

## Scottish Women's Convention response to:

### A Scottish Government Consultation on the Draft Gender Representation on Public Boards (Scotland) Bill

March 2017

#### The Consultation

This consultation seeks views on the Scottish Government's draft Gender Representation on Public Boards (Scotland) Bill. The Bill is a key commitment in the Scottish Government's *Programme for Government 2016-17: A Plan for Scotland*, and represents a further step towards the realisation of women's equality in Scotland, a goal which remains at the heart of the Scottish Government's vision for an equal Scotland.

Using the new competence transferred to the Scottish Parliament through the Scotland Act 2016, the Bill will require positive action to be taken to redress gender imbalances on public sector boards.

The purpose of the consultation is to seek views on the practical application of the Bill's provisions and to offer consultees an opportunity to offer views on how the Bill might be strengthened. Responses will help to inform the development of the Bill, prior to its introduction to the Scottish Parliament in summer 2017. Although the consultation does not seek views on or set out in detail the arguments in favour of or against legislation in principle, any views put forward by consultees will be noted as part of the analysis of responses.

#### 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 women's representation on public boards.

#### Introduction

The SWC welcomes the opportunity to comment on the Scottish Government's proposals put forward under the Gender Representation on Public Boards (Scotland) Bill. The organisation fully supports the proposal to introduce gender quotas on public boards. Women continue to be under-represented in too many spheres of political and public life and more needs to be done to address this.

### Question 1

What, if any, comments would you make in relation to section 1 (Gender representation objective) of the draft Bill?

The SWC welcomes the proposals in section 1 of the draft Bill. Previous measures, such as voluntary targets, have not achieved equality on public boards. The introduction of this legislation is essential in order for this to happen. One of the key barriers to this so far has been the idea that quotas are not necessary, or are unfair as appointments should be made solely on merit.

*“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.”*

The only way to ensure that women are represented at the levels they need to be is if quotas are 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. Therefore any proposals that the Scottish Government put forward must make clear that mandatory quotas should only be enforced for a certain length of time.

*“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.”*

While the SWC supports the proposals laid out and hopes that they will encourage more diversity and gender equality on public boards, quotas alone are not enough. There are a range of reasons why women do not apply for positions and these need to be taken into consideration, along with the introduction of quotas, in order to challenge the culture which surrounds public appointments. Boards – whether public, company or voluntary sector – more often than not do not reflect the people they are appointed to represent. This needs to change.

### Question 5

What, if any, comments would you make in relation to section 5 (Encouragement of applications) of the draft Bill?

One of the biggest barriers for women who want to become involved with public boards is the way in which positions are advertised. Not all appointments are advertised, due in part to the ‘old boys’ network which sadly still exists in Scotland. Business networking is too often carried out in traditionally male dominated activities, which can make it very difficult for women to access.

Men also continue to be put onto public boards because they tend to be at a higher level of employment than women, which can mean they are considered to be more ‘committed’ or able to do the job. It is well known that due to the glass ceiling, gender streaming and the gender pay gap, caring responsibilities and childbearing, women are unable to progress in the workplace at the same rate as men. This discrimination means they are even less likely to be able to progress to board level in their workplaces.

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.

*"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."*

Another aspect of the application process is the confidence that women have in themselves and their abilities. Too many will underestimate their capabilities and only look at the negative aspects of a position, rather than the positives.

*"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."*

It is also essential that women are given relevant training when they are appointed to this type of position. They require as much assistance and guidance as possible so that they are able to fully understand and carry out the role into which they have been elected. It would be extremely helpful if training could include sessions with women who are currently on Boards, those who have been through the application process and those who write the applications.

The role of mentors must be considered. Women 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."*

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."*

### Question 8

The draft Bill does not specify any requirements for reporting. Do you have any comments on reporting arrangements under the legislation, including timescales, location and content of reports?

In order for the legislation to be successful, it requires checks and balances. This should include specific reporting arrangements. Each of the public bodies listed under Schedules 1 and 2 of the Act should be under an obligation to provide information about the make-up of their boards.

This would widen the pool of information available on women's representation on public boards, meaning there is more data available overall to track progress. Similarly, specifying arrangements for reporting could also prove to be a positive influence on other organisations, for example the boards of private companies. Positive practices could be used going forward to influence decisions and policies of others. Overall, accountability and transparency would be improved with the hope that more organisations would follow suit and publish this type of information.

### Question 9

Do you have any comments on the draft Bill, not already expressed in response to previous questions, including on how the Bill could be strengthened to deliver Minister's stated objective of gender balanced public boards?

There is very little information throughout the application process as to what being a member of a public board involves. The barriers which exist to prevent women from entering, sustaining and progressing in employment - such as access to childcare and public transport, as well as a lack of flexible working - will also exist for public appointments. All of these issues must be taken into account as part of wider measures to encourage a gender balance.

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. Women often comment on how their 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."*

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

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.

## Question 10

To help with the development of our Equality Impact Assessment, please provide any comments on the impact of the draft Bill on people who share certain protected characteristics, including age, disability, sex, gender reassignment, sexual orientation, race and religion or belief, or any further information you think is relevant.

It is clear that the introduction of this legislation will have the most significant impact on women. The proposals outlined in the Bill have the potential to advance gender equality in representation on public boards. Not only will this have a positive effect on the women who are elected into these positions, it will have a real impact on those at community and grassroots level. Those who benefit from services, support and information provided by organisations such as Highlands and Islands Enterprise, the Mental Welfare Commission for Scotland, NHS Health Scotland and the Scottish Legal Aid Board, will hopefully see a real difference in the way that decisions are taken.

Equal representation of women and men on the boards of these, as well as many other organisations, will be more representative of society overall. It is hoped that these 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 individuals, their families and communities as a whole.

## Conclusion

The SWC fully supports the Scottish Government's proposals. The organisation is pleased that the gender imbalance on public boards is being recognised, and that the Scottish Government is seeking to put measures in place in order to address this.

While we support the introduction of quotas as a temporary special measure to get more women into these positions, it must be recognised that quotas alone are not enough. A number of barriers exist that will not be broken down simply by legislating for a mandatory minimum of 40% women on these boards. The Scottish Government must, therefore, recognise the importance of additional measures which will encourage women to become involved.

*"There's no point in just having legislation without also taking into account confidence."*

For further information, please contact  
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