

Ethical Standards Commissioner

ANNUAL REPORT ON PUBLIC APPOINTMENTS

2019-20

ESC

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EXECUTIVE SUMMARY

This report reflects on the first year of the new Commissioner's term in office. 2019 was a landmark year for public appointments with the achievement, ahead of schedule, of gender parity on the boards of Scotland's regulated public bodies. However, the picture is more nuanced, with parity for other under-reflected groups within boards proving to be a more intractable issue. Currently just under 30% of board chairs are women. Disabled people, people under the age of 50 and people from a BME background are also not serving on our boards in the proportions that they should. There are other aspects of diversity that boards would benefit from and which the Commissioner has decided to report on for the first time. People from the private sector are not applying in the numbers that they could and, when they do apply, they fare more poorly than their public sector counterparts. Additionally, those whose household income is in the top 5% of the population apply in disproportionately greater numbers than others and are invariably more successful when they do so. There are inevitably intersectional connections between characteristics such as disability and household income which is why the Commissioner has chosen to highlight these figures for the first time. For stakeholder engagement to be truly meaningful, stakeholders from all of the communities served by public bodies should have a place on their boards.

Scotland's boards are inevitably poorer for this lack of diversity and it is clear that the Scottish Ministers are not accessing the rich tapestry of talent that ought to be available to them. The outbreak, and dealing with the aftermath, of an international pandemic here and elsewhere has brought significant challenges for all, including the Scottish Government and public bodies. In order to be able to rise to that challenge, Scotland's boards and appointing ministers will need to find new ways of attracting and seeing the appointment of a broader and more diverse pool of individuals from the population.

Diversity enablement activities have continued to be diffuse with the Scottish Government reaffirming its commitment to some activities, primarily compliance with prior commitments and new legislative requirements, but not others. The result of this is clear from the diversity figures published later in this report. Without sustained effort in areas other than gender, we will either maintain the status quo or go backwards in respect of other protected characteristics. In particular, the Scottish Government has no clear and convincing plans for achieving parity in these other areas. This in turn has led the Commissioner to conclude that a more traditional regulatory relationship should be established. This is reflected in the Commissioner's strategic plan for 2020-24.

To foster and encourage new approaches, the Commissioner intends to report more frequently and publicly on Scottish Government appointment activity. A key watchword for the new Commissioner's term in office will be transparency; shining a light on current board makeup and appointment practices can only engender a more public and informed debate about what has to change for the better. The Commissioner is equally committed to highlighting good practice where that is identified and has published a case study on her website on the appointment round run to find a whole board for the Poverty & Inequality Commission. This case study should be required reading for all panels if the Scottish Ministers are keen to do something about the socio-economic diversity of our boards.

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
- 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 of Practice: the Commissioner may direct the Minister to delay making the appointment until Parliament has considered the report.

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

SUMMARY OF THE YEAR

Public appointments regulation, in its strictest sense, aims to provide assurance that board appointments within our remit are made in a “code compliant” way; the Code of Practice for Ministerial Appointments was last updated in 2013. Its implementation by the officials tasked with identifying suitable candidates for appointments to boards has seen a measure of success. Gender balance on boards was achieved in June 2019. However, the achievement of parity in respect of other protected characteristics such as disability, age and ethnicity remain elusive as this year's figures demonstrate. There is a disconnect between the ambitions of the Scottish Ministers and the Commissioner for boards that are reflective of society and the measures that have been put in place to make that a reality. Scottish Government resources were already strained when, towards the year end, a global pandemic presented one of the greatest challenges seen for all sectors in this country and internationally in some decades. The Scottish Government and the Commissioner continue to share the objective of securing effective, diverse boards reflective of society and the communities that they serve. That objective remains vital if our boards are to meet the new challenges facing them. The Commissioner plans to put new measures in place which are geared towards the achievement of that objective. These are reflected in our strategic plan for 2020-24, published on 31 March of 2020. Measures include a revision to the Code of Practice, intended to foster and encourage those practices which make best use of the limited resources available to achieve successful outcomes. These practices should be based on evidence of what works as opposed to simply repeating what was done previously. Additionally, and to ensure that progress is subject to proper debate and scrutiny, the Commissioner will be reporting more frequently and publicly than has previously been the case. This will represent a move towards a more traditional regulatory model, as discussed with the Scottish Government and the Scottish Parliament during the course of the year covered by this report.

The Commissioner has continued to support improvement by allocating Public Appointments Advisers (PAAs) to engage early with panels on an appointment round by appointment round basis. That engagement is intended to support succession planning and to assist panels towards selecting the most appropriate methods for the attraction and assessment of applicants for board roles. The Commissioner also provided dedicated PAA resource to activities such as the diversity in governance research, a repeat of the mentoring scheme for potential board chairs of the future and another scheme to provide shadowing and mentoring opportunities to disabled people.

The Scottish Government has continued with its programme of outreach events, new board member induction events and general process improvements although their scale and scope has been limited. It also consulted during the year on the introduction of the provisions set out in the Gender Representation on Public Boards (Scotland) Act 2018. It is hoped that the provisions relating to the guidance on positive action measures that officials and bodies should be engaged in will, once in force, see the same levels of success for groups other than women that are currently under-reflected.

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. As part of our work in this area the Commissioner set targets for Ministers in the strategy document “Diversity Delivers” 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:

www.ethicalstandards.org.uk/promoting-diversity

The following tables and graphs show the extent to which Scotland’s board members reflect the population as a whole at the end of 2018 and how it has changed over time.

Table 1 – The current demographic profile of Scotland’s boards

Target Group	Change in board membership profile	Profile of board members† at the end of 2019	Profile of board members† at the end of 2018	Scottish Population (2011 Census)
Female	+1.4%	50.0%	48.6%	51.5%
Disabled	+0.3%	7.2%	6.9%	19.6%
Black and minority ethnic††	-0.1%	2.8%	2.9%	4.0%
Aged 49 and under	-0.4%	17.9%	18.3%	54.3%*
Lesbian, gay and bisexual	-0.1%	5.1%	5.2%	6.0%**

†All board members inclusive of the chair unless otherwise stated. Percentages do not include those who did not make a declaration.

††Black and minority ethnic figures reflect people from a non-white minority ethnic background

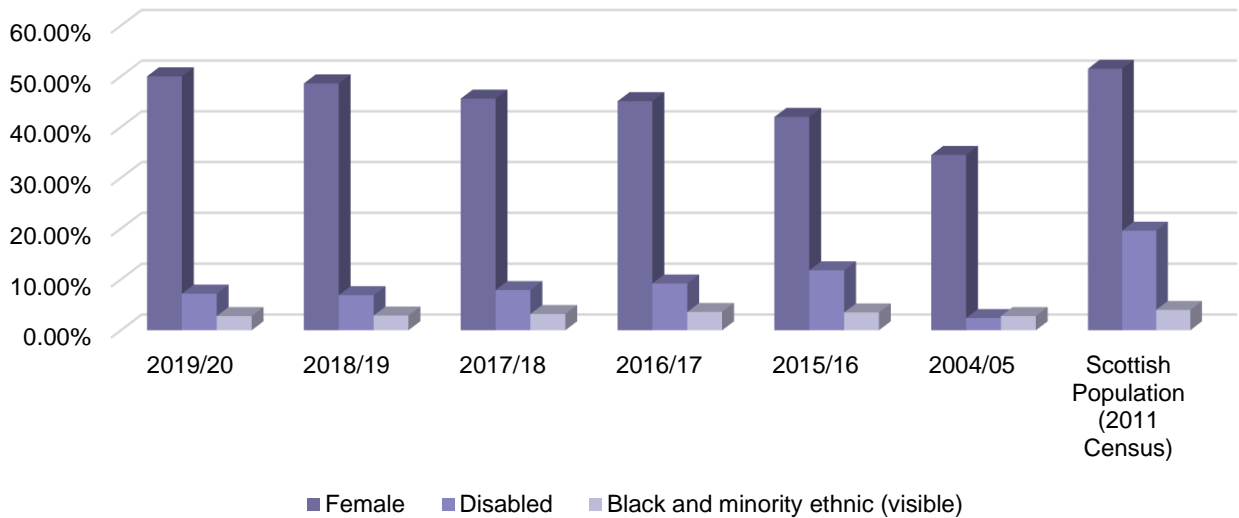
* Scottish Population aged 18 to 49 as a percentage of the whole population aged 18 and over.

** Estimated based on information from Stonewall Scotland website

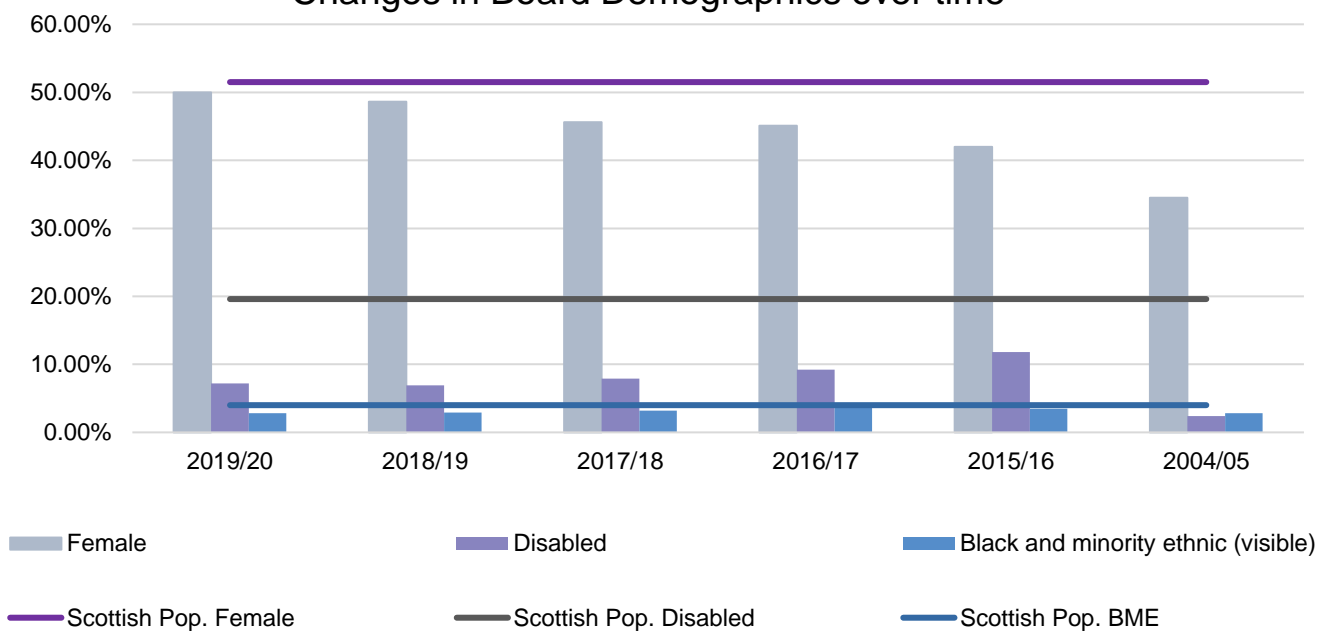
Table 2 – How the demographic profile of Scotland’s boards is changing

Group	All board members (inclusive of chairs)						Scottish Population (2011 Census)
	2019/20	2018/19	2017/18	2016/17	2015/16	2004/05	
Female	50.0%	48.6%	45.6%	45.1%	42.0%	34.5%	51.5%
Disabled	7.2%	6.9%	7.9%	9.2%	11.8%	2.4%	19.6%
Black and minority ethnic (visible)	2.8%	2.9%	3.2%	3.6%	3.5%	2.8%	4.0%

Change in board demographics over time



Changes in Board Demographics over time



The Commissioner has not set a target for reflection by protected characteristics on boards. It is however recognised that this baseline must be tracked in order to assess whether the Diversity Delivers targets for applications from currently underrepresented groups are making a difference to board demographics. This in turn will determine whether the targets continue to be required and set at current levels.

Female board membership is for the fourth year running at its highest level since these figures have been recorded and has reached the 50% target set by the Scottish Ministers. There is still under-reflection in respect of all other characteristics for which targets have been set in comparison with the demographics of the population.

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.

Table 3 – Demographic profile of board chairs and members

Target Group	Difference in profile of chair cohort	Difference in profile of members cohort	Profile of board chairs at the end of 2019	Profile of board members at the end of 2019	Profile of board chairs at the end of 2018	Profile of board members at the end of 2018	Scottish Population (2011 Census)
Female	+1.17%	+1.30%	29.41%	52.83%	28.24%	51.53%	51.5%
Disabled	+2.35%	+0.16%	11.76%	6.62%	9.41%	6.46%	19.6%
Black and minority ethnic ^{††}	^	+0.01%	^	3.07%	^	3.06%	4.0%
Aged 49 and under	-3.53%	-0.01%	5.88%	19.55%	9.41%	19.56%	54.3%*
Lesbian, gay and bisexual	^	-0.27%	^	5.17%	^	5.44%	6.0%**

^{††}Black and minority ethnic figures reflect people from a non-white minority ethnic background

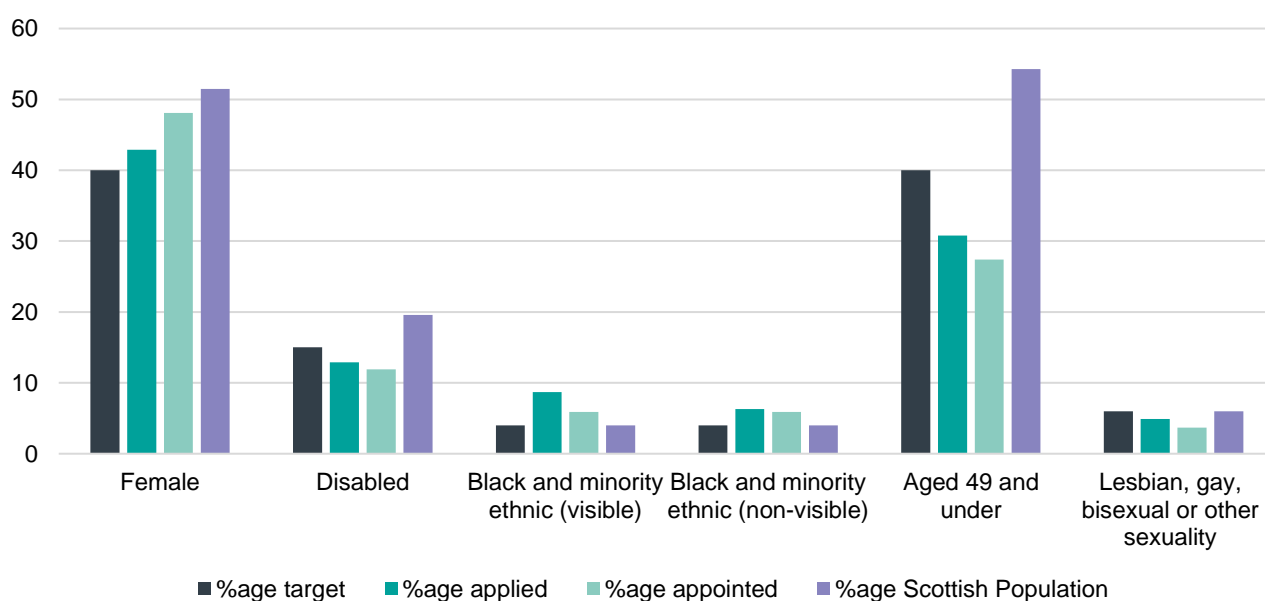
* Scottish Population aged 18 to 49 as a percentage of the whole population aged 18 and over.

** Estimated based on information from Stonewall Scotland website

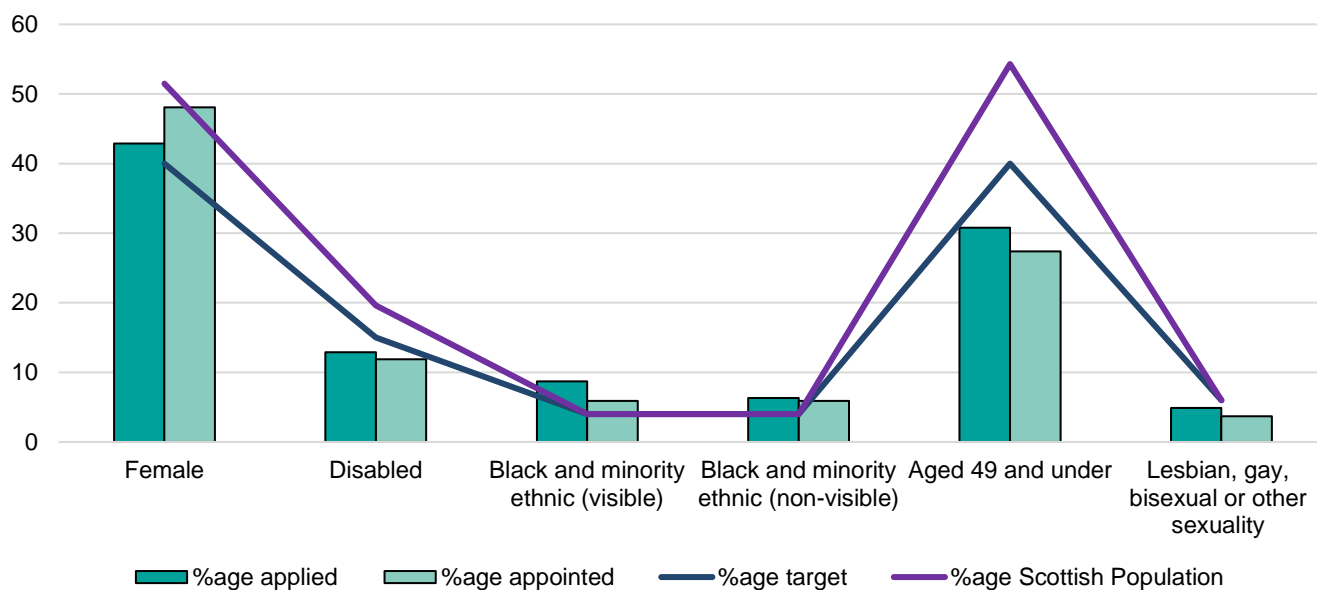
^ Values for fewer than five have been suppressed to decrease the risk of disclosure of information about individuals.

The following chart shows the percentage of applications and appointments in 2019 by each target group as set out in *Diversity Delivers*.

Performance against Diversity Delivers targets 2019



Performance against Diversity Delivers Targets 2019



The table below shows these figures for the preceding three years.

Table 4 – Applications and appointments by target group

Target Group	Target	2019		2018		2017		Scottish Population*
	%	● %	● %	● %	● %	● %	● %	
Female	40.0	42.9	48.1	42.8	52.4	39.5	52.8	51.5
Disabled	15.0	12.9	11.9	9.4	7.1	11.0	6.5	19.6
Black and minority ethnic (visible)**	8.0	8.7	5.9	6.3	3.6	7.0	^	4.0
Black and minority ethnic (non-visible)	N/A	6.3	5.9	5.2	3.6	4.9	^	4.0
Aged 49 and under	40.0	30.8	27.4	28.2	22.6	27.1	29.6	54.3***
Lesbian, gay, bisexual or other sexuality	6.0	4.9	3.7	4.3	7.1	4.6	4.6	6.0****

Key: Applications ● Appointed ●

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

* Unless otherwise stated, all population figures are extracted from 2011 census data

** The target for the BME 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

**** Estimated based on information from Stonewall Scotland website

It is apparent from these figures that women were the only standalone group over the past two years who were more likely to be successful when they applied.

The Commissioner met with the Cabinet Secretary for Finance, Economy and Fair Work during the course of 2019 as he had overall responsibility for public appointments. The

Commissioner noted his commitment to broader diversity, including socio-economic diversity on boards, and his concerns about the need to reach out beyond the “usual suspects”. The Commissioner has therefore decided to also publish statistical information on household income and sector worked in in her annual report. Further research in this area is planned.

Table 5 – Applications and appointments by current or most recent sector worked in

Current or most recent sector of work	2019		2018		2017		Scottish Population %
	● %	● %	● %	● %	● %	● %	
Private	33.9	27.4	31.2	25.0	35.9	30.6	78.5*
Public	41.4	45.8	36.5	52.4	42.6	49.1	21.5*
Voluntary	13.2	14.1	10.1	10.7	10.8	11.1	4.1**
Other	7.8	11.1	6.3	7.1	7.5	6.5	

Key: Applications ● Appointed ●

*Figures obtained from the Scottish Government publication “Public sector employment in Scotland: statistics for third quarter 2019”.

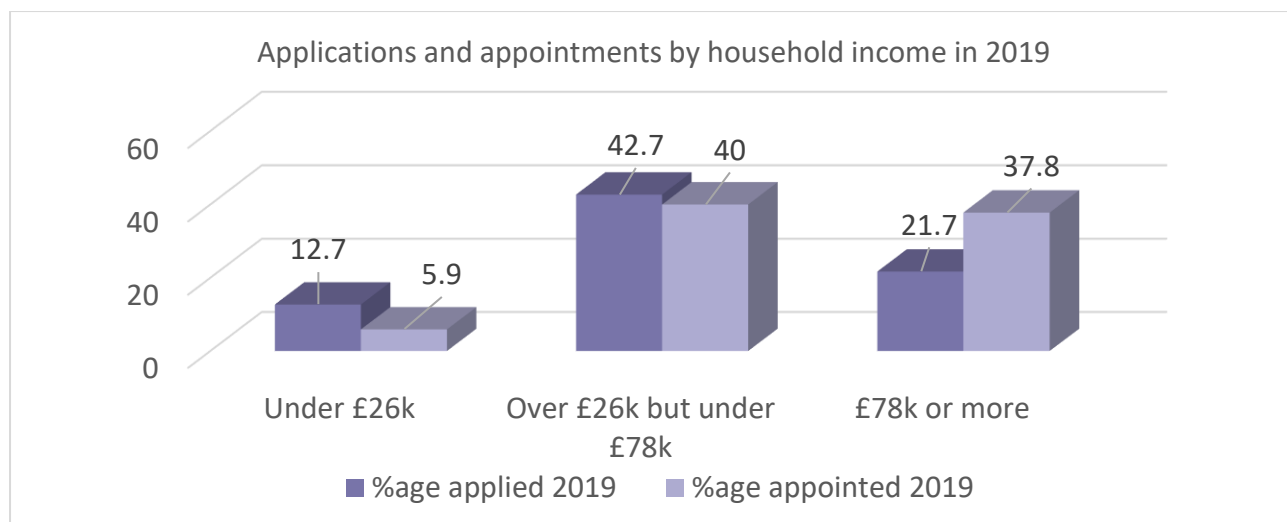
**Figure used is the number of paid staff in the third sector obtained from the SCVO publication “State of the Sector 2020: Scottish Voluntary Sector Statistics” (c 108,000 headcount) as a percentage of the overall population figure used at *.

It is clear from these figures that individuals from a public sector background are more likely than those from a private sector background to apply and that they are more successful when they do so. A disproportionately high number of people working in the voluntary sector appear to apply for board roles and to be successful when they do so.

Table 6 – Applications and appointments by household income

Household income	2019		2018		2017	
	● %	● %	● %	● %	● %	● %
a. Less than £5,200 per year	1.2	0.0	0.6	0.0	0.7	0.0
b. £5,200 to £10,399 per year	1.8	0.7	1.3	0.6	2.1	0.9
c. £10,400 to £15,599 per year	2.1	1.5	2.3	1.2	2.7	0.0
d. £15,600 to £25,999 per year	7.6	3.7	7.0	3.0	7.4	3.7
e. £26,000 to £36,399 per year	10.2	3.7	9.3	5.4	10.2	6.5
f. £36,400 to £49,399 per year	13.4	11.9	12.9	17.9	13.7	9.3
g. £49,400 to £62,399 per year	10.2	11.1	10.2	10.1	11.4	8.3
h. £62,400 to £77,999 year	8.9	13.3	6.6	7.7	7.3	3.7
i. £78,000 or more per year	21.7	37.8	16.9	29.8	19.9	39.8
j. Prefer not to say	22.8	16.3	32.9	24.4	24.7	27.8
All	100.0	100.0	100.0	100.0	100.0	100.0

Key: Applications ● Appointed ●



The Scottish Government publication *Poverty and income inequality in Scotland: 2014-2017* gives the median weekly household income figure as £485 per week, equivalent to £25,220 per annum. This means that, in 2019, at least 64% of applicants and 78% of appointees had household incomes above the median. It is also apparent that in this and in previous years, those with household incomes in excess of £78,000 per year, the top 5% of earners in the UK according to HMRC estimates, are far more likely to be appointed than others who have applied.

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. Analysis of these data are included in appendix one.

in order to improve on the diversity of boards. It continues to be apparent that, other than for gender, the *Diversity Delivers* targets will remain unachievable unless more focus and resources are dedicated to appropriate activities. The Commissioner has therefore made recommendations for improvement in the last three annual reports as well as in a thematic review report on learning lessons and on succession planning published in October 2018. Additionally, a *Diversity Delivers* progress report was published in 2019 identifying activities that would in the view of the Commissioner lead to improvement. Many of the recommendations in these reports have not been accepted. The Scottish Government's general response to the last annual report was as follows:

We welcome the Commissioner's celebration of the Scottish Government's achievements on women's representation on public body boards.

We welcome the positive outcomes that have resulted from partnership working between the Scottish Government and the Ethical Standards Commissioner's staff and public appointments advisors, as well as the resources you have dedicated to providing practical support on guidance, outreach and positive action activity.

In respect of seeking clarity about how the relationship might work in the future, we have laid out our role in respect of public appointments for your office, including on the exchange of information. In that we outlined where we lead on the operational design, planning and delivery of the public appointments process within the context of your Code of Practice for

Ministerial Appointments to Public Bodies in Scotland and the associated guidance, and on our diversity and improvement work that we undertake to achieve boards that are effective and reflective of society.

*We note the report's comment that there has been a "year on year decrease in applications from and appointments of people who declare a disability". We observe however that the number of applications from disabled people, since 2016, has increased every year and that the rate of applications as a percentage of the whole has fluctuated (2016: 9.8%; 2017: 11%; 2018: 9.4%). We observe that the number of appointments to disabled people has also fluctuated, with 2018 being an increase on the figures of 2017 and 2016, and that the percentage rate has fluctuated with 2018 (7.1%) an increase on 2017 (6.5%) but lower than 2016 (10.1%). It is a major concern to us that despite these increases in the numbers of applications we have not met the percentage rate target for applications from disabled people **and** that the overall demographic profile of our appointments shows a continuing decline in the number and percentage of disabled people.*

We do not agree with the implication that the lessons learned from the positive work on women's representation may be easily transferred to addressing under-representation of those with other protected characteristics. The barriers that exist for other groups will be different and different protected groups require different support to achieve the same outcomes, as indicated by the findings of the applicant survey.

The Commissioner contrasts this final observation with the evidence provided to the Equalities and Human Rights Committee by Angela Constance MSP in her capacity as Cabinet Secretary for Communities, Social Security and Equalities, whilst giving evidence on the Gender Representation on Public Boards (Scotland) Bill in October 2017.

"We want to be crystal clear about what people can and should do, because the evidence is there. I do not want to be crude, but how we improve diversity on boards is not rocket science. There is a substantial body of evidence on what needs to be done and what works. That does not mean that more progress does not need to be made, that more research does not need to be done or that more evidence does not need to be gathered on specific challenges... We know what works—we know what people have to do to reach in to different communities. We know that people need to think imaginatively about how they recruit and not just rely on the same old advert in the same newspaper. We know because of how boards interview how they look at applications and they should not make the same old assumptions about the skills, attributes and knowledge that they think they need. The committee's evidence contains someone talking about the importance of people with lived experience being represented on boards. We know that application processes need to be simplified and that the language used needs to be inclusive. We know that people have to have a clear view of the competencies that are required and to be thinking outwith the box about the knowledge, skills and attributes that will meet those requirements. We know what works, but there is further research on things that we need to bore into. Why do we not get many applications from people under 50, for example? We suspect that it is because of the demands of working life and people being parents. We need to do other things but, by and large, we know what works. The bill is about making sure that people do that."

Setting aside gender, the Commissioner has seen limited evidence of the ongoing or planned activities that the Cabinet Secretary alluded to and that will be needed to see a

substantive change on the makeup of our boards other than perhaps in respect of the adoption and implementation of a dedicated plan to redress the under-reflection of members of the visible BME community. The lack of bespoke plans and associated SMART actions for other areas will continue to impede progress. The Commissioner notes and accepts that these matters are the responsibility of the Scottish Government and that there is no compunction on the Scottish Ministers to follow recommendations unless the Code of Practice requires them to. As a consequence, the Commissioner has made no recommendations this year but will instead focus on prospective Code revisions and associated regulatory measures intended to encourage improvements.

The detailed recommendations from the last annual report, alongside the Scottish Government's response, are included in [appendix two](#).

PERFORMANCE AGAINST OUR BUSINESS PLAN

The Commissioner’s public appointments objective is set out in the strategic plan for 2016 to 2020. It is “**Public boards which are effective, and reflective of society**”.

The Commissioner’s business plan for 2018/19 included actions intended to contribute to the achievement of that objective. Specific activities were set out under the following headings:

1. Scottish Government Public Boards Governance and Diversity Improvement
2. Partnership Approach
3. Review of 2013 Code

Progress against the business plan is summarised in the following table.

Table 7 – Performance against Business Plan

Actions Specified in the Strategic Plan		Due Date	Status
1 – Scottish Government Public Boards Governance and Diversity Improvement			
a	Continue to work with officials in the Scottish Government to develop, co-ordinate and implement actions to improve on board diversity and thereby enhance board governance.	2019/20	
i	Assess whether the Scottish Government wishes to continue to involve the ESC in central improvement activity. Depending on the response, activities may include:	October 2019	Done
	1. Working with officials and boards on outreach and positive action measures such as training people from underrepresented groups to increase their chances of applying successfully. Taking part in awareness events and in outreach activity that is targeted at currently underrepresented groups.	Ongoing minimum 2 each. per annum	Done
	2. Reporting the results of the revised applicant survey	November 2019	Done

Actions Specified in the Strategic Plan	Due Date	Status
3. Agreeing stage two findings from the research project with the Scottish Government steering group with the intent of assessing in due course the impact that more diverse appointments are having on board governance and commence stage four of the research (further qualitative follow up).	September 2019	Done
SG CAST to commence stage three of the research.	July 2019	Not Done – insufficient data from stage 2
4. Collate final report on diversity in governance research project [NOTE: requires Scottish Government agreement, resources and cooperation].	March 2020	The Scottish Government has all the findings and the Commissioner's views Publication date rescheduled to take account of pandemic.
ii New and rerun/ongoing actions include:		
1. Running, along with officials, a repeat of the mentoring scheme with the purpose of developing current members from underrepresented groups to become chairs in the future.	May 2019 then ongoing for one year.	Done
2. Assisting with new board member induction.	September and November 2019	Done
3. Working with officials to develop a plan of action specifically intended to redress underrepresentation of disabled people [NOTE – this activity was cancelled as the Scottish Government confirmed that it was not prepared to commit to a bespoke plan].	Originally July 2019 (cancelled)	Not done – the Scottish Government advised that it did not consider this to be necessary.

Actions Specified in the Strategic Plan	Due Date	Status
4. Working with officials to develop a plan of action specifically intended to redress underrepresentation of people under the age of 50 [NOTE – this activity was cancelled as the Scottish Government confirmed that it was not prepared to commit to a bespoke plan].	Originally October 2019 (cancelled)	Not done – the Scottish Government advised that it did not consider this to be necessary.

2 – Partnership Approach (E)			Status
a	Continue to work in partnership with the Scottish Government public appointments team to implement the agreed approach to forward planning. (costs cover all four years)	2019/20	
	i Working with officials to enhance strategic planning for appointment activity by allocating PAAs at the long term strategic planning stage before appointment rounds are agreed and in train	2019/20	Done
	ii Run joint SG and PAAs as well as PAAs only Communications Days to train on new developments in public appointments [NOTE – the Commissioner has concluded that running a joint Communications Day in 2019/20 is not feasible within budget. To reduce costs, one PAAs only Communications Day will be run].	Originally two of each per annum (now one for PAAs only in Feb 2020)	Only one run for PAAs only
b	Establish what the nature of the future regulatory relationship with the Scottish Government will be. Use that information to create content for the strategic plan relating to appointments for 2020 to 2025.	October 2019	Done

3 – Review of 2013 Code (F)			Status
a	Conduct a full review of the effectiveness of the 2013 Code during the period of this plan (costs allocated to 2016/17, 2018/19 and 2019/20)	2019/20	

3 – Review of 2013 Code (F)		Status
i	Consult the Scottish Parliament, Scottish Ministers, public bodies and stakeholder and equality groups about proposed revisions to the Code based on reviews run and guidance issued since its introduction.	Commence consultation in November 2019.
ii	Publish results of diversity research [NOTE: Depends on SG agreement and allocation of resources].	March 2020
iii	Consider and present any digital opportunities which have potential to provide enhanced effectiveness as part of any Code revision.	August 2019

Rescheduled to 2020

Rescheduled to later in 2020. Publication date rescheduled to take account of pandemic.

Partially done. The ESC highlighted an opportunity for the Scottish Government to work with DataLab on enhanced analysis of applicant data with a view to establishing what factors result in those applicants who share certain protected characteristics being less successful when they apply. (This data can then be used to improve procedures in future.) The Scottish Government concluded that it had sufficient expertise in house to conduct this activity.

3 – Review of 2013 Code (F)		Status
iv	Conduct a review to assess whether the time commitment published in applicant information packs is accurate. Also assess whether the remuneration for roles is compatible with the true time commitment.	November 2019 Postponed until 2020

Performance measures		Due Date	Status
1	Numbers of regulated bodies and posts	Published in Annual Report and/or on website	Done
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		
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		

Annual Actions		Due Date	Status
1	Conduct annual SLA discussion with each PAA to discuss contribution to appointment round, training needs and trends	Sep/Oct and Jan to Mar	Done
2	Provide training for panel members if/when requested	As required	N/A
3	Post case studies of examples of successful new approaches on website.	When PAAs advise round is appropriate for study	Done

Annual Actions	Due Date	Status
4 Amend guidance on the Code to take account of changes made to public appointments following enactment of the Gender Representation on Public Boards (Scotland) Act 2018	TBC – potentially September to October 2019 [NOTE – timing depends on when SG brings the relevant provisions of the Act into force]	N/A – Act not yet in force.
5 Provide briefings to SG officials and parliamentary clerks/committees on the regulated public appointments process and in particular on cases in which appointments are subject to parliamentary approval.	Ongoing	Done
6 Provide training for Scottish Government Graduate Development Programme/Fast-streamers on ESC regulation of public appointments.	Once per annum date TBC	N/A – no course run in year
7 Provide training for independent panel members on their role and responsibilities under the Code.	One group session per annum date TBC	N/A – no course run in year
8 Revise public appointments records and records management procedures to respond to the results of the GDPR data audit:		
<ul style="list-style-type: none"> Complete actions in action plan arising from the audit 	Ongoing activity with March 2020 completion date	Partially done – file deletion postponed until 2020
9 Have key ESC publications relating to public appointments translated into BSL [NOTE: this action has subsequently been transferred to the corporate part of the ESC business plan].	Commencing January 2020	N/A
10 Update PAAs toolkit, online guidance and aide memoir to reflect introduction of VBR and good practice in assessment guidance from Pearn Kandola.	August 2019	Done

Annual Actions		Due Date	Status
11	Review PAA training needs by reference to common enquiries and reports and requests submitted during SLA review discussions.	December 2019	Done
12	Revise ESC performance management materials to take account of recommendations in “Thriving at Work” report [NOTE: this action has subsequently been transferred to the corporate part of the ESC business plan].	November 2019	N/A
13	Draft updated manual of procedures for the public appointments allocations database.	January 2020	Partially done – instructions added to Db forms
14	Update public appointments complaints procedures and associated materials.	December 2019	Done
15	Update database of prospective PAAs to remove all old entries and to ensure latest ones continue to be interested in tendering for the role.	September 2019	Done
16	Plan for new PAA tendering exercise in 2020 and update database of people who have expressed interest in the role.	Jan 2020	Done
17	Draft a new strategic plan for the public appointments work of the office.	October 2019	Done
18	Conduct a high level impact assessment of the ramifications of a potential or actual EU exit on appointment activity.	November 2019	Done
19	Conduct a more detailed impact assessment of the ramifications of a potential or actual EU exit on appointment activity.	February 2020	Done

KEY	Complete: 	Partially complete: 	Not done: 
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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 761 posts on the boards of 97 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.

Table 8 - How many bodies and positions do we regulate?

At 31 March	2020	2019	2018
No. of bodies regulated	97	95*	95*
No. of posts regulated	755	677	660
Avg. no. of regulated positions per board	7.8	7.1*	6.9*

South of Scotland Enterprise and Public Health Scotland were added to the Commissioner’s remit during the course of the year. We also provided oversight of two appointment rounds, the boards of which are due to be added to the Commissioner’s remit during the next financial year (Consumer Scotland and the Scottish National Investment Bank). Such oversight is predicated on no appointments being made until such time as statutory regulation is in place.

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

How many appointments did we oversee?

During the previous calendar year, 135 regulated board appointments were made to 53 public bodies. For a more detailed breakdown of appointment activity see Appendix Three. The data in Appendix Three are supplied by the Scottish Government. It covers a calendar rather than financial year. It sets out all appointments made by the Scottish Ministers in 2019, the number of applications for the posts and the scrutiny level applied by the Commissioner.

Appointments are made through a process called an appointment round. 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 scrutinise 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.

* The Scottish Government advised us during the year that, although the Convener of the Police Negotiating Board for Scotland had been added to our remit as a result of the Criminal Justice (Scotland) Act 2016, the relevant provisions of that Act were not yet in force. This therefore represents an adjustment for the previous two years.

Table 9 – Number of allocations made

Allocations made	2019/20	2018/19	2017/18
Brought forward from previous year	58	43	24
Started in year	70	96	90
Active during year	128	139	114
Completed	83	81	71
Open at end of year	45	58	43

The oversight levels for allocations in 2019/20 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.

Table 10 – Scrutiny of appointment rounds

Scrutiny of appointment rounds	2019/20	HIGH	HIGH (SG request)	MEDIUM	MEDIUM (SG request)	LOW	TBC
Started in year	70	37	1	9	0	9	14
Carried forward from previous year	58	40	1	5	0	10	2
Total active in year	128	77	2	14	0	19	16
Incomplete at year end	45	20	1	4	0	8	12
Total completed in year	83	57	1	10	0	11	4

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.

How many people apply for a public appointment?

During 2019, 135 appointments were made to 53 public bodies following 2,088 applications from 1,786 applicants. This information is provided by the Scottish Government and relates to a calendar year.

Table 11 – Number of applications to appointments

Number of	2019	2018	2017
Applications	2,088	2,832	2,048
Appointments	135	168	108
Average applications per appointment	15.5	16.9	19.1

Table 12 – Breakdown of applications

Number of applications	2019	2018	2017
Applied	2,088	2,832	2,048
Reached shortlist	2,079	2,827	2,017
Invited to interview	442	580	368
Recommended for appointment	151	176	132
Appointed	135	168	108

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 the last three reporting years.

The following tables provide information on the time taken for appointment rounds and for appointment and reappointment decisions to be made. The 2019 appointment rounds concerned are listed in Appendix Three.

Table 13 – The average time taken to appoint a member from the date of planning to the Minister's appointment decision

	2019	2018	2017	TARGET
Number of rounds	55 ¹	70	49	
Average time taken (weeks)	17.5	18.9	18.2	Up to 16 and no more than 20 weeks

Table 14 – Time taken for discrete stages of an appointment round

Stage		2019	2018	2017
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	8.9	11.9
Date of interviews	Date when all applicants are informed about the final appointment decision	5.3	5.2	6.6
Selection panel report	Ministerial decision	1.6	6.8	1.4
Date on which the round is planned	Date on which the minister makes his or her appointment decision (overall time for purposes of target)	17.5	18.2	19.8
Date on which the round is planned	Date on which applicants are informed of the appointment decision	18.8	18.0	20.9

¹ **Appendix Three** shows that the appointment rounds for the 22 NHS whistleblowing champions and for chairs of three NHS boards were run in tandem. Each is counted in this total as a single appointment round.

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. The guidance on the Code anticipates that the appointing Minister will give board members reasonable notice of their decision.

Table 15 – Time taken to advise board members about reappointment decisions

	2019 Weeks	2018 Weeks	2017 Weeks	Target (Min. no. of weeks)
Amount of notice given to re-appointees before term of appointment due to end	17.7	21	21	13
Number of people reappointed	50	96	107	

How many applicants hold or have held a public appointment?

This indicator relates to whether applicants hold or have previously held a public appointment.

Table 16 – Applicants hold or have held an appointment

	2019				2018			
	Applicants	%	Applications	%	Applicants	%	Applications	%
Total	1,786		2,088		2,058		2,832	
Currently holds /previously held a public appointment*	83	5	97	5	348	17	612	22
Currently holds /previously held a regulated public appointment*	52	3	72	4	249	12	467	17
Did not say**	0	0	0	0	81	4	92	3

*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.

**Applicants are now obliged to provide an answer to this question.

Ministers interviewing applicants

The guidance on application of the Code states that the appointing Scottish Minister is anticipated as meeting with appointable applicants, particularly in the case of significant chair appointments. During 2019, the Scottish Ministers met the potential appointees on the rounds for:

- Fife College (Chair)
- Office of the Scottish Charity Regulator (Chair)
- Poverty & Inequality Commission (Chair)
- Creative Scotland (Members)
- VisitScotland (Members)

What do applicants think of the appointments process?

The Commissioner published the 2018 Annual Applicant Research report in November 2019 and a summary of its findings was included in the last annual report. Work on the 2019 applicant survey report is now underway and will be published on our website in the autumn.

In summary:

- 1,372 applicants (77% of all applicants) were asked for their views on 48 appointment rounds. This is in comparison to 2,230 applicants covering 53 appointment rounds in 2018, 1,601 applicants covering 40 rounds in 2017 and 805 applicants covering 16 rounds in 2016.
- 442 applicants responded in full or in part (32%). This is a decrease of 3 percentage points on response rates in comparison with the 2018 annual survey and 6 percentage points in comparison to the 2017 annual survey.
- The ESC made recommendations in the 2016, 2017 and 2018 annual reports to encourage a more timely approach to applicants to seek their views. This included asking for views from applicants who did not make it to the interview stage immediately after they have been informed of the outcome of their application. The Scottish Government does not agree with this recommendation which means that only 10 of the 48 appointment rounds surveys were run on or before the dates on which the news release announcing the successful applicants were made.

We also ask public body and panel chairs to provide their views on the contribution of our PAA and on the appointments process. We use a simple 1 to 5 scale (5 is very satisfied, 1 is very dissatisfied), the results of which have consistently exceeded 4 in the past two years.

Table 17 – Satisfaction with the appointment process

Average satisfaction level	2019/20	2018/19	2017/18
PAA's contribution	4.51	4.71	4.55
Appointments process	4.05	4.21	4.18

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

PROVIDING GUIDANCE

Enquiries and reports arising from scrutiny

The following tables summarise substantive contacts with the office during the reporting year.

Table 18 – Summary of contact with the ESC office

Issues raised	Supplementary Information	2018/19	2018/19	2017/18
Enquiry - Asked for advice on the Code of Practice	1*	166	155	167
Enquiry - Asked for advice on good practice		8	27	23
Enquiry – Asked for exceptions to the Code, or term extensions or to discuss options not covered by the Code	2*	46	35	28
Diversity research enquiry		5	16	48
Enquiry - General enquiry on the work of the office		30	60	76
Enquiries and Reports - Miscellaneous or “Other” enquiries or reports		315	283	190
Enquiry - Freedom of information requests		0	0	2
Report a complaint about an appointment round	3*	1	2	1
Report a concern about an appointment round or a failure in administration	4*	91	93	84
Report about good practice	5*	10	13	20
Report about non-compliance with the Code of Practice	6*	8	13	7
Totals		680	697	646

* Narrative below provides further detail.

1* - Requests for advice on the Code of Practice

Comparative analysis of these requests showed that seeking advice related to application and assessment methods were the highest in the year concerned. Requests for advice on public confidence issues such as the fit and proper person test were the next most common followed by enquiries about panel membership as a number of panel changes were made during the year as explained under the next heading.

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 allows for courses of action to be taken that would otherwise not comply with the Code.

Twenty-eight such cases were approved during the year in comparison with 29 in 2018/19:

- terms were extended or individuals reappointed beyond the eight-year maximum normally allowed for by the Code twice
- additional appointments were made to six bodies
- changes to panel membership were allowed for twelve times, an increase on the previous year

- unanticipated vacancies were filled from a reserve list of people considered suitable but not appointed at the conclusion of a recent competition twice
- an emergency interim appointment was allowed for once
- five miscellaneous Code variations were agreed to allow for, for example, a revised appointments process that facilitated applications from people who wished to role share.

3* - Report a complaint about an appointment round

The one complaint received during the year alleged that an appointment had been made inappropriately. The complainer was referred to the Scottish Government as they had not yet raised their complaint direct. The Commissioner investigates complaints once the Scottish Government's complaints handling process has been exhausted.

4* - Reported concerns

Reported concerns this year were roughly on a par with the previous one. Concerns about planning were the highest followed by public confidence and application and assessment methods.

5* - Reported good practice

Ten good practice reports were received during the course of the year in the following areas:

- the provision to the panel by a PAT Manager of clear and helpful guidance on the conduct of forthcoming interviews.
- PAT's suggestions for improvement for publicising an opportunity.
- the provision of advice on public appointments in BSL on the Scottish Government's website.
- the scheme established to support disabled people to take on shadow board roles.
- the inclusion of new positive and negative indicators for the behaviours expected of applicants who shared the NHS Scotland values.
- the quality of PAT work on draft papers and a draft appointment plan provided to a panel which made it clear that the outcome was not subsidiary to the timetable
- the factors which led to a very successful outcome for Highlands and Islands Airports Ltd. This resulted in two new good practice case studies for our website.
- PAT and the panel's handling of a large number of applications for the NHS whistleblowing champions members round.
- two reports identified good practice in relation to planning and attraction.

6* - Report non-compliance

This category of report decreased on the previous year. The instances of non-compliance are listed below.

- the period of an interim emergency appointment ran beyond the year allowed for it.
- Panel membership was revised post-planning without a Code variation in place in two cases.
- the application and assessment methods for an appointment round were not wholly suitable for the nature of the criteria for selection.
- two cases in which the applicant summary to be provided to the appointing minister did not adhere to the Code's requirements.
- the inclusion of values in the application pack where these were not included in the person specification.

- The provision of applicant personal details to a panel member on a round on which initial applications were meant to be anonymised.

PAT and the Scottish Government's cooperation when non-compliance was identified precluded material breaches of the Code arising.

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. The Commissioner provided non-statutory guidance during the course of the year on the following topics:

- gathering and using applicant political activity declarations
- applicant summary production and use.

Statutory guidance was also provided during the course of the year on the following topic:

- the content and provision of applicant summaries to ministers.

The Commissioner also updated the PAAs comprehensive good practice toolkit during the course of the year.

APPENDIX ONE: 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 2019 the DG areas for Economy, Education Communities & Justice, Health & Social Care and the Scottish Exchequer saw appointments made to boards within their remit. No appointments were made in the DG areas for Organisation Development & Operations or Constitution & External Affairs.

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. No DG area achieved the target of 50% of applications from women during 2019 but the Scottish Government’s target was achieved by virtue of the fact that women are more successful than men when they do apply.

Table 19 – Applications from and appointments made to women by DG area

	Economy		Education Communities & Justice		Health & Social Care		Scottish Exchequer	
	Applied	Appointed	Applied	Appointed	Applied	Appointed	Applied	Appointed
Female	31.1%	36.7%	48.0%	48.8%	46.0%	53.3%	31.6%	50%
Male	67.5%	63.3%	49.2%	51.2%	52.0%	46/7%	68.4%	50%
Prefer not to say	1.4%	0%	2.8%	0%	2.1%	0%	0%	0%
All	100%	100%	100%	100%	100%	100%	100%	100%

It is apparent from this table that the DG area for Health & Social Care, which has responsibility for more appointments than any of the others, has been pivotal to the success of the achievement of gender parity on boards. Without it, the Scottish Government’s target would not have been attained. This suggests, as per previous findings by the Commissioner, that all DG areas that are not already actively encouraging women to apply should make more efforts to do so. In the absence of this, progress may stall or be reversed. As the numbers of applications from women continue to increase, there is also an opportunity for DG areas to monitor intersectionality of women applicants so that a true reflection of Scottish society, including all the other demographics which make up the female population of Scotland can be sought.

Reviews of other protected characteristics by DG area showed some differentiations for different groups.

When the figures for only those who made a declaration about age were aggregated, 33.7% of all applicants who provided their age were under 50 and 27.4% of all such applicants were interviewed. 28.7% of those appointed were under 50. Disregarding appointment rounds with very low application and appointment numbers, the DG area for Education, Communities and Justice saw the appointment of a higher percentage of under

50s (35%) than other DG areas. This area and that for the Scottish Exchequer came closest to the 40% target for applications from this group.

When the figures for only those who made a declaration about their ethnicity were aggregated, there were 8.9% of applications from visible BME applicants and 6.4% of applications from non-visible BME applicants. Both groups saw appointment levels of 5.9%. The DG Health & Social Care area was more successful in this area than others with appointment rates of 8.3% and 6.7% for non-visible and visible BME applicants respectively. Education, Communities and Justice also performed well in respect of visible BME appointments with a 9.9% application rate and 7% of appointments made.

When the figures for disabled applicants are considered as a percentage of those who have declared, it is 13.4% overall. This is still short of the target but does represent a slightly encouraging increase on the previous year. Disaggregation by DG area, and setting aside appointment rounds with low application and appointment rounds, it is apparent that the DG area for Health and Social Care is again outperforming other areas with 15.9% of applicants, exceeding the target for these, and also 15% of appointments.

The only DG area that attained the target for applications from people who declare as lesbian, gay or bisexual was Education Communities and Justice at 6.7%.

APPENDIX TWO: Scottish Government Response to the Commissioner's Annual Report and Recommendations

Gender recommendations

- R1. Maintain or increase applicant numbers from women.
- R2. Take steps to increase applicant numbers from women for chair positions.
- R3. Conduct an analysis of intersectionality within the female grouping to determine whether people with more than one underrepresented characteristic apply and/or fare better or worse in the appointment process. Take steps to address any findings of intersectional groups who fare worse.
- R4. Finalise changes to the monitoring form, including consideration of an option for non-binary people to make a declaration when they apply for an appointment. This recognises and appreciates the Scottish Government's position that the question should coincide with what is to be included in the 2021 census.

Scottish Government response

R1 and R2: Across all appointments we have now achieved 50% women. Our focus now will be supporting implementation of the Gender Representation on Public Boards Act, and also to increase applications from women to chair roles.

R3: We will plan this into our research programme for 2020 to 2022.

R4: As noted when the recommendation has been made in previous years, the diversity monitoring form will be aligned with questions in the 2021 census.

Disability

- R5. Take steps to increase applicant numbers from disabled people. Review why there are differential success rates for disabled people applying for roles in the DGHSC area in comparison with other areas in order to share good practice.
- R6. Assess the effectiveness of the Access to Public Appointments project and consider whether and how it might be developed to build a pipeline for the future.
- R7. Continue to analyse whether people with particular disabilities apply and/or fare better or worse in the appointment process. Address any barriers identified.
- R8. Continue to analyse why disabled people are not being interviewed at the same levels as non-disabled people for, in particular, chair positions. Address any barriers identified.
- R9. Consider positive action measures over and above outreach to help prospective applicants to more successfully navigate the appointments process.

Scottish Government response

R5: We have had increases in application numbers from disabled people since 2016 but this is not resulting in a positive change to the demography overall of public appointments. Our focus will therefore be on understanding and addressing why applications from disabled people are less likely to be successful rather than on increasing numbers of applications. As part of that we will consider the results in the DGH&SC area.

R6: This has been built into our project from the beginning.

R7 and R8: To ensure we have enough data for meaningful comparisons we are continuing to look at these issues at a large scale.

R9: This is already part of our work.

Ethnicity

- R10. Agree a detailed action plan with the Commissioner's office and in consultation with intermediary organisations such as those who contributed to the development of the Scottish Government's Race Equality Framework (REF). Include specific actions intended to redress the underrepresentation of people from both a visible and non-visible BME background. The Commissioner's recommended actions for inclusion in that plan are set out here.
- R11. Take steps to increase the number of applications from members of the BME community.
- R12. Continue to conduct analysis to assess why BME applicants (including subgroups of people from visible and non-visible BME groups) for all positions and in particular chair positions are not progressing in the appointment process. Address any barriers identified.
- R13. Seek to understand the impact of anonymised application forms on ethnic groups.
- R14. Consider positive action measures over and above outreach to help prospective applicants to more successfully navigate the appointments process including work to develop talent by providing intense support and guidance at application and interview stage for a cohort of BME people.

Scottish Government response

R10 to R14: We have discussed our Race Equality Action Plan with the Commissioner's office and the various recommendations above were already largely part of the work we planned and discussed with the Commissioner's office.

Our plan is designed to address under-representation of people from a visible BME background. We have had increases in application numbers from members of the BME community every year since 2016, although the application rate has fluctuated and has not met the ESC's target of 8%. What is concerning us is that the appointment rate is consistently lower than the application rate and therefore rather than increasing application numbers our focus will be on understanding and addressing why applications from members of the BME community are less likely to be successful.

We anticipate that timings for this work will need to be adjusted in light of the current pandemic.

Age

- R15. Take steps to increase applicant numbers from people under the age of 50.
- R16. Consider how applicants can be encouraged to make an age declaration in order to reduce the percentage of "choose not to say" declarations
- R17. Assess why such applicants for chair positions fare more poorly in the appointment process than those aged over 50 at the shortlisting stage and at interview. Address any barriers identified.
- R18. Establish why under 50s are not invited to interview in the same proportions as those aged 50 and over. Address any barriers identified.

Scottish Government response

R15 to R18: The levels of skills and experience required of many board roles at both member and chair level will tend to be associated with those who have had more years to acquire them, as is the case with many senior roles in other arenas. When people under 50 do apply, then the rate of appointment versus the rate of application shows no consistent pattern over the last four years, with the rate of appointment being higher than the rate of application in two of those four years. This is noticeably different from the picture for disabled people and for people from a black and minority ethnic background where the rate of appointment is consistently lower than the rate of application. We anticipate that our focus on improving the success rates of applications from people from a black and minority ethnic background will also benefit younger cohorts because the non-white population is younger than the majority white population.

Sexual orientation

- R19. Take steps to increase applicant numbers from people who declare that their sexual orientation is non-heterosexual. Assess why such applicants for chair positions fare more poorly than those who declare that they are heterosexual at the shortlisting stage and at interview. Address any barriers identified.

Scottish Government response

R19: People whose sexual orientation is non-heterosexual apply at a rate that hovers near to the different population estimates. In 3 of the 4 years 2015 to 2018, people whose sexual orientation is non-heterosexual have been appointed at a rate higher than their application rate with the remaining year the appointed rate matching the application rate. Also, between 2015 and 2018, the appointed rate has exceeded the lower population estimate of 3% every year and matched or exceeded the higher Stonewall England and Wales figure of 5-7% for three of the four years.

General Recommendations

The Commissioner has concluded that it would not be appropriate to make further general recommendations pending the results of her consultation on her strategic plan for 2020-24. This should provide clarity on the nature of the regulatory relationship with the Scottish Ministers for the period of the plan.

We have provided a response to the consultation on the strategic plan and also laid out our role in respect of public appointments for your office, as noted above.

APPENDIX THREE: Appointments made in 2019

Body	DG	Position	●	●	Level
Accounts Commission for Scotland	ECJ	Deputy Chair	7	1	M
Architecture and Design Scotland	ECJ	Board Members	44	4	M
Bord na Gaidhlig	ECJ	Chair	5	0	H
Caledonian Maritime Assets Ltd	E	Non-Executive Director	42	1	M
Care Inspectorate (Social Care and Social Work Improvement Scotland)	HSC	Members	21	2	M
Common Services Agency for the Scottish Health Service (NHS National Services Scotland)	HSC	Stakeholder Chief Executive	2	1	L
Community Justice Scotland	ECJ	Chair	19	1	H
Creative Scotland	E	Members	31	4	M
Crown Estate Scotland (Interim Management)	HSC	Board Members	75	2	M
Fife College	ECJ	Chair	10	1	H
Golden Jubilee Foundation Board (National Waiting Times Centre Board)	HSC	Members	21	2	L
Healthcare Improvement Scotland	HSC	Members	52	4	M
Highlands and Islands Airports Ltd	E	Chair	12	1	H
Highlands and Islands Airports Ltd	E	Non-Executive Directors	81	4	H
Independent Living Fund Scotland	HSC	Board Member	41	2	M
Mental Welfare Commission for Scotland	HSC	Chair	7	1	H
Mental Welfare Commission for Scotland	HSC	Member	53	1	L
Mental Welfare Commission for Scotland	HSC	Member	29	1	L
National Confidential Forum	HSC	Head (Chair)	17	1	H
National Library of Scotland	E	Members	29	4	L
New College Lanarkshire	ECJ	Chair	5	1	H
NHS Ayrshire and Arran	HSC	Members	46	2	M
NHS Dumfries and Galloway	HSC	Member	28	1	H
NHS Education for Scotland	HSC	Members	56	2	L
NHS Fife	HSC	Member	14	1	L
NHS Greater Glasgow & Clyde	HSC	Members	81	3	HSG
NHS Highland	HSC	Chair	4	1	H
NHS Highland	HSC	Members	38	3	L
NHS Shetland	HSC	Member	7	2	L
NHS Tayside	HSC	Chair	3	0	H
NHS Tayside	HSC	Chair	6	1	H
NHS Tayside	HSC	Members	28	1	M

Body	DG	Position	●	●	Level
NHS Western Isles	HSC	Members	12	1	M
Office of the Scottish Charity Regulator	ECJ	Chair	19	1	H
Poverty and Inequality Commission	ECJ	Chair	15	1	H
Poverty and Inequality Commission	ECJ	Board Members	202	8	H
Revenue Scotland	SE	Board Members	19	2	HSG
Royal Botanic Garden, Edinburgh	E	Chair	12	1	H
Royal Botanic Garden, Edinburgh	E	Trustees	5	2	L
Scottish Ambulance Service	HSC	Members	54	2	M
Scottish Criminal Cases Review Commission	ECJ	Lay and Legal Members	74	4	M
Scottish Enterprise	E	Chair	7	1	H
Scottish Environment Protection Agency	E	Board Members	102	4	H
Scottish Funding Council	ECJ	Board Members	104	7	H
Scottish Housing Regulator	ECJ	Board Members	33	3	H
Scottish Law Commission	ECJ	Commissioner	7	1	L
Scottish Social Services Council	ECJ	Convener	8	1	H
Scottish Social Services Council	ECJ	Members	30	5	M
Skills Development Scotland	ECJ	Members	72	4	M
South of Scotland Enterprise	E	Chair	10	1	H
Sportscotland	HSC	Board Members	138	3	L
VisitScotland	E	Board Members	78	2	M
Water Industry Commission for Scotland	E	Members	17	3	M
NHS Ayrshire and Arran	HSC	Non-executive Whistleblowing Champions	142 ²	1	H
Common Services Agency for the Scottish Health Service (NHS National Services Scotland)	HSC	Non-executive Whistleblowing Champions		0	H
Golden Jubilee Foundation Board (National Waiting Times Centre Board)	HSC	Non-executive Whistleblowing Champions		0	H
Healthcare Improvement Scotland	HSC	Non-executive Whistleblowing Champions		0	H
NHS 24	HSC	Non-executive Whistleblowing Champions		1	H
NHS Borders	HSC	Non-executive Whistleblowing Champions		1	H

² The figures supplied gave the aggregate number of applications and appointments for all of the non-executive whistleblowing champions. We have disaggregated the appointments figure to show which boards appointments were made to.

Body	DG	Position	●	●	Level
NHS Dumfries and Galloway	HSC	Non-executive Whistleblowing Champions		1	H
NHS Education for Scotland	HSC	Non-executive Whistleblowing Champions		1	H
NHS Fife	HSC	Non-executive Whistleblowing Champions		1	H
NHS Forth Valley	HSC	Non-executive Whistleblowing Champions		1	H
NHS Grampian	HSC	Non-executive Whistleblowing Champions		1	H
NHS Greater Glasgow & Clyde	HSC	Non-executive Whistleblowing Champions		1	H
NHS Highland	HSC	Non-executive Whistleblowing Champions		1	H
NHS Lanarkshire	HSC	Non-executive Whistleblowing Champions		1	H
NHS Lothian	HSC	Non-executive Whistleblowing Champions		1	H
NHS Orkney	HSC	Non-executive Whistleblowing Champions		1	H
NHS Shetland	HSC	Non-executive Whistleblowing Champions		1	H
NHS Tayside	HSC	Non-executive Whistleblowing Champions		1	H
NHS Western Isles	HSC	Non-executive Whistleblowing Champions		1	H
Public Health Scotland	HSC	Non-executive Whistleblowing Champions		1	H
Scottish Ambulance Service	HSC	Non-executive Whistleblowing Champions		1	H
State Hospitals Board for Scotland	HSC	Non-executive Whistleblowing Champions		1	H
NHS Borders	HSC	Chair	14 ³	1	H

³ The figures supplied gave the aggregate number of applications and appointments for all of three of these NHS board chair posts. We have disaggregated the appointments figure to show which boards appointments were made to.

Body	DG	Position	●	●	Level
NHS National Services Scotland	HSC	Chair		1	H
NHS 24	HSC	Chair		1	H
Totals			2,088	135	

Key for table	
Applications: ● Appointments: ●	
Column: DG	Column: Level
DG - Director General with sponsorship responsibility E – DG for Economy ECJ - DG for Education, Communities and Justice HSC - DG for Health and Social Care SE - DG for Scottish Exchequer ODO – DG for Organisational Development & Operations	L - low M - Medium MSG – PAA involvement during planning requested H - High HSG - Set at high at the request of the Scottish Government

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