

**Scottish Women's Convention response to:  
The Ethical Standards Commissioner for Scotland:  
Prospective Code Revisions  
November 2020**

**Introduction**

The Ethical Standards Commissioner for Scotland (“the Commissioner”) is required to prepare and publish the (what code) Code which is to include guidelines in respect of the methods and practices used by the Scottish Ministers in the making of Public Appointments. The Commissioner is also to keep the Code under review, promote compliance with it and, from time to time, to revise it and publish it as so revised. This consultation paper invites comments on the existing Code and, in particular, asks those with a role or otherwise having an interest in the public appointments process whether the Code is operating as effectively as possible or whether they consider any improvements should be made to the Code

**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 women's equality.

The SWC is currently engaging with women through digital roadshows, online surveys, asking women to comment by email and by telephoning those who want to talk. We are also using our wide network to ask women to collate views in their local communities and forward these to us on a regular basis. We are continuing to review innovative ways of engaging with women throughout Scotland using whichever medium is appropriate to them.

## **Provisions in respect of Equality and Diversity: What Women have told the SWC**

The SWC welcomes the opportunity to comment on the need for greater measures relating to equality and diversity in the appointments process to public boards. The respective commitments of the Commissioner's Office and the Scottish Government to achieving diversity in this regard is to be commended.

Whilst the number of women appointees has increased, this does not account for the low rate of successful applications from women from under-represented groups. The need for a clearer consciousness around diversity in all aspects of board membership and responsibilities is fundamental to involve women at a civic level.

The current situation calls for a radical rethink of how governance is conducted at a senior level, including ensuring grassroots women are placed in decision making positions. It is these issues that are often overlooked and lead to a misrepresentation in the way decisions are made. In light of the current Covid-19 pandemic and growing income and health inequalities, now more than ever this is crucial.

## **Why Equality and Diversity is Needed: SWC Respondents**

The SWC has consulted with a range of women on the issue of board membership. This includes taking approaches that seek to gain the voices of those who are often overlooked. Within our work, the organisation endorses using different methods of evidence gathering that fits different women and their individual needs and does not merely apply the same formula to all as one large body.

As women have indicated to the SWC, public appointments, even where there is a legislative commitment to gender balance, does not sufficiently account for all the distinct groups made up by women. Appointment of new members must account for these specific issues regarding diversity and equality for a number of reasons including:

- To preserve trust in public boards by ensuring equality is at the heart of the agenda and representative of the population of Scotland as a whole.
- Ensuring the public can trust the board has real lived experience of issues that affect the most vulnerable in society.
- To provide new, innovative problem-solving strategies and solutions when implementing policies.
- To bring in new ways of consulting with overlooked groups and others who can contribute to consultation.

- It may account for many of the income and health-related inequalities faced by women that are at present not accurately represented.

*“If those affected are made to live with these policies, then they have a right to make them.”*

## **Current Issues for Women Applying to Board Positions**

One of the most fundamental obstacles stopping women from applying to board positions is a lack of confidence and a belief they do not hold the required skills. The SWC has often heard from women how candidates that look good on paper tend to be chosen over those with essential lived experience.

Many women may not have the “appropriate” qualifications due to a number of factors such as precarious employment or caring responsibilities. A shift is needed away from seeing university qualifications, high-ranking jobs or more affluent backgrounds and connections as a priority for board appointees. Seeing the value in real lived experiences which are fundamental to the ways in which women organise and change their communities at a grassroots level can ensure quality representation. Failure to do so not only ensures there is a filtering out of a wide range of women who could readily achieve success within civic life, but also discourages other women from engaging.

*“It’s also about confidence and how to access information, if women don’t have this then they won’t apply.”*

*“The sort of places I would apply to feels like the wouldn’t consider someone like myself because of my background and where I stay. That’s hard because it’s those people who suffer the most that I really know from my own community.”*

*“I think there’s this preconception that as long as we get so many black women to apply then that’s the job done without really seeing what we as black women can bring.”*

## **Case Study: Younger Women**

Younger women from lower income backgrounds and who are employed in low paid and precarious work do not tend to seek board membership. Ofttimes, they are not even aware of the vacancies. They often feel “disenfranchised” or “detached” from civic life, which prevents them coming forward as candidates. This is often framed by having much less access to information as well as a worry they do not have the sufficient experience.

Young women are enthusiastic and want to be involved in these processes that seek to challenge inequalities within Scotland. However, often they are not made aware how board

membership can feed into this change and are provided with little support. The success of such grassroots movements in encouraging wider engagement has left many women seeing the governance process as outdated compared to other civic organisational protests that have went on in recent times.

Mentorships are seen as invaluable in encouraging young women to engage. Many young women have spoken about having someone of their own age and background that they can talk to and be encouraged. At present, many of the women entering public life have come from a background with contacts and political awareness and experience. Whilst women are aware this is not always the case, to many women it can be an impediment to participation.

*“We need real experiences of real women. The last thing myself or my sister want is to be preached to by a middle aged man who doesn’t have a clue about my experience in today’s world.”*

### **Recruitment:**

Detailed gathering of data and implementation of best practice within the selection criteria and process is crucial to ensuring the process for board membership recognises equality and diversity. This must also be balanced with other measures, including a systematic rethinking of the recruitment process to make it more accessible and easier for women to apply. A wider range of methods in recruitment and selection of candidates should include, where possible:

- Ensuring those tasked with the selection process have underwent formal equalities and diversity training.
- Recruitment processes acknowledge the non-academic skills that women can bring, including real lived qualitative experience.
- Further funding for wider board participation and mentoring for women. This should seek to target women outwith those would usually apply.
- Ensuring recruitment processes are not arduous and are acting as an indirect barrier to those who may be put off by lengthy and complicated recruitment processes.
- Publication of materials that illustrate what is being done to improve the recruitment process for women with protected characteristics across all public boards as best practice.
- Ensuring robust Equality Impact Assessments throughout every part of the recruitment and selection process.

## **Recommendations Going Forward:**

To ensure the ambitious policy commitments articulated by the Scottish Government are fully put into practice requires a much more intense process of recruiting diverse candidates. This is particularly crucial at present given the current Covid-19 pandemic and the deepening of inequalities for women. Failure to account for such factors risks seeing a significant imbalance of real lived experience on boards that miss particular issues for the most vulnerable groups within society. Recommendations going forward include:

- Taking steps to normalise board membership rather than seeing it as an academic or political pursuit.
- Publication of broader definitions of candidate criteria to encourage a wider pool of applicants.
- Consideration of the wider use of mentors within the recruitment process in order to provide advice and guidance for candidates, particularly those who may be first time applicants.
- Providing detailed feedback and transparency throughout the recruitment process, particularly for unsuccessful candidates.
- Taking advantage of the current increase in online communications to help women whose commitments may mean they cannot be physically present at meetings but can use technology to do so.
- Broadening the current definition of what is meant by “knowledge, skills or experiences” to ensure it includes “transferrable skills”.
- A wider public understanding of the responsibilities and importance of public boards through national awareness raising.
- Ensuring a robust feedback process that incentivises a wider dialogue as to why certain candidates have not been successful.
- Encouraging recruitment by non-conventional forms including digital videos and vlogs that appeal particularly to young women, as well as other more traditional applications.
- Making use of social media to promote the applications process to a wider range of candidates, including to illustrate the wide range of skills that will be considered for inclusion for board membership.

## Conclusion

The SWC is grateful for the opportunity to respond to the Ethical Standards Commissioner for Scotland's call for evidence regarding Prospective Code Revisions. As an organisation, we will continue to work with women from across Scotland to gather voices and experiences relating to the pandemic and the effect of this on equality at both a reserved and devolved level.

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