

**A Scottish Government Consultation on Implementation of the
Gender Representation on Public Boards (Scotland) Act 2018**



Question 1 Do you think that public authorities and appointing persons should be required to report on the carrying out of their functions under the Act at intervals of no more than 2 years, with the first reports being published not later than the end of April 2021?

Yes

Please tell us the reason for your answer.

SCRA thinks it makes sense for the reporting cycle in relation to Board gender representation to align with other reporting cycles. In theory we think this reported information could sit within our Equalities and Mainstreaming report. However, when established or planned reporting cycles do not fit within the two year cycle as suggested this could create some problems; for example, SCRA follows a 3 year planning cycle and our reporting cycle is linked to this (with 3 year full reports and yearly updates being issued). SCRA would therefore ask for some flexibility in terms of the reporting dates set out in the legislation.

Question 2 Do you think that Scottish Ministers should report to the Scottish Parliament on the operation of the Act at intervals of not more than 2 years, with the first report being laid before Parliament not later than the end of December 2021?

Don't know

Please tell us the reason for your answer.

As indicated in SCRA's answer to (1) we would ask that some flexibility in relation to reporting cycles is introduced – and it would therefore follow that the Scottish Government reporting would need to be timed in order to allow for this flexibility.

Question 3 Do you think that appointing persons should include within their reports a statement containing the following 3 elements:

- Stating whether the gender representation objective has been met

Yes

- Providing information on any training received by or on behalf of an appointing person on the operation of sections 3 and 4 of the Act.

Don't know

Please tell us the reason for your answer.





We are unclear what the requirements or purpose of this reporting would be. Would it require a summary of the appointing process or would it require a summary of the training for appointers, and would this training need to be given once or every time an appointment was being made? Appointments to the SCRA Board are made by Scottish Ministers so we question whether this remains a relevant consideration for them. We see some potential benefit in ensuring appointing persons have suitable skills and knowledge to fulfil their roles and would be supportive if this were the intended purpose.

- Providing information on:
 - how many vacancies for a non-executive member of the board arose during the period covered by the report'
 - for each such vacancy:
 - how many competitions were run to fill the vacancy,
 - for each competition:
 - how many applications were received and the percentage of those which were from women, where the numbers will not identify individuals
 - whether an appointment was made, and if so, whether the appointment made was a woman.

Yes

Please tell us the reason for your answers.

SCRA agrees that this approach makes sense. However, when there are low numbers of applicants there needs to be an alternative accepted way for some relevant information to be reported. For example, the % of applications from women (as a total of the whole) and whether the post was or was not filled by a woman?

Question 4 Do you think that appointing persons and public authorities should report on the activity they have undertaken to encourage applications from women?

Yes

Please tell us the reason for your answer

This is important and SCRA believes it will have an impact on highlighting equality and diversity in recruitment throughout the organisation. SCRA hopes to have both a Board and a staff group with the best skills and a diverse demographic which encourages individual thinking and challenge of the accepted 'norms'. For SCRA this goes beyond gender representation and covers the characteristics of care experience and socio-economic status as well as the other protected characteristics. We would also want to have the involvement of young people in recruitment processes to be meaningful, supported and fully explained (both to the young person and the candidate – but also more widely in any reporting requirement attached to our recruitment processes).





Question 5 Do you think that appointing persons and public authorities should, if the gender representation objective has not been met, report on the details of any other steps taken with a view to achieving the gender representation objective by 31st December 2022?

Yes

Please tell us the reason for your answer.

Although we have said yes to this question, SCRA would like to point out that this won't happen unless there is a plan to make it happen – and there should be some oversight of the planning of public authorities in relation to this to ensure it does happen / remains on the agenda. Our SCRA Nominations Committee oversees planning at this level and via this mechanism we would report on steps taken and being taken.

Question 6 Do you think that appointing persons and other public authorities should be able to publish their reports on carrying out their functions under the Act within another document if they wish to do so?

Yes

Please tell us the reason for your answer

This will reduce the publication burden on public authorities and will also mean that a 'nothing to report' return will fit within an established reporting cycle. As already indicated, SCRA thinks that some flexibility around the timing of this reporting cycle would make most sense.

Question 7 Do you think that Scottish Ministers, in preparing their report to Parliament, must use information published by public authorities and appointing persons in their reports on carrying out their functions under sections 3-6 of the Act?

Yes

Please tell us the reason for your answer

SCRA has nothing to add.

Question 8 The draft regulations do not specify the content of Scottish Ministers' reports to Parliament other than that they contain an overview of the operation of the Act. Do you have views suggestions on the content of these reports? If so, please tell us.

SCRA has no suggestions – the Scottish Ministers' report will follow the framework of the required published information, and that makes sense.





Question 9 What, if any, comments do you have on the relationship between the proposals for reporting on the Gender Representation on Public Boards (Scotland) Act 2018 and reporting under the public sector equality duty specific duties.

SCRA agrees with this approach and has no comments.

Question 10 Please tell us any other comments you have on the draft regulations.

SCRA has no further comments.

Draft Guidance

Question 11 Do you have any comments on the terminology section of the guidance? If so, please let us know.

SCRA has no comments.

Question 12 Do you have any comments on the guidance on meeting the duties under sections 3 and 4 of the Act? If so, please let us know.

SCRA has no comments.

Question 13 Do you have any comments on the guidance on section 4(4) of the Act? If so, please let us know.

SCRA has no comments.

Question 14 Do you have any comments on the guidance on meeting the duties under section 5 of the Act? If so, please let us know.

SCRA has no comments.

Question 15 Do you have any comments on the guidance on meeting the duties under section 6 of the Act? If so, please let us know.

SCRA has no comments.

Question 16 Do you have any comments on the guidance on meeting the reporting requirements? If so, please let us know.

SCRA has no comments.





Question 17 Do you have any comments on the guidance on how the Act applies when the 50% gender representation objective has been achieved? If so, please let us know.

This becomes quite complex and there is a danger in a 50:50 Board that when one member leaves, the public body will view the vacant post as male or female. SCRA would want the guidance to be very clear on the criticality of merit in this specific circumstance.

Question 18 Do you have any comments on the guidance on good practice examples of steps to remove the barriers that women face when applying to become non-executive members and examples of other steps that could be taken? If so, please let us know.

SCRA is striving towards the wider systemic creation of a climate where men and women arrive at any selection process from a level playing field. Everyone should be supported to maximise their potential, irrespective of gender – this requires major transformational change across Scottish society.

Question 19 Please tell us any other comments you have on the draft guidance.

SCRA asks that unconscious bias be considered in the guidance, as awareness of this throughout the recruitment process is important.

Impact Assessment

Question 20 If there is any information that you would like to highlight that you think would be helpful for the Equality Impact Assessment, the Business and Regulatory Impact Assessment, or the Data Protection Impact Assessment then please let us know.

SCRA has nothing to add.

SCRA Practice & Policy Team, 2019.

