



Commission for Ethical Standards in Public Life in Scotland

Diversity Delivers – three years on

Purpose of this report

1. To advise the Equal Opportunities Committee of the progress made in implementing the recommendations in Diversity Delivers, the first equal opportunities strategy produced for Scotland's ministerial public appointments process.
2. To highlight the fact that I have discharged my obligation as Public Appointments Commissioner to prepare and publish a strategy.
3. To recommend future arrangements for monitoring how the Scottish Ministers are taking forward the recommended actions and the impact their actions are having on the diversity of applicants for, and people appointed to, positions on the boards on Scotland's public bodies.

Background

4. The Public Appointments and Public Bodies etc. (Scotland) Act 2003 (the 2003 Act) established the role of Commissioner for Public Appointments in Scotland. I was appointed as Commissioner in June 2004.

The Scottish Parliamentary Commissions and Commissioners etc. Act 2010 established the Commission for Ethical Standards in Public Life in Scotland. Under the 2010 Act I became the Public Appointments Commissioner for Scotland retaining the functions as set out in the 2003 Act.

5. I regulate the way ministerial appointments are made to the boards of Scotland's public bodies. An up-to-date list of the bodies covered by the 2003 Act may be accessed from my website: www.publicappointments.org
6. The 2003 Act requires me to *“prepare and publish a strategy for ensuring that appointments, and recommendations for appointment, to the specified authorities are made by the Scottish Ministers in a manner which encourages equal opportunities”* Section 2 (10) (a).
7. The Act also charges me to exercise my functions with a view to ensuring that *“so far as is reasonably practicable, all categories of person are afforded an opportunity to be considered for appointment”* Section 2 (9) (b).
8. To meet the requirements of the 2003 Act I produced Diversity Delivers and committed to taking a number of the recommended short-term actions to support implementation of the strategy.



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9. Diversity Delivers is the first equal opportunities strategy for Scotland's ministerial public appointments process to contain:
- a vision for the future of public appointments
 - a set of recommended actions, for the short, medium and long terms
 - targets for the Scottish Ministers.

It was launched on 1 September 2008. The strategy represents the culmination of significant research and consultation with the people and organisations involved at every stage of the appointments process. It was developed to create the conditions that support a fair and open ministerial appointment process that attracts and appoints a wide range of able people who are reflective of Scotland's diverse population.

10. This report marks an important milestone for Diversity Delivers. We have reached the third anniversary of its launch and have passed the target date for the delivery of the short term actions agreed with the Scottish Ministers, 31 August 2011. During the month of September I have reviewed all action taken since the launch of the strategy and present my findings in this report.
11. It is fair to say that, since I commenced work on Diversity Delivers, there have been a number of positive changes to the Scottish Government's approach to public appointments. I am encouraged by moves away from the more traditional application and assessment methods, for example the introduction of shorter application forms and the use of board papers as part of the assessment of applicants. However, as this reports shows, application targets for under-represented groups have not been met and analysis suggests these groups face barriers within the application process. Whilst progress has been made, there is still work to be done to provide the Scottish Ministers with a choice of able applicants reflective of the population of Scotland.

The Research

12. Significant research has been conducted into diversity in public appointments, including the following activity.
- In 2002 the Scottish Executive commissioned Reid-Howie Associates Ltd to examine the public appointments process in Scotland. The resulting report 'Diversity in the Public Appointments Process in Scotland' was published by the Scottish Executive in 2003.
 - In 2002 the Cabinet Office Ministerial Working Group published a report by the Cabinet Office Short Life Working Group on Improving Diversity in Public Appointments.
 - In 2004 The Office of the Commissioner for Public Appointments in Northern Ireland established a short life working group to look at Diversity in Public Appointments.
13. In 2006 I commissioned a review of the existing research and noted that, despite research findings being known to the Scottish Government, there had been no significant change in the equality outcomes for public appointments in Scotland since the publication of the Reid Howie report in 2003.



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14. Committed to ensuring that any equal opportunities strategy prepared by my office would lead to sustainable improvements, I involved a wide range of stakeholders in my research.
15. The activities undertaken to inform Diversity Delivers included:
 - a. a review of research pertaining to diversity in public appointments
 - b. desk research to review a random sample of appointment rounds administered by the then Scottish Executive
 - c. interviews with a sample of key stakeholders involved in the appointment process including Scottish Ministers, civil servants, members of my staff and Public Appointment Assessors
 - d. focus groups involving a wide range of people under-represented in public appointments
 - e. research via questionnaire to over 500 applicants for public appointments
 - f. omnibus survey conducted via telephone to test the perception of over 1,000 members of the general public regarding the appointments process.
16. During the research stage I set up a number of reference groups comprising representatives of equalities groups, applicants and chairs of regulated public bodies. The groups advised on the actions recommended to deliver the vision of Diversity Delivers.

The Vision

17. Diversity Deliver's vision for the ministerial public appointments process is three-fold:

Awareness and Attraction

A pool of applicants as diverse as the people of Scotland, aware of and attracted by the work of our public bodies and the opportunities to serve on their boards.

Confidence and Capacity

An appointments system that inspires confidence, increases capacity and embraces diversity, from the application process to the boardroom.

Education and Experience

A programme of support for our future leaders, developing and providing opportunities for all to achieve their full potential and for Scotland to draw upon its brightest talent.

The Action

18. Recommended actions are split into three key themes reflecting the strategy's vision, Awareness and Attraction, Confidence and Capacity and Education and Experience, and cover the short, medium and long terms. As noted at paragraph 10, the deadline for the delivery of the short term recommended action was 31 August 2011 and this report focuses on these short term actions. A table highlighting action taken over the three years since September 2008 appears at Annex 1.
19. Each of the recommended actions supports the delivery of targets designed to increase the number of applications from under-represented groups. The recommended actions were reviewed by a steering group comprising my office and representatives of the Scottish Government and the Equality and Human Rights Commission to ensure that they were



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reasonable and practical, taking into account the resources available to the organisations charged with delivery – primarily the Scottish Government and my office.

20. In summary, my office has:

- produced and distributed a leaflet to explain what public appointments are and encourage people to consider themselves as suitable applicants
- developed and run education programmes for under-represented groups highlighting the role of public bodies, the role of their boards and encouraging people to apply
- established a mentoring programme for potential applicants
- created an active public appointments online discussion group
- presented at a range of public and employer-run events encouraging people to consider applying and providing guidance on the public appointments process
- produced a role model section on our website with links to the people highlighted so potential applicants may approach them for advice
- encouraged the Scottish Government to adopt more flexible approaches to application and assessment to make the process more attractive and accessible.

The Scottish Government has:

- introduced a centre of expertise, designed to provide central support and public appointments advice to sponsor teams within the Scottish Government.
- created a central website, www.appointed-for-scotland.org
- created a public appointments database to store and track applicant and appointment round information
- developed a new online application system that is expected to go live in December 2011 called 'Engage Start'
- adopted more flexible approaches to application and assessment in certain appointment rounds
- maintained a register of interests to ensure individuals and organisations are kept informed about public appointments
- established an internal short life working group to inform public appointments policy and improve processes, to share good practice and to ensure appropriate consultation with the Scottish Ministers at relevant stages in the appointments process.

Jointly we worked together to:

- develop and produce a DVD providing information about public appointments
- revise the equality monitoring form used by Scottish Government
- develop the content for the public appointments information leaflet
- develop guidance on a range of application methods.

The Impact

21. There has been an overall increase in the diversity of applicants. The following table shows the outcomes for applicants from under-represented groups at each stage in the appointments process. Figures highlighted in red show a drop from the previous year.



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Equality Strand	Year	Applied	Shortlisted	Recommended for Appointment	Appointed
Gender (Female)	2010	30.5%	32.8%	34.9%	37.5%
	2011	34.2%	30.6%	35.3%	37.1%
Disability (Declared)	2010	11.1%	12.2%	15.1%	17.2%
	2011	12.4%	7.7%	9.2%	7.8%
Ethnicity (BME)	2010	2.3%	2.2%	3.0%	3.1%
	2011	3.9%	2.7%	1.9%	3.4%
Age (49 & Under)	2010	21.1%	15.1%	16.3%	15.6%
	2011	21.4%	17.8%	20.8%	23.3%
Sexual Orientation (LGBT)	2010	2.7%	2.0%	1.2%	1.6%
	2011	2.6%	2.7%	4.3%	6%

22. It is clear that the increase in applications has not resulted in an increase in appointment rates for all under-represented groups. This could be addressed in a number of ways, noted below.
23. The introduction of assessment methods more suited to these applicants, so that barriers to their progress during appointment rounds are considered and, wherever possible, removed, could have a significant impact on appointment figures. The requirement in the new Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the new code) to adopt appropriate application and assessment methods will address this to an extent. Coupled with this, the support now provided for appointment activity by the Scottish Government's Public Appointments Centre of Expertise (PACE) should encourage the use of a range of more accessible methods.
24. Improvements to the appointment figures could be supported if selection panel members were equipped with an understanding of the impact of different assessment methods on different groups. The introduction of more suitable methods relies on an understanding of what does and does not attract and enable different groups to apply and demonstrate their merit during an appointment round. One recommended short term action the Scottish Government has not implemented is the provision of appointment-focused diversity training. They have communicated to me a clear resource-based rationale for the decision not to implement this recommendation and highlight the fact that they carry out more general diversity awareness and recruitment training; however, this does not seem to have had an impact on appointment figures.
25. I require the Scottish Government to provide me with a report providing demographic data on applications, progress and appointments during each financial year. I request that the data to be analysed, trends identified and action planned to mitigate negative trends. The actions proposed in the first report, received at the end of the 2010-11 financial year, appear to me to be insufficient to address the lack of diversity in appointees. As an example, one of the actions proposed is to conduct research into application barriers faced by women. Yet significant research has already been conducted into why women do not apply; research findings were



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considered as the various actions in Diversity Delivers were agreed. In this example, the research necessary now is into the barriers to women when they do apply – that is, the barriers women face in the Scottish Government’s process.

The Targets

26. The targets set in Diversity Delivers focus on application. No targets are set for appointments. Every appointment is made on merit and the strategy does not recommend the introduction of appointment quotas.

27. Unlike the target of 31 August 2011 for the recommended short term actions, targets for application have a deadline of 31 March 2012. This is because the Scottish Government collects statistics on an annual basis at the end of each financial year.

28. The targets for March 2012 are:

- 40% of applications are made by women
- 15% of applications are made by people who declare a disability
- 8% of applications are made by people who are black or from a minority ethnic background
- 40% of applications are received by people aged 50 or under
- 6% of applications are made by people who are lesbian, gay or bisexual.

29. Progress at March 2011 is

Equality Strand	2010	2011	Target
Gender (Female)	30.5%	34.2%	40%
Disability (Declared)	11.1%	12.4%	15%
Ethnicity (BME)	2.3%	3.9%	8%
Age (49 & Under*)	21.1%	21.4%	40%
Sexual Orientation	2.7%	2.6%	6%

*Age data is collected by the Scottish Government in 5 year bands beginning with 34 and under, therefore the figure is for applicants aged 49 & under and not aged 50 and under as specified in the target.

30. It is worth noting the percentages of applicants who do not complete part or all of the equality monitoring form. They are

	Level at 2010	Level at 2011
Gender	4.7%	6.6%
Disability	52.8%	11.2%
Ethnicity	6.0%	6.8%
Age	8.1%	12.1%
Sexual Orientation	10.1%	11.9%



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Thus, the data at paragraph 29 is not fully complete and some valuable demographic information may be missing. Rates have declined for the completion of demographic data regarding age and sexual orientation. I note that the new online application system 'Engage Start' will include an online monitoring form and I understand that the Scottish Government expect that this may result in better response rates in respect of equality monitoring. If it does not, I recommend that the Scottish Government enhances confidence amongst applicants regarding the collection and storage of data. It is important that they have sufficient information on which to make an accurate assessment of how effective their appointment activity is.

Observations regarding diversity in the following section should be read in the knowledge that the data is not fully complete.

Observations on progress

31. My office has been proactive in seeking opportunities to engage with talented women who may wish to apply for non-executive positions. Examples of activity include awareness sessions aimed at women working in the field of science, engineering and technology, round-table discussions with senior women from a cross section of Scottish organisations, presentations to senior women working in the financial sector and a number of sessions with female members of the Institute of Directors. This has led to a range of women from diverse backgrounds pursuing non-executive positions and/or beginning a development path that may lead them to positions on the boards of our public bodies. One example is the all-female cohort who embarked on the most recent non-executive mentoring programme sponsored by my office.
32. I believe that this type of activity coupled with the improved information available on the Scottish Government website has led to the improvement to the application rate from female applicants. However, as noted at paragraph 21, despite an increase of nearly 4% to the application rate there has been no significant change in the percentage of women being appointed, and an actual reduction at the point of shortlisting.
33. The target of 15% for applications from disabled people was agreed as a target in the context that 18% of the Scottish population were reported as being disabled. We know that the occurrence of disability increases with age and that the majority of people appointed to the boards of public bodies are aged 50 plus; both facts suggest that the 15% target is achievable. In the last year there has been a significant improvement in the number of applicants providing information regarding disability status. That would suggest that the statistics regarding applicants who declared a disability in 2010/11 are the most reliable to date; it is encouraging to see that the percentage of disabled applicants has increased slightly. However, as demonstrated in the table at paragraph 21, a worrying observation is that the percentage of applicants declaring a disability who progressed successfully through the process fell at every stage from application.
34. The percentage of applicants from a black or ethnic minority background has also increased, but there is still a significant gap between the figure achieved of 3.9% and the target of 8%. There is room for real improvement in this area. Despite ethnicity monitoring being commonplace, the percentage of applicants declaring ethnicity data has fallen slightly.



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36. In collaboration with voluntary sector organisations funded by Scottish Government, my office is currently participating in a series of public engagement events with disabled people and members of BME communities. I am encouraged to see that the Public Appointments Central Team is now also participating at these events.
37. My office has made effective use of the online business community 'LinkedIn™' and hosts an online networking group for individuals interested in pursuing a non-executive appointment. This network has not been actively advertised but has attracted a growing number of members, many of whom have expressed a desire to network formally and find out more about public bodies. Scottish Government officials have been invited to use this forum to advertise opportunities and seek feedback on any proposals relevant to the appointment process but have advised that they have yet to make a decision regarding the use of this forum. We believe that this forum is a cost effective way to engage with potential non executives from a broad range of backgrounds.
38. It is now time for my involvement to cease. I discharged my duties under Section 2 (10) of the Act when I published Diversity Delivers. The requirements of the new code ensure Section 2 (9) is addressed. Since 1 April my organisation has been part of the Commission for Ethical Standards in Public Life in Scotland, staffing levels have reduced and workload increased. I committed significant resource to research underpinning the strategy and have subsequently directed resource to ensure that key actions have been taken forward; as a result there are strong foundations in place that could lead to real and lasting improvements. However, the Commission for Ethical Standards in Public Life in Scotland should not continue to progress work which ultimately is the responsibility of Scottish Ministers. Thus, I think it important to inform the Equal Opportunities Committee of the current situation and recommend ways in which the Scottish Government's implementation of Diversity Delivers may be monitored in future.

Recommendations

39. Annex 1 shows the status of the recommended short term actions. Diversity Delivers contains additional recommendations for medium and long term actions agreed with the Scottish Ministers.
40. These recommendations could form the basis of a report requested from the Scottish Government to identify
- what they plan to do now that we have reached the short term target date
 - the rationale for their decisions.
41. This would provide the Committee with a picture of how the Scottish Ministers intend to translate their continuing commitment to diversity in public appointments into action. Regular feedback on progress in implementing the actions planned, and the impact of these actions on application and appointment figures, could create a greater focus on diversity in public appointments and ensure targets are met.



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42. As noted at paragraph 30 above, demographic data are not complete due to the reluctance of some applicants to provide relevant information. A specific area for review could be the Scottish Government's success in encouraging more people to complete the form.
43. A second specific area the Committee may wish to review is the Scottish Government's progress in adopting a variety of application and assessment methods to enable application and progress to appointment by under-represented groups and the impact of these methods on appointment.
43. Whilst I and my successors can continue to publish data on applications and appointments in the Commission's annual report, the Committee may wish to request an annual report from the Scottish Government on numbers, trends identified and action planned and taken.
44. Thus, I invite the Equal Opportunities Committee to examine progress made by the Scottish Government as they take forward their responsibility for the increasing diversity amongst applicants and board members of Scotland's regulated public bodies.

Karen Carlton

Karen Carlton
Public Appointments Commissioner for Scotland
30 September 2011



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ANNEX 1

The following tables show the recommended short term actions, the body responsible for each and their current status. Further detail regarding specific actions can be found on the ***Diversity Delivers*** page on my website. The key for reading the tables is shown at the foot of this page.

Awareness and Attraction

A1S Communication campaign

Recruit board role models	•	C
Board member profiles	•	C
Promotional materials:	•	C
Produce and distribute a short written guide to the work of boards	•	SG/C
Produce and distribute a public appointments DVD	•	SG/C
Public and workplace events:		
Run meetings across Scotland for interested groups, working with our role models	•	C
Explore use of social networking sites:		
The Scottish Government explored and did not consider this to be an appropriate option for communication.	•	SG
I also explored the use of social networking and now use these to engage with potential non-executives. One key action has been the creation of an active Non-Executive Forum on LinkedIn™	•	C

A2S Hub website

Develop hub website	•	SG/C
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KEY	Status	Organisation responsible for the action:
•	Not started	C Commissioner
•	Ongoing	SG the Scottish Government
•	Completed	SG/C the Scottish Government and Commissioner

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A3S Publicity material and monitoring

Encouraging applicants:			
	Produce publicity and application material	●	SG
Monitoring:			
	Analysis of monitoring information	●	SG
Targeted publicity:			
	Information bank of different methods of publicising appointments	●	SG

A4S Research on board meeting arrangements and remuneration

Research impact that (1) times and arrangements for board meetings and (2) remuneration for public appointments has on peoples' motivation to apply:			
	I conducted research into times and arrangements for board meetings.	●	C
	Information regarding remuneration is collected for analysis by SG, no formal research has been undertaken as yet.	●	SG

Confidence and Capacity

C1S Centre of expertise

Establish a centre of expertise to advise on and administer the public appointments process across the Scottish Government	●	SG
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C2S Pilot alternative approaches to application and selection

Identify the core skills, knowledge and personal qualities needed for a board member to be effective	●	SG
Pilot a variety of new application and selection methods	●	SG



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C3S Appointment-focused diversity training

Provide training for all members of selection panels	●	SG
Provide regular updates on developments in equality and diversity	●	SG
Incorporate information on diversity and board effectiveness into induction processes for board members	●	SG
Measure diversity awareness as part of board members' performance assessment	●	SG

C4S Code of Practice for Ministerial Appointments

Revise the code to ensure Diversity Delivers recommendations are reflected in the regulation of the public appointments process	●	C
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C5S Promotion of the openness and fairness of Scotland's public appointments process

Expand activity to raise public confidence in the system	●	C
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Education and Experience

E1S Education programme

Develop and run an education programme on becoming a board member	●	C
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E2S Workshops for applicants

Run regular workshops on how to apply and prepare for interview		
<i>This was converted to the Mentoring programme.</i>	●	C

E3S Development positions on boards

Provide routes for potential board members to develop their skills in a training position		
<i>This was converted to the Mentoring programme.</i>	●	C



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E4S Opportunities for developing leadership potential

Identify existing opportunities for developing leadership and governance skills	•	SG/C
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