SCRA response to the Scottish Government’s consultation

Background

The Children’s Hearings System is Scotland’s distinct system of child protection and youth justice. Among its fundamental principles are:

- whether concerns relate to their welfare or behaviour, the needs of children or young people in trouble should be met through a single holistic and integrated system
- a preventative approach, involving early identification and diagnosis of problems, is essential
- the welfare of the child remains at the centre of all decision making and the child’s best interests are paramount throughout
- the child’s engagement and participation is crucial to good decision making

SCRA operates the Reporter service which sits at the heart of the system. SCRA employs Children's Reporters who are located throughout Scotland, working in close partnership with panel members and other professionals such as social work, education, the police, the health service and the courts system.

SCRA’s vision is that vulnerable children and young people in Scotland are safe, protected and offered positive futures. We will seek to achieve this by adhering to the following key values:

- The voice of the child must be heard
- Our hopes and dreams for the children of Scotland are what unite us
- Children and young people’s experiences and opinions guide us
- We are approachable and open
- We bring the best of the past with us into the future to meet new challenges.

Response

We welcome the opportunity to comment on this proposed legislation. Gender balance on public boards is an important indicator of, and driver for, gender equality in wider society. SCRA’s Board has been at the forefront of discussions on board equality and has been highlighted by Ministers as an example of good practice. Our Board is currently 75% female, including the Chair, which demonstrates our commitment to this issue. We would note that this has been achieved in the
absence of legislation and that far more important factors have been culture and commitment at the highest level. In particular, we would identify the importance of the role of the Chair in supporting and driving change and taking a leadership role in recruitment/appointments, and involving other Board members in reviewing the skills matrix and supporting change. We have sought the views of our Board in responding to this consultation and the comments below are based on their responses and experience.

We believe there are a number of issues that would need to be addressed in order to achieve genuine gender equality on public boards, but doubt whether legislation is the best vehicle for achieving this kind of transformational change. We would prefer to see the Scottish Government make a positive case for the contribution women can make to public boards, using examples like SCRA to promote the value of achieving gender equality.

We would also note the critical importance of attracting women from a range of backgrounds, and ensuring that public boards reflect the range of protected characteristics. We should not look to simply replace white middle class men with white middle class women and regard it as significant progress.

Specific comments on the legislation

While a focus on the appointment process is helpful, it is probably more important to consider how to increase applications from women. We see no obvious reason why the Bill should apply to both genders. There is no evidence to suggest men are under-represented on public boards.

A major issue for consideration must be therefore whether the application and selection process puts women off applying more than it does men. The competency based approach to recruitment and selection now seems the preferred tool. We wonder if there is any research evidence which shows this approach supports equality or whether it benefits one gender more than the other? Simplifying the form, using accessible language in the information pack and explaining more about the role and function of the public body would also all help.

SCRA has been proactive in taking ownership of the process, by setting up a Nominations Committee and using the expertise held elsewhere in the organisation, for example communications and HR. We have also been willing to help potential recruits with opportunities for co-options and shadowing experiences.

In relation to s.4, given the duty to consider gender representation issues only arises if there is no "best qualified" candidate, the likelihood is that decisions on "best" will still be made using unconscious gender bias. We question therefore how likely is it that a real change will be achieved through this duty.

In relation to s.5, the phrase "must take such steps as it considers appropriate" is very wide and leaves a board free to do as little or as much as it sees fit. Thus those boards least committed to the concept of gender representation will have plenty of scope to avoid making significant change. This would seem to be true particularly when taken in conjunction with the guidance on page 23.

In conclusion we question whether legislation is the right approach or whether it would be better to put the resources elsewhere such as:

- Focusing attention on those boards not currently achieving gender equality
• Active encouragement of those boards to appoint more women when merited and to understand the benefits of doing so
• Development of tools to help boards become more attractive to women
• More female-friendly recruitment and selection processes,
• Reinforcing the performance target for Board chairs and using it in appraisal and reappointment decisions
• More “shadowing” and development opportunities for potential candidates

Our Board would be happy to discuss these comments further with Scottish Government colleagues as we very much share the Government’s aspiration to improve the gender balance across public boards having seen the positive impact it has had for SCRA.

SCRA
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