

WOMEN ON BOARD: QUALITY THROUGH DIVERSITY

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

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3. Permissions - I am responding as...

Individual

Please tick as appropriate

Group/Organisation

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

Women on Board: Quality through Diversity Consultation

Response prepared by Colleges Scotland and College Development Network

Introduction

Colleges Scotland and College Development Network (CDN) are jointly responding to the *Women on Board: Quality through Diversity* consultation on behalf of members.

The college sector supports good governance including gender equality on boards and historically, through its governance development work and the Secretary to the Board Network, has proactively sought ways to improve and develop good practices. However, the college sector has undergone significant changes since the passing of the Post-16 Education (Scotland) Act 2013 in June 2013. The Act sets out provisions regarding how college boards should operate in single college and multi-college regions. It also specifies the size of boards, composition, duties, powers and conditions under which Ministers appoint and remove board members.

In May 2014, the Scottish Government published a consultation on *College Sector Board Appointments: Draft Ministerial Guidance*¹ seeking views on proposed guidelines for appointing board members. Colleges Scotland and CDN responded² jointly to the consultation. Our response raised concerns that some of the guidance did not allow for gender representation or allow for gender balance on future college boards. Examples of this are shown below:

1. The criteria proposed in relation to skills, knowledge, attributes and experience for a regional college board member for an individual which had:
 - a) *an ability to work successfully at a senior level, maintaining and developing excellent corporate governance*
 - b) *an ability to contribute to the development of a vision and strategic direction for the college, and to help guide the delivery of planned outcomes in challenging circumstances*
 - c) *an ability to engage and communicate effectively with a wide range of individuals and organisations*
 - d) *senior level experience in building networks that help achieve shared objectives*
 - e) *an understanding of the context in which the college operates, namely in terms of education and improving public services*
 - f) *such other skills, knowledge, attributes or experience as the regional college board considers relevant.*

We raised concerns that the above criteria could put women off applying for future board appointments. As stated in the *Women on Board: Quality through Diversity* consultation document, “*women are less confident in their own abilities and therefore less likely to apply for a job if they do not fulfil all essential and desirable criteria*”. The criteria is also not in line with the programme objectives of the Public Bodies and Corporate Diversity Programme which aims “*to make Ministerial public appointments more diverse reflecting broadly the general population by 2017*”.

¹ <http://www.scotland.gov.uk/Publications/2014/01/3875/downloads#res442226>

² <http://www.collegesscotland.ac.uk/colleges-scotland-policy/policy-and-briefings>

2. The Post-16 Education (Scotland) Act 2013 and draft ministerial guidance states that Scottish Ministers will approve members on boards for regional colleges and regional strategic bodies but not assigned colleges except for the chair. Therefore both Ministers and assigned college chairs have an opportunity to approve members in a manner which encourages gender representation.

However, it is important to recognise that colleges, like many other institutions, need to and should be allowed to recruit individuals on their board by making best use of talents of people within the community regardless of age, race, gender or disability.

Current College Sector Boards

A recent survey by Colleges Scotland and CDN of all 26 colleges (March 2014) showed a current board gender split of 65% male and 35% female (including staff and student members) on current college boards. Although these figures do not reflect the desired outcome of the Scottish Government in terms of gender representation, it does however illustrate a strong starting point for the sector to work towards meeting the diversity delivers target (40% female representation). It is worth emphasising there are a number of board places that colleges have little ability to influence. The regional chair is one, as are the student and staff board members due to the appointment processes being out with the control of the board as a result of elections and nominations. The tenure of the student board members will also affect the gender split on an annual basis. Finally, the principal appointment will also impact a gender split on a board. It is also likely that the principal as a board member may be in post longer than other board members.

As previously stated, the college sector is currently undergoing a transitional period of change following the Post-16 Education (Scotland) Act. All 13 regional college chairs have now been through a Ministerial public appointments process (except for the Highlands & Islands region).

The current gender split of member college chairs as at 5 July 2014 is 72% male and 28% female. However on a separate point, the gender split of college principals shows a different picture with 54% female and 46% male.

Recommendation

Colleges Scotland and CDN call for the Scottish Government's Public Appointments and Corporate Diversity Programme to look to include desired targets on gender representation within existing Ministerial guidance for institutions whose board members are appointed/approved by a Minister as opposed to legislating separately.

Response to Questions

Each consultation question is answered in turn below.

Question 1: Voluntary measures to increase gender diversity on public boards have been in place for some time. Why do you think they have not lead to the achievement of the 40% Diversity Delivers target?

The Equality Act 2010 helped reinforced the practices undertaken by public sector institutions when exercising their functions including having regard to ensuring equality of opportunity. Today, equality and diversity is at the forefront of all public sector policies including recruitment, however although institutions follow the various good practice guidelines, they can only select from candidates who have shown an interest in applying, including board members.

More up-to-date research and robust data is needed to better understand what the obstacles are for women in each of the different regions in Scotland choosing not to apply to become a board member. Is it down to the application criteria, ineffective promotion (advertising on a national basis rather than local or not utilising social media) or perceived stereotypes of boards e.g. "male-dominated, inhospitable"?

Question 2: Do you think that before gender quotas are introduced to public boards, they should be given the opportunity to achieve a voluntary target for gender diversity on their board first?

Yes No Don't Know

There is a willingness from the college sector to improve engagement rates to address socio-economic inequalities. With quantifiable research and robust data to assist along with a sector-led approach, Scotland's colleges are committed to improving the current gender balance on individual college boards in line with the 40% diversity delivers target.

Question 3: If you answered 'yes' to question 2, what is a realistic timescale for boards to reach voluntary targets, after which quotas would be introduced?

Once research to better understand the obstacles, along with any recommendations, has been conducted and published (within the next 12 months), it is envisaged that the college sector could achieve the 40% diversity delivers target four years thereafter (by 2019). This would allow time to embed new governance arrangements following the Post-16 Education (Scotland) Act 2013.

Question 4: What difficulties, if any, do you think there will be in introducing gender diversity quotas for public boards?

As previously mentioned it is important to recognise that colleges like many other institutions need to recruit individuals on their board by making best use of talents of people within the community regardless of age, race, gender or disability. Although institutions follow the various good practice guidelines, they can only select from candidates who have shown an interest in applying.

The proposed criteria set out in the *College Sector Board Appointments: Draft Ministerial Guidance* in relation to skills, knowledge, attributes and experience of board could limit the opportunity for a board complement to allow for gender balance on future college boards.

Question 5: What support, if any, do you think public bodies will require in order to introduce quotas effectively?

As previously answered in Q.1, more research and robust data is needed to better understand what the obstacles are for women in Scotland choosing not to apply to become a board member, along with clear guidelines and recommendations to assist with meeting the quotas effectively.

Question 6: Which bodies should quotas apply to? For example those with: Ministerial appointments only; Ministerial and non-regulated appointments; Neither Ministerial nor non-regulated?

Best practice in appointing board members whether it is a public or private sector organisation should always have regard to ensuring equality and diversity when making appointments.

Question 7: Which other public boards, if any, should be included? Please give reasons for your answer

Institutions that received 50% or more of public funding should adhere to government priorities and should therefore also be bound by the government's governance guidelines.

Question 8: Which public boards, if any, should be exempt? Please give reasons for your answer

As in Q 7, all bodies that received 50% or more in public funding should adhere to government priorities and should therefore also be bound by the government's governance guidelines.

Question 9: Do you agree there should be quotas for people with other protected characteristics other than gender?

Yes No Don't Know

It is not clear from the above question whether these are voluntary or mandatory quotas.

The Equality Act 2010 already stipulates the public sector duties which institutions should have regard to, however as previously stated candidates can only be selected from those who have shown an interest in applying.

Question 10: If you answered yes to question 9, do you agree with the Scottish Government's staged approach to the introduction of quotas i.e. focussing on gender first?

Yes No Don't Know

N/A

Question 11: We have said that the percentage level for gender diversity quotas on public boards should be at least 40%, do you agree? YES, should be 40%; NO, should be greater than 40%, NO; should be less than 40%; or DON'T KNOW.

Yes No Don't Know

In comparison with what other countries have managed to achieve, 40% as a target may seem like a feasible quota to set. However there would be a requirement for up-to-date research to confirm the percentage of women who are actually in work to ensure that 40% seems like a feasible quota to set.

As previous mentioned, due to the number of board places which the college has little ability to appoint directly i.e. regional chair, student, staff, the 40% quota might be more difficult to meet and sustain.

A stay at home female might not see the appeal or feel encouraged to become a board member due to external factors such as being a full-time parent or carer.

Furthermore, women have a longer life expectancy than men and although there is no maximum age restriction on college boards, up-to-date data could indicate a significant element of the 52% female population is of an age whereby they may not consider it desirable to become a board member.

Question 12: Who do you think should be responsible for enforcing quotas on public boards?

Enforcing quotas is not a route the college sector would wish to support at this time.

Question 13: Do you think some form of sanction should be imposed on public bodies if there is non-compliance?

Yes No Don't Know

External factors can have an impact in determining the success of gender quotas on boards e.g. a small rural college located in a region which has a strong agricultural focus may have an impact on the number of females that apply for board membership.

By following effective recruitment guidelines for recruiting board members, an institution should be able to provide evidence that they have carried out an effective advertising campaign and targeted certain groups.

Question 14: If you have answered 'yes', to question 13 what type of sanctions could be used?

N/A

Question 15: Do you think gender diversity quotas should be extended to company boards?

Yes No Don't Know

Best practice in appointing board members whether it is a public or private sector organisation should always have regard to ensuring equality and diversity when making appointments.

OTHER GENERAL ISSUES NOT COVERED ELSEWHERE

Question 16: Please provide details of any additional issues, not addressed in your other responses, that you think should be considered in relation to the introduction of gender quotas on public and company boards.

It would be advantageous if there was support across the political spectrum to ensure that women have the opportunity to undertake key roles on all boards and committees.

The implementation of local and regional initiatives to support institutions recruiting female board members such as the following: mentoring programmes, regional professional networks, board-ready training etc would assist with meeting gender quotas on boards. Some of these initiatives are currently in place; however it is important that these programmes are tailored to the local areas.

If an institution finds it difficult to recruit female board members, consideration could be made to co-opt female members thus ensuring there is a female voice. This can often be a stepping stone to full board membership.

Greater flexibility around when and where board meetings take place may encourage female representation on boards. This could be highlighted when publicising vacancies.

Providing a better understanding of the benefits of a more diverse board to its members would allow for a culture change.

However, it is important that an institution by targeting female board members does not create positive discrimination and that guidance is provided on how to deal with this possible scenario.

BUSINESS REGULATORY IMPACT ASSESSMENT QUESTIONS

Question 17: Will there be any resource issues for public bodies to introduce gender diversity quotas on their boards?

Yes No Don't Know

It is difficult to predict what resources may be required. Expenses to cover childcare and carer costs may be required as women predominately are the primary care givers. There should be no barriers to women when conducting board duties and clear guidance on reasonable childcare and carer expenses is required.

If local and regional initiatives were established as noted in Q 16, then appropriate costs may need to be covered by the institution whose board member is taking part.

Question 18: Can the impact of any resources issues for public bodies be quantified using existing costing structures?

Yes No Don't Know

It is likely that costs such as carers and childcare could be covered under currently board practices however guidance on appropriate allowances would be required.

The cost of taking part in local and regional initiatives as noted in Q 16 could look to be included in board development budgets however constraints on existing college budgets may impact upon this.

Question 19: Will there be any resource issues for companies to introduce gender diversity quotas on their boards?

Yes No Don't Know

It is for individual companies to determine any resource issues regarding the introduction of gender diversity quotas on their boards.

Question 20: Can the impact of any resources issues for companies be quantified using existing costing structures?

Yes No Don't Know

It is for individual companies to determine any costing issues regarding the introduction of gender diversity quotas on their boards.

Question 21: To help with the development of a Business Regulatory Impact Assessment, please provide any other information you think is relevant

There could be costs relating to targeted advertising and recruitment along with staffing resource and associated costs.

EQUALITY IMPACT ASSESSMENT QUESTIONS

Question 22: The Scottish Government wants all women in their diversity to be represented on the boards of public bodies. Do you think there are currently barriers that especially impact on certain groups of women?

Yes No Don't Know

Possible barriers already stated could be the reimbursement for appropriate childcare and carer expenses and for this to be clear at recruitment. However, up-to-date research and robust data could help to better understand the barriers for women in each of the different regions in Scotland choosing not to apply to become board members.

Question 23: Do you think there is additional supporting action that could be taken to help certain groups of women overcome or mitigate these barriers?

Yes No Don't Know

As stated in the consultation, the Scottish Women's Convention 2007 survey "*suggested that women are less confident in their own abilities and therefore less likely to apply for a job than men if they do not fulfil all essential and desirable criteria*" therefore by providing initiatives such as mentoring programmes and board-ready training tailored in the local area and networks could instil confidence into this particular group.

Please also refer to our responses to Q 16 and Q 22.

Question 24: To help further with the development of our Equality Impact Assessment, please give any other information you think is relevant

Consideration should be given to the focus of female gender quotas to ensure that it does not have an adverse consequence on male board membership in the future. It is important that a target is achieved over a transitional period so as not to ostracise current male board members from reapplying or new male candidates from applying.

Research and robust data into female activity around other committees/groups such as community committees and school parent councils would also be of benefit to understand female participation. Females tend to be actively involved in areas which have a direct connection to family and community life and this should be seen as a significant contribution to making Scotland a wealthier and fairer place. By being involved in these committees/groups, this may curtail other board opportunities.