

Excerpt from

[Gender Representation on Public Boards \(Scotland\) Act 2018: consultation on implementation](#)

## **Good practice guide (Annex B Section 8)**

8.1 Board recruitment is an aspect of public bodies' more general engagement with communities. Work to improve the gender balance and diversity of Scotland's public boards has been on-going for a number of years and pre-dates the introduction of the Act. As a result, there is a wealth of evidence and good practice examples to support appointing persons and listed public authorities to fulfil their duties under the Act and to achieve the gender representation objective.

### **Encouraging applications by women**

8.2 The following paragraphs in this guidance suggest some practical steps that can be taken by appointing persons and public authorities to encourage women to apply to become non-executive members. It is important to understand that these practical steps may not, on their own, lead to more women on boards – achieving that requires a culture and environment within organisations that enables and promotes their participation in public and corporate life. It is also important to recognise that women are not a homogeneous group, and appointing persons and public authorities should keep in mind that what encourages one group of women may not resonate with others.

### ***Planning and use of data***

- Planning for an appointment should begin early, 6 months to a year before a post becomes vacant. When an appointment process is rushed and there is pressure to get people into roles quickly, there is less opportunity and scope to create a process that will attract a diverse range of applicants.
- Succession planning: Public authorities should make sure they understand and develop a strategy for meeting the board's future requirements for skills, knowledge, experience and personal qualities and the board's diversity requirements over the medium to long term, to address the future challenges and strategic priorities of the public body. This should be part of the corporate planning process.
- A succession planning strategy could involve providing mentoring and other development opportunities to potential candidates – please see 'Taking other steps' on p.X.
- The Scottish Government has published Succession Planning guidance ([available here](#)) to support this.
- Those involved in succession planning and planning for appointment rounds will find it helpful to understand the current profile of the board in terms of diversity of skills, knowledge, experience and personal qualities as well as the diversity of protected characteristics.

- In order to design an appointment round, it is helpful to understand the profile of previous applicant pools in terms of who was attracted (applicants) and who was successful (those interviewed and appointed), as well as knowing the previous methods of attraction and assessment.
- For example, if a particular form of advertising seemed to generate an applicant pool of mostly men, it could indicate trying a different form of advertising in the next appointment round to see if that increases the number of applications from women.

*Good practice in planning case study:* [sportScotland](#)

*Good practice in planning case study:* [Scottish Funding Council](#) **Person specifications and role descriptions**

- What a new board member will be required to do on the board should form the role description. This should then determine the skills, knowledge, experience and personal qualities that the new appointee will need to be effective in that role: this leads to the person specification.
- The person specification should reflect the needs of board. The needs should be worked out by good succession planning. Where more than one position is to be filled, it is acceptable to have different person specifications to meet the board's needs. Just as the strategic priorities of the board will change over time, person specifications are also unlikely to stay the same.
- A person specification should set out clear criteria for selection. Guidance on what the sort of evidence that will meet the criteria should look like ('a set of descriptors') will help applicants.
- Over-specifying will lead to a reduced pool of candidates and limited diversity. Selection panels should ask for what the board needs and avoid 'nice to haves'.
- The language used in person specifications and role descriptions can inadvertently create barriers for potential applicants. For example, saying 'cultural fit' may put off applicants who do not see someone who looks like them on the existing board.
- A reference list of wording that may be off-putting or attractive to people based on their genders can be found on p.17 of [this document](#).
- Always seeking prior or current board or governance experience as one of the criteria will mitigate against diversity. Use of less traditional selection criteria should help panels to attract applicants from different, non-traditional backgrounds.
- Selection criteria can be 'weighted', to give more or less importance to different criteria while still being 'essential' criteria. That means that less traditional selection criteria could be given more weight over other more traditional criteria for selection.
- Role descriptions and person specifications should be simple to understand and should avoid jargon or terminology that is only understood within the sector.
- Encouraging people to apply from different sectors is particularly important where sectors have challenges in gender balance in the workforce.
- Role descriptions should be clear about the anticipated time commitment and how this will be broken down between meetings, preparatory reading and

other duties. It can also be helpful to set out any support for board members to meet these commitments, for example attending meetings via tele- or video- conference. Role descriptions should be clear on where and when the board meets.

*Good practice in person specification case study:* [Creative Scotland](#)

### ***Attraction and outreach***

- The selection panel should aim to design positive and inclusive advertising material which explicitly encourages applications from candidates from underrepresented groups. Statements naming the groups to encourage to apply are helpful e.g. we would particularly welcome applications from disabled women.
- Advertising which appeals to someone's passion for a particular subject or area can encourage non-traditional applicants. Think about the headline rather than the job description for advertising purposes.
- Information material on the appointment should include the contact details of someone who can answer questions and have informal discussions with potential applicants. An existing board member and a member of the public authority staff team can be good contacts.
- Selection panels should use positive action measures. These might include outreach through networks like the Ethnic Minority Women's Network or SWAN LGBT, or more specific targeting of individuals from underrepresented groups to encourage applications.
- Individual approaches can be powerful in encouraging applications from women. This is because women may self-select themselves out of a process based on misperceptions of the level of skills, knowledge or experience required.
- Consider how to reach out to people who are not actively seeking a board position or those who may not have considered that a board role was a potential opportunity for them. Social media can be helpful here.
- Consider holding outreach sessions to demystify the role and the appointment process.

*Good practice in attraction:* [NHS Greater Glasgow and Clyde](#) *Good practice in attraction:* [Scottish Housing Regulator](#)

### ***Application and assessment***

- The selection panel should have a shared understanding of exactly what the board's needs are and exactly how people will be assessed to see if they meet the board's needs.
- Different criteria may need to be tested in different ways, at assessment. The selection panel should plan for methods of assessment that will match the criteria for selection. How the criteria will be assessed should be made clear to applicants.
- Match the assessment method to the criteria. For example, if a criteria includes analytical skills then a selection panel could use a board paper

exercise to allow candidates to demonstrate those skills rather than asking for an example of when they have used them.

- Not all of the criteria have to be tested at the initial application stage. The number tested at that stage should be the lowest number practical for shortlisting decisions to be made.
- Selection panels have a responsibility to identify and recognise their own biases and understand how they may impact on selection.
- At each stage of the appointment round panels should discuss how they can mitigate bias. For example, a selection panel may find they were anticipating one type of response when they specified a particular skill in a criterion. Candidates who come from a private sector background may interpret the skill differently compared to candidates from a public sector background and panels should be open and responsive to answers and skills framed in a different way.
- Selection panels should make a conscious decision to use intentionally positive behaviour (or micro-affirmations) to help counteract micro-inequities during interviews.
- During interviews selection panels should take notes of people's responses. This is to ensure the panel does not assess on the basis of general impressions of the applicant. Panels should also evaluate after each interview, and build in time to do so, rather than evaluating all candidates at the end of the interviews.

*Good practice in assessment:* [Judicial Appointments Board for Scotland](#) *Good practice in assessment:* [VisitScotland](#)

## **Taking other steps**

8.3 If the gender representation objective has not yet been achieved, section 6 of the Act requires appointing persons and public authorities to take any other steps that they consider appropriate with a view to achieving the objective by 31 December 2022. "Other steps" means steps taken in addition to those required to meet sections 3 and 4 of the Act.

## ***Raising awareness***

- Public authorities should raise the profile of the board and board members so potential applicants can understand what the board does, how members contribute and therefore why they might want to be involved.
- Public authorities can challenge perceptions of 'traditional board members' by featuring profiles of the current board on websites or in other materials, focusing on the members' diversity and the value it adds.
- Public authorities and appointing persons could encourage board members to volunteer as role models and take part in outreach and awareness raising activity.

- Appointing persons, the staff of public authorities and board members should be ambassadors for the work of the board, using their networks and contacts to raise awareness.
- Public authorities and appointing persons could engage with equalities organisations to seek their expert advice on reaching underrepresented groups and understanding real and perceived barriers.

### ***Building a pipeline***

- Identify potential applicants from committees, working groups or stakeholder groups who frequently engage with the board.
  - Offer opportunities to potential applicants to shadow existing board members or observe board proceedings.
  - Ask board members to mentor potential applicants.
  - Provide targeted networking opportunities e.g. for women applicants with existing board members.
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- Use co-option to board committees, to draw on non-board members expert skills and to give people different experiences of being on a board.
  - Providing training or coaching to women applicants prior to interview.
  - Engage with organisations whose purpose is to increase diversity on boards e.g. Changing the Chemistry, Women on Boards.

### ***Creating a culture***

- Set up a Succession Planning Committee to keep the needs of the board under review, plan awareness raising and pipeline building activity, and offer advice to appointing persons when a vacancy arises. The Scottish Government has published [succession planning guidance](#) and [a toolkit](#).
- Identify and address potential barriers created by the board culture, for example the timing and location of meetings, how papers are presented and how far in advance. Arrange training for board members on structural and systemic bias.
- Identify and address barriers that might prevent access to appointments for diverse groups of women such as disabled women and minority ethnic woman. Consider also the needs of women who are pregnant or have children.

## **Further reading**

9.1 There are a number of existing guidance documents and codes of practice relating to the recruitment of board members and the use of positive action. The guidance on the operation of the Act has been drafted to align with these.

- The Ethical Standards Commissioner – 2013 Code of Practice<sup>19</sup> and Revised Guidance on Application of the 2013 Code of Practice<sup>20</sup>;
- The Ethical Standards Commissioner – Diversity Delivers<sup>21</sup> and [Guidance on running an appointment round](#);;
- The Scottish Code of Good Higher Education Governance<sup>22</sup>;
- College Sector Board Appointments: 2014 Ministerial Guidance<sup>23</sup>;
- The Equality and Human Rights Commission – How to improve board diversity: a six step guide to good practice<sup>24</sup>;
- The Equality and Human Rights Commission – Appointments to Boards and Equality Law guidance<sup>25</sup>;

- Scottish Government Public Bodies Unit – Guidance on Succession Planning for

Public Body Boards<sup>26</sup>.

9.2 The Ethical Standards Commissioner will update the Guidance on the Application of the 2013 Code of Practice in order to reflect the requirements of the Act.