**Terms of Reference of the Just Transition Commission**

1. **Introduction**
   1. The Just Transition Commission has been established for the lifetime of the Parliament elected in May 2022. The composition and structure of membership is intended to best meet the [remit](https://www.gov.scot/groups/just-transition-commission/) set out by Scottish Government Ministers.
   2. The Commission is tasked with:

* providing scrutiny and advice on the ongoing development of Scottish Government led just transition plans, including the application of the Just Transition Planning Framework
* advising on the most suitable approaches to monitoring and evaluation
* undertaking meaningful engagement with those most likely to be impacted by the transition, hearing from a broad range of representative voices and advising on how to ensure these can shape and contribute to just transition planning work in Scotland
* engaging and collaborating with other sources of expertise, including relevant Scottish Government advisory bodies and relevant programmes of work (including, but not limited to the Committee on Climate Change, the Poverty and Inequality Commission, Fair Work Convention, the Council of Economic Advisors and the development of the National Strategy for Economic Transformation)
* publishing an annual report to reflect on Scotland’s progress.
  1. In working towards this remit, the Commission will aim to promote the development and implementation of innovative policymaking in line with just transition principles.

1. **Ways of working** 
   1. Engagement
      1. The Commission will be responsible for developing its own work plan with the support from the Just Transition Commission Secretariat. However, in the process of carrying out its functions, the Commission is expected to engage widely with those likely to be affected by the transition to net zero, particularly young people and the following groups (not intended to be exhaustive):
         * community groups;
         * workers and trade unions;
         * businesses, business leaders and industry bodies;
         * academia and educators, and
         * climate leaders, activists and thinkers
      2. The voice of workers and communities will be particularly important given the imperative of a truly just transition that is shaped by those most likely to be impacted.
      3. The Commission will also take into account wider equalities, including all protected characteristics. It will explore how best to work with, and make use of the expertise held by, a wide range of relevant national bodies including COSLA, advisory groups and ongoing work streams, including the Poverty and Inequality Commission and Fair Work Convention, with whom the Just Transition Commission will have a Memorandum of Understanding [see 6.2].
      4. In carrying out its engagement, the Commission will seek to explore a range of diverse approaches, to ensure that it has input from (and experience of) a range of views that is truly representative of Scotland.

* 1. Relationship between Commission and Scottish Government-led Just Transition Planning activities
     1. Just Transition Planning is Scottish Government’s key vehicle to aid the coordination of climate action in a way that also supports social and economic objectives. The Government has committed to identifying where it is best placed to act as convenor, facilitator, mediator for planning processes, bringing parties together and ensuring all voices are heard and shape the nature of the transition.
     2. The [National Just Transition Planning framework](https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/09/transition-fairer-greener-scotland/documents/transition-fairer-greener-scotland/transition-fairer-greener-scotland/govscot%3Adocument/transition-fairer-greener-scotland.pdf) provides a template for such activities. It sets out underpinning principles requiring that planning is evidence-led, iterative and co-designed. Transition planning processes must, by definition, be shaped by those most liable to be impacted by the transition, with workers and communities central; they will contribute to not only tackling climate change and the impact of climate change, but also to enhancing the wellbeing of the people of Scotland.
     3. The Commission will scrutinise and advise on just transition planning approaches as they progress, providing scrutiny and advice on the development of both individual plans and the framework itself. Its wide ranging composition is designed to best enable this.

1. **Commission structure and appointment of Commissioners**
   * 1. Commissioners have been appointed in an individual capacity.
     2. The Commission has been designed to reflect the National Just Transition Planning Framework. It brings together a range of voices, experiences and expertise, that should be capable of providing oversight and scrutiny to the Scottish Government’s Just Transition Planning work.
     3. The Commission’s expertise is intended to cover the following interests:
        + Economy, Business and skills, and particularly:
          - Business delivery of climate action & wider societal benefits
          - Representation of trades unions
          - Representation of businesses of all sizes
          - Representing business sectors
          - Representing opportunities associated with innovation and technology
          - Economists with structural / regional economic expertise
        + Environmental interests, and particularly:
          - Biodiversity and nature
          - Climate science
          - Adaptation
          - Land use
        + Social dimensions, in particular:
          - The role of communities
          - Issues of equality and inclusion
          - The relationship between climate action and poverty
        + Legal dimensions of climate action
     4. Given the breadth of issues that could be considered as relevant to a “just transition”, it is not possible to have a membership that covers all possible interests: however, the collective expertise of this group is intended to be capable of identifying any gaps, or areas of weakness as they arise, and seeking additional input and involvement as part of their evidence gathering.
     5. There are three types of appointment:
        1. Most Commissioners will be appointed for the life-time of the Commission (i.e. duration of this Parliament).
        2. An initial set of appointments will support the development of scrutiny and advice regarding the Scottish Government’s Energy Strategy and Just Transition Plan.
        3. Further appointments will contribute to the work of individual working groups established by the Commission [see 4.2]. These appointments will be made by the Minister at the request of the Chair. The Commission will be consulted on prospective working group appointments, to ensure these meet the Commission’s needs in terms of additional expertise, reflect as far as possible a balance of Worker, Community, Business and Environmental interests for each plan, and support a membership that is representative, diverse and inclusive.
2. **Working Groups**

4.1 Objectives and operating principles

* Working Groups are intended to give members with specific interests and expertise an opportunity to work flexibly and drill down into detail as required, with the aim of ensuring a high quality of engagement, scrutiny and advice across the various topics covered by the Commission’s remit.
* Working Groups are established in consultation with the Secretariat and Chair to support the delivery of the Commission’s work plan on a specific topic, sector or theme. The Secretariat may also suggest the formation of specific Working Groups and approach Members as required. Proposals for any new Working Group should set out its principal objectives, and put forward a Member to serve as lead initially.
* The focus of Working Groups may match up with regional and sectoral plans, or take a cross-cutting thematic focus.
* Members are free to join any Working Group they wish. While ensuring best use is made of the specialist expertise within our membership, Working Groups should, as far as possible, reflect the balance of expertise and interests represented across the Commission as a whole.
* Each Working Group will receive practical and logistical support from the Secretariat, and will agree their own work plans supported by the Secretariat and with the objective of supporting effective delivery of the Commission work plan.
* Working Group members may wish to take the lead on shaping specific agenda items and engagement work involving the whole Commission.
* Working Groups will follow the same process as the Commission in agreeing recommendations and outputs by consensus.
* Working Groups will ensure the Commission is aware of the work being carried forward, and will share findings and proposals with the Commission and seek further input and agreement on these by consensus in order for these to be formalised as Commission outputs.

1. **Roles and Responsibilities**
   1. Commission Chair
      1. The Chair is independent of Government, and responsible for determining the work plan of the Commission in consultation with Commissioners.
      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’s work plans.
* Identifying and specifying potential areas for research.
* Identifying, and liaising with Scottish Government Ministers and officials as appropriate, with regard to further appointments.
* Establish good partnership working with other organisations and participate in reference groups, discussion forums and open meetings (as required).
* Establish close working relationships with key areas of government work as they develop.
* 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.
  1. 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.
* Identify and specify potential areas for research.

1. **Memoranda of Understanding**
   1. The Commission’s relationship and ways of working with the Scottish Government are set out in a MoU to be published on respective websites. The Commission will keep the terms of this MoU under review and seek the Scottish Government’s agreement regarding any necessary revisions.
   2. The Commission is expected to work towards establishing MoU’s with the Fair Work Convention and Poverty and Inequality Commission. These will be intended to ensure work is co-ordinated, resources shared and collaboration on specific areas is maximised.
2. **Commission meetings, evidence gathering and events**
   1. A work plan will be maintained as a standalone document by the secretariat (directed by the Chair) reflecting the agreed approach to meeting the terms of the remit and reflecting the progress being made on Scottish Government led Just Transition Plans.
   2. It is anticipated that a range of activities are likely to be needed:
      1. Meetings of the full group (in a variety of locations, to fully reflect and explore the regional / sectoral / thematic nature of the transition and online)
      2. Workshops, town hall events, discussions, evidence gathering visits (etc., again in a variety of locations and online)
   3. It is anticipated that the full group will typically meet 8 times a year. Further meetings may be required (for example ahead of annual reporting).
   4. Absence
      1. 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.
      2. When a Commissioner becomes aware that they are unable to attend they should notify the Secretariat at the earliest opportunity. The Chair will nominate a member to act as Chair should she/he be unable to attend a meeting.
   5. Agenda
      1. 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.
      2. 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.
   6. Conflict of interests
      1. As a standing item at the start of each meeting, the Chair will ask members to state any potential conflicts of interest that may arise through the course of the meeting. In this context, “conflict of interest” refers to specific bias or financial interest that other members of the Commission could not reasonably be expected to be aware of. Members are also expected to declare interests as they arise during discussions. In these circumstances, it would be for the Chair to decide an appropriate course of action. This may include, for example, asking the member to leave the meeting for the specific agenda item which relates to the conflict of interest.
      2. A register of interests will be published on the Commission website alongside Commissioner biographies.
   7. Minutes
      1. A record of the Commission’s meetings will be made available through the Commission’s web page. The secretariat will ensure that the minutes reflect the discussion appropriately and seek agreement with all Commissioners prior to publication.
   8. Meeting documentation and information sharing
      1. Reports, minutes and other information will be made available through the Commission’s web page.
      2. The Commission is committed to being as open and transparent as possible, and will proactively share what information it can. Documentation received by the Commission will be considered public, and will be made available online following meetings. However, some relevant documentation may contain information that is not in the public domain, contain issues of commercial sensitivity or raise copyright issues.
      3. Information to be released will be considered by the Chair and should not be released without his explicit consent. Where the Chair considers that documentation should not be made available online, the minutes will include a record that they have been considered by the Commission, or where possible, sensitive material will be partially redacted and published.
   9. Guests and information gathering
      1. Scottish Government led Just Transition Plans will be co-created to ensure all partners and those who will be impacted are empowered to shape their future. This means that the Commission must seek to hear from a wide range of stakeholders who should be asked to provide input to the Commission.
   10. Agreeing outputs and recommendations
       1. Commissioners should use their best efforts to achieve consensus on outputs and recommendations.
       2. Where it does not prove possible to achieve consensus after all efforts have been exhausted, the Commission should agree on an approach to recording differences of opinion. This approach may depend on the issues under consideration.
       3. Differences of opinion may be recorded via, for example, footnotes; an annex with alternative views; a minority report, etc.
       4. Different views will be recorded and communicated clearly and objectively, and will cite relevant supporting evidence.
       5. Clarifications on any errors relating to significant points of fact in the Commission’s published reporting will be considered. Suggested improvements will not be reviewed.
3. **Secretariat** 
   1. The Secretariat will be based within the Domestic Climate Change Division of the Scottish Government but will act independently of the Government in support of the Commission. It will undertake the following functions as directed by 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 the annual report, 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 website;
  + publicising work online and coordinating other online engagement, as required;
  + drafting responses to press queries.
  + raise the public profile of the Commission’s work by executing an agreed communications plan.
* 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.
* Notifying Commissioners of any significant issues or events (within Scottish Government or otherwise) relevant to its work.
* Synthesising existing research on Just Transition Planning, monitoring relevant information/media.
* Supporting the Commission to engage with Scottish Government officials and Ministers as necessary. This will include a Memorandum of Understanding to be agreed with relevant Scottish Government officials to establish ways of working that support the independence of the Commission while ensuring the Commission is kept well-informed regarding the Scottish Government’s just transition planning and delivery.
* Administration of Commissioner expenses and daily fees
  1. 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.

1. **Relationships with Ministers**
   1. The Commission will report to the Minister for Just Transition, Employment and Fair Work. The Chair will schedule formal meetings with Ministers each year to discuss the Commission’s annual report, provide an update on work and discuss priorities for the year ahead.
   2. As described above, the Minister will write to the Commission each year, advising them of planned government work to help inform the development of the Commission’s work plan.
2. **Requests for Advice** 
   1. 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 in line with arrangements agreed in the MoU with the Scottish Government.

1. **Remuneration and expenses**
   1. The Commission Chair will be remunerated for time committed to the Commission at the rate agreed with Ministers at the time of appointment.
   2. Commissioners will also be remunerated for their time, in line with Scottish Government pay policy for senior appointments.
   3. Claims for fees and travel and subsistence are paid via Scottish Government pay roll. Commissioners should submit fees and claims to the Secretariat who will process and send to the Pay team as and when required Any claims made for reimbursement must include relevant receipts to the value of the expense incurred
   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.

V2 January 2023