

Present: Shelley Gray (Member, Interim Chair, SG)

Claire Methven O'Brien (Member, CMO)

In Attendance: Jan Savage (Executive Director, JS)

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

Tiia Kontro (Business Support, Minute
Secretary, TK)

Luis Felipe Yanes (Legal Policy
Development Officer, LFY, item 2 only)

Eleanor Deeming (Legal Officer, EDJ, item 2
only)

Apologies: Jim Farish (Member, JF)

List of Acronyms: ARC: Audit and Risk Committee

CYPCS: Children and Young People's
Commissioner Scotland

NHRI: National Human Rights Institution

SPCB: Scottish Parliament Corporate Body

UNCRC: The United Nations Convention on
the Rights of the Child

1. Welcome / Declarations of Interest

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

2. Policy Updates

- 2.1. LFY joined the meeting to provide an update on the Commission's policy work on a range of issues.
- 2.2. LFY explained the background and Commission input in relation to the Human Rights Bill and proposed route to SHRC position.
- 2.3. The Commission discussed the impact of the Supreme Court judgement on the Human Rights Bill propositions. It was noted that the Commission has sought external legal counsel on the subject to further inform the Commission's own analysis.
- 2.4. It was noted that the Commission aims to publish a response to the consultation week commencing 2 October 2023, and a series of related papers outlining the Commission's overall position, the incorporation approach, and the proposals to strengthen the powers of the Commission. A timeline was shared with the Commission members around the production of draft versions of these outputs for Commission sign off to enable publication by the consultation deadline on 5th October 2023

Action: JS to progress through team and ensure that the timetable is adhered to.

- 2.5. LFY shared an update on UNCRC (Incorporation) (Scotland) Bill as to be amended following the Supreme Court judgement, and explained how it relates to the Human Rights Bill process.

Action: Commission will continue to monitor the developments and will schedule meetings with CYPSC and the new Commissioner as the revised Bill progresses.

- 2.6. LFY shared a short update on the Commission's previous work relating to the independence referendum and noted that the Commission has been referenced in the Scottish Government's

White Paper on a proposed constitution for an independent Scotland.

- 2.7. It was noted that the Commission will continue to monitor developments as required.
- 2.8. EDJ joined the meeting to provide an update on the Illegal Migration Act.
- 2.9. It was noted that since the paper drafted for the Commission meeting, the previously Illegal Migration Bill has now progressed to Illegal Migration Act.
- 2.10. EDJ explained that the Commission is involved in, together with other Scottish human rights stakeholders, a strategy group whose main aim is to mitigate the potential impacts the act will have in Scotland.
- 2.11. There was discussion in relation to the limitations of the Commission's mandate on this issue as it related to a reserved area of legislation but impacts on the human rights of people in Scotland. It was noted that the Scottish Government has yet to publish its plan on how to mitigate any potential negative impacts the act will have in Scotland.

Action: The Commission agreed that Commission staff should continue to monitor the situation and once Scottish Government has published their mitigation plan, the Commission will proceed to publish a further statement in relation to the issue.

Commission staff will also produce a short briefing for members outlining the nature of the interaction between the Illegal Migration Act and the European Convention on Human Rights.

3. Minutes of Previous Meeting

- 3.1. The minutes of the meeting held on 17 July 2023 were approved with no changes.
- 3.2. The minutes of the meeting held on 31 July 2023 were approved with no changes.

4. Matters Arising

- 4.1. It was noted that Commission members have shared suggested dates for Rights on the Road sessions, and that dates for further Commission Development Days around strategic plan development have been set for 14 September 2023 and 2 October 2023.

5. Governance Review

- 5.1. JS thanked the Commission members for their comments and commitment to the process. It was noted that the Vision Statement, Executive Summary, and full Governance Review will be published on the Commission's website on Wednesday 6 September 2023. Staff and stakeholders who have been involved in the process will be notified before the Governance Review is published.
- 5.2. JS noted that the completion of the Governance Review will allow SPCB now to consider the role profile for the next Commission Chair and allow for the recruitment process to move forward.

6. Budget 2024 - 2025

- 6.1. JS explained that the Commission has requested for a short extension on the budget submission to SPCB due to ongoing commitments with the external audit process.
- 6.2. JS updated the Commission on some of the key items planned to be included in the budget proposal such as increasing non-salary overhead to cover increased cost for travel and project work as a result of the shift towards more direct engagement and monitoring of human rights in communities across the country. It was noted that the aim is to increase the budget for the leadership of the Legal and Policy team by committing to a 12-month internal appointment which will be reviewed again at the end of that period.
- 6.3. JS noted that the Commission staff team is now at full complement for the first time in a number of years.

- 6.4. The Commission discussed the possible outcomes on budget from new Chair recruitment and suggestions made in the Governance Review to make the Chair position part time.
- 6.5. JS noted that should this progress, it presents an opportunity for the Commission to meet the costs of delivering increased outputs across the fully staffed operations.

7. External Audit

- 7.1. DL provided an update from the audit clearance meeting which took place with Audit Scotland on 4 September 2023. It was noted that the Commission can anticipate a positive, clean audit with some recommendations on internal process improvements.
- 7.2. Audit report will be presented to ARC in the meeting on 18 September 2023.
- 7.3. The Commission noted their thanks to all staff involved in the finance processes in 2022-23, many of whom had to step in outwith their usual tasks.

8. AOB

- 8.1. The Commission welcomes three new staff members: a Legal Fellow, Digital Comms Officer and Policy and Participation Officer.
- 8.2. JS noted that the leadership team has acknowledged the increased workload of Commission staff as a result of governance review programme aligned with increased spotlight project work and is committed to making sure that staff wellbeing is maintained.
- 8.3. Next Commission meeting has been scheduled for 2 October 2023. This will focus on the development of the Strategic Plan 2024-28.