



The Office of the Commissioner for
Public Appointments in Scotland

Diversity Delivers

A strategy for enhancing equality of opportunity
in Scotland's ministerial public appointments process





The Office of the Commissioner for
Public Appointments in Scotland



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www.publicappointments.org

This strategy is available to download in PDF or Word format
from the OCPAS website: www.publicappointments.org/diversity

The strategy is also available in alternative formats on request
by telephoning OCPAS on 0131 718 6268 or by emailing
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Foreword

I'm delighted to present Diversity Delivers, the first equal opportunities strategy for Scotland's ministerial public appointments process.

The strategy is the result of detailed research followed by widespread consultation. Its focus is Scotland's public appointments process and how it may be developed to attract a wider and more diverse range of people. The Scottish Ministers have made a commitment to developing a smarter Scotland through the development of people and their potential - I believe this strategy can contribute to achieving that goal.

Scotland's public bodies are required to deliver ministerial policy and services to meet the needs of an increasingly diverse population. A board drawn from varied backgrounds and with a wide spectrum of knowledge and experience will be well placed to appreciate the evolving needs of the population it serves. Yet applications for positions on the boards of our public bodies do not reflect the diverse mix of our population.

It will take time to make the real changes we all wish to see. This strategy provides an excellent starting point for our work. Progress reviews, ongoing research and sustained action on the part of everyone involved in the process will result in the outcome we are aiming for – a wide range of talented candidates to lead our public bodies. Where diversity is a key driver in an appointments process, all applicants can be confident that they are welcome and valued, Ministers can be confident that the process will provide them with the best possible range of candidates and public bodies will benefit from a broad range of perspectives and experience on their boards.

The link between effective service delivery and effective board appointment must not be overlooked. From delivering front-line health services to regulating and protecting our environment; from deciding on prisoners' parole to providing expert advice on building standards; from promoting tourism to funding and developing the arts, public bodies have a significant impact on our lives. They rely on effective board members and the people of Scotland rely on the public appointments process to identify them. I'm impressed by the number of people who, during consultation, made clear their willingness to contribute to public life in Scotland - within our population we have the qualities and the commitment to make a huge contribution.

I have been supported by so many people as the strategy has developed and my thanks go to all of them. Over 450 people and organisations were invited to comment on the recommendations and I am grateful to the many that did. Those people who took the time to respond to the formal consultation, either in writing or at one of the focus groups, provided valuable insights and suggestions which helped in crafting the final document. Corryne MacLean, the OCPAS Development Manager, worked with me on the research and strategy formulation and produced much of the final strategy. Her detailed knowledge of equalities legislation and her real commitment to increasing diversity in public appointments have helped make the strategy what it is today.

This document is set out in two parts. It begins with the strategy itself and moves on to describe how it will be implemented. I present it in the belief that - implemented effectively - it will provide opportunities for public service for everyone in our society who is motivated to become involved.

Karen Carlton

Commissioner for Public Appointments in Scotland
September 2008



The Vision

Our vision for the public appointments process is three-fold:

- A 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.
- C Confidence and Capacity**
An appointments system that inspires confidence, increases capacity and embraces diversity, from the application process to the boardroom.
- E 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.

How to achieve it

The following section explains how we plan to achieve our vision. It contains practical recommendations to bring about meaningful change. These recommendations will in turn be translated into detailed action plans. By working together to implement them, the Scottish Government, the Commissioner and public bodies will make real advances towards increasing diversity across the public appointments process and on the boards of our public bodies.



Awareness and Attraction

A photograph of rows of green stadium seats. Each seat has a white circular label with a black number. The numbers visible are 4, 5, 6, 7, and 8, arranged in a grid pattern across the rows. The seats are arranged in a perspective that recedes into the distance.

Awareness
and Attraction

Awareness and Attraction



The Vision

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.

The Objectives

- Increase awareness amongst the general public of the role, value and diversity of public bodies.
- Increase awareness amongst the general public of the role of board members and the wide range of people we need to serve on the boards of public bodies.
- Attract interest, create enthusiasm and encourage action by the widest appropriate pool of potential applicants.

The Rationale

- 70% of people in Scotland have little knowledge of our public bodies, their boards and how to serve on them.
- Therefore, most people do not have the opportunity to apply or to be selected for appointment.
- To achieve equality of opportunity, we must make many more people aware of the opportunities available and address the widespread lack of engagement with public appointments.

Recommended Actions – In summary

- A1.** Develop and deliver an on-going communication campaign to promote
- the diverse roles and functions of public bodies
 - the role of their board members
 - the wide range of people needed by boards
 - the opportunities to serve on them
 - the benefits of serving on a board – for the individual and their employer.
- A2.** Build an accessible hub website, supported by personal contact, to inform everyone interested in public appointments. Provide signposts to sources of further information and support.
- A3.** Enhance the content of publicity material for public appointments and monitor the impact of publicity strategies on the number and diversity of applicants.
- A4.** Research the impact of
- board meeting times and arrangements
 - remuneration on the number and diversity of applications.





Recommended Actions – In detail

Short Term (Years 1, 2, 3)

A1S. Communication campaign

Mount a campaign that

- informs the public about the work of public bodies and their boards
- sells the benefits to be gained from board membership
- inspires people to apply.

Include in this campaign:

Role models

- Recruit a number of board role models, drawn from a wide variety of backgrounds, levels and types of education, ages and locations. Enlist their support in the activities outlined below to reinforce consistent, positive and encouraging messages about their work as board members.

Board member profiles

- Arrange a series of features about - or interviews with - board role models in local press and in magazines connected with the work of the board on which they sit.
- Arrange a series of features about - or interviews with - board role models on national, local and community radio stations.
- Involve board role models in a promotional campaign after the television news. Use it to promote the value of their role and the opportunities to serve on the boards of our public bodies.
- Publish profiles of the board members on each public body's website, focusing on their diversity. As well as visible diversity, highlight the differences that cannot be seen, for example in board members' backgrounds, education and experience.



Promotional materials

- Produce a short guide to the work of public bodies and the role and contribution of board members. Supply it to centres where people visit or wait, such as doctors' and dentists' surgeries and local council offices, and community outlets such as libraries and local authority buildings used for adult education classes. Include contact details for further information and use the guide to promote the supporting DVD (see below).
- Explore opportunities to enclose the guide with other, widely distributed documents, for example
 - council tax bills
 - electoral roll forms
 - income tax returns
 - charities' annual return forms.
- Produce a DVD featuring board role models focusing on their work, what they bring to the board they sit on and what they gain from their work on the board. Distribute it along with the written guide. Use the DVD at all relevant events, such as appointment fairs, meetings and workshops.

Public events

- Run meetings across Scotland describing the work of public bodies and their boards. Advertise these, for example, in the promotional guide, on the hub website and in local newspapers. Work with community groups and equality networks to run meetings for their members. Enlist the help of board role models to inform and inspire people about the opportunities on our public boards.

Workplace events

- Run similar meetings in workplaces across Scotland. Highlight the benefits of board membership for the employer as well as the individual. Encourage employers to see board positions as opportunities for staff to develop skills and experience.

Social networking sites

- Explore the use of online social networking sites to raise the profile of public appointments and provide information.



Recommended Actions – In detail

Short Term (Years 1, 2, 3) contd.

A2S. Hub website

Develop a fully accessible 'hub' website for public appointments that is designed and written to engage with a diverse audience. Particular attention must be given to targeting and attracting groups currently under-represented on the boards of our public bodies, including women, people from a minority ethnic background, lesbian, gay, bisexual and transgender people and disabled people. Ensure that the hub website is an exemplar of best practice in terms of disability accessibility.

To ensure equality of access, also provide a non-web based source of information such as a telephone contact and make printed materials available.

Provide a self-assessment tool on the website where, by answering a series of questions about their skills and interests, the user receives their personal pathway to becoming a board member. This 'route map' will signpost them to appropriate development and appointment opportunities, for example, the opportunities highlighted in the Education and Experience section.

Position the hub website at the centre of the public appointments process, providing:

- information on appointment opportunities
- online guides to the work of public bodies, the role of a board member and the application process
- an online application facility
- signposts to education and development programmes
- online development activities (for example, a modular education programme for potential board members)
- reciprocal links to other sources of support and guidance (for example, OCPAS, equalities and governance bodies)
- details of relevant events – open board meetings of public bodies, events and workshops and appointment fairs
- downloadable podcasts of relevant meetings and events
- the facility to register as part of a talent bank of potential applicants with confidential details of skills, knowledge and areas of interest
- board member blogs.

Approach professional bodies that already have talent banks. Investigate whether members of these talent banks could be encouraged to register on the public appointments hub website.

Ensure that all the above information is also accessible to non-internet users and that alternative formats are readily available on request.

Produce promotional leaflets and posters to raise awareness of the hub website. Supply them to community outlets such as libraries and local authority buildings used for adult education classes. Display them on public transport.





Recommended Actions – In detail

Short Term (Years 1, 2, 3) contd.

A3S. Publicity material and monitoring

Encouraging applicants

- Produce all publicity and application documents in a more encouraging, less formal style.
- Include in application packs a welcome letter from the chair of the body or the Minister, thanking people for their interest. Include in the pack a named contact who can help potential applicants with any queries and provide encouragement and advice on their application.
- Encourage individuality in advertisements to reflect the unique character of the role or the public body in question.
- Make clear in publicity and application packs the support people can expect if appointed. Include details of induction and any ongoing training or mentoring. State the support available for people with disabilities, both for attending an interview and after appointment. This might include the provision of a loop system, board papers being available in accessible formats or a personal assistant's travel costs being covered.

Monitoring

- Analyse for each appointment round by means of a monitoring form:
 - > the profile of applicants by the following characteristics
 - > age
 - > disability
 - > ethnicity
 - > gender
 - > religion or belief
 - > sexual orientation
 - > employment status and sector (public, private, voluntary, self-employed, retired, academic)
 - > income band
 - > location (by region)
 - > where the applicants in each of the above categories heard of the appointment vacancy
 - > how far the applicants in each of the above categories progressed in the round.

- Make sure the monitoring form is carefully and sensitively worded, to inform applicants about how their information will be used and assure them it will be held securely and treated confidentially. Offer applicants a 'prefer not to answer' option for every question.
- Make sure the form reflects current good practice in monitoring demographic information. Make sure it enables all relevant comparisons to be made with statistics for the general population of Scotland. In particular, make sure the analysis of applicants' ethnicity is detailed enough to allow comparisons with the growing population of white ethnic minorities in Scotland, as well as non-white minority groups.
- Collate the information to provide an annual picture of the source of different categories of applicants and their progress. Use the findings:
 - > to inform the impact assessments required to meet the public sector duties to promote equality (see Part Two - Implementation), and
 - > to update the information bank recommended below under 'Targeted publicity'.

Targeted publicity

- Compile an information bank containing all the potential methods for publicising appointment opportunities and a record of how effective each one has been in attracting applicants.
- Use this information bank for every appointment round to ensure targeted publicity, appropriate to the nature of the appointment, the public body and the diversity of potential applicants.
- Include in this bank specialist publications and media whose target audiences are currently under-represented in public appointments. Examples might include Insight Radio, Disability Now and Awaz FM.





A4S. Research on board meeting arrangements and remuneration

Carry out research around

- times and arrangements for board meetings and
- remuneration for public appointments.

Find out the effect they have on people's motivation or ability to apply.

Find out whether flexible arrangements for board meetings would enable more people, or more people from certain groups, to apply. Establish whether geographical diversity could be improved by varying the location of meetings or by using telephone or video conferencing facilities. Research the effect of current board meeting arrangements on applications from people with caring or work responsibilities.

Research how being paid for a public appointment affects entitlement to benefits, such as Disability Living Allowance and Carer's Allowance. Assess the impact of the research findings on people's opportunity to be considered for appointment. Identify ways to overcome any adverse impact.

Recommended Actions – In detail

Medium Term (Years 4, 5)

A1M. Communication campaign

Review the impact of the communication campaign and refocus as appropriate.
Add the following:

Appointment fairs

- Develop and run annual public appointment fairs that promote civic participation. Base them on the model used by recruitment fairs – stands, presentations, workshops and one-to-one advice sessions. Share participation and cost with other public and voluntary sector bodies that aim to attract people from a cross-section of Scottish society.

Open events

- Take part in public events to raise awareness of public appointments. For example, run a public appointments stand at Pride Scotia or at the 'Our Health' events.

Television

- Review the impact of television programmes about the work of public bodies in other parts of the UK. For example, a Northern Ireland programme, 'Life Matters' has been produced about the Belfast Trust and includes coverage of public appointments to the trust. BBC2 screened a documentary series about the work of the Parole Board in England and Wales in November 2006. Assess the value of using such programmes to promote board membership in Scotland.





Recommended Actions – In detail

Medium Term (Years 4, 5) contd.

A2M. Hub website

Enhance the online application facility to enable:

- optional automatic completion of core sections of the application form for applicants who apply for more than one post
- personal email alerts to be sent to registered users about vacancies that match their interests and/or skills
- statistical analysis of information from monitoring forms to identify applicant trends.

Continue to provide non web-based information and enable non web-based applications - including providing alternative formats on request - to ensure equality of access for those who do not use a computer or have access to the internet.

Recommended Actions – In detail

Medium Term (Years 4, 5)

A3M. Monitoring

Continue to conduct the monitoring outlined for years 1-3. If there are sections of the population where application numbers and progress through the system are not improving, investigate and consider positive action.

Conduct a survey of applicants' experiences throughout the process. Compare with the results of the Commissioner's 2007 survey to measure the impact of changes to the process. Use the results to decide how improvements can be made.

Repeat the ICM telephone poll conducted in August 2007. Measure any changes in awareness of public bodies, public appointments and the open nature of the appointments process across different demographic groups.





Longer Term (Years 6+)

A1L. Communication campaign

Extend the communication campaign to younger people, who may not yet be in a position to hold a public appointment, but whose knowledge and interest could be encouraged from a young age.

- Arrange features on youth-led radio stations in Scotland.
- Promote public bodies and public appointments at graduate recruitment fairs.
- Develop activities and information packs for schools, to promote board membership as an opportunity for civic participation.

Confidence and Capacity

A photograph of rows of blue stadium seats. Each seat has a white circular marker on its backrest with a black number. The numbers visible are 4, 5, 6, 7, and 8, arranged in a grid pattern. The seats are arranged in rows, and the perspective is from a low angle, looking down the rows.

Confidence and Capacity



Confidence and Capacity

The Vision

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

The Objectives

- Ensure the public appointments process is encouraging, accessible and easy to navigate and that people know it is.
- Make sure the process is equipped to support a wider range of suitable applicants for each post.
- Make sure the people administering the process are equipped to do so effectively and efficiently.

The Rationale

- If the process provides a poor applicant experience, or cannot support the diversity we are trying to attract, any new interest will quickly be lost.
- Therefore, in tandem with raising awareness, we need to address the challenges within the process and increase the public's confidence in it.
- To ensure that equality extends beyond awareness and into application and appointment, the process and the people involved need to welcome and value new and diverse talent, from the application process right through to the boardroom.

Recommended Actions – In summary

- C1.** Establish a centre of expertise to advise on and administer the public appointments process for the Scottish Government.
- C2.** Pilot different application and selection methods.
- C3.** Provide appointment-focused diversity training for everyone involved in the selection process and for all board members.

Consider additional training for chairs to help them maximise the benefits of a diverse board.

- C4.** Revise the OCPAS Code of Practice to reflect the actions included in - and resulting from - the equal opportunities strategy.
- C5.** Increase awareness of the openness and fairness of Scotland's public appointments process.





Recommended Actions – In detail

Short Term (Years 1, 2, 3)

C1S. Centre of expertise

Establish a centre of expertise to advise on and administer the public appointments process across the Scottish Government. This centre will take over from the Scottish Government Public Appointments Team.

Team members will have expertise in diversity and senior level recruitment and a good understanding of the role of the non-executive director and the work of boards.

We recommend that the work of this team includes:

- helping sponsor teams identify the specific requirements of each role
- helping sponsor teams produce key documents for the appointment round that reflect these requirements
- advising on appropriate publicity in each round to make sure a diverse audience is reached
- helping sponsor teams provide encouraging information that appeals to a wide range of people
- managing the content and promotion of the hub website
- helping with queries about the application process or alternative application formats and other reasonable adjustments for people's disabilities or needs
- providing guidance on how to give effective feedback to applicants
- producing an online guide to completing the application form to be included on the hub website
- ensuring equality impact assessments are conducted of the practices used at each stage of the process and using the results to continually improve the process.

The recommendation for a central team is not designed to remove from Scottish Government directorates the responsibility for and commitment to appointing board members for the bodies they sponsor. It is designed to support directorates by providing a resource-effective central source of professional advice and guidance.



C2S. Pilot alternative approaches to application and selection

Identify the core skills, knowledge and personal qualities that board members need to be effective. Create a framework that allows applicants to be assessed objectively against these requirements.

Pilot a variety of new application and selection methods that may include:

- inviting expressions of interest then proceeding to interview without the requirement to complete an application form
- the use of a curriculum vitae in a specified format
- a shorter version of the current application form
- the use of different interview formats and techniques to suit the nature of the public body and the type of post to be filled.

C3S. Appointment-focused diversity training

Provide training for all members of selection panels on how to recognise and manage diversity issues that arise during appointment. Provide regular refresher training.

Provide regular updates on new developments in equality and diversity for members of selection panels.

As part of the induction process, provide information for every board member on enhancing board effectiveness through benefiting from the diversity on their board.

Provide more specific ongoing training to board members and selection panels. For example, provide disability equality training by people who are themselves disabled, to provide greater insight into the needs of disabled board members and applicants.

Measure board members' ongoing awareness of, and approach to, diversity. Make this part of the performance assessment which forms the basis of any re-appointment decision.

Evaluate the effectiveness of each form of training and use the evaluation to continually improve the training given.



C3S contd. Support for chairs

Provide additional support and development for chairs of public bodies on how to manage diversity on their board in order to reap the maximum reward that it can offer.

Ensure that the knowledge, skills and qualities required to chair a diverse board are reflected in the person specification for every chair appointment and re-appointment.

C4S. Code of Practice for Ministerial Appointments

Revise the contents of the Code of Practice to make sure the actions resulting from this strategy are reflected in the regulation of the public appointments process.

C5S. Promotion of the openness and fairness of Scotland's public appointments process

Expand the Commissioner's communication activities to raise public confidence in the system. Raise awareness of public appointments and of the Commissioner's role in ensuring a fair process that is open to all.

Education and Experience



Education
and Experience



The Vision

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 Objectives

- Provide relevant, effective and easily accessed development opportunities for the next generation of board members.
- Provide a pool of potential board members with the necessary expertise and experience, whose members reflect the diversity of the people of Scotland.

The Rationale

- Casting a wider net to look for ready-made board members will certainly broaden the field, but it will not address the challenges that exist in reaching the point of readiness to serve on a public board.
- We must therefore develop people's governance skills from a much earlier stage, providing the bridge from having potential to realising it.
- In doing so, we will
 - > provide a fresh source of volunteers for charity boards, parent councils and more
 - > create a governance and leadership skills base for the benefit of the private, voluntary and public sectors
 - > foster a new generation of potential public appointees.

Recommended Actions – In summary

- E1.** Provide an education programme for members of the public explaining the work of non-executive board members of public bodies.
- E2.** Provide workshops on how to apply for board positions.
- E3.** Pilot the use of training positions on the boards of public bodies.
- E4.** Co-ordinate the many existing opportunities for developing leadership potential in Scotland. Signpost people towards these opportunities from the hub website.





Recommended Actions – In detail

Short Term (Years 1, 2, 3)

E1S. Education programme

Develop and run an education programme on becoming a board member that provides an overview of a board member's role and responsibilities. Enable people to complete either the full programme or individual elements to suit their needs. Make the programme available online and for attendance in person. Run some programmes that are open to everyone and others that target particular under-represented groups.

E2S. Workshops for applicants

Run regular workshops across Scotland for anyone interested in a public appointment, to provide guidance on how to apply and how to prepare for interview. Advertise these workshops in, for example, the promotional guide, on the hub website and in local newspapers. Enlist the help of equality and community groups to run workshops for their members.

E3S. Development positions on boards

Provide routes for potential board members to develop their experience and confidence in a supportive environment where learning and questioning are accepted parts of their role. Routes may include:

Through board committees

- Identify current members of board committees who could become members of a board.
- Identify potential board members when appointing or co-opting future committee members.

Through board training positions

Pilot training positions on the boards of appropriate public bodies. These positions will be publicised as training positions and will be accessed through a public appointments process but will not require the level and range of skills, knowledge and experience usually required to be appointed as a board member. The positions will enable active participation in board business for a two year term, subject to a review at one year.

Encourage those people who demonstrate potential to apply for a public appointment that fits their skills, knowledge and interests. Provide them with guidance on the application process. Encourage them to join the hub website's talent bank.

Mentors

Offer the support of a board member who will act as a mentor to trainees.

Develop a framework to support board mentors. This may include:

- advice on mentoring skills
- a suggested programme to help mentors develop board trainees
- tools to help mentors assess a trainee's performance and potential.





E4S. Opportunities for developing leadership potential

Identify existing opportunities for developing leadership and governance skills. Provide details through the hub website (and the non-web based alternative) about how to get involved. Include reciprocal links between the hub website and relevant leadership websites. Help people identify their pathway to public appointments through the self-help tool on the hub website. Relevant opportunities to be signposted from the hub website could include:

Charity and community boards

- Provide details of opportunities to gain board experience, for example, on charity boards, community councils and tenant committees for local housing organisations.
- Provide links to online banks of current vacancies on these boards.

Volunteer organisations

- Provide signposts to organisations that promote the benefits of volunteering on a board in the charity and public sectors and that match volunteers with suitable vacancies.

Training and development programmes

- Signpost leadership development programmes.
- Provide information about networks that encourage participation in public life.
- Give details of bodies that provide support, development and networking for people in leadership roles.
- Include details of board development programmes that encourage and train people to take up board positions.

Medium Term (Years 4, 5)

E3M. Board training positions

Evaluate the pilot programme, revise as appropriate and establish as a rolling programme extended to a wide variety of public bodies. Encourage public bodies to use the scheme as a positive action measure - provide training posts to people from groups that are under-represented in public appointments.

E4M. Opportunities for developing leadership potential

Continue to signpost existing opportunities for developing leadership potential. Identify where new opportunities are needed. Support the providers of existing development activities to extend or tailor their schemes to provide these new activities.

Shadow boards

Establish a shadow board development programme. Shadow boards meet in parallel to the full board, consider the same business and report their conclusions to the board they are shadowing for consideration and feedback.

Development for the chairs of the future

Develop current board members into future chairs, through shadowing or being mentored by an existing chair. Offer this to all interested board members or use it as an opportunity for positive action. For example, encourage board members who are female, minority ethnic, lesbian, gay or disabled - all of whom are under-represented in chair roles - to take part in these activities.





Recommended Actions – In summary

Actions are spread across the short, medium and long term.

Awareness and Attraction

- A1.** the communication campaign
- A2.** the hub website
- A3.** publicity material and monitoring
- A4.** research on board meeting arrangements and remuneration

Confidence and Capacity

- C1.** the centre of expertise
- C2.** pilot of different application and selection methods
- C3.** appointment-focused diversity training
- C4.** the Code of Practice for Ministerial Appointments
- C5.** promotion of the openness and fairness of Scotland's public appointments process

Education and Experience

- E1.** the education programme
- E2.** workshops for applicants
- E3.** board training positions
- E4.** opportunities for developing leadership potential

Priority actions

These are the priority actions for the first year of implementation and the parties responsible for delivering them:

Awareness and Attraction

the communication campaign (Recommendation A1S)	Scottish Government OCPAS
the hub website (A2S)	Scottish Government OCPAS
publicity material and monitoring (A3S)	Scottish Government OCPAS

Confidence and Capacity

the centre of expertise (C1S)	Scottish Government
pilot of different application methods (C2S)	Scottish Government OCPAS
appointment-focused diversity training (C3S)	Scottish Government OCPAS

Education and Experience

the education programme (E1S)	Scottish Government OCPAS
workshops for applicants (E2S)	Scottish Government OCPAS
pilot of board training positions (E3S)	Scottish Government OCPAS

Part Two - Implementation

Part Two - Implementation



Section One – The public appointments process

The Commissioner's role

1. The role of Commissioner for Public Appointments was created in 1995 to provide external, independent scrutiny of the way appointments are made by Ministers to the boards of public bodies. The role was created on the recommendation of the UK Committee on Standards in Public Life (the Nolan Committee), in response to concerns about various areas of public and political life.
2. After devolution, an Act of the Scottish Parliament established a separate office of Commissioner for Public Appointments in Scotland. In June 2004, on the recommendation of the Scottish Parliament, Karen Carlton was the first person appointed to the post.
3. The Commissioner's role is to make sure that appointments by the Scottish Ministers to the boards of regulated Non-Departmental Public Bodies (NDPBs) are made fairly and openly and are based on the merit of the candidates. These public bodies range from high-profile executive bodies such as NHS 24 and VisitScotland to smaller advisory bodies such as the Historic Environment Advisory Council for Scotland. A very broad range of organisations of varying size and responsibilities falls under the title NDPB, but not all of them come within the Commissioner's remit. She can only regulate appointments to NDPBs that Scottish Ministers have designated as regulated bodies.
4. One of the Commissioner's statutory duties is to prepare and publish a Code of Practice for public appointments (the Code). The Code is based on a set of guiding principles, including Equality, Respect and Merit. OCPAS Assessors work with the Commissioner to help implement the Code - an Assessor sits on the selection panel in every appointment round to make sure the Code is followed.
5. Another of the Commissioner's statutory duties is to prepare and publish a strategy to ensure that public appointments are made in a way that encourages equal opportunities. The strategy must also make sure any legal requirements relating to equal opportunities (as described in the Scotland Act 1998) are met. In addition, the Commissioner has an overarching duty to carry out her functions so that 'all categories of person are afforded an opportunity to be considered for appointment'. This means that valuing diversity and ensuring equality are threads that must run through every part of the Commissioner's work and every stage of the appointment process.

The Scottish Government's role

6. The Scottish Government manages and administers every appointment round; essentially, it is the Scottish Government's process. While the Code stipulates what it must do to ensure a fair and open appointment process, it is for the Scottish Government to decide how this will be achieved in practice.
7. For example, the Code requires each post to be publicised in a proportionate manner; the Scottish Government decides what form the publicity or advertising will take and where it will appear; the Scottish Government designs and drafts the publicity materials. In the same way, the Code requires the person specification to include the skills, knowledge and personal qualities needed for a role; the Scottish Government decides which skills, knowledge and personal qualities are relevant for a given post. At the interview stage, the Code requires certain steps to be taken to make sure candidates are treated fairly and equally and to provide a transparent record of the decisions made about candidates. It is the Scottish Government that decides how, when and where the interview will be conducted and it is a senior Scottish Government official who chairs the selection panel.

The public body's role

8. Appointments to the board of a public body are not made by the body itself, but by the Minister who has responsibility for it – hence it is the ministerial appointments process. The public body is, of course, involved in the appointments process. The Code makes it clear that the public body must be consulted about key issues at the start of an appointment round. These include the skills, knowledge and personal qualities required by the board, what the role involves and how the post should be publicised. A representative of the public body - usually the chair - sits on the selection panel, along with a senior Scottish Government official and an OCPAS Assessor.
9. Collectively, the selection panel shortlists the applications, interviews shortlisted candidates and makes recommendations to the Minister about which candidates most closely meet the requirements of the post. The decision about which candidate(s) to appoint then rests with the Minister.

Who is responsible for equality and diversity?

- 10.** The Commissioner, the Scottish Government and all public bodies are 'public authorities' for the purposes of equalities law. All have legal obligations relating to equality that extend far beyond the scope of public appointments. At the moment, these obligations are contained in a wide and complex range of statutes, regulations, case law and codes of practice. The forthcoming Equality Bill should bring together many of these, but will not take away or reduce any legal requirements. Rather than add to this complex framework, this strategy provides practical ways to help the Scottish Government, public bodies and the Commissioner meet their existing legal duties. This means addressing equality issues both in the public appointments process and on the boards themselves.
- 11.** The way society - and the law - views equality is changing. A focus on preventing and penalising unlawful behaviour has made way for a broader and more positive vision. Today, our focus is on achieving equal outcomes, where a fair and equal society provides for everyone to fulfil their potential. Creating equality is not about treating every person the same, nor just about removing unlawful discrimination, but is about valuing individuality. Throughout this strategy we have often referred to valuing and achieving 'diversity' rather than 'equality' because the two go hand-in-hand. If people's differences are not accepted and valued, there can be no equality.
- 12.** It is unlawful for a public authority to discriminate on various grounds: sex, race, religion or belief, sexual orientation, age and disability. These are sometimes described as the six strands of equalities law. But public authorities also have a duty to actively promote gender, race and disability equality. This includes promoting positive attitudes, equality of opportunity and good relations between disabled and non-disabled people and people of different gender and race.
- 13.** Public authorities that are committed to equality will extend this proactive approach to all six strands. The law in this area is changing fast. The forthcoming Equality Bill plans to extend the public sector duties to cover the other grounds. More importantly, the law on sexual orientation, gender identity, age and faith or belief may still be developing, but as aspects of our identity they are as important as any other and deserve the same respect.

How do equality and diversity apply to public appointments?

14. Part of the role of the Equality and Human Rights Commission (EHRC) is to make sure the public sector equality duties are being met by public authorities. The EHRC will be working closely with us on the implementation of this strategy. They will make sure our recommendations are carried out in a way that helps public bodies and the Scottish Government to meet their duties.
15. The Scottish Government will need to show how the equality duties are met at every stage of the public appointments process; for example, in the way they encourage and assess applications. Public bodies will need to show a positive and proactive approach to equality that permeates the culture of their board. This includes the induction, training and support of their board members and chairs. Implementing our recommendations - in a way that is appropriate for the individual body - will help them to achieve this. We recognise that not all the recommendations will be appropriate for every public body regulated by the Commissioner. For example, training positions may not be feasible for technical advisory bodies that rarely meet, hence a proportionate approach to implementation should be taken. Most public authorities must publish equality schemes showing how they are achieving their equality duties. The actions they take to implement this strategy will be useful additions to those schemes.
16. The Commissioner also has a duty to meet the public sector equality duties; they must be integrated into her role as a regulator. Her scrutiny of the public appointments system must support these duties being observed, not just by OCPAS, but by everyone involved in appointments. To do this, the Commissioner will monitor the progress made by the Scottish Government and public bodies in implementing this strategy. Each public body will be asked to identify
 - which recommendations they think are appropriate for their body
 - what actions they will take to implement them
 - what progress they have made.

OCPAS Assessors will continue to monitor and encourage equality in every appointment round. The Commissioner will audit a sample of appointment and re-appointment rounds to check whether equality duties are being met.

- 17.** The Commissioner also has an overarching duty to make sure 'all categories of person' have the chance to be considered for appointment. This means that her duty to equality is not confined to the traditional strands recognised by law. Equality in public appointments must encompass all aspects of someone's identity and background, from sexual orientation to where they live, from their age to which school they attended. While the law currently offers more protection for some aspects of equality than others, this strategy makes no such distinction.
- 18.** Research has shown that diversity can bring improved board performance and keep boards in touch with the needs of their service users. But increasing diversity - and achieving equality – is a long-term project. There will be 'quick wins' but there are no 'quick fixes'. The Scottish Ministers have made a commitment to developing a smarter Scotland through the development of people and their potential. We believe this strategy can contribute to achieving that goal.

Section Two - Who will implement this strategy?

The implementation group

1. Most of this strategy is for implementation by the Scottish Government, as the appointments process is theirs to deliver. Some recommendations will involve the boards and chairs of public bodies and some will involve the Commissioner and her office (OCPAS). To keep the strategy focused and drive it forward, the creation of an implementation group was widely approved during consultation. The purpose of the group will be:
 - to take ownership of the strategy's implementation and its ultimate impact
 - to provide leadership for the strategy's implementation.
2. The group will include those people with the authority to make sure the recommendations are translated into action. At the time of launching the strategy, in September 2008, the implementation group comprises:

Barbara Allison

Head of Human Resources, Scottish Government

Karen Carlton

Commissioner for Public Appointments in Scotland

Leslie Evans

Director, Europe, External Affairs and Culture Sponsor Team, Scottish Government

Norman McFadyen

Crown Agent and Diversity Champion, Scottish Government

Professor Jim McGoldrick

Chair of NHS Fife

Colin Spivey

Head of Resourcing Centre of Expertise, Scottish Government

3. The responsibilities of the implementation group are as follows.
 - To allocate responsibilities for each action.
 - To sign off detailed costed proposals for each action.
 - To ensure resources are available to carry out each action.
 - To agree measures for evaluating the success of each action.
 - To monitor the implementation of the actions, review progress and sign off revised action plans.
 - To publish regular activity reports and produce formal annual reports on overall progress.

Action plans

4. This strategy does not contain the detailed, costed action plans. These will be approved by the implementation group for each individual recommendation, following detailed analysis of priorities and available resources. The agreed plans, and quarterly activity reports, will be published on the OCPAS website (www.publicappointments.org) and on the new public appointments hub website (www.appointed-for-scotland.org). In addition, a formal review of progress will be published annually on these websites and in the Commissioner's annual report which is laid before the Scottish Parliament.

Permanent advisers

5. The implementation group will be supported by a senior member of the Equality and Human Rights Commission (EHRC) in Scotland whose role will be:
 - to provide independent expert advice on equality and diversity issues
 - to identify areas where the work of the EHRC can contribute to the implementation of the strategy and vice-versa
 - to secure EHRC resources where necessary.

At the time of launching this strategy, this position is held by Chris Oswald, Head of Policy and Parliamentary Affairs, EHRC Scotland.

6. The implementation group will also be supported by the Development Manager from OCPAS and a Scottish Government official. Their role will include preparing the detailed proposals, action plans, activity reports and progress reports for approval by the implementation group.

Reference groups

7. In response to suggestions made during consultation, a number of reference groups will be set up to provide input and support to the implementation group. Issues will be referred to the reference groups from time-to-time, as appropriate, to guide the implementation from a variety of perspectives.

The reference groups will comprise:

a. Chairs of Non-departmental Public Bodies

A panel of serving chairs drawn from both executive and advisory public bodies regulated by the Commissioner.

b. Equalities

Representatives from organisations working across the six equality strands at local and national level.

c. Industry Sectors

A panel of companies and organisations and trade unions from the private, public and voluntary sectors.

d. Youth

A panel of young people aged 16-25, including members of the Scottish Youth Parliament.

e. Recent applicants for public appointments

A sample of people who have recently been appointed through the public appointments process and people who recently applied, but were not appointed.

Section Three - Measuring progress

How will we know if we are making progress?

- 1.** We have concerns about setting targets to increase the percentages of people serving on boards from currently under-represented groups. While this may increase the numbers, it could shift the focus from achieving excellence through diversity to simply achieving the targets through tokenism.
- 2.** The public appointments process is based on merit. The merit of each application is assessed against the published criteria for the post. Thus, the ability of applicants to progress to appointment depends on how well they perform during the appointment round. We can recommend changes to the process to remove any barriers to success. We can recommend actions to support people before they apply. We do not believe we should recommend percentage increases for certain groups of board members – their appointment will be based on their individual ability.
- 3.** Even so, a strategy that results in more diversity at the application stage - but sees no change on the boards themselves - will not have succeeded. While we believe it is inappropriate to set percentage targets for board members from under-represented groups, we will certainly expect to see their numbers increasing over the next few years. We will be closely monitoring the diversity of applicants, interviewees and appointees to see whether barriers are still arising for each under-represented group. We will continually adjust the recommendations in the strategy to address any barriers we find.
- 4.** We will also monitor the outcome of every recommendation in the strategy to see how far each one has been implemented. For example, has a hub website been developed? Is anyone using it? Is the education programme up and running and are people attending it?

Progress reports

5. More generally, we will look for progress in the following key areas:
 - public awareness of the appointments process
 - public confidence in the appointments process
 - the number and diversity of applicants
 - the appreciation of diversity throughout the process
 - awareness of, and access to, development opportunities.

6. Quarterly activity reports showing the work done in each three-month period will be presented to the implementation group and published on the OCPAS website and the public appointments hub website. In addition, a formal review of progress will be published each year on these websites and in the Commissioner's annual report which is laid before the Scottish Parliament.

Our targets and ambitions

7. We are ambitious. We have set aspirational targets for the changes we want to see; these have been expressed in percentage terms where appropriate. They are intended as a guide and a starting point. As with the rest of the strategy, they will be reviewed and refined as we progress. Where percentage increases are recommended these should be drawn from across the diversity of the population. If 30% more people come to know about the process – but, for example, all come from the same area or the same age range - this will not fully meet the target we have set. The increase must be in balance with the population and should not exclude any groups.
8. We have set a three year period in which to achieve our targets. In most cases this period will run from 1 September 2008, the date the strategy is launched. The only exceptions are targets that relate to applicant statistics; these will be measured over a three year period starting on 1 April 2009. By that date, the new monitoring forms will have been introduced, enabling us to gather the information we need. As the reporting year for applicant statistics currently runs from 1 April to 31 March, using this same period will also allow more accurate comparisons with previous years' statistics.

i) Awareness of the appointments process

Current position:

- 30% of adults in Scotland have some awareness of public bodies and the appointments process (ICM Poll, August 2007).

Ambition:

- Increase the level of awareness to 45%

Method of measurement:

- Repeat of the telephone poll of 1,000 adults conducted in producing this strategy.

ii) Confidence in the appointments process

Current position:

- 32% of people think that board members are invited to join the board; a further 21% think they are given their board positions as a reward for other work they have done (ICM Poll, August 2007).

Ambition:

- Reduce these figures to 20% and 10% respectively.

Method of measurement:

- Repeat of the telephone poll of 1,000 adults conducted in producing this strategy.

iii) Number and diversity of applicants

Current position:

(Source: Scottish Government Statistics)

In the year between April 2007 and March 2008, 1,235 applications were received.

- 33.8% of applicants were female.
- 13.6% of applicants were disabled.
- 1.2% of applicants were from a minority ethnic background. (This does not include applicants who described their ethnicity in their own words as we are unable to determine whether they fell within the minority ethnic category.)
- 30.9% of applicants were aged 50 and under.
- No information was collected about applicants' religion/belief, sexual orientation, employment status/sector, income level or location.

Ambition:

- Increase percentage of female applicants to 40%
- Increase percentage of disabled applicants to 15%
- Increase percentage of minority ethnic applicants to 8% overall. This target includes white (non-British) ethnic minorities that have not been included in the minority ethnic category previously.
- For regional bodies, make sure the applicant pool reflects the ethnicity of the regional population.
- Increase the percentage of applicants aged 50 and under to 40%
- Carry out effective monitoring of applicants' religion/belief, sexual orientation, employment status and sector, location and income band to provide baseline statistics against which to set aspirational targets.
- Until these baseline statistics are available, use an interim target of 6% lesbian, gay and bisexual applicants, based on current Government estimates for the population.

Methods of measurement:

- Monitoring of Scottish Government applicant statistics.

iv) **Appreciation of diversity throughout the process**

Current position:

- Despite positive intentions, awareness and understanding of diversity and inclusion are generally low; there is no effective strategy to attract and harness diversity of talent.

Ambition:

- Diversity and inclusion are integral to every stage in every appointment round.
- Every selection panel member, board chair and board member has regular training on how to manage equality issues and benefit from diversity.
- The awareness of and approach to diversity are assessed in the annual performance appraisal of every board member and chair.

Methods of measurement:

- Repeat of the survey of applicants' experiences of the process conducted in producing this strategy.
- On-going assessment by OCPAS Assessors in each appointment round.
- Regular diversity audits by the Commissioner of a sample of appointment and re-appointment processes.
- Monitoring of how far different groups of applicants are progressing through the appointments process.

v) Awareness of and access to development opportunities

Current position:

- No support or training and development opportunities are either provided or promoted to identify new talent or develop the public appointees of the future.

Ambition:

- 35% of adults in Scotland have heard of the public appointments hub website.
- A range of relevant, effective and easily accessed development opportunities is signposted from the hub website.
- One thousand members have registered on the hub website's talent bank, to be kept informed of appointment and development opportunities.
- Two hundred people have embarked on development activities as a result of the public appointments communication campaign or hub website.

Methods of measurement:

- Repeat of the telephone poll of 1,000 adults conducted in producing this strategy.
- Monitoring of the content on the hub website.
- Monitoring of the talent bank database.
- Monitoring by providers of development activities of the number of participants referred to them through the hub website.

The consultation document for this strategy, published in November 2007, set out in detail the rationale and context for the strategy. That document, details of our research and other supplementary documents are available to download from our website:

www.publicappointments.org/diversity.

Documents can be downloaded in either PDF or Word formats. Alternative formats are available on request by telephoning OCPAS on 0131 718 6268 or by sending an email request to info@publicappointments.org

Documents available

Diversity Delivers - Consultation on the proposed strategy for enhancing equal opportunities in Scotland's ministerial public appointments process

Consultation Document, published November 2007.

Annex A - The Ministerial Public Appointments Process in Scotland

Brief summary of the principal stages involved in an appointment round regulated by the Commissioner.

Annex B - Summary of research conducted

Overview of research conducted in producing this strategy - Stages 1,2 and 3.

Annex C - Stage 1 Research

Report of the investigation into appointment practice under the interim Code of Practice and the new Code of Practice (November 2005-January 2007); analysis of applicant and appointee data; comparison of Senior Civil Service recruitment process and the public appointments process.

Annex D - Stage 2 Research

Survey results of the experiences of people who applied for, or expressed interest in, a public appointment opportunity in the first year under the new Code of Practice.
(April 2006 – March 2007)

Annex E - Stage 3 Research

Summary of qualitative research conducted including consultation group work, survey of Scottish Women's Convention members and interviews with equality experts. Summary results of telephone poll of 1,000 adults on their awareness of the public appointments process and their views of methods of publicising appointments (August 2007).

Annex F - Summary of Previous Research on Diversity in Public Appointments

Short summary of the main points to emerge from previous studies into equality and diversity in the public appointments process in Scotland and across the UK.

Annex G - Legal Duties

Brief summary of the principal legal duties in the area of equal opportunities that are relevant to, and reflected in, this strategy.

Annex H - Rapid Impact Assessment for the Strategy

Short assessment of the impact the strategy will have in relation to each equality strand.







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