

Paper 1/4 - Terms of Reference

For agreement

1. Purpose

1.1 This paper presents a draft terms of reference for discussion and agreement by Commissioners.

2. Background

2.1 The terms of reference have been drafted by the secretariat and outline how the Commission will undertake its work.

2.2 This paper is presented for discussion. While certain items are fixed (such as the remit of the Commission), other items such as the way in which the Commission will approach meetings is ultimately for Commissioner's to agree. The terms presented in this paper are intended as a starting point for this discussion.

2.3 The draft terms of reference are included in the Annex to this paper.

3. Recommendation

3.1 Commissioners are asked to agree to the terms of reference, subject to any amendments.

Annex

Just Transition Commission - Terms of Reference

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1. Remit and deliverables

1.1 The Just Transition Commission (the Commission) has been established for a two-year period to provide independent advice to Scottish Ministers on the long-term strategic opportunities and challenges relating to the transition to a carbon-neutral economy.

1.2 Within two years of its inaugural meeting, the Commission will provide a written report to Scottish Ministers that provides practical, realistic, affordable recommendations that will support Scottish Ministers take action that will:

- Maximise the economic and social opportunities that the move to a carbon-neutral economy by 2050 offers;
- Build on Scotland's existing strengths and assets;
- Understand and mitigate risks that could arise in relation to regional cohesion, equalities, poverty (including fuel poverty), and a sustainable and inclusive labour market.

Ways of working

1.3 In order to fulfil its remit, the Commission will need to conduct meaningful engagement with parties likely to be affected by, and contribute to, the transition to a carbon-neutral economy.

1.4 To do this, the Commission will actively involve stakeholders in its considerations, taking a range of opinions into account, with a view to developing a shared understanding of the key issues.

2. Roles and Responsibilities

Commission Chair

2.1 Meetings of the Commission will be chaired by Professor Jim Skea. The Chair is independent of Government, and responsible for determining the work plan of the Commission in consultation with Commissioners.

2.2 The Chair is expected to:

- Prepare for, and attend, meetings of the Commission and its committees.
- Attend other meetings and seminars on behalf of the Commission (as required).
- Assist in the development, approval and monitoring of the Commission work plans.
- Establish good partnership working with other organisations and participate in reference groups, discussion forums and open meetings (as required).
- Provide effective leadership to the Commission, including chairing meetings and fostering sound decision-making and full participation by other members of the Commission in the exercise of their functions and in the work of the Commission.
- Act as the principal spokesperson and public face of the Commission, representing it at meetings with other bodies, the Scottish Ministers and other Members of the Scottish Parliament, and at conferences / events and in the media.

Commissioners

2.3 Commissioners have been invited to sit on the Commission in an individual capacity and, unless stated in letters of appointment, are not acting as representatives of particular groups or organisations. Commissioners are expected to:

- Exercise their individual talents and areas of expertise by briefing and guiding the Commission.
- Attend Commission meetings regularly and on time.
- Notify the Secretariat at the earliest opportunity if they are unable to attend scheduled meetings.
- Prepare adequately for these meetings by, for example, proposing agenda items, reading papers in advance, preparing and presenting papers for

consideration, participating in discussion, and helping to reach a consensus view.

- Conduct themselves in an appropriate manner and to respect the views of other Commission members.
- To act on the Chair's behalf in representing the Commission at meetings with other bodies, at conferences / events and in the media, as required (and agreed with the Chair).
- To act as Commission champion/lead, as required (and agreed with the Chair) in relation to specific elements of the work plan.
- Protect information received in confidence from unauthorised disclosure.

3. Commission Meetings

3.1 It is anticipated that approximately ten meetings will take place between the inaugural meeting in January 2019 and January 2021. A work plan will be maintained as a standalone document by the secretariat (directed by the Chair) and used to inform the agenda items for meetings.

3.2 These meetings will be structured on a range of themes, as outlined in the work plan, and take place at different locations around the country in order to facilitate meaningful social dialogue with those most likely to be involved in and/or affected by the transition to a carbon-neutral economy.

Absence

3.3 Whilst every effort should be made to attend all meetings of the Commission, it is recognised that the Chair or Commissioners may need to be absent on occasion due to annual leave, conflicting arrangements or other requirements out-with their control.

3.4 Once you are aware that you are unable to attend you should notify the Secretariat at the earliest opportunity. Professor Jim Skea will nominate a member to act as Chair should he be unable to attend a meeting.

Agenda

3.5 The agenda for each meeting will be decided by the Chair following discussion with the secretariat. If members wish to contribute agenda items, they are asked to notify the secretariat by emailing no later than 2 weeks before the relevant meeting. The secretariat will circulate the final agenda and all papers 5 working days ahead of each meeting.

3.6 Whilst time will be allocated for any other business, advanced notice should be given of any significant issues to be considered. These issues should be notified to the secretariat as above.

Minutes

3.7 Minutes of meetings will be made available through the Commission's dedicated web presence on gov.scot ([link](#)) as soon as practicable after the meeting, unless items are to be considered in private. The secretariat will circulate these minutes to members to ensure they are content. Minutes will reflect the discussion but will not make specific reference to Commissioners by name. Points agreed will be noted accordingly.

Papers

3.8 In general, papers to be considered by the Commission will be considered public, and will be made available online following meetings. However, it is acknowledged that there may be occasions where this default position is not appropriate; this will be at the Chair's discretion. By way of example, relevant papers for the Commission may contain information that is not in the public domain, contain issues of commercial sensitivity or raise copyright issues. Where the Chair considers that papers should not be made available online, the minutes will include a record that they have been considered by the Commission.

Guests and information gathering

3.9 The Commission will hear from those likely to be affected by, or contribute to the transition. A wide range of stakeholders may be asked to provide input to the Commission at the Chair's discretion. The Chair will determine the extent to which those invited to contribute to Commission meetings should participate in the remainder of the meeting on a case by case basis.

Decision Making

3.10 The Commission should, as far as possible, reach decisions by consensus. Where necessary, a vote will be taken where the Commission needs to make a decision. Each member will be allocated one vote and, in the event that no clear decision is reached, i.e. equal votes, the Chair will have the casting vote. All decision outcomes and the numbers for and against will be noted in the minutes.

Quorum for Meetings

3.11 The quorum for any Commission meeting and vote must be one half (rounded up to a whole number) of the complete membership. Full membership is 12, meaning the quorum for a Commission meeting is 6 members.

4. Secretariat

4.1 The secretariat is based within the Decarbonisation Division of the Scottish Government and will undertake the following functions as directed by the Chair of the Commission:

- Preparing and circulating agenda and related papers

- Arranging suitable locations and dates for meetings of the Commission
- Inviting individuals and organisations to meetings of the Commission, as directed by Commissioners
- Recording minutes and action points
- Drafting reports and other documents, as directed by the Commission
- Managing communications for the Commission, including
 - dealing with all enquiries in relation to the Commission's work
 - maintenance of the Commission's dedicated web presence
 - publicising work online and coordinating other online engagement, as required
 - drafting responses to press queries
- Commissioning and managing third party research and specialist input, as required
- Providing the Commission with updates on relevant areas of interest in the wider policy landscape, as required
- Synthesising existing research on energy transitions, monitoring relevant information/media
- Supporting the Commission to engage with Scottish Government officials and Ministers as necessary
- Administration of Commissioner expenses and daily fees, where appropriate

4.2 The secretariat will also lead on drafting business cases to ensure the Commission has the appropriate funding to carry out its remit once its requirements become clear. This may include funding for items such as research support and the booking of venues for meetings or events.

5. Relationships with Ministers

Reporting

5.1 The Commission will report to the Cabinet Secretary for Environment, Climate Change and Land Reform, the Cabinet Secretary for Finance, Economy and Fair Work and the Cabinet Secretary for Communities and Local Government. The Chair will schedule formal meetings with Ministers each year to provide an update on work streams, current focus and outputs.

Requests for Advice

5.2 Ministers may make formal requests to the Commission for advice via the Chair. The Commission will consider whether it is able to incorporate this into its work plan and provide a formal notification to Ministers advising of their decision.

6. Remuneration and expenses

6.1 The Commission Chair will be remunerated for time committed to the Commission at the rate agreed with Ministers at the time of appointment.

6.2 Commissioners may be remunerated for their time, depending on individual circumstances and in line with Scottish Government pay policy for senior appointments. Individual circumstances that will dictate whether a member is paid a daily fee include whether a member is representing an organisation or not, along with the nature of their employment.

6.3 Any claims made for reimbursement must include relevant receipts to the value of the expense incurred and be recorded on a TS-1 form, provided by the Secretariat.

6.4 Travel and accommodation expenses will be reimbursed in line with the Scottish Government Travel and Subsistence policy. All travel will be at standard class. Full details of current allowances and rates can be obtained through the Secretariat.

7. Information Sharing

7.1 The Commission is committed to being as open and transparent as possible, and will proactively share what information it can. Information to be released will be considered by the Chair and should not be released without his explicit consent. Reports, Minutes and other information will be made available through the Commission's dedicated web presence on gov.scot ([link](#)).