

A Scottish Government consultation on Implementation of the Gender Representation on Public Boards (Scotland) Act 2018

Overview

<i>General Comments</i>
Scottish Water is supportive of the aims of the Gender Representation on Public Boards (Scotland) Act, in line with our published commitment to the Partnership for Change. We believe that diversity is good for business and diversity on Boards is an enabler of strong corporate governance and effective decision-making, better representing the stakeholders, customers and communities we serve.

Detailed Response

Specific Comments

(Part 2. Draft Regulations. Questions 1 – 10)

1	Do you think that public authorities and appointing persons should be required to report on the carrying out of their functions under the Act at intervals of no more than 2 years, with the first reports being published not later than the end of April 2021?
	YES/NO/DON'T KNOW
	<i>Please tell us the reason for your answer:</i>
	The Scottish Government, through Public Sector Equality Duty (PSED) Reporting requires each public body to publish the gender statistics of our Board, along with a description of strategy or actions that we will take to strive to equalise this gender mix. As PSED reporting takes place every 2 years, Scottish Water considers this to be the appropriate platform to publish this information which aligns to the stated reporting timescale.
2	Do you think that Scottish Ministers should report to the Scottish Parliament on the operation of the Act at intervals of not more than 2 years, with the first report being laid before Parliament not later than the end of December 2021?
	YES/NO/DON'T KNOW
	<i>Please tell us the reason for your answer:</i>
	Scottish Water considers these to be the appropriate intervals to publish this information which will align to the stated PSED reporting timescale. This allows ministers to review PSED data, collate it and make an informed report to Parliament.
3	Do you think that appointing persons should include within their reports a statement containing the following 3 elements:

	<p>1. Stating whether the gender representation objective has been met YES/NO/DON'T KNOW</p> <p>We believe that this produces an open and honest dialogue where further improvement is acknowledged and not hidden.</p> <p>2. Providing information on any training received by or on behalf of an appointing person on the operation of sections 3 and 4 of the Act. YES/NO/DON'T KNOW</p> <p>It would be for the Scottish Ministers to decide if this information is appropriate as this training would be carried out internally to the Scottish Government.</p> <p>3. Providing information on:</p> <ul style="list-style-type: none"> ○ how many vacancies for a non-executive member of the board arose during the period covered by the report' <p>and</p> <ul style="list-style-type: none"> ○ for each such vacancy: <ul style="list-style-type: none"> ▪ how many competitions were run to fill the vacancy and ▪ for each competition: <ul style="list-style-type: none"> • how many applications were received and the percentage of those which were from women, where the numbers will not identify individuals • whether an appointment was made, and if so, whether the appointment made was a woman <p>YES/NO/DON'T KNOW</p> <p>It would be for the Scottish Ministers to decide if this information is appropriate. However, we believe that it would be useful to publish vacancies which arose during the period of the report. This will show levels of turnover and in particular if a board has slow turnover thus limiting their change potential.</p>
4	<p>Do you think that appointing persons and public authorities should report on the activity they have undertaken to encourage applications from women?</p>
	<p>YES/NO/DON'T KNOW</p> <p><i>Please tell us the reason for your answer:</i></p> <p>We believe that it is important to talk about positive steps. This can be presented in a statistical format or through a case study. We also believe that as the Public Appointments Team and Ministers will be heavily involved in selection, these decision making processes must be made known to the public body for which they are recruiting.</p>
5	<p>Do you think that appointing persons and public authorities should, if the gender representation objective has not been met, report on the details of any other steps taken with a view to achieving the gender representation objective by 31 December 2022?</p>
	<p>YES/NO/DON'T KNOW</p> <p><i>Please tell us the reason for your answer:</i></p> <p>By setting a date of EOY 2022, this means that public bodies which have slower board replacement are placed in a situation of potentially having to select a candidate based on gender rather than merit. This is not in the spirit of the Act.</p>

We have also signed up to a sectoral commitment which is UK wide, so we believe we are giving ourselves the best environment to gain this objective.

6 Do you think that appointing persons and other public authorities should be able to publish their reports on carrying out their functions under the Act within another document if they wish to do so?

YES/NO/DON'T KNOW

Please tell us the reason for your answer:

We believe this can be included in Ministerial reporting such as PSED.

7 Do you think that Scottish Ministers, in preparing their report to Parliament, must use information published by public authorities and appointing persons in their reports on carrying out their functions under sections 3-6 of the Act?

YES/NO/DON'T KNOW

Please tell us the reason for your answer:

This would be a logical process.

8 The draft regulations do not specify the content of Scottish Ministers' reports to Parliament other than that they contain an overview of the operation of the 79 Act. Do you have views or suggestions on the content of these reports?

If so, please tell us.

It would be interesting to detail:

- Public board gender representation versus Private sector in Scotland.
- Scottish Public board gender representation versus Public across the UK.
- Best practice examples with clear and demonstrable actions to achievement.

9 What, if any, comments do you have on the relationship between the proposals for reporting on the Gender Representation on Public Boards (Scotland) Act 2018 and reporting under the public sector equality duty specific duties.

We believe that these two reporting areas can be combined and their timelines aligned. Although this will involve collaboration between the Public Appointments Team and the Public Body to source the data required for publication within the PSED 2021 Report. This may add an extra time constraint on the process.

10 Please tell us any other comments you have on the draft regulations.

It is unclear as to whether Public Appointments Team input needs to go into our Public Body PSED reporting or whether they are reporting separately to Ministers. If so, there will need to be a process to ensure that the wording in both reports is aligned.

General Comments

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(Part 3. Draft Guidance. Questions 11 – 19)	
11	Do you have any comments on the terminology section of the Guidance?
<i>If so, please let us know.</i>	
12	Do you have any comments on the guidance on meeting the duties under sections 3 and 4 of the Act?
<i>If so, please let us know.</i>	
13	Do you have any comments on the guidance on section 4(4) of the Act?
<i>If so, please let us know.</i>	
14	Do you have any comments on the guidance on meeting the duties under section 5 of the Act?
<i>If so, please let us know.</i>	
15	Do you have any comments on the guidance on meeting the duties under section 6 of the Act?
<i>If so, please let us know.</i>	
16	Do you have any comments on the guidance on meeting the reporting requirements?
<i>If so, please let us know.</i>	
17	Do you have any comments on the guidance on how the Act applies when the 50% gender representation objective has been achieved?
<i>If so, please let us know.</i>	
18	Do you have any comments on the guidance on good practice examples of steps to remove the barriers that women face when applying to become non-executive members and examples of other steps that could be taken?
<p>Scottish Water is already actively taking steps to attract a more diverse pool of applicants for all our employment opportunities. For previous non-executive appointments, we have worked in partnership with the Scottish Government to agree an appropriate attraction strategy for NED positions to encourage applications from women and other under-represented groups. We have also previously had various female Shadows work with our Board directly.</p>	
19	Please tell us any other comments you have on the draft guidance.

(Impact Assessment Question)	
20	If there is any information that you would like to highlight that you think would be helpful for the Equality Impact Assessment, the Business and Regulatory Impact Assessment, or the Data Protection Impact Assessment then please let us know.
It is difficult to assess whether the Act will have a significant impact on protected characteristic groupings other than gender, such as race or disability, but it is not perceived to do so at this time. There may be an opportunity to form a more joined up approach between the various arms of the Equality Unit at the Scottish Government to produce a common goal.	

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