Ethical Standards Commissioner

Public Appointments

Annual Report
2023/24

Contents

This report is available in alternative formats on request by telephoning 0131 347 3890 or by emailing info@ethicalstandards.org.uk.

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Introduction

The Commissioner for Ethical Standards in Public Life in Scotland, known as the **Ethical Standards Commissioner**, regulates how Scottish Ministers make appointments to the boards of public bodies that are within our remit.

The Commissioner's statutory functions in relation to public appointments are to:

- prepare, publish and, as necessary, revise a Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the Code)
- issue guidance on the Code and promote compliance with it
- examine the methods and practices employed by the Scottish Ministers when making appointments
- investigate complaints about how an appointment was made
- report to the Scottish Parliament instances of material non-compliance with the Code; the Commissioner may direct the Minister to delay making the appointment until Parliament has considered the report.
- prepare and publish a strategy for ensuring that appointments, and recommendations for appointment, are made by the Scottish Ministers in a manner which encourages equal opportunities.

Embedding the revised Code of Practice in 2023/24

86
appointment rounds overseen

48
appointment rounds overseen through the full process

51
panel chairs trained

23
independent panel members trained

673
contacts handled

17.5
weeks as average duration of appointment rounds

Stage 3 complaint investigated

Suggestion that applicants being unfairly progressed on the basis of protected characteristics outlined in positive action statements in packs for 15 different appointment rounds. Investigation found that this was not the case and that initial assessment of applications in all 15 rounds had been carried out appropriately and based on merit.

An examination into an appointment round found that a candidate was treated unfairly.

Of the 77 appointment rounds that took place in 2023, 5 rounds were unsuccessful in securing appointments. 4 of these were chair appointment rounds.

Receiving panel chair end of round reports

Main areas of good practice on appointment rounds identified by panel chairs are as follows:

Applying Learning	Effective Publicity	Understanding Communities
42%	**38%**	**27%**
from lessons drawn from previous rounds	to widen pool of applicants	targeted for publicity

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Diversity Highlights

1.15% **Disabled members**

0.14% **BME members**

0.01% **LGB members**

Approximately **12** of **77** appointment rounds sought some form of "lived experience".
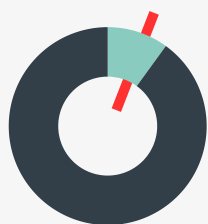
Diversity Delivers targets met:
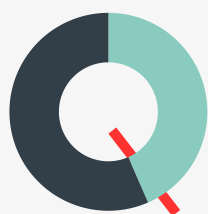
Female
2023 applications: 43%
Target applications: 40%

Minority Ethnic
2023 applications (visible ME): 9.3%
Target applications: 8.0%
2023 applications (non-visible ME): 9.1%

Lesbian, gay, bisexual or other sexuality
2023 applications: 10%
Target applications: 6%

Introduction of the **Guaranteed Interview Scheme** seems to be assisting disabled applicants to be appointed.

7.9% Applications
10.7% Appointments
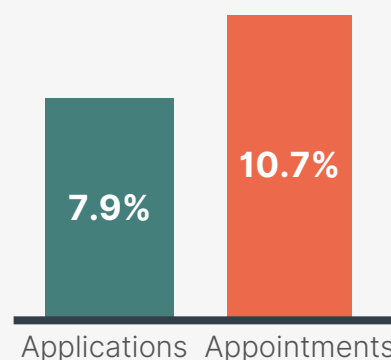
8% of applicants hold, or have previously held a regulated public appointment.

The Commissioner is to exercise these functions with a view to ensuring that appointments are made fairly and openly and to allow everyone, where reasonably practicable, the opportunity to be considered for an appointment.

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Summary of the year

It has been a busy year for the Public Appointments section of the office. During the year we successfully recruited to the post of Public Appointments Support Officer, which means that the Public Appointments Team now consists of 3 full time staff. We also have a team of 12 consultants (Public Appointment Advisers – PAAs). Training has taken place throughout the year to ensure that everyone on the team is fully up to speed with what regulation of Public Appointments involves.

The 2022 Code of Practice, which was effective from October 2022, became fully embedded during 2023/24. We have seen the changes that it introduced make a difference to practices. Embedding the Code has resulted in increased queries about compliance, which is to be expected, as selection panels become more familiar with the changes involved.

Following increased reports of individual incidences of good practice in the preceding two years, there were fewer this year. However, panel chairs are now required under the 2022 Code to provide a report at the conclusion of a round detailing the reasons for success or failure and setting out the extent to which it delivered or failed to deliver the desired outcome set by the appointing minister. We have been seeing increasing levels of candid reflection from panel chairs in these reports, including details of good practice employed during appointment rounds. We record provision of reports from panel chairs separately to individual reports of good practice, which may account in part for the drop in individual reports of good practice. Notwithstanding this, we continue to see good practice being deployed. For example, of the appointments made in 2023/24, 48% of these reported good practice during some, or several, stages of the round. These were not recorded as individual examples of good practice but are being analysed separately. The main areas of good practice identified within this time period are: using learning from previous rounds (45%); publicity methods (38%); and understanding of the community being advertised to (28%). We have been working on gathering information from all end of round learning (including the panel chair reports) and we are developing new webpages to showcase some of the areas of good practice that we have observed.

Due to our increased capacity in the appointments team, we have been able to re-establish:

- surveying applicants about their experiences of applying
- contacting panel chairs and body chairs for their views on PAA contribution at the end of appointment rounds and
- contacting panel chairs and body chairs for their views on the difference that the successful appointee and their contribution has made to the work of the board at the end of 12 months.

We have also been pulling all the strands of learning at the end of each round together to identify trends and have also started work on developing new good practice case studies.

Through the year we have seen almost full compliance by panel chairs in undertaking training in advance of taking part in an appointment round. For rounds taking place during 2023 (listed in Appendix 3), 51 panel chairs had responsibility for 64 2022 Code rounds. Not every round includes an Independent panel member (IPM) but, from these 64 appointment rounds, 23 IPMs were involved. All of these panel chairs and IPMs were trained on the appointments process and on diversity, equality and inclusion in the context of making public appointments. We had five reports of non-compliance relating to these appointment rounds, in that panel chairs were not trained in advance of the early engagement meeting, but on each occasion the training was completed in time for the planning meeting.

Since the introduction of the 2022 Code and as at 31 March 2024, all but eight rounds have had a panel chair end of round report submitted detailing the reasons for success or failure of the round. Those not submitted were from some of the earliest rounds under the 2022 Code, when panel chairs may not have been as clear about their new responsibilities. Some of these late reports have been provided since 31 March 2024 and it is hoped that all outstanding reports will be submitted eventually. Overall, it has been positive to see panel chairs taking on the responsibility for appointments, undertaking the training and providing such candid and insightful reports which will only assist in learning for future appointment rounds.

On a less positive note, we had to conduct one examination of appointment practices during the year which resulted in a report of material non-compliance with the Code being made to the Scottish Parliament. This related to a round run under the 2013 Code of Practice. As a result of our findings, changes were made to the Statutory Guidance on application of the Code. The Scottish Ministers also introduced some practice changes as a result of our findings and recommendations.

We also received two complaints and conducted full investigations into both. The reports following both complaints have been published on our website. One of the complaints involved an allegation that the Scottish Ministers adopted an unwritten policy of progressing applicants who shared protected characteristics outlined in positive action statements in applicant packs, over those who did not. As a result of the complaint we conducted a full and detailed investigation involving 15 different appointment rounds. During this investigation we checked all information available (notes of all meetings, email exchanges between the panel, all paperwork for the round) for any signs of such a policy existing. We also convened two review panels, each consisting of a member of HR qualified staff and a PAA who reviewed the application form of each applicant who was interviewed in all 15 appointment rounds. It was reassuring to find that, following such a detailed and substantial investigation, there was no evidence to support the allegation.

The current demographic profile of Scotland's public body boards continues to be encouraging. We have seen increased reflection of those with a disability and minority ethnic background on boards over the last 2 years. The percentage of female board members has also remained steady. Where it is available, we have included information for the first time this year from Scotland's 2022 census data. This shows that boards are still not fully reflective of the overall population for disability, minority ethnicity or age. When looking at the levels of applications and appointments, steady progress would appear to be being made for female, disabled, non-visible Minority Ethnic (ME) and Lesbian, Gay and Bisexual (LGB) applicants. Improvements in practices on a round-by-round basis should continue to see improvements in board diversity. A more strategic approach will be required though for significant change to take place.

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It is a little concerning that less than half of those who apply who are visibly ME and just a little more than half of those who apply and are under the age of 50 then go on to be appointed. We will encourage the Scottish Government to reflect on why this is happening. The Scottish Government now record whether applicants have a trans history. Although the figures are low enough that we would not publish the exact values, in order to reduce risk of disclosure of information about individuals involved, the percentage of applicants and appointees was slightly higher than the overall population in Scotland according to the 2022 Census data, which suggests that 0.44% of the population have a trans history.

In the coming year we intend to continue to embed the revised Code through the provision of guidance. By gathering and analysing the end of round reports we intend to aid learning between and across appointment rounds. We will also be tendering to contract with an individual or organisation to work on the revised diversity strategy, which will provide recommendations on how all regulated boards in Scotland can become still more reflective of the communities that they serve.

Ian Bruce
*Ethical Standards Commissioner*

# Improving Diversity on the Boards of Public Bodies

We have a statutory duty to use our powers with a view to ensuring that appointments are made fairly and openly and that as far as possible everyone has an opportunity to be considered for these very important roles. As part of our work in this area, the Commissioner agreed targets with the Scottish Ministers in the strategy document "Diversity Delivers" (published September 2008), intended to encourage applications from as wide a range of people as possible. The strategy also included a range of recommendations, agreed with the Scottish Government at the time, intended to improve on the diversity of Scotland's boards. Progress against the recommendations is available on our website. The Commissioner has included a refresh and update of the diversity strategy in the Strategic Plan 2024-2028 and work is underway to identify a contractor to undertake this project on behalf of the Commissioner.

The following tables and graphs show the extent to which Scotland's board members at the end of 2023 reflect the population of the country as a whole and how it has changed over time.

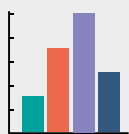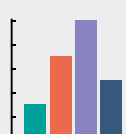**Key figures 2023/24 (click for details)**
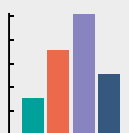
Current demographic profile of Scotland's boards
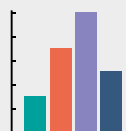
Profile of chairs and board members

How the demographic profile of Scotland's boards is changing

Socio-economic information of applicants and appointees

Current demographic profile of Scotland's boards
During the year to 31 December 2023

The Commissioner has not set an objective for reflection by protected characteristics on boards. It is however recognised that this baseline must be tracked in order to assess whether the measures put in place to meet Diversity Delivers targets for applications from individuals from currently under-reflected groups are leading in turn to successful applications and making a difference to board demographics. This will help to determine whether the targets continue to be required and set at current levels or whether other factors may be at play such as high levels of unanticipated turnover for board members belonging to these groups.

Table 1

Target Group	Change in board membership profile	Profile of board members at 31 December 2023†	Profile of board members at 31 December 2022†	Scottish Population (2022 Census)
Female	-0.70%	50.56%	51.26%	51.41%
Disabled	1.15%	10.95%	9.80%	24.10%
Minority ethnic††	0.14%	5.04%	4.90%	7.13%
Aged 49 and under	-0.83%	18.50%	19.33%	49.00%*
Lesbian, gay, and bisexual	0.01%	5.33%	5.32%	4.04%

† All board members inclusive of the chair unless otherwise stated. Percentages do not include those who did not make a declaration.
†† ME figures reflect people from a non-white minority ethnic background
*Scottish Population aged 18 to 49 as a percentage of the whole population aged 18 and over.

How the demographic profile of Scotland's boards is changing
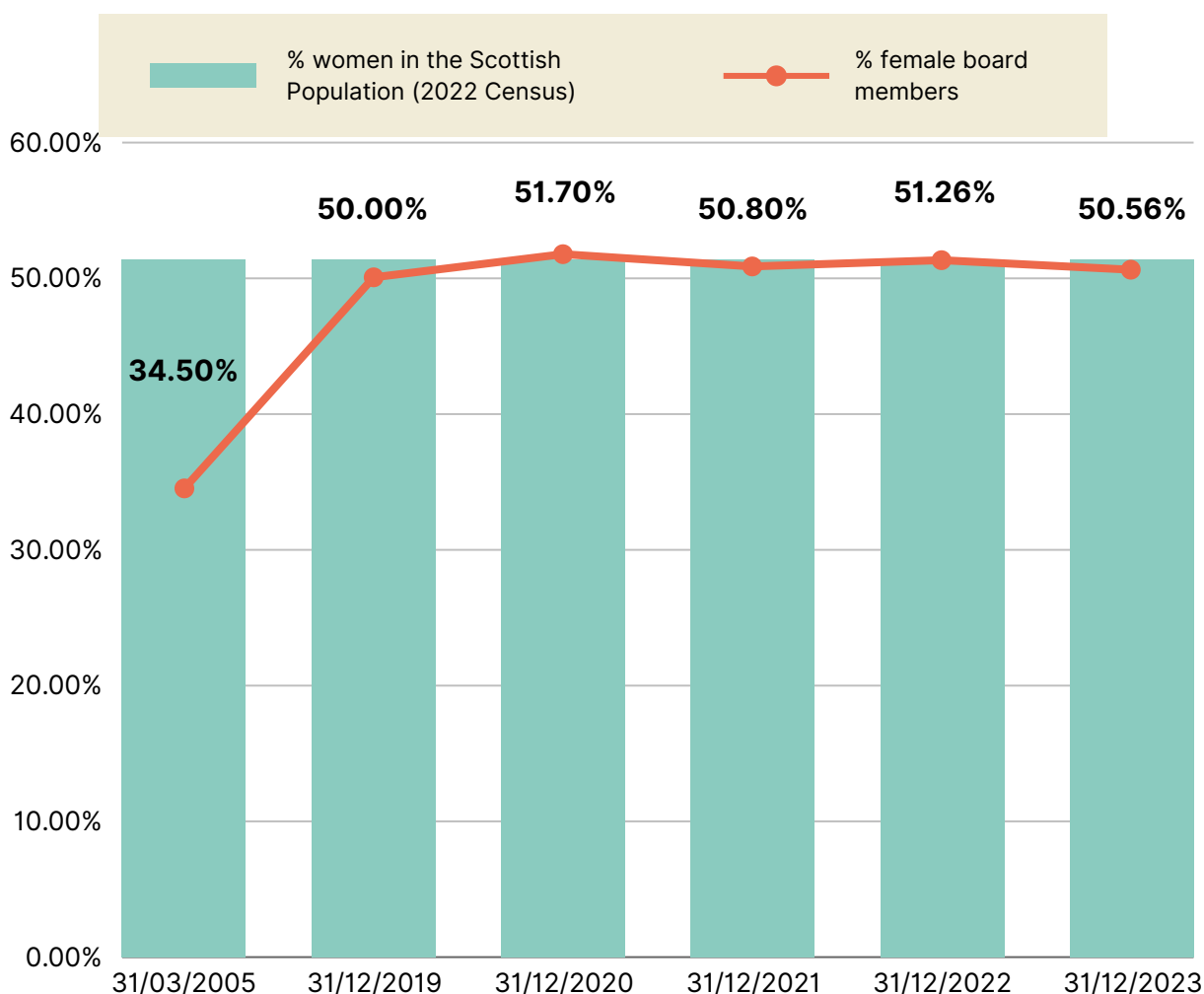as at 31 December 2023

Figure 1. Proportions of female board members on all regulated boards (inclusive of chairs) against the proportion of women in the Scottish Population (51.40%) according to the 2022 Census.

As seen in Figure 1, female board membership has increased year on year between 2016 and 2020 and since 2020 has been maintained at around 51%. Although there has been a very slight drop in 2023, membership still exceeds the 50% target set by the Scottish Ministers in 2015. It is encouraging to see increases across all characteristics during 2023 (other than the under 50 age group which reduced by less than one percent). There has also now been a regular, albeit small, increase in the percentage of board members declaring a disability (see Figure 2) and those who are visibly Minority Ethnic over the past 5 years (see Figure 3).
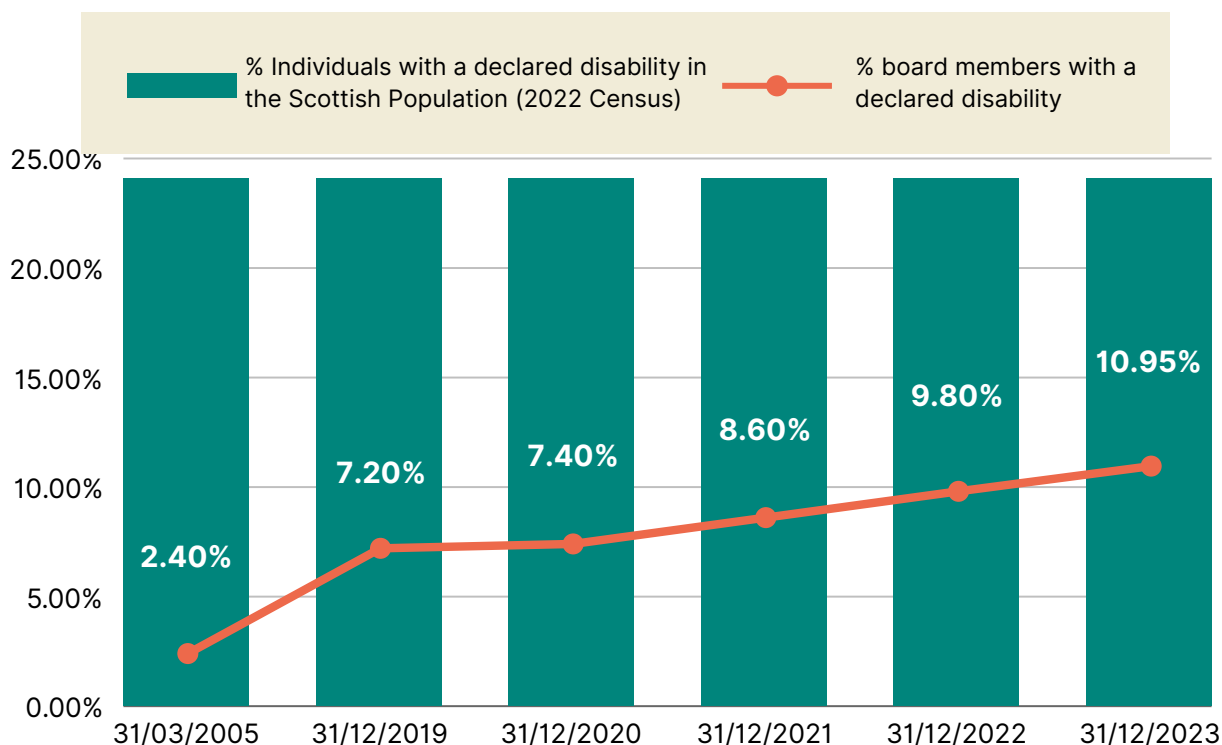
Figure 2. Proportions of board members on all regulated boards with a declared disability (inclusive of chairs) against the proportion of individuals with a declared disability in the Scottish Population (24.10%) according to the 2022 Census
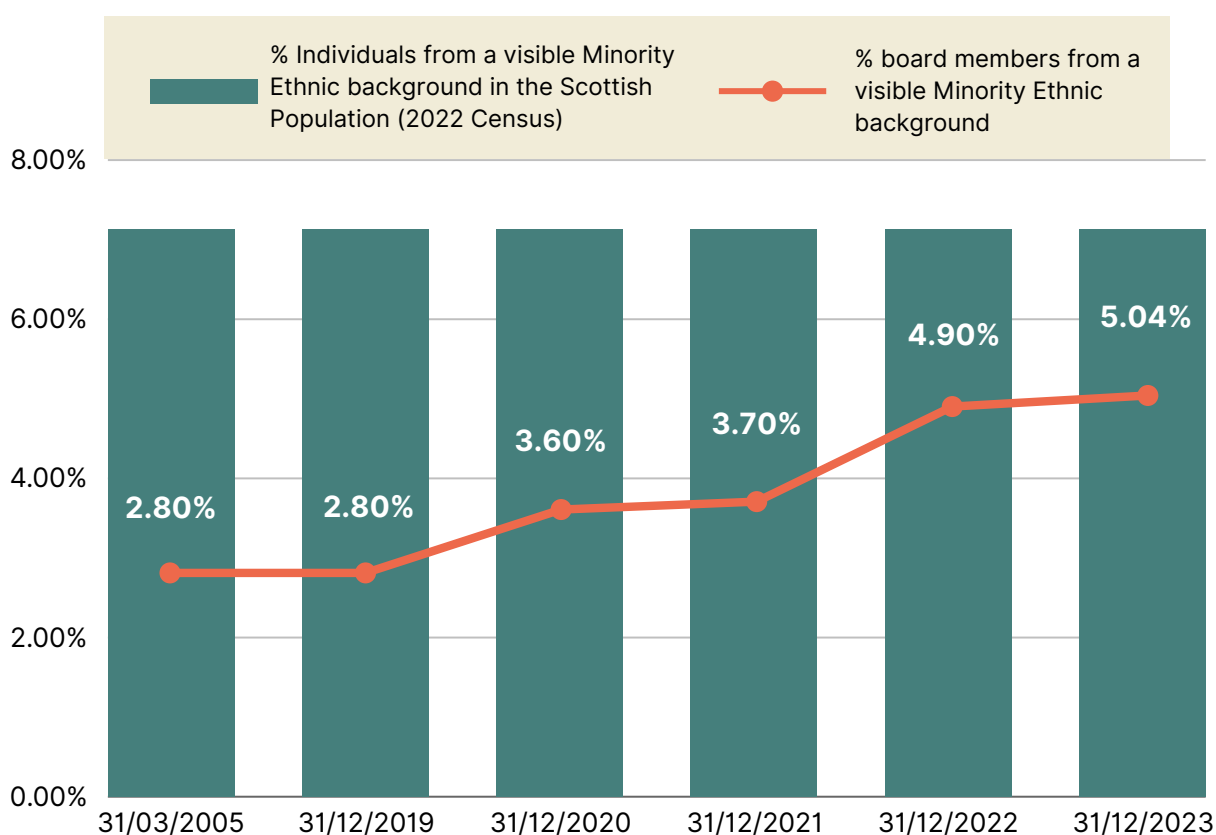
Figure 3. Proportions of board members on all regulated boards from a visible Minority Ethnic background (inclusive of chairs) against the proportion of individuals from a visible Minority Ethnic background (7.13%) according to the 2022 Census

Profile of chairs and board members
During the year to 31 December 2023

In 2018, the Commissioner requested, for the first time, the breakdown between chairs and members with a view to monitoring and tracking the extent to which public body chairs are reflective of society. It has been heartening to see a few significant improvements to the chair demographic profile during 2023 in a number of areas (see Figure 4).
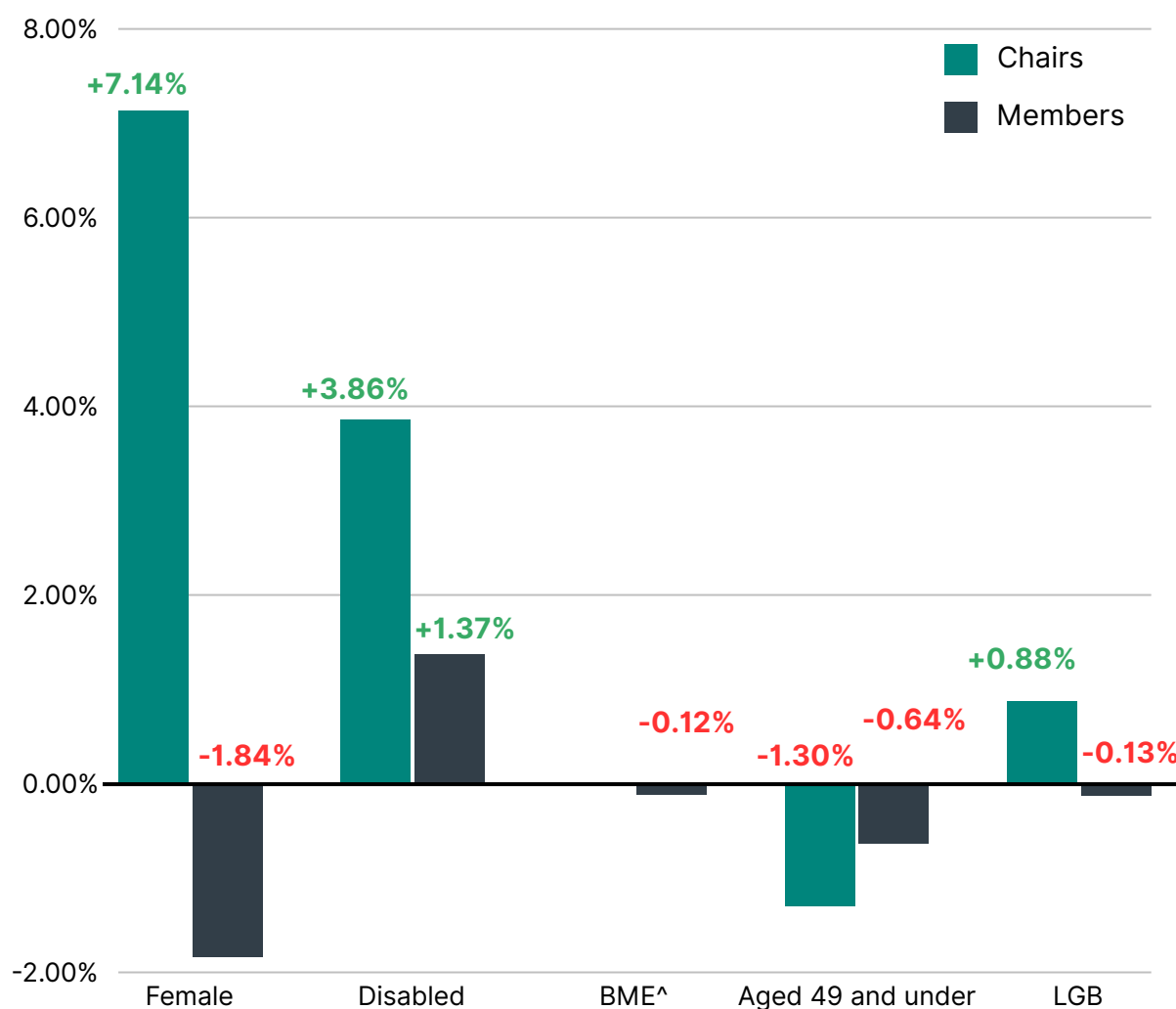
^ Values for fewer than five have been suppressed to decrease the risk of disclosure of information about individuals.

Figure 4. Differences in profile of board chairs and members from 2022 to 2023 by target group

Table 2

Target group	Profile of the board at the end of						Scottish Population (2022 Census)
	2023		2022		2021		
	🔴	🔵	🔴	🔵	🔴	🔵	
Female	47.36%	51.05%	40.22%	52.89%	37.21%	52.68%	51.40%
Disabled	14.73%	11.02%	10.87%	9.65%	12.79%	7.97%	24.10%
Black and minority ethnic††	^	5.34%	^	5.46%	^	4.07%	7.13%
Aged 49 and under	6.31%	20.42%	7.61%	21.06%	4.65%	20.16%	49.00%*
LGB	6.31%	5.18%	5.43%	5.31%	5.81%	4.88%	4.04%

††Black and minority ethnic figures reflect people from a non-white minority ethnic background
* Scottish Population aged 18 to 49 as a percentage of the whole population aged 18 and over.
^ Values for fewer than five have been supressed to decrease the risk of disclosure of information about individuals.

🔴 Chairs   🔵 Members

Socio Economic Information

In previous years there has been interest in understanding some wider aspects of diversity and how these are reflected (or not) on Scotland's public body boards. As such, we previously asked the Scottish Government to record information on household income and sector worked (or most recently worked) in in order for us to report on these figures. In December 2021, Scottish Government officials introduced a new system for tracking applicants. This was introduced for all Scottish Government recruitment and included Public Appointments. Standard monitoring questions were introduced for all applicants using the system and these did not include the previously asked bespoke questions about household income or sector worked in. Instead, from February 2023, the Scottish Government introduced a socio-economic background question to the diversity monitoring form; the style of the question is based on evidence from the UK Social Mobility Commission which suggests that if you are to ask one socio-economic background-related question, then parental occupation is the most effective one for determining status. This is an aspect of diversity that there is public interest in.

As this information is still very new in being collected, figures for the overall demographics of those on boards (only including those appointed from February 2023 who were prepared to answer the question) were too low to report this

year. The situation should improve year on year as successful candidates continue to be asked the question and we will seek to report on this as soon as the numbers are significant enough to provide meaningful information. We have been provided with data about applications and appointments related to this question and have provided the limited available information here instead. This information relates to appointment rounds conducted in 2023.

^ Values for fewer than five have been suppressed to decrease the risk of disclosure of information about individuals

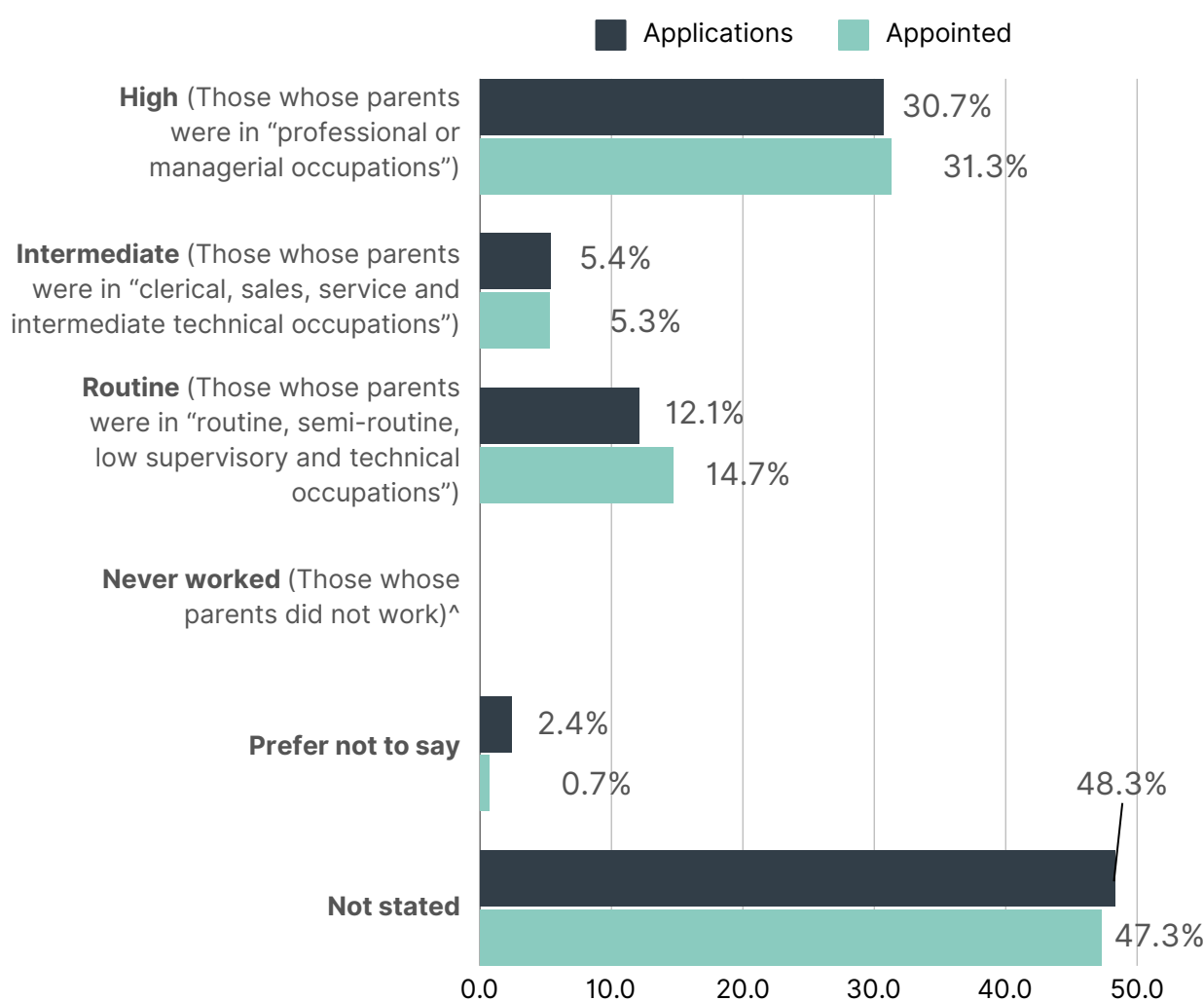**Figure 5.** Socio-economic status and applicants and appointees in 2023

The question asked of applicants is "What was the occupation of your main household earner when you were about aged 14?" The high level of "not stated" responses has been attributed in part to the fact that the question did not begin to be asked until part way through the year.

Widening the definition of diversity (Lived experience)

Increasingly the Commissioner had been aware that appointing Ministers are seeking some form of "Lived Experience" through appointment rounds. The 2022 Code is explicit that it is perfectly legitimate for Ministers to do so. This can be as a specific criterion or as an indicator of evidence against a different criterion. From the 77 rounds undertaken in 2023 and listed in Appendix 3, approximately[1] 12 sought "lived experience" in this way. Some examples of the "lived experience" sought include:

- Lived experience of care and support system from a disabled person's perspective (criterion)
- Lived experience of disability from a young person's perspective (criterion)
- Insight from your own experience of health inequalities and disadvantage (criterion)
- Insight from your own experience of the unique factors involved in the demands and delivery of healthcare in remote and rural areas. (criterion)
- Lived experience or demonstrable understanding of the role of local government in island or remote and rural communities (criterion)
- Experience and understanding of accessing social services as/for EITHER: Someone in care AND/OR someone with a disability (criterion)
- Experience of living with a disability (as an indicator for the criterion "A strong commitment to independent living in Scotland and the social model of disability")
- Lived experience of the impact of inequality in accessing services (as an indicator for the criterion "Experience in the promotion of equality, diversity and inclusion")
- Personal experience of using social or care services in Scotland (as an indicator for the criterion "Understanding of the social services environment in Scotland")

By seeking this lived experience, ministers have the opportunity to gain invaluable insights for their boards specific to the needs. It can help to ensure that relevant voices are brought to the table and are able to make a positive

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[1] We do not hold applicant packs for every round so have examined the information available to us to provide an approximation.

impact on the governance of the board. They will clearly also better reflect the communities that they serve. It is therefore heartening to see this happening more regularly.

Although there are a lot of positives to be gained from seeking such "lived experience", some of the experiences which potential applicants have had to meet these requirements can be deeply personal. It will sometimes involve them imparting difficult or even traumatic experiences from their past as part of the assessment process. There does not appear to be emotional support in place for such applicants although we understand that selection panels act empathetically. The Commissioner would encourage ministers when seeking "lived experience" for their board to also consider:

What support is available for those applying and imparting very personal information as part of their application?

Consideration should be given to the provision of detailed and constructive feedback, even if the applicant has not progressed beyond the application stage.
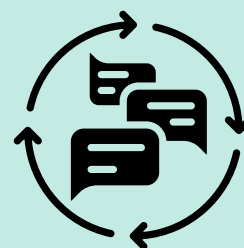
Is any additional support or training required for the panel?

Especially to equip them to interview someone who is imparting difficult, potentially even traumatic and certainly very personal information from their past?
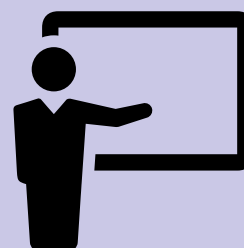
What additional support is provided to help the person with "lived experience" to contribute fully and effectively as a board member?

These new board members may well have different or additional needs to someone without this type of background and there is little point in seeking this experience only for the person to not be able to contribute fully to the role.

% applied
% appointed
% Target
% Scottish Population
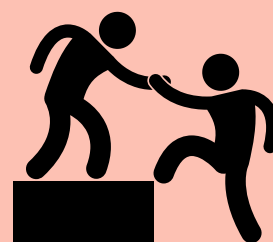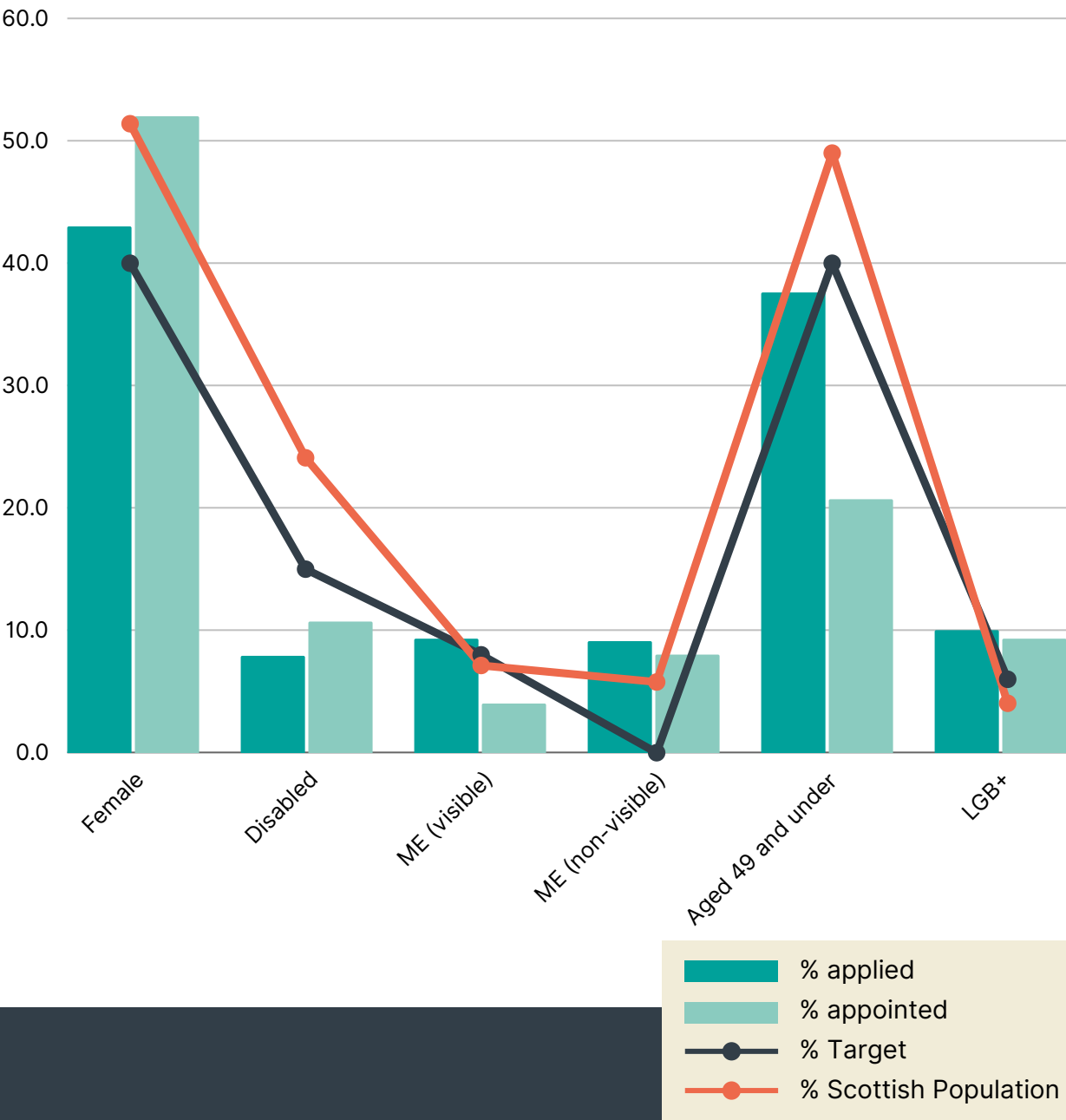
Performance against Diversity Delivers targets 2023

The chart above shows the percentage of applications and appointments in 2023 by each target group as set out in Diversity Delivers. This information is provided by the Scottish Government and relates to a calendar year.

It is encouraging to see gradual increases across most of the groups in recent years. Applications for all groups (other than disabled and those aged under 50) have met the target for applications during 2023. There has been a steady increase in the percentage of applications and appointments from the LGB communities over the past three years and the Scottish Government now collect data on Trans history and therefore figures are available although are too low to report without risk of disclosure of information about individuals. Women continue to be the only standalone group over the past three years who were more likely to be successful when they applied, although this was also the case with disabled applicants in 2021 and 2023.

Applications

Appointments

% applications by/ appointments made to women

-2.5%

2023	43.0% / 52.0%
2022	45.5% / 57.1%
2021	40.6% / 46.0%

Diversity Delivers target: 40%
Scottish population (2022 Census): 51.4%
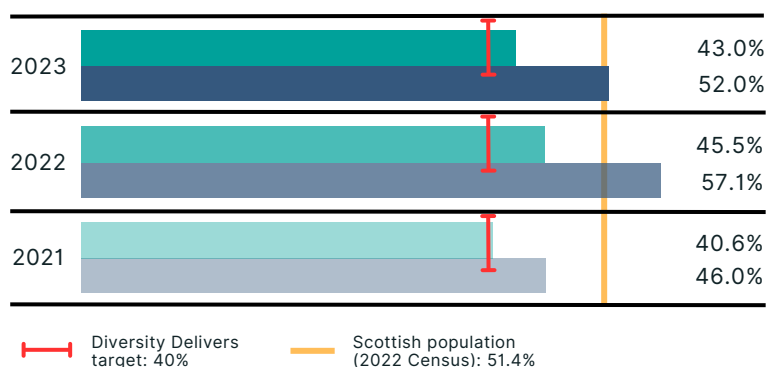
% applications by/ appointments made to candidates with a declared disability

-2.1%

2023	7.9% / 10.7%
2022	10.0% / 5.7%
2021	13.8% / 14.0%

Diversity Delivers target: 15%
Scottish population (2022 Census): 24.1%
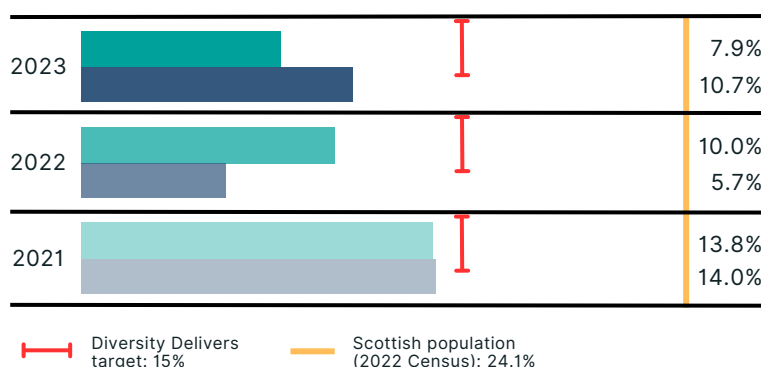
% applications by/ appointments made to candidates of visible ME descent

-2.4%

2023	9.3% / 4.0%
2022	11.7% / 7.6%
2021	10.3% / 8.0%

Diversity Delivers target: 8%*
Scottish population (2022 Census): 7.13%
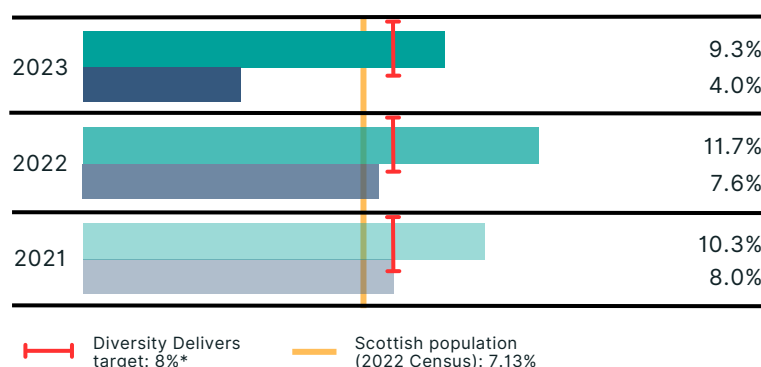
% applications by/ appointments made to candidates of non-visible ME descent

-0.5%

2023	9.1% / 8.0%
2022	8.6% / 10.5%
2021	7.8% / 6.7%

Diversity Delivers target: 8%*
Scottish population (2022 Census): 5.78%
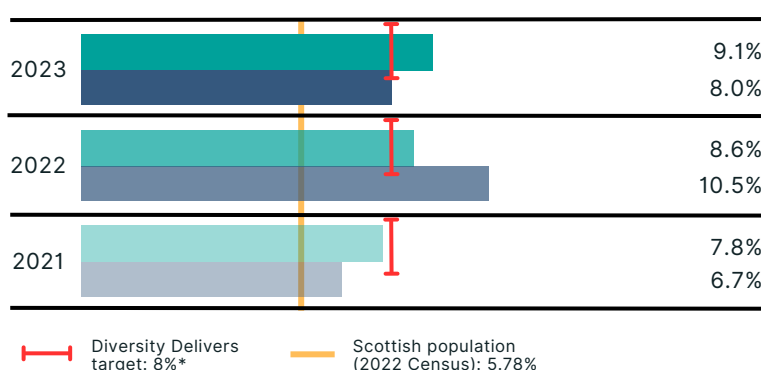
% applications by/ appointments made to individuals aged 49 and under

-10.1%

2023	37.6% +
	20.7%
2022	47.7%
	37.1%
2021	30.7%
	27.3%

⊢—⊣ Diversity Delivers
target: 40%

▬ Scottish population
(2022 Census): 49.0%**
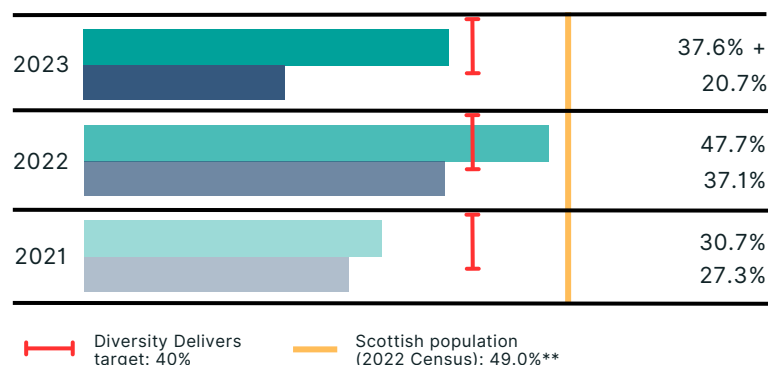
% applications by/ appointments made to non-heterosexual candidates

+2.2%

2023	7.8%
	6.7%
2022	7.8%
	6.7%
2021	6.8%
	6.0%

⊢—⊣ Diversity Delivers
target: 6%

▬ Scottish population
(2022 Census): 4.04%
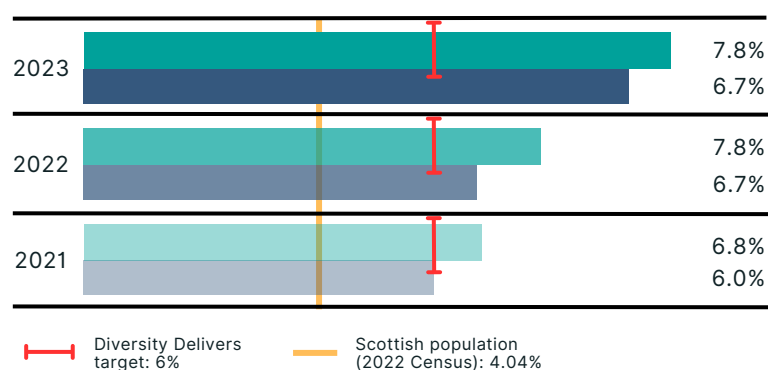
Ministers may wish to investigate a three-year trend of visible minority ethnic applicants having a lower percentage of appointments compared to percentage of applications to try and understand if there are barriers within the appointments process specific to this group.

*The target for the ME population is inclusive of people from non-visible minority groups. Up until 2017 the figures reported on have related to visible minority applicants and appointees. From 2017 onwards, the figures have been provided for both visible and non-visible. For this latter category the monitoring form question responded to is "Other white" and includes those who selected "Irish", "Polish" or "Other white ethnic group"
**Scottish population aged 18 to 49 as a percentage of whole population 18 and over
+ Our Statutory Annual Report and Accounts displays this figure as 40%. This was an error uncovered after final report sign off and will be rectified next year. 37.6% is the correct figure.

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Diversity Delivers targets by DG area

The Scottish Government also provides application and appointment data to the Commissioner disaggregated by Director General (DG) area to aid in identifying those that are meeting or exceeding the targets and so that the sharing of their good practice can be encouraged. The Director General areas are:

Communities	**Corporate**	**Education and Justice**	**Economy**
Health and Social Care	**Net Zero**	**Scottish Exchequer**	**Strategy and External Affairs**

*The images chosen to reflect the Scottish Government DG areas have been selected by the Ethical Standards Commissioner and are not affiliated with the Scottish Government.

These are shown in Appendix 1 along with an analysis of progress.

Key highlights and areas of concern to note include:

Gender parity has been an area of focus for Scottish Ministers since 2015 and 50% female board members overall was achieved in 2019. Since then, the overall demographic of male / female split has remained stable with most DG areas continuing to be close to or meeting the 40% female application target. Regularly, more than 40% of female applicants are successful in being appointed.

LGB applicants are being attracted to apply to most DG areas and the target has been met for this group, other than in one area which came close to meeting it. None of the DG areas managed to achieve the 15% target of applicants with a disability. However, it is interesting that three out of five DG areas had a higher percentage of disabled appointments than applicants. This may have been due

to the introduction of the Guaranteed Interview Scheme in a number of appointment rounds.

There is still progress to be achieved in aiming to attract those under 50. Two DG areas achieved the target of 40% applications from this group, but none appointed a higher percentage of under 50's than applied. The highest appointment rate of under 50's was around 27% in DG Net Zero.

There has been mixed progress with BME applicants. Given that the 2022 census data is now available and can been disaggregated into visible and non-visible (7.13% visible and 5.78% non-visible) if the results are compared against these figures, there is positive progress in achieving applications, but concern about the level of appointments being made. Ministers should consider whether there are any barriers to people who are BME progressing through the assessment process and whether any positive action measures might assist in addressing these.

The Commissioner is planning a refresh of the Diversity Strategy which will undoubtedly make recommendations in a number of areas intended to accelerate progress in future.

Diversity Delivers targets - Chairs and Members

The Scottish Government also provides application and appointment data to the Commissioner disaggregated by chairs and members for each of the groups with a diversity delivers target. These are shown in Appendix 2.

When analysing the data, any values of fewer than 5 are not shown due to the increased risk of disclosure of information about individuals. As there were only 16 chair appointments made during the year, there were no categories where the data on chairs could be shown. It is nevertheless encouraging to note that a number of appointments were made to individuals belonging to groups that are currently under-reflected.

The member applications and appointments were largely similar to the overall percentages showing the same trends.

Performance against our business plan

The Commissioner's public appointments objectives are set out in the Strategic Plan for 2024 to 2028. They are:

Strategic Objective 1:

We will, through supportive and constructive regulation, make a significant contribution to a public appointments system that produces effective and diverse boards that are reflective of the communities that they serve.

Strategic Objective 2:

We will strive to be recognised leaders in the regulation of a system that is effectively run to achieve the appointment of the most able people to our boards and that is managed in compliance with the highest ethical standards.

The following activities are intended to achieve these objectives:

- continue to support implementation of the 2022 Code of Practice, through supportive and constructive regulation, encouraging a learning mindset from all who are involved in making appointments, to develop and utilise good practice and innovation.
- report publicly on the difference that the Code of Practice is making to the appointments process, for good or bad, with a view to improving on practices. We will do so by publicising instances of good practice or innovative practice and learning as well as areas for improvement.
- seek to understand through our research the difference that board appointments make to the governance of the public body and the difference that diversity brings.
- seek to monitor and report on compliance with the Code of Practice by way of research and thematic reviews. This will include, for example, an examination of published time commitment, remuneration and other aspects of the role of public appointees, building on previous research undertaken. We will report publicly on our findings.

- consult extensively on and revise and republish Diversity Delivers (including new recommendations for the achievement of greater board diversity).
- develop our own learning and understanding about great practice in recruitment and selection by reaching out to other organisations and administrations and by conducting our own research.
- share our findings through the provision of guidance.
- ensure that our PAAs can cascade that guidance to selection panels by keeping them updated on the latest good practice in the making of appointments.

These activities are also detailed in the Biennial Business Plan 2023-25.

Progress against the Business plan for 2023-25, up to the end of 2024, is summarised in Table 3 below. These actions were drawn from the Strategic Plan for 2021-24, which is available to download from our website.

Progress against the Business plan for 2023-25

| | Achieved | | Partially achieved | | Not achieved |

Table 3

Strategic objectives		Milestones	Progress
A1	We will assist with the implementation of the revised Code of Practice for appointments with a greater focus on outcomes, accountability and transparency and an emphasis on learning lessons	Have parts of Code that are of interest and relevance to the public translated into BSL, Easy Read and other languages	Some content has been translated into BSL and to Easy Read. We intend to consider new topics for translation on an annual basis from now on.
A2	We will provide guidance and support to everyone engaged in the appointments process with a view to their implementing the new Code's provisions effectively.	Draft and publish statutory guidance	Published October 2022
		Run training and review training developed by SG for all relevant stakeholders on new Code's application	SG training reviewed July - October 2022. Joint training for PAAs and SG officials in August 2022

Strategic objectives	Milestones	Progress
A2 — We will provide guidance and support to everyone engaged in the appointments process with a view to their implementing the new Code's provisions effectively.	New Code comes into effect	Published 31 March 2022 and came into effect from October 2022)
	Continual training and guidance developed to support revised Code	Guidance provided as required since Code came into effect from October 2022
A3 — We will report publicly on the difference that the new Code of Practice is making to the appointments process, for good or bad, with a view to improving on practices. We will do so by publicising instances of good practice or innovative practice and learning as well as areas for improvement	Engage with the Scottish Parliament's subject committee about appointments practices with a view to making improvements and increasing transparency	
	Agree suitable reporting arrangements	No suitable reporting arrangements were agreed
	Following discussion, submit periodic reports	End of round information has been analysed and is available if there is interest, but formal reporting arrangements were not agreed
	Publish good practice case studies on website	Good practice case studies are being planned and prepared – some snippets of good practice have been published.
	Continue to feed into lessons learned for the Scottish Government by seeking applicant and panel member views: • Run applicant surveys on a round by round basis and provide a feedback report, whenever a request to run a survey is made. • Survey panel chairs (and body chairs where appropriate) at the end of appointment rounds to seek their views on PAA performance and the PA process.	Applicant surveys have been run for all 2022 Code rounds completed The review process has re-commenced for all 2022 Code rounds

Strategic objectives		Milestones	Progress
A4	We will seek support to revise and republish Diversity Delivers, to include new recommendations for the achievement of greater board diversity.	Consult informally from October 2023	This has been delayed but work is underway to tender for a contractor to project manage the work
		Run formal consultation from June 2024	This has been delayed but work is underway to tender for a contractor to project manage the work
		Commence research into good practice and what the content of the revised strategy should include	Some basic initial research has commenced

Table 4

Performance measures		Due Date	Status
1	Number of regulated bodies and posts		
2	Number of appointment rounds initiated and completed		
3	Number of applications and appointments		
4	Time taken for individual stages of appointment rounds		
5	Timing of re-appointments	Published in Annual Report and/or on website	Done
6	Numbers of people appointed who have not previously held and do not currently hold a regulated appointment		
7	Satisfaction levels with appointment process		
8	Changes in demographic profile of applicants, appointees, and board membership		
9	Performance against Diversity Delivers targets		

We publicly report progress against our Biennial Business Plan which can be found on the website. The most recent version is here: Biennial Business Plan 2023-2025 - Progress as at 31 March 2024.

Monitoring and reporting

All information under this heading relates to the Commissioner's statutory duties to monitor and report on appointment activity and to provide guidance on application of the Code.

The Commissioner's remit extended to 770 posts on the boards of 100 public bodies at the year end. In the case of a proportion of these bodies, such as regional colleges, only the chair appointments are regulated. Additionally, some bodies are statutorily included in the Commissioner's remit even though they are either abolished or no longer active.

How many bodies and positions do we regulate?

Table 5

At 31 March	2024	2023	2022
No. of bodies regulated	100	100	99
No. of posts regulated	770	748	733
Avg. no. of regulated positions per board	**7.7**	**7.5**	**7.4**

A list of the regulated bodies is available at www.ethicalstandards.org.uk/regulated-bodies.

How many appointments did we oversee?

Appointments are made through a process called an appointment round. During the financial year 2023/24, we were active in overseeing 86 appointment rounds.

Multiple appointments can be made through a single appointment round and the Scottish Ministers can run more than one round in a single year per public body. In certain circumstances we allocate a Public Appointments Adviser (PAA) to oversee all or part of the round. We report on these allocations rather than the number of appointment rounds as this better reflects our actual workload - not every allocation becomes an appointment round.

Number of allocations made

Table 6

Allocations made	2023/24	2022/23	2021/22
Brought forward from previous year	24	54	52[2]
Started in year	62	42	81
Active during year	**86**	**96**	**133**
Completed	62	72	79
Open at end of year	24	24	54

* Presented by financial year rather than calendar year, as information obtained from ESC records rather than those of the Scottish Government.

The oversight levels for allocations in 2023/24 are set out in the table below. How the Commissioner decides on an appropriate oversight level is explained in the guidance on application of the Code (see section 8) for 2013 Code oversight (High, Medium and low) and the guidance on the application of the Code (see section 8) for 2022 Code oversight (Full, planning, early planning or discrete stages).

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[2] One round was reported as live at the end of 2020/21 which was subsequently closed with a closing date at the end of March 2021 and therefore should have been included in the "completed in year" category

Scrutiny of appointment rounds

Table 7

Scrutiny of appointment rounds	2023 /24	Rounds under the 2013 Code				Rounds under the 2022 Code				
		High	**Medium**	**Low**	**TBC**	**Full oversight**	**Full oversight (at SG request)**	**Oversight at planning**	**Oversight early planning**	**No oversight**
Started in year	62					33	1	20	3	5
Carried forward from previous year	24	1			3	12	1	5	2	
Total active in year	86	1	0	0	3	45	2	25	5	5
Open at year end	25					17		3		5
Total completed in year	**61**	**1**	**0**	**0**	**3**	**28**	**2**	**22**	**5**	**0**

TBC reflects the Commissioner's allocation of PAAs to rounds at a much earlier stage in planning and before any decisions have been reached on whether and, if so, how many appointments are to be made. A proportion of early engagement allocations did not result in appointment rounds. This practice has not continued with the introduction of the 2022 Code.

How many people applied for a public appointment?

From the information provided by the Scottish Government, during the calendar year 2023, 150 appointments were made to 57 public bodies following 2,542 applications made by 1777 applicants (2023: 105 appointments were made to 40 public bodies following 1,962 applications made by 1,864 applicants).

Number of applications and appointments
During the year to 31 December

Table 8

Number of	2023	2022	2021
Applications	2,542	1,962	1,868
Appointments	150	105	150
Average applications per appointment	16.9	18.7	12.5

Breakdown of applications
During the year to 31 December

Table 9

Number of applications	2023	2022	2021
Applied	2,542	1,962	1,868
Invited to interview	571	363	480
Recommended for appointment	168	106	159
Appointed	150	105	150

How long does an appointment round take?

As with the appointments' statistics, much of the material relating to these measures is provided to the Commissioner by the Scottish Government and relates to a calendar year. Concerns have historically been raised about the time taken for appointment rounds and reappointments and the Commissioner therefore included indicative targets for timescales in guidance on application of the Code. All of the indicative targets have been surpassed in four out of the past five reporting years.

The following tables provide information on the time taken for appointment rounds and for appointment and reappointment decisions to be made. The 2023 appointment rounds concerned are listed in Appendix 3.

The average time taken to appoint a member from the date of planning to the Minister's appointment decision
During the year to 31 December

Table 10

	2023	2022	2021	TARGET
Number of rounds	77	50	67	
Average time taken (weeks)	17.5	19.2	18.5	Up to 16 and no more than 20 weeks

Time taken for discrete stages of an appointment round
During the year to 31 December

Table 11

Stage		2023	2022	2021
From	To	No. of weeks	No. of weeks	No. of weeks
Closing date for applications	Date when all applicants are informed about the final appointment decision	10.8	10.8	11.2
Date of interviews	Date when all applicants are informed about the final appointment decision	5.2	5.0	5.9
Selection panel report	Ministerial decision	8.5	8.4	8.3
Date on which the round is planned	Date on which the minister makes their appointment decision (overall time for purposes of target)	17.5	19.2	18.4
Date on which the round is planned	Date on which applicants are informed of the appointment decision	18.3	20.5	26.8

Under the 2022 Code the overall timescale to be used for target purposes is the date on which the panel chair finalises the appointment plan (previously it was the date on which the appointment was planned) through to the date on which the minister makes their appointment decision. This year's information is based on the measurement used in the 2013 Code (the date of the planning meeting through to date of the minister's decision). Statistics will be provided from next

year's report to mirror the 2022 Code. There should be little difference in this as the panel chair usually finalises the appointment plan shortly after the planning meeting.

In previous years there have been a small number of rounds that failed to attract any suitable applicants to shortlist. These were recorded as the ministerial decision date being the same date as the selection panel report (shortlist). This was an accurate report of when the ministerial decision would be made under such circumstances, but added a slight variation to the overall figure, which anticipated that the ministerial decision date would be at the end of the round. Any failed rounds have therefore been discounted in this year's report and will continue to be so in future. This will not have made a significant difference in the past, but will ensure accuracy going forward.

An appointment to the board of a public body is for a set number of years. At the end of this period, the board member's term of office may cease, or they may be re-appointed or have their term extended. The guidance on the Code anticipates that the appointing Minister will give board members reasonable notice of their decision, with a minimum of 13 weeks anticipated.

Time taken to advise board members about reappointment decisions

During the year to 31 December

Table 12

	2023	2022	2021	Target
	Weeks	Weeks	Weeks	(Min. no. of weeks)
Amount of notice given to re-appointees before term of appointment due to end	18.9	17.9	19.5	13
Number of people reappointed	97	129	111	
Amount of notice given to those having their terms extended	19.1	17.7	12.0	
Number of people having their terms extended	12	22	18	

Applicants hold or have held an appointment

During the year to 31 December. This indicator relates to whether applicants hold or have previously held a public appointment.

Table 13

	2023				2022				2021			
	🔴	%	🟢	%	🔴	%	🟢	%	🔴	%	🟢	%
Total	1,777		2,542		1,864		1,962		1,526		1,868	
Currently holds/ previously held a public appointment *	193	11	277	11	182	10	198	10	77	5	81	4
Currently holds/ previously held a **regulated** public appointment *	137	8	215	8.5	124	7	154	8	58	4	71	4

🔴 Applicants   🟢 Applications

*Applicants who complete the relevant fields on the application form do not restrict themselves to listing regulated appointments. Two figures are provided as a consequence; the number of those who have declared any appointment and those who declared regulated appointments. The former includes children's panels, housing associations, tribunals, justice of the peace posts and appointments in England among others.

Ministers interviewing applicants

The guidance on application of the Code states that the appointing minister is anticipated as meeting with appointable applicants, particularly in the case of significant chair appointments. During 2023, the Scottish Ministers met with potential appointees on the following rounds:

- NHS Highland (Chair)
- NatureScot (Chair and members)
- Cairngorms National Park Authority (Members)
- NHS Greater Glasgow and Clyde (Chair)

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What do applicants think of the appointments process?

Due to low numbers of applicants responding to the surveys in the previous few years, and the changed operational circumstances of the Commissioner's office, it was not possible to produce an annual applicant survey report for 2022 or 2023. Individual applicant surveys per round recommenced in June 2023. An interim report was produced in June 2024 following the first surveys conducted under the 2022 Code. Due to this report covering a small number of appointment rounds and providing limited information, it was produced for information only and no recommendations were made. Nonetheless, Scottish Government officials welcomed the report and took steps to address the concerns that applicants had raised. We intend to prepare a full year report shortly.

Satisfaction with PAA contribution and the extent to which panel chairs feel able to shape the appointments process and body chairs feel able to contribute to discussions around succession planning and influence what was sought

Under the 2022 Code the panel chair takes on specific responsibilities and represents the appointing minister. When seeking views on PAA contribution, we previously asked for feedback on the appointments process at the same time. As the panel chair is now responsible for the process, it was no longer appropriate to ask this question and we therefore now seek views about the extent to which they felt able to shape the process in their role as panel chair (1=not at all, 5=greatly). We also ask body chairs how able they felt to contribute to discussions on succession planning and to influence what was sought (1=not at all, 5=greatly).

Table 14

Average satisfaction level	2023/24	2022/23	2021/22
PAA's contribution	4.55	4.51	4.67
Appointments process	N/A	3.91	4.15
The extent to which panel chairs feel able to shape the process	4.20		
The extent to which body chair feel able to influence discussions on succession planning	4.70		

Satisfaction levels are measured on a scale of 1 to 5 with 1 being very dissatisfied and 5 very satisfied. The extent to which body chairs / panel chairs are able to influence are measured on a scale of 1 to 5 with 1 being not at all and 5 being greatly
Presented by financial year rather than calendar year as information obtained from ESC records rather than those of the Scottish Government.

Any comments or constructive suggestions made are acted upon by the Commissioner as appropriate.

Providing guidance

The followinmg table summarises substantive contacts with the ESC office during the reporting year. As this information is gathered by ESC it is reported by financial year.

Table 15

Issue raised	2023/24 (2013 Code)	2023/24 (2022 Code)	2022/23 (2013 Code)	2022/23 (2022 Code)	2021/22
Enquiry - Asked for advice on the Code of Practice	2	135	81	72	150
Enquiry - Asked for advice on good practice	-	20	15	19	32
Enquiry – Asked for exceptions to the Code, or term extensions or to discuss options not covered by the Code	3	53	20	10	39
Diversity research enquiry	-	-	-	-	-
Enquiry - General enquiry on the work of the office	-	19	7	6	10
Enquiries and Reports - Miscellaneous or "Other" enquiries or reports	4	116	85	73	206
Enquiry - Freedom of information requests	-	-	-	-	-
PAA End of Involvement report [1]	1	61	-	-	-
Panel chair end of round report [2]	-	53	-	-	-
Report a complaint about an appointment round	1	2	-	-	-
Report a concern about an appointment round or a failure in administration	1	53	40	24	71
Report about good practice	-	35	24	41	49
Report an update on round activity	4	92	65	45	41
Report about non-compliance with the Code of Practice	1	17	10	3	4
Totals	**673**		**640**		**602**

[1] PAAs have always provided reports at the conclusion of an appointment round, but the figures to date have not been provided.

[2] Panel chair end of round reports are new to the 2022 Code of Practice. Only 2 were provided in the 2022/23 year (due to the Code only recently being in place) and so had not been recorded formally in the 2022/23 annual report. They will be recorded from this point forward.

1 - Requests for advice on the Code of Practice

There were slightly fewer requests for advice on the Code of Practice compared to previous years. This is likely to be due to the revised Code beginning to be embedded. Key areas where advice was sought include conflicts of interest, parliamentary approval, the PAA role and aspects of panel membership.

2 - Exception requests and options discussions

The Scottish Ministers can approach the Commissioner and make a case for specific provisions of the Code to be varied. The Commissioner's agreement to such "exceptions" allows for courses of action to be taken that would otherwise not comply with the Code.

43 such cases were approved during the year in comparison with 30 in 2022/23:

- During the year 2 overarching code variations were requested and agreed. One was related to the use of a Guaranteed Interview Scheme where applicants who declare that they have a disability can request to make use of the scheme. If they do and are found to have met the essential requirements for the role, they will automatically receive an interview. If interview slots are limited, this might mean that they are progressed before other applicants whose applications are a closer match to the criteria. This required a Code variation as it is against the principle of only progressing those who are the closest match. The other overarching request was that panel membership could be changed (other than panel chair and body chair) between the early planning and planning stages of an appointment round, without referral to the Commissioner. As early planning was not a formal part of the process under the 2013 Code, panel membership had always been agreed by the minister after early planning and before the formal planning meeting and often an independent panel member would be added at this stage. The overarching request would allow this practice to continue. For each of these overarching requests, before they were in place, panels needed to make individual requests for each round. The majority (17 in total including the 2 overarching cases) of the exception requests during the year were individual requests on these subject areas in advance of the overarching requests being made.

Other Code variation requests which were agreed included:

- Five additional appointments made to bodies based on the strength of the field
- Three unanticipated vacancies were filled from a reserve list of people considered suitable but not appointed at the conclusion of a recent competition
- Requests to make emergency interim appointments on nine occasions
- Requests to extend appointments on five occasions
- Four miscellaneous Code variations were agreed. One was a request to add a vacancy mid round due to an unexpected resignation of a current board member, one was a request to invite candidates who had been interviewed for a board member position, to a further interview to assess them on the additional criterion required for deputy chair (due to not receiving any suitable applicants for the position of deputy chair). One was a request to re-open a vacancy shortly after the closing date, in order to try and attract further applicants. The other was a request to backdate board members reappointments as they had not been notified that they would be reappointed in the required timescales.

3 - Report a complaint about an appointment round

Two complaints were received during the year. These are listed as 3 separate complaints as one was recorded under the 2022 Code before initial examination revealed that it would more appropriately be considered under the 2013 Code. One related to succession planning and the reappointments process and the other related to concern that there was an unwritten policy to progress applicants who shared a protected characteristic as outlined in positive action statements across 15 different appointment rounds. Further details about the recommendations and updated guidance as a result are detailed under the section "Guidance on application of the Code".

4 - Reported concerns

Reported concerns this year were fewer than in previous years. Concerns about planning and application and assessment methods continue to be the main reasons for reports of this nature. .

5 - Reported good practice

Thirty-five good practice reports were received during the course of the year, which is fewer than in the previous 2 years. This is likely to be because good practice is being reported within end of round reports, rather than as individual reports. A separate section of this report has been included to highlight some of the good practice that we've been alerted to via this route. The individual reports of good practice included the following:

- Seven of these related to the development and circulation of general guidance or articles of interest, reports of good practice seen from other bodies covering topics such as governance, inclusive recruitment and unconscious bias.
- Fourteen reported good practice during specific rounds covering areas such as approaches to succession planning, publicity or assessment.
- Three reported on the implementation of the new Code and in particular the development of a Code Aide Memoire to assist panels covering key elements of the Code and guidance.
- Nine reported good practice within the NHS which continues to support the appointments process through training and development programmes such as apprenticeships and aspiring chairs of the future.
- The final two related to other good practice – one being development of guidance on role sharing and the other about a standard applicant pack which the Scottish Government has devised to be more accessible and appealing to applicants along with providing standard information required for every round.

6 - Report non-compliance

There were 18 contacts relating to non-compliance. The instance of non-compliance are listed below.

- The one report of non-compliance under the 2013 Code of Practice was a report of material non-compliance following an examination of methods and practices. It related to a failure to list all disqualifications, or issues that effectively represented disqualifications, in the applicant information pack. This is explained under "Guidance on application of the Code" below.

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- A further report of non-compliance under the 2022 Code of Practice related to the same subject – in this case however, the disqualification was understood at the shortlisting stage and applicants were alerted to it at the time. It was therefore non-compliance, but not material in nature.
- There were seven reports of non-compliance as a result of the stage 3 complaint investigation. We found that the news releases in seven appointment rounds did not relate directly to the criteria which had been sought in the appointment round. This had led to confusion for the complainant who could not understand why the successful applicants had been appointed over him. This in turn led to his concern that an unwritten policy of progressing applicants who shared a protected characteristic as outlined in positive action statements was in place.
- Two related to panel chair training not having taken place before the early engagement meeting. It was undertaken before the planning meeting
- Two related to a situation where board members were not notified that they were to be reappointed before their reappointment date. The reappointments then needed to be backdated.
- Five were miscellaneous – a panel chair choosing not to take cognisance of ESC advice, information missing from an applicant pack, a sift being conducted without applicants being informed, a panel member not attending a planning meeting and a report of inconsistent assessment during shortlisting (but not to the extent that any applicant was disadvantaged).

7 - Reported an update on a round

In 2021/22 a new category of report was introduced to cover occasions when a report about an update on activity in an appointment round was made but where this update was neither good practice nor serious enough to consider as a concern. 92 such reports were made during 2023/24.

Guidance on application of the Code

The Commissioner's office provides Code interpretation guidance, primarily to officials and PAAs, on a very frequent, ad hoc basis. Where trends are identified, the Commissioner seeks to provide general guidance with a view to improving on practices and increasing understanding.

A number of pieces of guidance required to be issued during 2023/24: The Statutory guidance was updated as a result of a finding of a material breach of the Code. This breach occurred as a result of the minister making a decision that there was an issue (in this case being a locally elected councillor) which precluded an individual from being appointed to the public body board. As this disqualification had not been made clear in the applicant information pack, a councillor applied in good faith and would otherwise have been appointed, had it not been that the minister decided to apply the disqualification during the final stage of selection. The statutory guidance has been updated to provide advice on such a situation and confirm that disqualifications should be considered and (where relevant) included in the applicant information pack, so that applicants can be clear about whether they want to apply or not.

Further recommendations were made as a result of two stage 3 complaints received and investigated by the office during the year. One of these investigations involved recommendations being made relating to good succession planning and reappointments. The other involved an investigation into 15 different appointment rounds where the complainant was concerned that an unwritten policy to progress applicants who shared protected characteristics as outlined in positive action statements in applicant information packs before other applicants (including them). This allegation was made based on the complainer reading the press releases issued at the end of appointment rounds. The complainer could not understand why the people appointed were more meritorious than they were. Although the investigation found that there was no such unwritten policy, it also concluded that the news releases could have provided a more accurate description of how the successful candidate had met the criteria for the role. We recommended that future news releases should more accurately reflect the requirements for the role set out in the application pack. The Scottish Government agreed to implement this recommendation.

End of Round Reporting

The 2022 Code states that at the conclusion of an appointment round the panel chair must set out in a report the extent to which it delivered or failed to deliver the desired outcome set by the appointing minister. Reasons for success or failure must be included in that report (C7). The Code also states that the Commissioner's representatives (PAAs) will produce a report at the conclusion of their involvement in an appointments process, setting out the methods and practices that they have observed and the extent to which their guidance on code compliance and good practice have been followed (A18).

The Code advises that the Commissioner will periodically publish PAA reports, in full or summary, and that panel chair reports will be used to contribute to continuous improvement of the appointments process. To that end the Public Appointments Team have established two reporting methods to analyse and present end of round activity ('End of Round Reporting' and 'Panel Chair End of Round Reporting'). These will be shared with the Scottish Government and other interested parties on a regular basis.

To produce these reports the Public Appointments Team analyse all end of round activity when it is received to identify information relating to key areas of interest, including:

- Round outcomes
- Reasons for success or failure (a Code requirement)
- Publicity methods
- Code variation requests
- Assessment methods
- Good practice identified
- Challenges observed by the panel
- Reflections on lessons learned (for use in future rounds)

It is anticipated that these reports will provide insight to what is working well for panels and where they may have used innovation and creativity during the planning and assessment phases of an appointment round, in addition to highlighting any challenges they may have faced during the appointments process. It is also anticipated that, over time, these summary reports will also

allow for comparison year on year to establish any trends in activity, with a view to aiding and enhancing future appointment rounds.

It is interesting to note the reasons for failure when rounds fail to appoint, or partially fail to appoint. We have not provided a breakdown of data for these rounds due to the low numbers of failed / partially successful rounds and subsequent low number of reports received for them. However, for rounds with reports received, some reasons for partial success or failure have included the minister choosing not to appoint (because board priorities have changed), the skills required for the role being difficult to find and other factors such as the time commitment required, remuneration offered and location of the body. It is also noteworthy that the two failed appointment rounds for the 2023/24 financial year were seeking new chairs. More concerning is the fact that four of the five unsuccessful rounds conducted in the 2023 calendar year were seeking to appoint a chair (see Table 16). A full list of appointment rounds in 2023 is available in Appendix 3.

Table 16

Body	DG Area	Position	Level
Accounts Commission for Scotland	Communities	Chair	Full competition
Forth Valley College	Education and Justice	Chair	Full competition
NHS Fife	Health and Social Care	Chair	Full competition
Scottish Enterprise	Economy	Chair	Full competition
Scottish Water	Economy	Members	Full competition

Finally, end of round learning can be found through the results of applicant surveys that are issued by ESC, seeking applicant views on the process, review forms that panel chairs and body chairs complete assessing PAA's performance contribution, 12 month on review forms, which assess what difference new appointments to the board have made, and management information (MI) such as publicity strategies obtained from the Scottish Government. Where applicable, all of these reports are being used to inform end of round analysis.

Table 17 sets out a summary of some of the key data being provided in end of round reporting through 2023/24.

Table 17

Lessons learned	
Reports demonstrating reflection	57%
Areas of reflection in end of round reporting	
Assessment methods	44%
Attraction methods	35%
Criteria used	32%
Challenges in round	
Reports demonstration reflection	38%
Areas of reflection in end of round reporting [1]	
Identifying and attracting candidates with the skills required	48%
Reputation or perception of the public body presented a barrier to attraction	35%
Good practice [2]	
Reports demonstrating reflection	52%
Areas of reflection in end of round reporting	
Using learning from previous rounds	48%
Publicity methods	32%
Understanding of community being advertised to	26%

[1]These reasons link closely with reports offering learning on how assessment and attractions methods might be adapted in future, while also considering how they might adjust the criteria being asked for.

[2] Note that these figures vary from the ones provided when discussing panel chair reports alone (page 6) as they account for data across end of round reports.

Appendix 1

Applications and appointments by DG area

The Scottish Government also provides application and appointment data to the Commissioner disaggregated by Director General (DG) area to aid in identifying those that are meeting or exceeding the targets and so that the sharing of their good practice can be encouraged. In 2023 only five out of eight DG areas (Communities, Education & Justice, Economy, Health & Social Care and Net Zero) saw appointments made to boards within their remit. The others (Corporate, Scottish Exchequer and Strategy and External Affairs) are not shown below due to their nil return.

Applied: 🔴   Appointed: 🔵

Communities	**Corporate**	**Education and Justice**	**Economy**
Health and Social Care	**Net Zero**	**Scottish Exchequer**	**Strategy and External Affairs**

Applications from and appointments made to women in 2023

Gender parity has been a particular focus for the Scottish Government since the launch of its 5050 by 2020 campaign in June 2015. That target was achieved in June of 2019, albeit for board members and not board chairs, on the boards of Scotland's regulated public bodies. Three of the five DG areas exceeded the target of 40% of applications from women during 2023. The other two DG areas were close with over 30% of applications from women. Although appointments do not have a target, all five areas appointed over 40% of women.
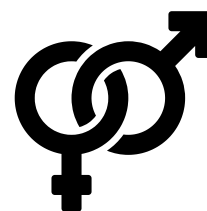
Table 18

	Communities		Education & Justice		Economy		Health & Social Care		Net Zero	
	🔴	🔵	🔴	🔵	🔴	🔵	🔴	🔵	🔴	🔵
Female	46.4%	45.7%	45.5%	50.0%	33.3%	47.4%	48.7%	60.9%	36.6%	50.0%
Male	51.1%	54.3%	51.3%	50.0%	63.7%	52.6%	48.0%	39.1%	60.9%	46.2%
Prefer not to say	1.2%	0.0%	1.8%	0.0%	2.1%	0.0%	2.5%	0.0%	1.3%	0.0%
Not stated	1.4%	0.0%	1.5%	0.0%	0.9%	0.0%	0.8%	0.0%	1.1%	3.9%
All	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Across other protected characteristics it is a variable picture. Two DG areas achieved the target of 40% applications from those under 50 but both had a far smaller percentage appointment rate. The BME target is 8% applications across both visible and non-visible and if adding these together, every DG area has achieved this. The 2022 census data is now available for visible and non-visible BME groups. If comparing to the census data, rather than target, then all but one DG has achieved applications from BME applicants equivalent or higher than the population of the Scottish community. However, only one DG area appointed a percentage of visible BME that was higher than the application percentage. No DG area appointed a higher percentage of BME applicants than the percentage of applicants and the Education and Justice and Economy DG's appointed no visible BME applicants at all, despite having around a 10% application rate. Ministers should consider whether there are any barriers to

appointment within their area and perhaps consider positive action measures in this area. Four out of five DG areas achieved the target percentage of applications from LGB applicants.

Applications from and appointments made by age

The target for applications for Under 50s is 40%. Two DG areas achieved the target of 40% applications from those under 50 but both had a far smaller percentage appointment rate.

Table 19

	Communities		Education & Justice		Economy		Health & Social Care		Net Zero	
	🔴	🔵	🔴	🔵	🔴	🔵	🔴	🔵	🔴	🔵
Under 50	48.3%	22.9%	36.7%	4.2%	28.8%	26.5%	34.0%	23.9%	41.1%	26.9%
Over 50	48.9%	74.3%	58.5%	95.8%	67.2%	78.9%	60.6%	73.9%	54.0%	65.4%
Prefer not to say	1.6%	2.9%	2.5%	0.0%	2.6%	0.0%	3.9%	2.2%	3.4%	3.9%
Not stated	1.2%	0.0%	2.3%	0.0%	1.4%	0.0%	1.4%	0.0%	1.6%	3.9%
All	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Applications from and appointments made by ethnicity

The target for applications from this group is 8% for both visible and non-visible ME individuals. There is no disaggregated target for non-visible ME applicants.

Table 20

	Communities		Education & Justice		Economy		Health & Social Care		Net Zero	
	🔴	🔵	🔴	🔵	🔴	🔵	🔴	🔵	🔴	🔵
BME (visible)	6.7%	2.9%	10.1%	0.0%	9.1%	0.0%	11.9	8.7%	7.4%	3.8%
BME (non-visible)	11.8%	11.4%	8.3%	16.7%	9.6%	0.0%	7.7%	6.5%	8.7%	3.8%
Other	72.2%	85.7%	72.1%	83.3%	71.7%	100.0%	72.3%	78.3%	75.9%	76.9%
Prefer not to say	3.0%	0.0%	4.8%	0.0%	4.7%	0.0%	3.7%	2.2%	4.2%	3.9%
Not stated	6.3%	0.0%	4.8%	0.0%	4.9%	0.0%	4.3%	4.3%	3.8%	11.5%
All	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Applications from and appointments made by declared disability

The target for applications from this group is 15%.

During the year, we received an overarching request to allow panels to make use of a Guaranteed Interview Scheme with the anticipation that this might encourage more disabled applicants to apply. When looking at the overall percentage of disabled applicants, this does not yet seem to have materialised with a drop in percentage of disabled applicants over the previous two years. However, use of a guaranteed interview scheme is also to give disabled applicants an opportunity to showcase at interview their attributes which might not be immediately obvious in a written application. This could therefore result in a higher level of appointments in comparison to percentage of applications. Three out of the five DG areas have appointed a higher percentage of disabled applicants than the percentage of applications, so perhaps the Guaranteed Interview Scheme has had some impact. We will continue to monitor this over time.

Table 21

	Communities		Education & Justice		Economy		Health & Social Care		Net Zero	
	🔴	🔵	🔴	🔵	🔴	🔵	🔴	🔵	🔴	🔵
Declared disability	8.3%	2.9%	8.0%	0.0%	1.9%	5.3%	10.6%	17.4%	8.3%	23.1%
No declared disability	84.4%	94.3%	83.9%	95.8%	92.0%	89.5%	80.3%	73.9%	83.7%	69.2%
Prefer not to say	5.1%	2.9%	6.8%	4.2%	3.5%	5.3%	8.0%	6.5%	6.0%	0.0%
Not stated	2.2%	0.0%	1.3%	0.0%	2.6%	0.0%	1.0%	2.2%	2.0%	7.7%
All	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

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Applications from and appointments made by LGB

The target for applications from this group is 6%.

Table 22

	Communities		Education & Justice		Economy		Health & Social Care		Net Zero	
	🔴	🔵	🔴	🔵	🔴	🔵	🔴	🔵	🔴	🔵
Heterosexual	77.1%	94.3%	82.9%	87.5%	86.9%	78.9%	80.7%	89.1%	78.6%	69.2%
Non-heterosexual	13.8%	0.0%	9.0%	12.5%	4.0%	10.5%	11.2%	6.5%	10.5%	23.1%
Prefer not to say	7.5%	5.7%	6.8%	0.0%	8.0%	10.5%	7.3%	4.3%	9.2%	3.8%
Not stated	1.6%	0.0%	1.3%	0.0%	1.2%	0.0%	0.8%	0.0%	1.8%	3.8%
All	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

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Applications and appointments by chair and member

Applied: 🔴 Appointed: 🔵

Table 23

	Chair		Member		All	
	🔴	🔵	🔴	🔵	🔴	🔵
Female	32.9%	^	43.7%	49.3%	43.0%	52.0%
Male	63.4%	^	53.4%	50.0%	54.1%	47.3%
Prefer not to say	1.9%	0.0%	1.8%	0.0%	1.9%	0.0%
Not stated	1.9%	0.0%	1.0%	0.7%	1.1%	0.7%
All	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

^ Values for fewer than five have been suppressed to decrease the risk of disclosure of information about individuals.

Table 24

	Chair		Member		All	
	🔴	🔵	🔴	🔵	🔴	🔵
Under 50	31.1%	^	38.1%	20.9%	37.6%	20.7%
Over 50	60.9%	^	57.7%	76.9%	57.9%	76.7%
Prefer not to say	4.3%	4.8%	2.8%	1.5%	2.9%	2.0%
Not stated	3.7%	1.6%	1.4%	0.7%	1.5%	0.7%
All	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

^ Values for fewer than five have been suppressed to decrease the risk of disclosure of information about individuals.

Table 25

	Chair		Member		All	
	🔴	🔵	🔴	🔵	🔴	🔵
BME (visible)	7.5%	0.0%	9.4%	4.5%	9.3%	4.0%
BME (non-visible)	8.1%%	^	9.2%	7.5%	9.1%	8.0%
Other	72.7%	^	72.8%	83.6%	72.8%	83.3%
Prefer not to say	4.3%	0.0%	3.9%	1.5%	4.0%	1.3%
Not stated	3.7%	6.3%	4.6%	3.0%	4.8%	3.3%
All	100%	100%	100%	100%	100%	100%

^ Values for fewer than five have been suppressed to decrease the risk of disclosure of information about individuals.

Table 26

	Chair		Member		All	
	🔴	🔵	🔴	🔵	🔴	🔵
Declared disability	11.8%	^	7.6%	10.4%	7.9%	10.7%
No declared disability	79.5%	^	84.6%	84.3%	84.3%	83.3%
Prefer not to say	5.0%	12.5%	6.2%	3.0%	6.1%	4.0%
Not stated	3.7%	0.0%	1.6%	2.2%	1.7%	2.0%
All	100%	100%	100%	100%	100%	100%

^ Values for fewer than five have been suppressed to decrease the risk of disclosure of information about individuals.

Table 27

	Chair		Member		All	
	🔴	🔵	🔴	🔵	🔴	🔵
Heterosexual	78.9%	^	81.1%	85.8%	81.0%	85.3%
Non-heterosexual	10.6%	^	10.0%	9.0%	10.0%	9.3%
Prefer not to say	8.7%	6.3%	7.6%	4.5%	7.7%	4.7%
Not stated	1.9%	0.0%	1.2%	0.7%	1.3%	0.7%
All	100%	100%	100%	100%	100%	100%

^ Values for fewer than five have been suppressed to decrease the risk of disclosure of information about individuals.

Appendix 3

Appointments rounds (successful and unsuccessful) in 2023

Key for table					
Applications: 🔴		Appointments: 🔵			
Column: DG			**Column: Level**		
DG	Director General with sponsorship responsibility		**L**	Low	
C	DG for General Communities		**M**	Medium	
E	DG for General Economy		**MSG**	PAA involvement during planning requested	
EJ	DG for General Education and Justice		**H**	High	
HSC	DG for Health and Social Care		**HSG**	Set at high level at the request of the Scottish Government	
NZ	DG for Net Zero				

Table 28

Body	DG	Position	🔴	🔵	Level
Accounts Commission for Scotland	C	Chair	3	0	Full Competition
Accounts Commission for Scotland	C	Chair	5	1	Full Competition
Accounts Commission for Scotland	C	Members	44	4	Full Competition
Bòrd na Gàidhlig	C	Members	13	4	Full Competition
Boundaries Scotland	C	Chair	3	1	Full Competition
Boundaries Scotland	C	Commissioners	32	2	Full Competition
Cairngorms National Park Authority	NZ	Members	65	4	Full Competition
Cairngorms National Park Authority	NZ	Member	17	1	Full Planning
Care Inspectorate	HSC	Members	24	2	Full Planning
Consumer Scotland	C	Member	57	1	Full Planning

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Body	DG	Position	🔴	🔵	Level
Creative Scotland	C	Members	101	5	Full Planning
Crown Estate Scotland	NZ	Chair	11	1	Full Competition
David MacBrayne Limited	NZ	Non-executive Director	27	1	H (2013 Code)
David MacBrayne Limited	NZ	Non-executive Director	57	1	Full Competition
Environmental Standards Scotland	NZ	Members	22	2	M (2013 Code)
Forth Valley College	EJ	Chair	1	0	Full Competition
Healthcare Improvement Scotland	HSC	Member	11	1	Early Engagement
Highlands and Islands Enterprise	E	Member	35	1	Early Engagement
Independent Living Fund Scotland	HSC	Chair	10	1	Full Competition
Independent Living Fund Scotland	HSC	Members	31	3	Full Competition
Judicial Appointments Board for Scotland	EJ	Members	107	7	Full Competition
Loch Lomond and The Trossachs National Park Authority	NZ	Member	66	1	Early Engagement
Mental Welfare Commission for Scotland	HSC	Member	41	1	L (2013 Code)
Mobility and Access Committee for Scotland	NZ	Members	27	4	Full Planning
National Library of Scotland	C	Members	63	3	L (2013 Code)
National Museums Scotland	C	Trustees	35	2	Early Engagement
NatureScot	NZ	Chair	15	1	Full Competition
NHS 24	HSC	Member	60	1	Full Planning
NHS Ayrshire and Arran	HSC	Members	18	2	Full Planning
NHS Ayrshire and Arran	HSC	Member	28	1	Early Engagement
NHS Borders	HSC	Whistleblowing Champion	22	1	Full Planning
NHS Dumfries and Galloway	HSC	Members	58	3	Full Competition
NHS Dumfries and Galloway	HSC	Whistleblowing Champion	19	1	Full planning
NHS Education for Scotland	HSC	Member	46	4	Full Competition
NHS Fife	HSC	Chair	5	0	Full Competition
NHS Fife	HSC	Chair	7	1	Full Competition
NHS Golden Jubilee	HSC	Members	35	2	Full planning
NHS Grampian	HSC	Member	38	1	Full planning

Body	DG	Position	🔴	🔵	Level
NHS Greater Glasgow and Clyde	HSC	Chair	11	1	Full Competition
NHS Greater Glasgow and Clyde	HSC	Members	10	2	Full Planning
NHS Highland	HSC	Chair	8	1	Full Competition
NHS Highland	HSC	Members	38	3	Full Planning
NHS Lothian	HSC	Members	35	2	M (2013 Code)
NHS Lothian	HSC	Members	35	3	Full Competition
NHS National Services Scotland	HSC	Members	73	2	Full Planning
NHS Shetland	HSC	Members	9	1	Full Planning
NHS Tayside	HSC	Members	33	2	Full Planning
NHS Western Isles	HSC	Member	13	1	Full Planning
NHS Western Isles	HSC	Member	5	1	Full Competition
Police Negotiating Board for Scotland	EJ	Chair	7	1	Full Competition
Quality Meat Scotland	E	Members	24	3	Full Planning
Risk Management Authority	EJ	Convenor	4	1	H (2013 Code)
Risk Management Authority	EJ	Member	23	1	H (2013 Code)
Royal Botanic Garden Edinburgh	NZ	Trustees	11	3	L (2013 Code)
School Closure Review Panels	EJ	Convenor	4	1	Full Competition
Scottish Ambulance Service	HSC	Members	39	2	Full Planning
Scottish Criminal Cases Review Commission	EJ	Members	71	2	Early Engagement
Scottish Enterprise	E	Chair	3	0	H (2013 Code)
Scottish Enterprise	E	Members	100	5	Full Competition
Scottish Environment Protection Agency	NZ	Chair	8	1	Full Competition
Scottish Environment Protection Agency	NZ	Members	122	6	Full Competition
Scottish Fire and Rescue Service	EJ	Members	68	4	Full Planning
Scottish Land Commission	E	Chair	7	1	Full Competition
Scottish Land Commission	E	Commissioner	15	2	Full Competition
Scottish Legal Aid Board	EJ	Legal Members	33	2	Early Engagement
Scottish Legal Complaints Commission	EJ	Chair	11	1	Full Competition
Scottish Local Authority Remuneration Committee	C	Convenor	15	1	H (2013 Code)

Body	DG	Position	🔴	🔵	Level
Scottish Local Authority Remuneration Committee	C	Members	40	5	H (2013 Code)
Scottish National Investment Bank	E	Non-executive Director	100	1	Full Competition
Scottish Qualifications Authority	EJ	Chair	14	1	Full Competition
Scottish Social Services Council	EJ	Member	25	1	M (2013 Code)
Scottish Social Services Council	EJ	Members	30	2	Full Planning
Scottish Water	E	Chair	13	1	Full Competition
Scottish Water	E	Member	94	0	Full Competition
South of Scotland Enterprise	E	Members	20	2	Full Planning
VisitScotland	E	Members	16	3	Full Competition
Totals			**2542**	**150**	

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