

Ethical Standards Commissioner

CONSULTATION DOCUMENT

A consultation on potential revisions to the
Code of Practice for Ministerial Appointments
to Public Bodies in Scotland
– questions for consideration

06 August 2020

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Laid before the Scottish Parliament on 6 August 2020 in accordance with section 2(4) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003.
Reference CES/2020/03.

This document is available in alternative formats on request by telephoning 0300 011 0550 or by e-mailing i.bruce@ethicalstandards.org.uk.

CONSULTATION ON THE CODE OF PRACTICE FOR MINISTERIAL APPOINTMENTS TO PUBLIC BODIES IN SCOTLAND

Respondent information

This consultation paper invites comments on the existing Code and, in particular, asks those with a role or otherwise having an interest in the public appointments process whether the Code is operating as effectively as possible or whether they consider any improvements should be made to the Code. This paper should be read in conjunction with the main consultation document, available to download from our website:

<https://www.ethicalstandards.org.uk/publication/consultation-document-prospective-code-revisions>

Comments are invited by **Monday 9 November 2020**.

Please complete the details below. This will help ensure we handle your response appropriately. For information about how we process data we collect, including how we process personal data, please see our privacy policy at www.ethicalstandards.org.uk/privacy-policy.

Name: The Scottish Women's Convention	
Address: The Scottish Women's Convention, The Albany Centre, 44 Ashley Street, Glasgow, G3 6DS	
1. Are you responding as (please tick appropriate box):	
1a. An individual (go to 2a/b, 3)?	<input type="checkbox"/>
1b. On behalf of a group or organisation (go to 2c/d, 3)?	<input checked="" type="checkbox"/>
2. Individuals:	
2a. Do you agree to your response being made public (on the Commissioner's website or otherwise published) (please tick one box)?	
Yes (go to 2b below)	<input type="checkbox"/>

No	
2b. Where confidentiality is not requested, we will make your response available to the public on the following basis (please tick one box):	
Yes, make my response and name available	
Yes, make my response available, but not my name	
On behalf of groups or organisations:	
2c. Do you agree to your response being made public (on the Commissioner's website or otherwise published) (please tick one box)?	
Yes (go to 2d below)	✓
No	
2d. Your organisation's name as a respondent will be made available to the public (on the Commissioner's website or otherwise published) unless you request otherwise. Are you content for your response to be made available (please tick one box)?	
Yes, make my response and organisation's name available	✓
Yes, make my response available, but not my organisation's name	
Further contact	
3a. We may wish to contact you again in the future to clarify comments you make.	
Are you content for us to do so (please tick one box)?	
Yes	✓
No	
3b. We may wish to contact you again in the future for consultation or research purposes. Are you content for us to do so (please tick one box)?	
Yes	✓
No	

Issues on which Views are Invited

Equality and Diversity

Q1 – Should the Code have clear and specific provisions about the measures that the Scottish Ministers should adopt when planning to appoint new members in respect of diversity and should diversity be expanded to include other factors such as household income, sector worked in and skills, knowledge and experience?

The Scottish Women's Convention

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to women's equality.

The SWC is currently engaging with women through digital roadshows, online surveys, asking women to comment by email and by telephoning those who want to talk. We are also using our wide network to ask women to collate views in their local communities and forward these to us on a regular basis. We are continuing to review innovative ways of engaging with women throughout Scotland using whichever medium is appropriate to them.

Provisions in respect of Equality and Diversity - What Women have told the SWC

The SWC welcomes the opportunity to comment on the need for greater measures relating to equality and diversity in the appointments process to Public Boards. The respective commitments of the Commissioner's Office and the Scottish Government to achieving diversity in this regard is to be commended.

Whilst the number of women appointees has increased, this does not account for the low rate of successful applications from women from under-represented groups. The need for a clearer consciousness around diversity in all aspects of board membership is fundamental to involve women at a civic level.

The current situation calls for a rethink, including ensuring grassroots women are placed in decision making positions. In light of the current Covid-19 pandemic and growing income and health inequalities, now more than ever this is crucial.

Why Equality and Diversity is Needed: SWC Respondents

As women have indicated to the SWC, board membership, even where there is a legislative commitment to gender balance, does not sufficiently account for the distinct groups made up by women. Appointment of new members must account for these specific issues regarding diversity and equality for a number of reasons including:

- To preserve trust in Public Boards by ensuring equality is at the heart of the agenda and representative of the population of Scotland as a whole.
- To provide new, innovative problem-solving strategies and solutions when implementing policies.
- To bring in new ways of consulting with overlooked groups and others who can contribute to consultation.
- It may account for many of the income and health-related inequalities faced by women that need to be more accurately represented.

Current Issues for Women Applying to Board Positions

One of the most fundamental obstacles preventing women from applying to board positions is a lack of confidence and a belief they do not hold the required skills. The SWC has often heard from women how candidates that look good on paper tend to be chosen over those with essential lived experience.

Many women may not have the “appropriate” qualifications due to a number of factors such as precarious employment or caring responsibilities. A shift is needed away from seeing university qualifications, employment or connections as a priority for board appointees. Seeing the value in real lived experiences which are fundamental to the ways in which women organise and change their communities at a grassroots level can ensure quality representation. Failure to do so not only risks a filtering out of certain individuals, but also discourages other women from engaging.

Recruitment:

Detailed gathering of data and implementation of best practice within the selection criteria and process is crucial to ensuring the process for board membership recognises equality and diversity. This must also be balanced with other measures, including a systematic rethinking of the recruitment process to make it more accessible and easier for women to apply. A wider range of methods in recruitment and selection of candidates should include, where possible:

- Ensuring those tasked with the selection process have underwent formal equalities and diversity training.
- Recruitment processes acknowledge the non-academic skills that women can bring, including real lived qualitative experience.
- Further funding for wider board participation and mentoring for women.
- Publication of materials that illustrate what is being done to improve the recruitment process for women with protected characteristics as best practice.
- Ensuring robust Equality Impact Assessments throughout every part of the recruitment and selection process.

Recommendations Going Forward:

To ensure the ambitious policy commitments articulated by the Scottish Government are fully put into practice requires a much more intense process of recruiting diverse candidates. This is particularly crucial at present given the current Covid-19 pandemic and the deepening of inequalities for women. Recommendations women have put forward include:

- Publication of broader definitions of candidate criteria to encourage a wider pool of applicants.
- Consideration of the wider use of mentors within the recruitment process in order to provide advice and guidance for candidates, particularly those who may be first time applicants.
- Providing detailed feedback and transparency throughout the recruitment process, particularly for unsuccessful candidates.
- A wider public understanding of the responsibilities and importance of public boards through national awareness raising.
- Ensuring a robust feedback process that incentivises a wider dialogue as to why certain candidates have not been successful.
- Encouraging recruitment by non-conventional forms including digital videos and vlogs that appeal particularly to young women, as well as other more traditional applications.
- Making use of social media to promote the applications process to a wider number of prospective candidates, including to illustrate the range of skills that will be considered for inclusion for board membership.

Responses

Responses should be submitted by **Monday 9 November 2020**.

They should be sent, ideally by email, to:

Ian Bruce

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Ethical Standards Commissioner

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