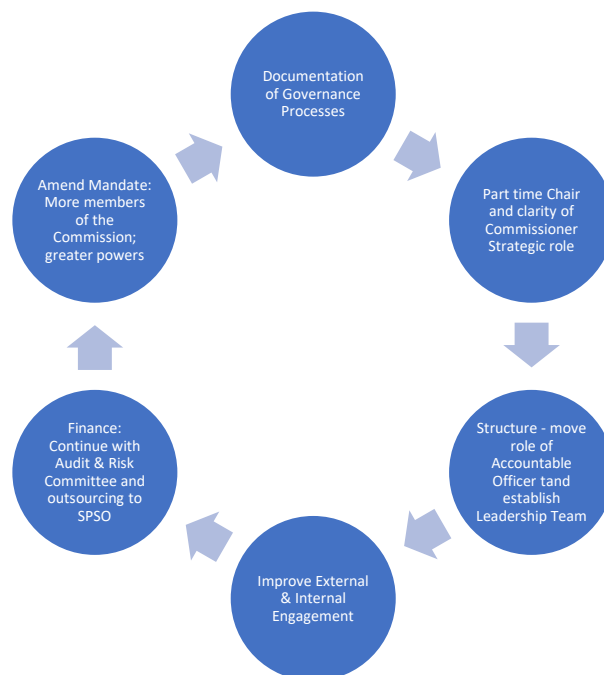
The Scottish Human Rights Commission ('the Commission') took the decision to undertake a review of its governance arrangements in early 2023, as part of a wider process of transformation to ensure the Commission is as effective as possible in its role as Scotland's National Human Rights Institution (NHRI).

In April 2023 Simon Routh-Jones CBE QFSM was commissioned to undertake a detailed review ('the Review') of the governance of the Scottish Human Rights Commission, following a publicly advertised Invitation to Tender. The Tender documentation can be found at www.scottishhumanrights.com

The Review process concluded in July 2023, when members of the Commission accepted its recommendations, as they impact on the Commission.

RECOMMENDATIONS

The key recommendations of the Review were based around six main areas, which are summarised below. These identify priority actions will support the Commission to continue to operate as a robust, independent public body and National Human Rights Institution (NHRI), with the necessary powers and resources to hold duty bearers to account where human rights are at risk in Scotland.



The Review makes a number of recommendations around these key themes, which have been accepted by the Commission. They are summarised below. The Review notes that there has been progress in these areas in 2023, and that the Commission is on a positive trajectory.

DOCUMENTATION (GOVERNANCE) ISSUES

1. Code of Governance and Standing Orders

Recommendations:

- 1.1. To develop a document covering the set of rules to outline organisational structure for roles and responsibilities.
- 1.2. To ensure clear Standing Orders of the Commission governing rules and procedures of meetings.
- 1.3. To ensure clarity of responsibility on sign-off of key policy and investigation outputs.

2. Code of Conduct

Recommendations:

- 2.1. To develop the draft Code of Conduct for Commissioners.
- 2.2. At a future date the Code of Conduct for Commissioners and the staff handbook should be aligned.

3. Staff Handbook and Staff Development

Recommendations:

- 3.1. Progress to update Staff Handbook
- 3.2. Realign the staff handbook with the new Commissioners Code of Conduct.
- 3.3. Progression and Development Plan for all staff.
- 3.4. Seconded opportunities.

4. Commissioners Handbook

Recommendations:

- 4.1. Full review of Commissioners Handbook

5. Grievance Policy

- 5.1. Urgent development of a cohesive Grievance Procedure across the Commission
- 5.2. Drawn together procedures in a single document within the revised Governance Framework to cover the whole organisation.
- 5.3. Resolve outstanding Grievances
- 5.4. Discussions to be held between SHRC and SPCB around Grievance Solutions

6. Whistleblowing Policy

- 6.1. Development of Whistleblowing Policy
- 6.2. Liaise with the SPSO to utilise their advice via the existing Shared Services Agreement.

ROLE OF THE COMMISSION AND COMMISSIONERS

1. Recruitment
Recommendations:
 - 1.1. Develop a clear and transparent understanding of Recruitment Process.
 - 1.2. Interaction between Scottish Parliamentary Corporate Body and external Human Rights Institutions.
 - 1.3. Appointment Process to include external NHRI in advisory capacity.
2. Induction for New Members of the Commission
Recommendations:
 - 2.1. Set out the Criteria of Induction Sessions for new Appointees
 - 2.2. Timetable and input of Induction Programme
3. Roles of the Commission
Recommendations:
 - 3.1. Recommendation of Induction Programme to understand fully the workings of the Commission.
 - 3.2. Clarity of part-time Commissioners role.
 - 3.3. Meeting with staff and Commissioners to cover the roles and responsibilities.
 - 3.4. Undertake an annual review of strategic objectives.
 - 3.5. Internal Management System for community and media engagement.

STRUCTURE

1. Chair (CEO/Accountable Officer) and Commissioners
Recommendations:
 - 1.1. Removal of CEO Position from this role
 - 1.2. Transfer of Accountable Officer responsibilities
 - 1.3. Commissioner restructure to reduce Chair position from full-time to part-time
 - 1.4. Increase number of part-time Commissioners
 - 1.5. Review the number of weekly hours required for each Commissioner
2. Development of a Senior Leadership Team
Recommendations:
 - 2.1. Establish leadership of Legal and Policy Team
 - 2.2. Develop Senior Leadership Team for key lines of management clarification
 - 2.3. Structure reorganisation

ENGAGEMENT

1. Stakeholder engagement
Recommendations:
 - 1.1. Greater visibility for SHRC
 - 1.2. Programme to enhance visibility on work of the Commission.
 - 1.3. Alignment of upholding SHRC's responsibilities of human rights engagement
 - 1.4. Working Relationships
 - 1.5. Regular bi-monthly meetings with Scottish Parliamentary Corporate Body.

2. Relationship between SHRC and other national and international human rights institutions
 - 2.1. Engagement with national and international human rights institutions to be undertaken at earliest opportunity.
3. Relationship between Commissioners and staff
 - 3.1. Develop a RESPECT Agenda for Culture
 - 3.2. Discussions with External Facilitator for Cultural Change for staff/Commissioners.
 - 3.3. Meeting re Terms of Engagement
4. Relationship between the organisation and representative bodies.
 - 4.1. Develop process for regular dialogue with internal and external representatives.
 - 4.2. Clear structure for responsibilities between Commission and Parliament.

FINANCIAL MANAGEMENT

1. Finance
 - 1.1. Continuation of work within Audit and Risk Committee.
 - 1.2. Meeting structure together with clear standing orders.
2. Outsourcing of the finance and human resources (HR) functions
 - 2.1. Remain under review with value for money and efficiency.
 - 2.2. Monitoring of HR function.

CHANGES WITHIN THE SHRC MANDATE

Changes and additions:

1. Additional powers within the new Human Rights Bill
 - 1.1. Review of the current mandate to ascertain what is absent in terms of what the Paris Principles require a Commission to follow.
 - 1.2. Legislative Powers to raise legal proceedings in SHRC's own name.
 - 1.3. Powers to provide direct advice to individuals.
2. Governance changes
 - 2.1. Facility within Act to appoint a temporary/interim Chair.
 - 2.2. Increase number of part-time Commissioners in SHRC.
 - 2.3. Review number of days/hours for Commissioners.

It is recognised that these changes and additions will require additional funding and resources to an already small establishment.

The full report is available to read at www.scottishhumanrights.com