Commissioner for Ethical Standards in Public Life in Scotland

Report

Thematic Review of Operation of the 2013 Code of Practice for Ministerial Appointments to Public Bodies in Scotland

CONTENTS

Introduction

In my business plan for 2014/15, I included a project that set out to review the practices of the Scottish Government in relation to implementation of the 2013 Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the Code) since its introduction.

Despite the incremental changes and improvements to appointments practices that successive codes and my predecessors have seen and encouraged, my 2013/14 annual report showed that these changes had not done enough to achieve the targets set out in Diversity Delivers. This review therefore sought to explore whether lessons from previous appointment activity are being fed into subsequent rounds and leading to improvements in the process and the system more widely.

The relevant sections of the 2013 Code and statutory guidance, which refer to learning from appointment activity, are set out overleaf.

It is important to place this review and its results in context. The Scottish Government has embarked on a change programme in accordance with direction from the Public Boards and Corporate Diversity Board (PBCDB) that it established in December 2013. Our joint commitment to the achievement of more diverse boards is absolute. Members of my team and of the cohort of Public Appointments Advisers are working together with a sub group of that board on a range of actions. A number of the actions are based on an already shared understanding of various aspects of the public appointments system that would benefit from improvement. We recognise that some are unlikely to be implemented in the near future. It was agreed in consultation with the Scottish Government that the proposals for the review should recognise the current context, the commitment to joint working and the limited resources available to each organisation. The review's focus sought to add value to and dovetail with the joint actions already agreed.

The main relevant action agreed by the Programme Board sub group is to "develop a lessons learned process for public appointments".

The thematic review and this report should contribute to a better public appointments system. It identifies and provides evidence of those factors which enable and inhibit improvement. It makes easy to implement recommendations about changes that can be made to the system that will effectively:

- embed learning and
- foster improvement over time.

This report does not go into too much detail about individual findings as we agreed with the Scottish Government that its primary purpose and output should simply be a set of broad findings and accompanying recommendations. We also wished to ensure that review participants would feel able to share their

perceptions with us freely, frankly and openly on the basis that these would be anonymised. Review participants included selection panel members, such as senior civil servants and chairs of public bodies, as well as PAWD managers and our own Public Appointments Advisers. All have a stake in seeing a more effective system and all of their contributions to the review have been valuable.

I place on record my thanks to all of the Scottish Government officials and chairs of public bodies who cooperated so fully with my team on this project.

For those with an interest, the appendices to this report set out exactly what research was conducted and the methodology employed at the two stages of the review.

I look forward to seeing the recommendations in the review implemented.

Bill Thomson, Commissioner

Code and Statutory Guidance Requirements Relevant to Review

Code

"C2 Selection panel members will agree an appointment plan containing

i. the publicity, application and assessment methods to be used. The agreed methods will be those the panel considers most likely to attract a diverse range of able applicants, taking account of relevant information held by or available to the Scottish Government."

Guidance

"3. The appointment plan

3.1 The Code anticipates that the selection panel will meet at the outset of each appointment round to agree an appointment plan that will generate a successful outcome.

3.2 The panel should decide what information they should consider to inform their decision-making on advertising and the process to be used to select the most able candidates. The panel should review lessons learned from previous rounds to this end and generate such information itself at the conclusion of the appointment round to aid with continuous improvement in and openness of the appointments process. This should enable panels to select methods for publicity and application and assessment that do not represent barriers for people from particular under-represented groups.

3.3 The final materials agreed by the panel should always be plainly expressed using simple, easy to understand, language. The objective of the panel is to encourage the optimum number of people to apply for positions and for people to find it a comparatively easy exercise to submit applications.

3.4 The methods of assessment agreed by the panel should clearly be appropriate to test what the board requires. By way of example, when a board requires experience, this can be gathered by way of life history or CV whereas it is not appropriate to test experience using forms for competency-based assessment. Panels should agree on how to best test applicants' different attributes and have a shared understanding of what merit will look like so that new requirements are not inadvertently introduced during the stages of assessment.

3.5 The Scottish Government should review and keep under review current practices with a view to facilitating 3.1 to 3.4 above."

Findings and Recommendations

Overarching Findings and Recommendations

Key Finding and Recommendation: Ministers Define Merit

We found that: The Scottish Ministers have made their commitment to achieving more diverse boards clear and have made the case for that ultimate aim in terms of corporate effectiveness, better service delivery and social justice.

Anyone engaging in the activity of making appointments, regardless of the role they fulfil, is duty bound to uphold the ministerial commitment to more diverse boards.

We recommend that: In accordance with the Commissioner's guidance issued in August 2014 on the subject of "Merit and Most Able", it is up to the Scottish Ministers to clearly define the type of people that they wish to appoint. If Ministers wish to make more diverse appointments, it is clear that they must define what they require differently than may have been the case in the past.

Finding and Recommendation One

Participants in the review told us:

"I don't know if we'd have changed anything if we hadn't had the Ministerial pressure to do so. It would help if Ministers were more involved at the start and had a clearer picture in their own heads of what merit might be defined as"

'It's about not appointing in your own image, ensuring you have the different insights and expertise needed to execute the core functions of the Board and managing your succession planning so that you are growing the next generation'

'It's about getting a deep and mutual understanding of diversity as a philosophy so that it enables what is there and prompts different outcomes in relation to everything that the body does'

"There can still be a sense that we want all of this standard experience, seniority and governance stuff with a little bit of visible diversity just sprinkled on top'.

'the bar might need to be set a wee bit lower for some candidates from the under-represented groups'.

We found that: Many people involved in the making of public appointments are committed to achieving more diverse boards. Whilst that commitment is widespread it is not universal. In a few cases panel members genuinely felt that seeking to appoint a more diverse board was incompatible with making appointments on merit. Some participants in the appointments process may still have an unconscious picture of the "model" board member, based on an outdated and unhelpful stereotype.

We recommend that: Participants who do not adhere to the shared commitment should be reminded that these are ultimately ministerial appointments. A clear message should be promulgated at the ministerial level and from the highest levels of the civil service that participation in appointment activity is predicated on participants sharing the commitment of the Scottish Ministers and, ultimately, sharing an understanding about the value and the meaning of diversity. We note that the First Minister has already made a significant commitment to achieving gender parity on boards by 2020 and that the PBCDB has already embarked on engaging senior officials about this ambition. We simply recommend that this work should be continued and expanded to include all participants in the public appointments system.

Finding and Recommendation Two

Participants in the review told us:

"The panel chair had not carried out many appointment rounds although had broad experience from civil service selection panels. She had taken time to speak to other more experienced people [in directorates] and had pre-prepared personally using CESPLS materials. She voiced a clear understanding and genuine commitment to the issues concerned".

"It was felt that significant consideration had been given to good practice and comparator material and the panel members had separately commented on the useful input of PAA and PAWD Manager"

"The Commissioner's representative at the planning meeting could have been more directive and proactive".

"The publicity strategy followed the normal health approaches but the body chair personally added significant value by reaching out to different community groups."

'PAAs and PAWD need to be much more assertive in recognising the practical impact of 'process' on diversity outcomes'

"The panel chair said that diversity ran through everything from considering the design of the board paper task to the layout of the room."

'There is a 'passing of the buck' over who owns all of this. PAWD could be much more directive although this might not be welcomed by sponsor departments. At the end of the day this is just an "add-on" for the sponsor team'

'Although we reviewed what we'd done as we agreed our recommendations on applicants at the end of the process, there was no process to capture that learning and in reality it just resides with us as individuals'

"We'd need much more structured support from SG as a whole. This can't just be left to individual bodies. We should have a national shadowing / development programme that will prepare people to slot in"

We found that: There are clearly many areas of good practice in relation to public appointments in Scotland. When that good practice coincides then we see good diversity outcomes. There is, unsurprisingly, no single solution to achieving more diverse boards. Many factors have to coincide to make success in this area likely.

The board itself and the body chair in particular have to value diversity and the culture that they create and demonstrate has to make this clear. Commitment on the part of selection panel chairs in particular and their engagement with the appointments process to get the best possible outcome matters. Taking time and expending resource during planning is important.

Tailoring the criteria for selection, to ensure that they are not unnecessarily restrictive or written in language off-putting to underrepresented groups matters. The language used in packs and publicity matters too. We did not find that the inclusion of "experience" in criteria for selection presented a barrier to specific groups although other terms such as "in a board setting" or "corporate governance" did appear to.

Direct approaches to encourage applications matters as does the process used to assess people. The women who were appointed, in particular, were often encouraged to apply as opposed to actively seeking appointment opportunities.

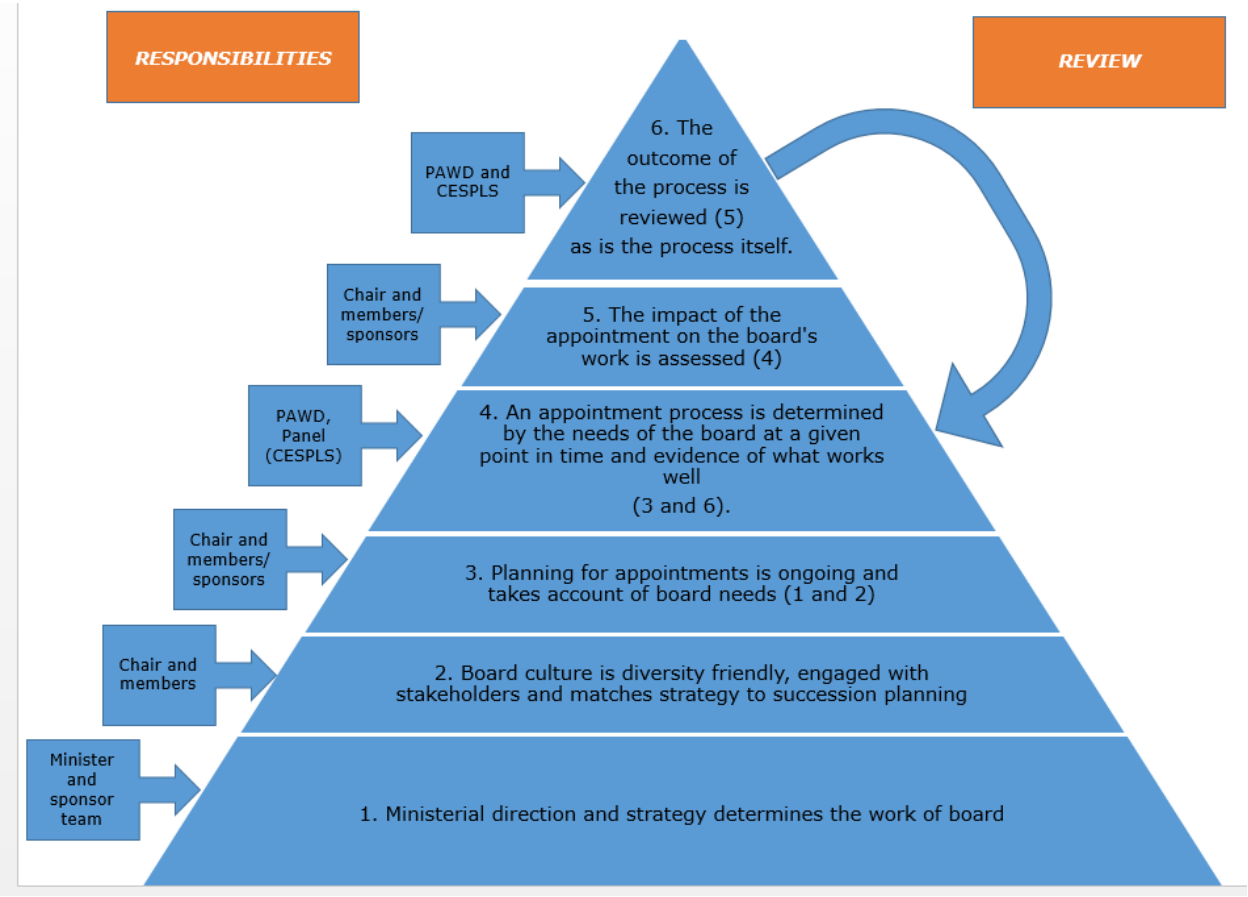
To achieve different outcomes, different, tailored approaches have to be used on each occasion. This presents a challenge for those tasked with achieving those different outcomes as what may have worked on one occasion can be unsuitable on the next. Responsibilities for the achievement of more diverse boards are disparate and not always clearly defined and assigned and this also poses challenges. Based on the comprehensive evidence that we gathered we take the view that clarity on the many disparate activities that must take place to achieve diverse boards is lacking. Perhaps more importantly, even when those involved in making appointments know what has to take place, individuals are not always clear about where responsibility for taking the required actions lies.

We recommend that: A model framework should be adopted by the Scottish Government clearly setting out and assigning roles and responsibilities, to

ensure that good practice coincides on an ongoing basis. We have provided an example framework for reference (figure 1). We recommend also that those who are already achieving good practice be clearly identified as champions.

We are already posting examples of good practice in attraction and assessment to our website and in a proportion of these cases the civil servant who chaired the selection panel has agreed to act as a champion and to discuss their experience with other chairs planning appointment activity. These officials are adding significant value to the store of learning that everyone can draw upon.

FIGURE ONE – A FRAMEWORK FOR GOOD PRACTICE



Finding and Recommendation Three

Participants in the review told us

"The body chair regarded the outcome as successful with board's overall skills more diverse even although the gender balance had not improved"

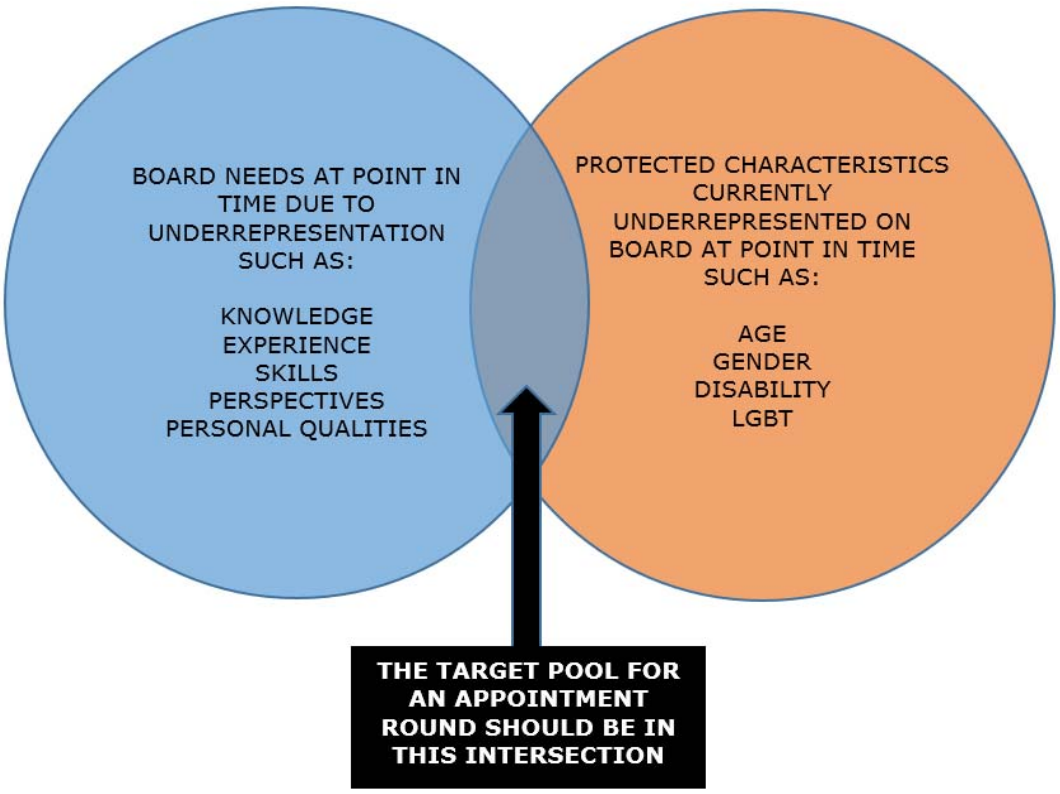
"Both panel and body chairs felt that the board was now more diverse and better reflected the desired mix of skills, genders, age, background and geographical spread".

We found that: Even in cases where the commitment of participants to more diverse boards is apparent, there is variable understanding of what that means in practice in the context of appointment rounds. The skills, knowledge, experience and perspectives that boards need to be effective are often confused or conflated with protected characteristics such as gender or age. This means that selection panels and other participants will not have a clear idea of the desired outcome of an appointment round. This can effectively invalidate the time and resources expended on both planning for and the implementation of appointment activity. If the target is not clear then the means of reaching it will equally be so.

We recommend that: Diversity in its broader sense is vital to board effectiveness. The Scottish Ministers are statutorily obliged to address underrepresentation of people with protected characteristics. All participants should be educated in the differences between diversity in its broader sense and protected characteristics so that they understand the dual aim of appointment activity; to meet the needs of the board and at the same time to redress a diversity imbalance in terms of protected characteristics. If participants do not have this understanding, appropriate approaches, such as positive action, will not necessarily be taken and successful outcomes will not necessarily be achieved.

We have provided a diagram (figure two) to give clarity.

FIGURE TWO – DIVERSITY IN THE CONTEXT OF APPOINTMENTS



Finding and Recommendation Four

Participants in the review told us

"it was not clear who 'owned' the decisions to do things differently or to adopt different approaches to secure a different outcome"

"There's not a lot of what I would call hard evidence on any of this. SG [Scottish Government] is an evidence based organisation. There is nothing I can share that offers direct cause and effect. We've got good people from the way we've done things to date. I'd need a lot more to make a case for 'why change' when there are resource issues and risks attached to that"

"We need more examples and suggestions of ways to approach this but we're also in the evidence business and when panels have a familiar and comfy process already, you need certainty to change that. The more you start using different techniques, the more question there is around the competency of those employing them"

"We didn't discuss any different approaches or modifications. You need to accept the reality of how far the Chair's influence actually goes"

"You'd think the OCPAS [sic] assessors might do that but they're more concerned with process than outcome. The Code's restrictive and not concerned with progress so that means you can't change the process anyway" [Note that this quote came from a round that had no CESPLS adviser assigned].

"I got no sense they were particularly interested in learning from what had gone before or what was happening in this round and the effect that might have - or even how that linked to good practice elsewhere"

"We need to recognise that these appointments are made under unnecessarily tight time pressure – usually a lack of forward planning and panel availability, tight budgets and a level of risk aversion. Somehow we have to be clearer what we want, who does what differently to achieve that and get rid of the "bouncing ball of blame" that seems always to accompany them"

'there was a good practice paper at the planning meeting on things that could be done differently to promote diversity but I'm not sure which (if any) of those things actually got done and by whom. We really should have had a checklist for what could be done and then a clear listing against that of which things actually happened and how'

"We need to do more to really break down the barriers of competence – we ask people for things they might not need to do the job but then have no way of proactively valuing and assessing the diverse thinking we say we want"

We found that: As indicated above, there are clearly instances of good practice in appointments. They tend however not to be shared or rolled out as a matter of course because analysis is not done or is done sparingly. The Scottish Government has no formal mechanism in place for learning from appointment round to appointment round or, indeed, across appointment rounds. No one is designated (in the Code or by the Scottish Government) as responsible for the activity and those who, by default, conduct it have limited resources and expertise in that area.

Where good practice is transferred from round to round that often relies on anecdotal evidence or on the intellectual capital represented by a small number of individuals. The Scottish Government understandably wishes to base decisions on good evidence. Because it is not being generated as a matter of course or in a systematic way, the less risky option is simply to proceed as previously. Progress has therefore been inevitably somewhat slow and patchy.

We recommend that: A formal mechanism should be adopted by the Scottish Government which sets out with absolute clarity which individual parties/specific roles (as opposed to organisations) will be responsible for:

- gathering relevant information from every appointment round
- analysing that information
- reporting on findings
- ensuring that those reports in full or in summary are provided to selection panels to inform their decision-making.

It should be noted that the Scottish Government is already planning to adopt a mechanism whereby good practice examples are captured and held centrally to inform future activities. We agreed with officials that this should be adopted unless the thematic review suggested otherwise. This mechanism could fit in well with other qualitative measures we are proposing.

We propose to assess the efficacy of the new system adopted as part of a future thematic review.

Process-Specific Findings and Recommendations

In this part of the report we have summarised some of the more process-specific findings of the two stages of the review. We have included a range of specific recommendations not already covered by the overarching ones (above) that could lead to improvement.

Publicity

Participants in this review told us

'We should be more honest about the limited external reach of our publicity'

'We need to devise much more attractive and effective ways of helping potential applicants: find out about it [the appointment], understand it, feel motivated to get involved, believe they've got a chance'

'Because of the limits on budget for advertising it was only publicised on the SG website. This approach is more about the needs of the "producer" than the "user". It might be fine if you're already in the market for developing a portfolio of quangos – but if not, how would you even know the opportunity existed?'

We found that those from underrepresented groups who progressed well in the process tended to have responded to targeted and local forms of publicity such as direct approaches to encourage applications.

Advice provided to selection panels suggests that the appointed for Scotland website is a good source of diverse applicants and encourages its use and endorses its efficacy. That is, however, based on an incomplete analysis of applicant monitoring data versus the progress that they make. All vacancies are published on the website and there is no or very limited analysis of publicity in combination with the relative success of people from underrepresented groups. The website itself will be familiar mainly to those who are actively seeking board positions but not to those passive potential applicants whom panels are ostensibly hoping to attract. All vacancies are publicised on the website. As it is the primary location on which vacancies are publicised, and due to constraints on budgets for other media channels, the website being cited as a good source of applicants can become a self-fulfilling prophecy over time. This could maintain the status quo whereas using a mix of media inclusive of direct approaches, other forms of web presence and selected print media will encourage a broader range of applications. We are aware that the Scottish Government does use

other media channels to attract people and we have posted on our own website examples of new and innovative attraction methods that appear anecdotally at least to have worked well. Evidence of in-depth analysis of the relative success of different approaches, in the rounds that we looked at, was limited.

We recommend that

- The Scottish Government should adopt a mechanism that will allow for the direct comparison of the information that people provide about where they heard about the vacancy with their demographic data and the stage that they reached in the competition. This will allow panels to determine not only which media channels generate high numbers of applications from underrepresented groups but also which channels generate such applications from people who are ultimately considered to be suitable for appointment. The monitoring data that is already captured by the Scottish Government allows for an analysis such as this. It will prove to be cost-effective, provide a much clearer and more reliable evidence base for decision-making and give selection panels more clear direction on how to attract good quality applicants from currently underrepresented groups.
- Based on that information, a broader range of cost-effective media channels should be used to encourage applications from "passive" applicants. This will build up a picture over time of which media are most effective depending on the particular needs of a board at a given time.
- In the meantime, direct approaches should be used frequently to target and encourage applications from those who belong to groups that are currently under-represented.

Process and perceptions of regulation

Participants in this review told us

"Although some specific effort was put into designing criteria that were as open and accessible as possible, and during the assessment stages applicants were as much as possible 'ruled in rather than being ruled out', the actual process was a standard paper application plus single interview. The Body Chair, the PAWD Manager and the PAA all called this into question a number of times;"

"The criteria have just become an exercise in game-playing. We've got people who've learnt to fill in the form. I don't know why we can't use a different format but it feels like there's no discussion of other ways this could be done. Just the assumption that this is the norm so it's what we do"
"I think there's an ingrained culture…that this is the way you have to do it"

"A lot goes back to the process which focuses on getting to end with minimal cost or risk. There's still perception that change is difficult and no-one really wants to own it"

We recommend that

We continue to engage, along with PAWD, more effectively with both body and panel chairs to make it clear that the status quo has not achieved diverse boards and that change is both encouraged and supported by the Code, the

Commissioner and the Scottish Ministers. This will require participants to take cognizance of the following messages:

- the route to more diverse boards is not just about attraction. There are many factors not related to the process (see figure one above) that matter. In the process itself, criteria for selection and application and assessment methods are very important factors in whether or not a given round will be successful and whether ministerial ambitions for more diverse boards will be met.
- the Code both allows for and encourages tailored as opposed to standardised methods to be used for every appointment round.

We and PAWD should jointly find a way of supporting panels to take new approaches without feeling that they are somehow not complying with a set of fixed and inflexible requirements for appointment rounds that simply do not apply to their activities.

Both panels and PAWD have advised that there may be insufficient time and resource for this activity. We should therefore consider jointly how a more strategic approach to planning will support panels so that the appropriate options and new and more accessible and tailored approaches to appointment are considered in good time and well before appointment rounds, defined as discrete tasks to complete within a given timescale, are underway. We also believe that sponsor directorates and bodies themselves have a role to play in what should become the norm; effective, ongoing planning for succession.

APPENDIX ONE

Methodology for the stages of the review

Summary of stage one of the review

CESPLS conducted a quantitative analysis of appointment rounds run to a conclusion thus far under the 2013 Code. Demographic data from 43 rounds in total was supplied by the Scottish Government and assessed by the CESPLS.

The analysis at stage one assessed whether the stages in any rounds appear to inhibit or enable the success of currently under-represented groups. The purpose of the stage one analysis was to identify appointment rounds that should be subject to a further, qualitative review.

The review at stage one concentrated primarily on progress against gender parity given that this is the priority area for the Scottish Ministers. CESPLS recognises that the drive to recruit and appoint more women is predicated on an understanding that there is a current imbalance on the boards of public bodies and that this may be detracting from board effectiveness more generally. CESPLS does not adhere to the view that simply appointing more women will per se lead to greater board diversity and effectiveness.

PAWD provided CESPLS with the monitoring data for all 2013 rounds completed (that is, where a ministerial appointment decision had been made) on 12 November 2014.

Although all monitoring data was provided, for the purposes of the review, only the following applicant data was analysed:

- Gender
- Age
- Ethnic group
- Declared disabled
- Sexual orientation
- Household income

The review assessed:

a) Supply side

- attraction rates for underrepresented groups.
- the intersectional picture of how women under 49 years of age progressed through competitions.
- attrition/success rates in summary for underrepresented groups during all stages of the process from attraction to appointment.
- attrition/success rates (in detail) for women during all stages of the process from attraction to appointment.

b) Demand side

For rounds that deviated significantly in terms of attrition/success rates:

- Approaches to publicity, application and assessment – particularly those that varied from standard practice where that information is currently available
- Criteria for selection – particularly those that varied from the more standard ones, including any relating to experience.

Rounds selected following stage one review

On the basis of the analysis, nine appointment rounds were selected for qualitative review at stage two. The CESPLS agreed with the Scottish Government that the identity of the rounds concerned should not be publicised as it was not in the public interest to do so. It would not be legitimate to release information that, for example, might allow for the personal sensitive data of applicants, and in particular those interviewed and those appointed to find its way into the public domain. Applicants supply that information in good faith and on the basis that it will be treated confidentially and used to monitor and improve on appointment practices.

It was also considered important for the purposes of stage two of the review that the identity of panel and body chairs not be released. This was to ensure that they did not feel inhibited in sharing their experiences and views about their participation in the appointment process subject to review.

It is important to note that the sample sizes for the analysis were dictated by the number of applicants per appointment round. This number clearly decreased at each stage of assessment for each appointment round. Because the numbers of people involved are, of necessity, relatively low this has an impact on the validity of any conclusions that can be drawn. This is particularly the case when one looks beyond simply gender, for which the population overall sits at 50:50, to other protected characteristics. Analysis of other characteristics was nevertheless provided to the fieldworkers and to those being interviewed at stage two to give additional background.

Stage two analysis

Nine rounds in which attraction, attrition and success rates for women varied significantly from the norm were allocated to field workers for further analysis, this time of a qualitative nature. The fieldworkers interviewed the people involved in the appointments rounds allocated to them.

Interviews were primarily with the body chairs and senior civil servants who served on the selection panels as panel chair. The interviewers also sought to communicate the core messages that have been or are in the process of being agreed between CESPLS and the Scottish Government about the value of and the need to establish more diverse boards. In this context, the interviewers sought the views of these key stakeholders on:

a. what inhibited them from seeking information on and/or adopting better practices
b. what enabled them to seek information on and/or adopt better practices
c. taking the responses to “a” and “b” into account, what would encourage them to generate information on good practice for others, seek such information out for future activity and adopt better practice based on that information.

The fieldworkers captured not only the thoughts of those interviewed but also explored where evidence of good practice came from and in some cases the quality of that evidence.

The fieldworkers reported on their findings. The report, taking into account those findings, included recommendations about changes that could be made to the system that would effectively embed learning and improvement over time.

The detail of the messages conveyed and the questionnaire used by the fieldworkers for each person interviewed was as set out in the template provided overleaf. The template does not include demographic data or information about the specific round under review although that material was included in the individual stage two templates that were used.

APPENDIX TWO

Stage Two Analysis – Template Questionnaire and Report

Thematic review of the 2013 Code
Stage two review report

Appointment round subject to review

Note: Information that was specific to each report is included in square brackets: [].

Body and round: *[Body name and number of members to be appointed. Scrutiny level set by the Commissioner].*

Interviews conducted: [Panel and body chair details, PAWD manager details and PAA details (where applicable)].

Introduction for participants

The fieldworker conducting the interviews at stage two of the thematic review shared the following information with review participants.

The Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) and the Scottish Ministers are agreed on the value of and the need to establish more diverse boards. There is a substantial and growing body of evidence to support the theory that greater diversity on boards leads to better governance and that public body boards that better reflect the people they serve will be better equipped to make decisions affecting them. Anyone who wishes to find out more about this topic should contact the CESPLS office for further information.

In August 2014 the CESPLS issued statutory guidance on application of the Code. The guidance concerned the relationship between the terms "merit" and "most able". Merit is defined when the appointing minister determines what type of person should be appointed to a board. The guidance makes it clear that merit cannot be defined in terms of protected characteristics. Subject to this proviso against unlawful discrimination, it is up to the Scottish Ministers to define the criteria for selection when planning to fill a board vacancy begins. Not relying on traditional criteria for selection and operating a barrier-free appointments system should lead over time to the establishment of more diverse boards.

It is intended that this thematic review will contribute to a better public appointments system. It seeks to identify and provide evidence of those factors which enable and inhibit improvement.

It will make easy to implement recommendations about changes that can be made to the system that will effectively:

- embed learning and

- foster improvement over time.

Your assistance and insights will be invaluable to CESPLS and the Scottish Ministers in achieving these aims.

G<u>rounds for selection for in-depth analysis</u>

In the case of this round, a stage one analysis was conducted by CESPLS. The analysis was of the applicant journey, from initial application to being considered suitable for appointment. The applicant journey was assessed in tandem with applicant monitoring information to identify whether people from currently underrepresented groups were attracted to apply and where they were how successful they were at each stage having done so. The stage one review yielded the following findings for this appointment round:

<u>Applications and outcomes by miscellaneous characteristics</u>

[The total number of applications overall is provided and compared with the average number for all rounds reviewed at stage one.

Demographic date by underrepresented group was provided in relation to applications and to the stages that they reached in the process (attrition and success rates at shortlisting and interview).

A note of the criteria for selection for the round and a summary of the proposals for publicising the vacancies (where these were held by the CESPLS) were also supplied as an appendix.]

Panel member insights from stage two interviews

a) General understanding

The panel was asked to consider and respond to some general questions about board diversity. The questions and responses are provided below:

What do you consider is meant by a diverse board?

RESPONSE

What steps, if any, did you take to assess the diversity of this board before planning the appointment round?

RESPONSE

Is the board more or less diverse as a result of the appointments made?

RESPONSE

What training have you had to participate in this type of activity?

RESPONSE

SUMMARY FINDINGS BY FIELDWORKER

[Key/representative quote(s) here.

Summary of panel's understanding.

Conclusions from fieldworker to cover understanding on the part of participants of diversity and on their awareness of what the Code allows for/encourages in relation to the use of monitoring data.]

b) Planning

The panel used the following information to inform its decisions during planning for the appointment round:

RESPONSE

Panel members advised that the following factors inhibited them from seeking information on and/or adopting better practices

RESPONSE

Panel members advised that the following factors enabled them to seek information on and/or adopt better practices

RESPONSE

PAWD's view on available material, decisions made and enabling and/or inhibiting practices:

RESPONSE

SUMMARY FINDINGS BY FIELDWORKER

1. *[Key/representative quote(s) here.*

2. *Summary of panel's views on what they sought out and why.*

3. *Conclusions from fieldworker to cover understanding on the part of participants of the following:*

- *Were the encouraging/inhibiting factors based on a realistic assessment of the circumstances?*
- *Were participants aware of what the Code allows for/encourages or did they believe the Code prevented them from taking certain courses of action?*
- *Did they realise that seeking evidence to adapt practices and/or criteria may have an impact on the outcome of the process as it related to diversity of suitable candidates?*
- *If they accessed or considered evidence to support panel decision-making, how did they go about it?*
- *Was it a passive or proactive process?*
- *Did they demonstrably decide to adapt their practices and/or the criteria for selection on the basis of the evidence?*
- *Where did evidence of good practice came from and what was the quality of that evidence [this assessment should extend beyond what is held by the SG to what is publicly available and what is held by CESPLS]?*
- *What are the participants' views about panels generating evidence?*
- *Where did the evidence that they did use come from?*
- *Did they assess or question the quality of the evidence?*
- *Do the fieldworkers (AJ and IM) have a view on the quality of the evidence that was used?*
- *What is their (participants') awareness of the various sources of evidence of good practice that would support given courses of action?*
  What would they consider ideal and/or useful to support future decision-making?]

c) Round progress

The panel was asked to consider the "applications and outcomes by miscellaneous characteristics" section of this report.

By reference to the number of people attracted to apply from currently underrepresented groups, and the progress that those people made through the process, the panel was asked to:

i Identify apparent barriers at various stages in the appointment process that prevent successful applications from underrepresented groups. The panel was asked to consider the criteria for selection as well as the practices it adopted for attraction, application and assessment.

RESPONSE

ii Identify those practices that enable successful applications from underrepresented groups. The panel was asked to consider the criteria for selection as well as the practices it adopted for attraction, application and assessment.

RESPONSE

iii The panel was asked to consider in particular whether the inclusion of "experience" in the criteria for selection had an impact on attraction or success rates for currently underrepresented groups.

RESPONSE

SUMMARY FINDINGS BY FIELDWORKER

1. *[Key/representative quote(s) here.*

2. *Summary of panel's views on what enabled or inhibited successful applications from underrepresented groups.*

3. *Summary of panel's views on the inclusion of experience as a criterion for selection.*

4. *Conclusions from fieldworker to cover understanding on the part of participants about what enabled/inhibited successful applications.]*

d) Retrospective review

The panel was asked to consider, taking the responses to "a", "b" and "c" into account, what would encourage them to generate information on good practice for others, seek such information out for future activity and adopt better practice based on that information.

RESPONSE

SUMMARY FINDINGS BY FIELDWORKER

1. *[Key/representative quote(s) here.*

2. *Summary of panel's views on what would encourage them to generate information on good practice for others, seek such information out for future activity and adopt better practice based on that information.*

3. *Conclusions from fieldworker about factors that would be most likely to encourage and ember better practice over time what they would consider ideal and/or useful to support future decision-making.]*

Commissioner for Ethical Standards in Public Life in Scotland

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