

- Present:** Claire Methven O'Brien (Commissioner, Interim Chair, CMO)
- Shelley Gray (Commissioner, SG)
- Jim Farish (Commissioner, JF)
- In Attendance:** Jan Savage (Executive Director, JS)
- David Lees (Head of Commission Secretariat and Business Support, DL)
- Tiia Kontro (Business Support, Minute Secretary, TK)
- Apologies:** No apologies
- List of Acronyms:** ARC: Audit and Risk Committee
- CRC: United Nations Convention on the Rights of the Child
- SPCB: Scottish Parliament Corporate Body

1. Welcome / Declarations of Interest

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

2. Minutes of Previous Meeting

- 2.1. The minutes of the meeting held on 4 December 2023 were approved with no changes.

3. Matters Arising

- 3.1. DL provided a status update on the items on the Action Log.

4. Executive Director's Update

- 4.1. JS noted that the Commission has been progressing actions from the Governance Review. An early priority in Q3 was the drafting of Code of Conduct which was now been brought to the Commission meeting for final approval in agenda item 5, as per discussions at the last ARC Meeting.
- 4.2. Work on Staff Handbook is ongoing as the next priority action from the Governance Review in Q4. An initial review has determined that rather than an update, a new approach is required, developing a Staff Handbook aligned to the updated Vision, Mission and Values; a suite of employee policies; and a suite of regulatory policies. A gap analysis is now being conducted in full consultation with PCS, and any amendments proposed to employee policies which have an impact on finance or risk to the Commission will be shared with ARC as appropriate.
- 4.3. Work to establish an interim management role in the Legal and Policy team is ongoing. JS highlighted ongoing risk to capacity as a result.
- 4.4. It was noted that the advert for the new Chair position is still imminent. Commissioners agreed to contact SPCB to request an update.
- 4.5. JS noted that there was time available at the end of the meeting to further prepare for the Commission's session with the

5. Governance

- 5.1. Commissioner Code of Conduct was tabled for Commission final approval, as recommended by ARC at its meeting on 18th December 2023. The Commission formally agreed to adopt the Code of Conduct with the note that the document will be subject to a regular review schedule and will be reviewed in the next year to allow the new Chair the opportunity to contribute to process.
- 5.2. The Commission discussed the Governance Review Implementation process, and noted that the Taskforce is progressing, and that an overview update would be tabled at a future ARC meeting to monitor progress.

Action: An overview update of progress on the Governance Review Implementation plan to be tabled at a future ARC meeting

- 5.3. As part of the Governance Review implementation work, the Commission was invited to discuss the Commissioner Declarations of Interest. JS proposed to collate information from each Commissioner on current Declarations, ensuring that they fully reflect and represent current interests within and out with the Commission. It was agreed that this will help to clarify circumstances where interests need to be declared, or participation in agenda items should be recused, in addition to general Declarations of Interest which are publicly available on the Commission's website. The proposal was accepted by the Commission.
- 5.4. In light of the recent publication of the new SPS Policy for the Management of Transgender People in Custody, its discussion at the Scottish Parliament Criminal Justice Committee's meeting of 11 January 2024, and stakeholder engagement, Commissioners requested an updated SHRC analysis of the policy, to fully reflect the internationally-protected human rights of all rights-holders, including transgender and other prisoners, and prison staff, as well as other applicable standards.

Action: An analysis to be produced of the SPS Policy for the Management of Transgender People in Custody in time for February 2024 Commission meeting.

6. Policy/Process

6.1. JS tabled a paper on the Public Finance and Administration Committee 2024 Inquiry into the Commissioner Landscape: A Strategic Approach, which includes a review of all SPCB-supported bodies. This was recognised as a priority, and it was recognised that this will have an impact on capacity and possibly reprioritising other planned work as required.

6.2. It was noted that the deadline for written evidence is mid-March. The final draft will be tabled for sign off at the Commission meeting on 4th March 2024.

Action: Final draft of written evidence from the Commission for the Inquiry is to be tabled for sign off at the Commission meeting on 4 March.

6.3. In terms of risk profile, Commissioners discussed the prospect of an enhanced role for the Commission in fulfilling a greater monitoring function, within the context of proposed new powers for the Commission.

6.4. In respect of future financial modelling of an enhanced Commission, it was agreed that JS would provisionally scope an approach and seek external, independent support to inform this.

Action: To provisionally scope independent business plan support to assess the financial model of an enhanced Commission to inform Committee analysis and financial memorandum of Human Rights Bill.

6.5. JS shared a verbal update on the UNCRC (Incorporation) (Scotland) Bill, as it impacts on new powers and resource for the Commission in line with the financial memorandum as passed. It was noted that no decisions are sought from the Commission at this point in time, but an implementation plan for the UNCRC

(Incorporation) (Scotland) Bill will be tabled at the March 2024 Commission meeting.

Action: Implementation plan for the UNCRC ((Incorporation) (Scotland) Bill to be tabled at the March 2024 Commission meeting.

7. Strategic Plan 2024-28

- 7.1. An updated, hard copy, draft of the Strategic Plan 2024 -28 was tabled for the Commissioners.
- 7.2. The Commission formally recognised the work and effort of all staff team members who have been involved in the process of drafting the Strategic Plan for 2024-28.
- 7.3. It was noted that the internal taskforce is now focusing on a comms and engagement plan for the publication of the Strategic Plan.
- 7.4. JS will circulate the final draft for review and comment in the upcoming week, in advance of sharing with SPCB at the end of January. It was agreed that a 30-minute discussion will be diarised for the Commissioners to formally approve the document ahead of this.

Action: A further 30 minute session to be arranged with Commissioners between 29 and 31 January for approval of the final draft of Strategic Plan prior to sharing with SPCB

8. AOB

The Commission discussed the option to reduce the number of formal Commission meetings and utilise other monthly dates for development sessions. A schedule will be provided at the next Commission meeting.

Action: Updated Commission meetings schedule to be provided

- 8.1. JF requested formally that all approved ARC minutes will be tabled at Commission meetings.

Action: Approved ARC meeting minutes will be formally tabled at the subsequent Commission meetings.

8.2. A preparatory discussion followed on the Equalities, Human Rights and Civil Justice Committee session taking place on Tuesday 16 January, being attended by the Commission and JS. No minutes were taken of this discussion.