

**Scottish Women's Convention Response to:
Gender Representation on Public Boards (Scotland) Bill**

August 2017

The Consultation

The Gender Representation on Public Boards (Scotland) Bill was introduced by Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance MSP in June 2017. It provides procedures to ensure that women are represented as at least 50% of non-executive members.

The Scottish Women's Convention (SWC)

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 the issues around the creation of legislation that will ensure equal representation on Scotland's public boards.

Question 1:

What is the impact, if any, on people applying for an appointment as a non-executive member of a public board?

Women have praised the Bill for determining to align more just representation along the basis of gender equality. Board members in the public, private and voluntary sectors do not always reflect the people they are appointed to represent. There is a real feeling amongst women that this needs to change.

In general, the majority of appointees at both an executive and non-executive level tend to be men due to a number of factors pertaining to the inequality that exists within society. Men tend to be at a higher level of employment than women, meaning they are often perceived as more "committed" to the job. This goes hand in hand with other issues which conspire to discourage women from these roles such as the gender pay gap and caring responsibilities.

Too often women lack confidence in their own abilities. They underestimate what they are capable of undertaking. Job roles tend to be measured in terms of physical abilities. Skills such as time management and flexibility, which are often picked up outwith the work environment, are not valued by employers or society.

"A man will look at the key skills for a role and say 'I can do three out of five of those so of course I'll go for the position', whereas a woman is more likely to say 'I can only do three out of five so there's no point in going for it'. Confidence is key."

In order to encourage more gender equality on public boards, positions must be advertised where women will be able to see them. Information should be available in, for example, libraries, health centres and supermarkets. Making the adverts more visible and accessible in these kinds of places would be very beneficial.

“How can I be expected to apply for a position on a board if I don’t even know where I would find the advert? I don’t have time to go looking for this type of information – it would be so much easier if it was put somewhere I’m actually likely to be.”

Another barrier to women’s appointment on public boards is the language used both in advertising for positions and in the application process. The use of jargon and absence of ‘plain speaking’ is extremely off-putting.

Women also need to know exactly what is expected of them, the level of commitment that is required and how much time they will be expected to devote to the role. There are often comments on how women’s lack of involvement in political and public life as a whole is not because they do not have the inclination or will to do it. It is because more often than not they have to juggle work, caring responsibilities and running a household.

“I would like to become involved in things at a higher level, but I just don’t have the time. It doesn’t help when meetings are in the evenings, because there’s no childcare at night so I would have to rely on friends and family. I don’t know if I can guarantee the level of commitment that would be required of me.”

“Having worked in the NHS for a long time, I felt the time was right for me to become involved on a board as part of the organisation. However the language that was used in the application form was at a level that I’m neither familiar nor comfortable with. The form explained what would be expected of me in such a convoluted way that I didn’t even get half way through finishing it.”

Additionally, a significant barrier to women in terms of applying for board membership is the way in which these positions are currently advertised. Due to the current “old boy’s network” procedure that still pervades when it comes to appointments, this not only deters women but also acts as a substantial barrier within Scotland. Informal networking that more often than not occurs through male-dominated careers gives an advantage for appointment, giving someone a role without it being formally advertised.

“If that were the case, we would already have women in these positions. The bottom line is this – you can’t get the best person for the job if they’re not given the opportunity to go for it.”

Question 2:

What is the impact, if any, for those public authorities responsible for encouraging and recruiting women to public boards as non-executive members?

In terms of appointments, the Scottish Government must ensure that any advertisement of the new Bill and the subsequent advertising of positions for the relevant public boards must be clear that this is not merely to fill numbers. Women have commented on this idea of feeling like “quantity over quality” when it comes to this.

Recognising skills gained in other areas outside the likes of employment or academia could be a successful way of not only ensuring gender balance but also of encouraging more creative ways of representation. For example, caring experience is an extremely valuable asset that many women possess and often gets taken for granted. The skills and experience gained by women undertaking this role could be transferred to other areas. This flexible approach would not only ensure a board reflects society proportionately, but also that women would be considered for the role.

It cannot be underestimated the impact that quotas will have on the application process. In order for women to be fairly represented, these must be introduced. It is, however, important to recognise that they are only temporary special measures – that is, they are something which should be put in place in the short-term to achieve a longer term aim.

“The whole point of quotas is surely to get us to a level playing field, which doesn’t exist at the moment. Once we see more women on public boards, you would hope there will be enough momentum to keep us there without the need for specific measures.”

Question 3:

Should there be penalties for non-compliance with the Bill and what should these be and why?

If nothing mandatory is enforced, then boards may continue to fail to meet targets.

“Without sanctions, things will just go on as before.”

It is essential that procedures are not only enforced accordingly, but also contain effective retribution when they are not adhered to. Clear accountability mechanisms should be laid out within the Bill to give greater clarification of penalties for non-compliance.

Question 4:

The Bill requires public boards to report on the operation of the Act, although Scottish Ministers can regulate how this should happen; what should any reporting requirements cover and why?

Reporting requirements are a necessary part of this particular Bill to ensure adequate compliance with the legislation. Reporting should include gender analysis but also sufficient information around other protected characteristics such as race and disability. This would provide a satisfactory amount of data with which to track progress.

This process should be as fair and transparent as possible. Data should be made available to the public, as well as to the SG and Scottish Ministers. This will allow not only decision makers but those that the legislation will impact to see progress.

Women have told the SWC of their hope that this reporting will also include analysis of any perceived failings of public boards to achieve the gender balance. It will also highlight where penalties need to be introduced and the impact of these with ongoing monitoring is essential.

Furthermore, it is crucial that this accountability and regulation takes place regardless of the size of organisation. Ensuring that smaller, less well-known organisations that are achieving this target as well as more highly public larger ones is vital to making sure that progress does not go unrecognised and that no authorities “*slip through the net*”.

Question 5:

Please tell us about any other comments you feel are relevant to the Bill:

It is vital that all interview panels for appointment on public boards have a 50/50 gender balance. This sends out a clear message that these organisations are serious about creating a gender balance in their governance.

"It would be quite intimidating to go into an interview with only men on the panel. Anything put in place to help women become involved would be made pointless if those making the decisions were all men."

The role of mentors is crucial to women seeking positions on boards. They have spoken about the importance of having the support of other women across political and public life, employment, trade union involvement etc. The value of having someone who has already been there, who can guide others through the process and give advice, cannot be underestimated.

"It is the duty of women who are currently in these positions to encourage others to join them."

Specific consideration must also be given to women in rural areas, for whom issues such as childcare and public transport are exacerbated due to geography.

Employers must be encouraged to support any of their employees who are seeking public appointment. Women who currently are or who wish to become board members should be afforded flexibility in order to do so. The knowledge, skills and confidence that women can gain from being this type of appointment can transfer over to, and undoubtedly enhance, the workplace.

Many public authorities, such as the health service, support stakeholders who are predominately women. Introducing quotas as a temporary special measure could increase the number of women making strategic decisions about services. This, in turn, would support women and communities who rely on local provision.

Conclusion

The SWC welcomes and fully supports the enactment of this particular Bill for 50/50 representation of women when considering appointments to public boards. Public bodies must take into consideration the barriers that women face as a result of gender inequality. Assumptions around factors which directly affect women such as childcare access and other obstacles to prevention must be taken into account.

Equal representation on public boards will be more representative of society overall. It is hoped that women's voices will reflect the issues, concerns and ideas of those upon whom decisions will impact. This, in turn, has the potential to significantly improve matters for gender representation.

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

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