

## Parliamentary Briefing: Gender Representation on Public Boards (Scotland) Bill

Ahead of the Stage 1 Debate: Gender Representation on Public Boards (Scotland) Bill, an overview of the key points relevant to the college sector are set out below. Colleges Scotland is the membership body for Scotland's 26 colleges. Our colleges are committed to inclusive growth and tackling inequality through the provision of high quality skills and education within the communities they serve. As colleges are classified as public bodies, the Bill will have a significant impact on their boards of management and governance arrangements.

### Introduction

College governance has been high on the agenda since the enactment of the Post-16 Education (Scotland) Act 2013. The college sector has not only undergone significant legal changes to how its boards operate but also experienced cultural change. The establishment of the Good Governance Steering Group (GGSG) in October 2013 sought to achieve a sector-wide ownership of what constitutes the '*principles of good governance*' and this was accomplished through the publishing of the *Code of Good Governance for Scotland's Colleges* (the Code) in December 2014 which was later updated in August 2016. The sector has spent the last three years continuing its work by developing various good practice guidance, frameworks and models, considering other recommendations and areas of best practice. It has also focused its efforts on ensuring existing college board members and board secretaries across Scotland are appropriately trained in good college governance.

Mindful of their societal role in tackling inequalities, the sector has sought to focus on the diversity of their boards, however external factors such as rurality and culture have inevitably had an impact on progress in this area.

### Current College Sector Boards

College sector boards are regulated by the Post-16 Education (Scotland) Act 2013 and Ministerial Guidance which states that Scottish Ministers will approve members of boards for regional colleges and regional strategic bodies. At present, there are over 450 board members serving across the sector (this includes staff and students).

Colleges Scotland is currently compiling data for 2017, however, a breakdown of the gender split for non-executive board members for the last three years is as follows:

Non-Executive Board Members	2014*		2015		2016	
	Male	Female	Male	Female	Male	Female
	68%	32%	68%	32%	61%	39%

\* does not include figures from regional strategic bodies

As can be seen from the 2016 data, male college chairs have remained significantly over-represented. A breakdown is shown below:

All College Chairs	Male	Female	Vacant
	21	4	1
	81%	15%	4%

Ministerial Appointed Regional Chairs*	Male	Female
	9	3
	75%	25%

\* figures do not include the chair of the Highlands and Islands Further Education Regional Board as this post is appointed by the UHI Court.

It should be noted that due to the Public Appointments cycle, no opportunity has arisen for the sector or Scottish Government to address the gender balance for college chairs.

## Key Issues

### 1. Application Barriers

It is important that although boards of Scottish public authorities – through scenario planning and as part of their recruitment process – identify certain skills and experience as well as the appropriate representation, it is also important that a focus on gender does not become discriminatory against other protected groups or characteristics, or that the best candidate is disregarded in order to meet a legislative requirement.

Colleges have also raised concerns around the potential risk of candidates being unfairly discriminated which is in conflict to the Equality Act 2010.

Additionally, anecdotal feedback from colleges suggests that there are a number of barriers to recruiting non-executive board members such as:

- Limited pool of interested candidates
- In smaller communities with several public bodies, it can be difficult to attract candidates
- Rurality i.e. large distances between various campuses, particularly for people already in full time employment
- Commitment is onerous
- Posts are non-remunerated positions.

### 2. Recruitment Issues Facing Colleges

The Equality Act 2010 has helped reinforce the practices undertaken by public sector authorities when exercising their functions, including having regard to ensuring equality of opportunity. However, focusing on one specific targeted group can obstruct autonomy and transparency around the board recruitment process and the requirement for boards to be allowed to recruit individuals by making best use of talents, skills and experience of people within the community regardless of protected characteristics such as age, race, gender or disability.

The 2010 Act already stipulates duties which institutions should have regard to in terms of protected characteristics, including recruiting for board positions and these duties continue to be adhered to within the college sector. However, colleges can only appoint from candidates who have shown an interest in applying and consideration should be given as to how best to nationally improve the diversity of a talent pool for recruitment onto public boards.

Unlike some public authorities where their head office may well be city-based and have a larger pool to draw from when recruiting board members, some colleges are located in less urban settings. Senior leaders of smaller colleges have advised that they find the regions they are situated in, as well as rurality factors, have a significant adverse impact on the number of females that apply for board membership.

In some cases, the small number of appointable candidates currently applying to college board vacancies may lead to a situation where vacancies are not filled for long periods of time.

### 3. Reporting Requirements

Through the Post-16 Education (Scotland) Act 2013, Scottish Ministers already approve the appointment of members of boards for regional colleges and regional strategic bodies.

As the majority of colleges are already reporting on the gender balance on their boards through existing Ministerial guidance, Colleges Scotland believes it would be appropriate to build reporting lines into these arrangements if they currently exist for public sector authorities.

In addition, the binary definition of 'gender' requires urgent update going forward in terms of reporting accurate gender splits in order to be truly inclusive and mindful of individuals' identities.

### Additional Comments

The college sector is committed to supporting gender equality on its boards and the GGSG will ensure its focus is supporting the sector over the next four years to achieve the desired outcome. However, the enactment of this Bill is unlikely to address the wider societal issue of overcoming barriers to equality and diversity representation on public, private and third sector boards in Scotland.

It is Colleges Scotland's view that improving diversity on boards of Scottish public authorities is something that can only be changed through a national, partnership approach to tackling the structural barriers which discourage talented and competent individuals from considering a board position. The Scottish Government and public sector authorities should work together to:

- shape and deliver cultural change to create diversity
- develop and share best practice around board recruitment
- develop policies around succession planning to identify and develop new leaders and board members
- introduce national mentoring programmes and board-ready training
- establish regional professional networks in conjunction with the private sector.

This briefing has been provided by Colleges Scotland for MSPs' information. To discuss, or for further information, please contact please email [policy@collegescotland.ac.uk](mailto:policy@collegescotland.ac.uk) or telephone 01786 892100.

Colleges Scotland  
November 2017