

# Ethical Standards Commissioner

## ANNUAL REPORT ON PUBLIC APPOINTMENTS

2018-19

ESC

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This report is available in alternative formats on request by telephoning 0300 011 0550 or by e-mailing [info@ethicalstandards.org.uk](mailto:info@ethicalstandards.org.uk).

## EXECUTIVE SUMMARY

As the term of the current strategic plan draws to a close, this annual report presents an opportunity to celebrate recent public appointments achievements. Most notable is that of gender parity on the boards of Scotland's public bodies in June 2019. This represents a significant and very positive milestone in its own right, and also in its potential to help create greater gender balance amongst the future board chairs of Scottish public bodies.

Such diversity progress has had partnership working with the Scottish Government at its core, with the (now disbanded) Public Boards and Corporate Diversity Programme Board historically acting as a focal point for the vast array of activity involved. More recently, diversity enablement activities have been more diffuse, with strained resources and significant pressures causing the Scottish Government to instead prioritise statutory obligations and the need to service a rising volume of appointment activity. It is not surprising that against this backdrop other diversity targets have at best been stable, the related populations remaining underrepresented on public body boards.

During the past year a proportion of the diversity actions planned by this office were not implemented, as former partnership working failed to re-emerge as the driving force behind many such initiatives. It is against this backdrop that recommendations within this report reflect the Commissioner's intention to review the regulatory relationship with the Scottish Government, with a view to improving board diversity, having consulted on proposals for her strategic plan for 2020-24.

## 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 remit are made in a “code compliant” way. The public appointments team in the office have gone beyond this strict compliance remit, working in partnership with the Scottish Government to help improve stubbornly low diversity metrics for board composition. The achievement of gender balance on boards in June 2019 is truly remarkable and denotes this jurisdiction as an outstanding gender diversity champion. However, other protected characteristics remain elusive despite much enthusiasm and effort to improve diversity. Concern exists that currently strained government resources, (which can only be further pressured by any EU exit), may further negatively impact diversity improvement efforts.

As highlighted in previous annual reports, 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. Our strategic plan indicated partnership working as the preferred method for improving the appointments system, but this has drifted somewhat in the year under review. This reduced partnership working coincides with increased workload volumes which have demanded the focus of the Scottish Government, together with other ongoing statutory obligations. The Commissioner is in the process of seeking clarity regarding current arrangements in order to determine how the strategic objective might best be met. The Commissioner’s options include continuance of partnership working with the Scottish Government or alternatively, taking a more traditional regulatory role. In either case the aim is that people from all walks of life are encouraged to apply, in the assurance that the appointment process is fair and easy to navigate for them when they do so.

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; thematic reviews into lessons learned and succession planning; creating a bespoke plan to redress the underrepresentation of disabled people and a mentoring scheme for potential board chairs of the future. Additionally, the small staff team in the Commissioner’s office continue to provide practical support to the Scottish Government with its guidance, outreach and positive action activity.

During the year the Scottish Government appointed an additional permanent public appointment team (PAT) manager to handle the increasing volume of applications and public appointments. The levels of parliamentary interest in public appointments also continues to rise which, whilst welcome, also has resource implications. Despite these challenges, improvement still continues, although at a lower level than may have been hoped for. The Scottish Government continues with its programme of outreach events, new board member induction events and general process improvements. The enhanced gender balance on boards is an indicator that these activities have had a notable measure of success. Less positive is the fact that there has been a year on year decrease in applications from and appointments of people who declare a disability. Lessons learnt from the positive work done on gender may now be successfully applied to redressing underrepresentation of those with other protected characteristics such as disability, age and

ethnicity. The new Commissioner looks forward to a renewal of resources and focus by the Scottish Government in order to achieve this strategic aim.

As the time approaches for the Commissioner to formalise a new strategic plan for public appointments, a decision is pending on the future positioning of this office with regards to its regulatory role. Devoting limited resources to the production of thematic reviews, governance research and recommendations for improvement is only valuable if acted upon by relevant stakeholders, which generally has not been the situation of late. As such, liaison and firm intentional engagement with the Scottish Government is welcomed to ensure best value for money is delivered to the public under the upcoming strategic plan.

## 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.

Actions Specified in the Strategic Plan		Due Date	Status
<b>1 – Scottish Government Public Boards Governance and Diversity Improvement</b>			
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.	2018/19	
i	Use the Driver Diagram agreed with SG officials in 2016/17 to develop a new action plan based on the current draft and work in partnership with officials to implement agreed actions in the plan that are appropriate for the Commissioner’s staff and/or PAAs to fulfil. Key actions already identified and brought forward include:	August 2018 then ongoing	Done – with further actions and due dates to be entered. Although the Commissioner provided comments on the plan, he ultimately did not agree that it was sufficient for the strategic objective to be met.
	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	Ongoing minimum 2 per annum	Done
	2. Reporting the results of the revised applicant survey	September 2018	Published in November
	3. Reporting stage one findings of the research project with the intent of assessing in due course the impact that more diverse appointments are having on board governance and commence stage two of the research.	May 2018	Issued in early July
	4. Report on stage two findings.	February 2019	This was delayed as the deadline was extended twice to encourage a higher level of returns.
	5. Commence stage three of the research.	September 2018	This deadline was missed due to the extended deadline agreed with the Scottish Government for stage two returns (see above)

Actions Specified in the Strategic Plan		Due Date	Status
	6. Commence stage four of the research (qualitative).	October 2018	Five reports on good practice published in this year as a result of the review.
ii	New actions include:		
	1. Running, along with officials, a mentoring scheme with the purpose of developing current members from underrepresented groups to become chairs in the future. Assessing scheme effectiveness.	Ongoing	Done
	2. Working with officials to develop a plan of action specifically intended to redress underrepresentation of disabled people.	July 2018	Not produced. The Scottish Government has not committed to the production of this plan.
	3. Working with officials to develop a plan of action specifically intended to redress underrepresentation of people under the age of 50.	September 2018	Not produced. The Scottish Government has not committed to the production of this plan.
<b>2 – Partnership Approach (E)</b>			
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	2018/19	Done
ii	Run joint SG and PAAs as well as PAAs only Communications Days to train on new developments in public appointments.	Four per annum	Done
<b>3 – Review of 2013 Code (F)</b>			
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	
i	Conduct stage 3 of the thematic review of the 2013 Code's operation. This will be a review of progress against the recommendations made in the report on stage 2 of the thematic review. Initial scope for this will include:	2017/18	
	1. Report on the effectiveness of the lessons learned process	August 2018	Published in September
	2. Report on board succession planning	July 2018	Published in September
	3. Stage one report on the impact of diversity on board governance	May 2018	Agreed with the Scottish Government and Issued to boards in early July

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	Done
3	Post case studies of examples of successful new approaches on website.	When PAAs advise round is appropriate for study	None submitted by PAAs for consideration.
4	Write new content for and transfer a proportion of the existing content from the old to the new website.	TBC according to agreed timetable	Done
5	Prepare a briefing for the new Commissioner on the public appointments system.	March 2019	Done
6	Amend guidance on the Code and potentially the Code itself to take account of changes made to public appointments following enactment of the Gender Representation on Public Boards (Scotland) Act 2018	September 2018	Guidance redrafted and issued in March. It could not take account of the 2018 Act as its provisions have not yet come into force.
7	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
8	Provide training for Scottish Government Graduate Development Programme/Fast-streamers on ESC regulation of public appointments.	Once per annum date TBC	Not done as the Scottish Government did not run a programme during the course of the year.
9	Provide training for independent panel members on their role and responsibilities under the Code.	One group session per annum date TBC	Session run in June. Formal feedback provided and course may be rerun for others.
10	Draft "Diversity Delivers – Ten Years On" for publication.	November 2018	Published in March 2019.
11	Revise public appointments records and records management procedures to respond to the results of the GDPR data audit.		
i	Prepare project plan	June 2018	Done.
ii	Complete actions	Ongoing	All complete as per plan including SLA revision.



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

<b>KEY</b>	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 678 posts on the boards of 96 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?

<b>At 31 March</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>
No. of bodies regulated	96	96	94
No. of posts regulated	678	661	680
<b>Avg. no. of regulated positions per board</b>	<b>7.1</b>	<b>6.9</b>	<b>7.2</b>

Two bodies were removed from the Commissioner’s remit (Scottish Advisory Committee on Distinction Awards and NHS Health Scotland) and two were added (the Independent Living Fund and the Scottish Commission on Social Security) 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 (Public Health Scotland and the South of Scotland Enterprise Agency). 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](http://www.ethicalstandards.org.uk).

### How many appointments did we oversee?

During the year, we scrutinised the appointment of 168 board members to 53 public bodies. Appointments are made through a process called an appointment round. Multiple appointments can be made through a single appointment round and bodies can run more than one round in a single year. In certain circumstances we allocate a Public Appointments Adviser (PAA) to scrutinise 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.

<b>Allocations made</b>	<b>2018/19</b>	<b>2017/18</b>	<b>2016/17</b>
Brought forward from previous year	43	24	27
Started in year	96	90	41
<b>Active during year</b>	<b>139</b>	<b>114</b>	<b>68</b>
Completed	81	71	44
Open at end of year	58	43	24

The oversight levels for allocations in 2018/19 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.

Scrutiny of appointment rounds	2018/19	HIGH	HIGH (SG request)	MEDIUM	MEDIUM (SG request)	LOW	TBC
Started in year	96	48	2	13	0	16	17
Carried forward from previous year	43	18	1	5	0	9	10
Total active in year	139	66	3	18	0	25	27
Incomplete at year end	58	37	1	2	0	10	8
<b>Total completed in year</b>	<b>81</b>	<b>29</b>	<b>2</b>	<b>16</b>	<b>0</b>	<b>15</b>	<b>19</b>

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.

For a more detailed breakdown of appointment activity see Appendix 1. The data in Appendix 1 is supplied by the Scottish Government. It covers a calendar rather than financial year. It sets out all appointments made by the Scottish Ministers in 2018, the number of applications for the posts and the scrutiny level applied by the Commissioner.

## How many people apply for a public appointment?

During 2018, 168 appointments were made to 53 public bodies following 2,832 applications from 2,058 applicants.

This information is provided by the Scottish Government and relates to a calendar year.

Number of	2018	2017	2016
Applications	2,832	2,048	1,790
Appointments	168	108	99
Average applications per appointment	16.9	19.1	18.1

Number of applications	2018	2017	2016
Applied	2,832	2,048	1,790
Reached shortlist	2,827	2,017	1,785
Invited to interview	580	368	341
Recommended for appointment	176	132	105
Appointed	168	108	99

## 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 2018 appointment rounds concerned are listed in Appendix 1.

The following table shows the average time taken to appoint a member from the date of planning to the Minister's appointment decision.

	2018	2017	2016	TARGET
Number of rounds	70	49	40	
Average time taken (weeks)	18.9	18.2	19.8	Up to 16 and no more than 20 weeks

Stage		2018	2017	2016
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	12.2	8.9	11.9
Date of interviews	Date when all applicants are informed about the final appointment decision	6.6	5.2	6.6
Selection panel report	Ministerial decision	1.9	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)	18.9	18.2	19.8
Date on which the round is planned	Date on which applicants are informed of the appointment decision	20.2	18.0	20.9

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. We ask the appointing Minister to give board members reasonable notice of their decision.

	2018	2017	2016	Target
	Weeks	Weeks	Weeks	(Min. no. of weeks)
Amount of notice given to re-appointees before term of appointment due to end	21	21	18	13
Number of people reappointed	96	107	62	

## How many applicants hold or have held a public appointment?

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

	2018				2017			
	Applicants	%	Applications	%	Applicants	%	Applications	%
Total	2,058		2,832		1,694		2,048	
Currently holds /previously held a public appointment*	348	16.9	612	21.6	317	18.7	507	24.7
Currently holds /previously held a regulated public appointment*	249	12.1	467	16.5	173	10.2	315	15.4
Did not say	81	3.9	92	3.2	43	2.5	52	2.5

\*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 indicates that meetings with appointable applicants are anticipated particularly in the case of significant chair appointments. During 2018, the Scottish Ministers met the potential appointees on the rounds for:

- Edinburgh College (Chair)
- Scottish Commission on Social Security (Chair)
- Creative Scotland (Chair and Members)
- Accounts Commission for Scotland (Members)
- Cairngorms National Park Authority (Members)
- Loch Lomond and The Trossachs National Park Authority (Members)
- Scottish Enterprise (Members)
- Visit Scotland (Members)

## What do applicants think of the appointments process?

The Commissioner published the 2017 Annual Applicant Research report in November 2018 and a summary of its findings was included in the last annual report. Work on the 2018 applicant survey, covering a much higher number of appointment rounds, is now underway and will be published on our website in the autumn.

In summary:

- 2,230 applicants (79% of all applicants) were asked for their views on 53 appointment rounds. This is in comparison to 1,601 applicants covering 40 rounds in 2017 and 805 applicants covering 16 rounds in 2016.
- 779 applicants responded in full or in part (35%). This is a decrease of 3 percentage points on response rates in comparison with the 2017 annual survey. Some of the lack of response may be attributable to the fact that surveys for 29 rounds were run at the beginning of 2019 in an effort to capture views of as many applicants as possible. Efforts are being made in 2019 to run surveys in more timeously manner.

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.

Average satisfaction level	2018/19	2017/18	2016/17
PAA's contribution	4.71	4.55	4.65
Appointments process	4.21	4.18	3.96

It is heartening to see year on year improvements in respect of panel member views on PAA input and the appointments process. 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.

Issues raised	Supplementary Information	2018/19	2017/18	2016/17
Enquiry - Asked for advice on the Code of Practice	1*	155	167	106
Enquiry - Asked for advice on good practice		27	23	21
Enquiry – Asked for exceptions to the Code, or term extensions or to discuss options not covered by the Code	2*	35	28	38
Diversity research enquiry		16	48	0
Enquiry - General enquiry on the work of the office		60	76	46
Enquiries and Reports - Miscellaneous or “Other” enquiries or reports		283	190	181
Enquiry - Freedom of information requests		0	2	1
Report a complaint about an appointment round	3*	2	1	5
Report a concern about an appointment round or a failure in administration	4*	93	84	55
Report about good practice	5*	13	20	6
Report about non-compliance with the Code of Practice	6*	13	7	7
<b>Totals</b>		<b>697</b>	<b>646</b>	<b>466</b>

\* 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 public confidence issues, such as handling of the fit and proper person test, were the highest in the year concerned. Requests for advice on application and assessment methods followed with enquiries about the role of the PAA at a level just below this. The preponderance of requests for advice in these areas were on a par with the previous year and led the Commissioner to update the statutory guidance in some areas to provide clarification on the Code’s requirements.

#### 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-nine such cases were approved during the year in comparison with 21 in 2017/18:

- terms were extended or individuals reappointed beyond the eight-year maximum normally allowed for by the Code three times
- additional appointments were made to four bodies
- changes to panel membership were allowed for nine times, a significant 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 eleven times, almost double that of the previous year
- emergency interim appointments were allowed for two times.

### 3\* - Report a complaint about an appointment round

Both complaints received in the year were about non-selection for interview for the same appointment round. In the first case, we contacted the Scottish Government and established that the stage 2 complaint investigation had not been completed. We asked for this to be expedited and the complainant was advised of the outcome of his complaint. He did not ask the Commissioner to investigate. In the second case the complainant was referred back to the Scottish Government's complaints process which had not been instigated.

### 4\* - Reported concerns

There was an increase in reported concerns this year. A relatively high proportion of these related to paucity of engagement with PAAs during the planning phase for appointment rounds. Early engagement is intended to allow for a proper exploration of the needs of the body but was not conducted as effectively and/or frequently as might be considered optimal. There were also concerns raised about the quality of PAT support on a proportion of rounds and PAAs providing more support than anticipated for their role in order to keep rounds on track and facilitate a successful outcome. The issue of PAA support for rounds in such circumstances was discussed with the head of PAT during the course of the year.

### 5\* - Reported good practice

One good practice report related to the panel taking time to conduct a good quality wash up meeting to learn lessons from the appointment round used to find members for the Scottish Fire and Rescue Service. This is something that the Commissioner actively encourages. Another report related to the detailed steps taken by a directorate to change its approach for the appointment round used to find a chair for Architecture & Design Scotland. This was required due to the prior round's failure. The selection panel on the appointment round for the Scottish Police Authority included the chair of the SPA's nominations committee which was also considered good practice. The same round was commended for the early provision of management information to the panel to inform its decision making and good quality early engagement with the panel chair. Other good practice reports related to the diversity in governance research findings. Case studies from the qualitative research are available to view on our website. The most positive report on good practice in attraction was from the appointment round to find new members for the Scottish Housing Regulator. The body was actively engaged in the production of the applicant information pack and it was more accessible than standard materials. They also produced videos on how to apply for roles and on the role of the board member. Additionally, they ran two open events targeted at their applicant pool.

### 6\* - Report non-compliance

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

- A panel chair's apparent attempt to revisit panel decisions due to fit and proper person test concerns that weren't addressed during the stages of assessment.



- Vacancies for a regulated body being publicised as though they weren't regulated and without any ESC oversight.
- Three packs being published without panel agreement, one of which had to be withdrawn.
- Candidates who failed the fit and proper person test not being advised accordingly and/or offered the opportunity to respond.
- A significant delay in applicant summary production and a failure to include fit and proper person test conclusions in relation to one applicant.
- Two reports relating to a failure on the part of panel members to assess applicants consistently or fairly.
- Two failures on the part of the Scottish Government to notify us of new appointment rounds for body chairs.
- Two failures to produce the applicant summary for all candidates at the conclusion of an appointment round.

PAT and the Scottish Government's cooperation when non-compliance was identified precluded material breaches of the Code arising. In the majority of the cases referred to the Commissioner also issued guidance as to compliance with the Code and subsequently incorporated a proportion of that into the statutory guidance document which was reissued as revised in March 2019.

## 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:

- panel assessment forms
- disqualifications
- the fit and proper person test and references
- good practice in recruitment and selection.

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

- application of the fit and proper person test including affording applicants an opportunity to respond to concerns
- the content and provision of applicant summaries to ministers

The Commissioner updated the statutory guidance document to take into account statutory guidance which had been provided on an ad hoc basis since the document was previously updated in 2015.

The updated statutory guidance is available on the website:

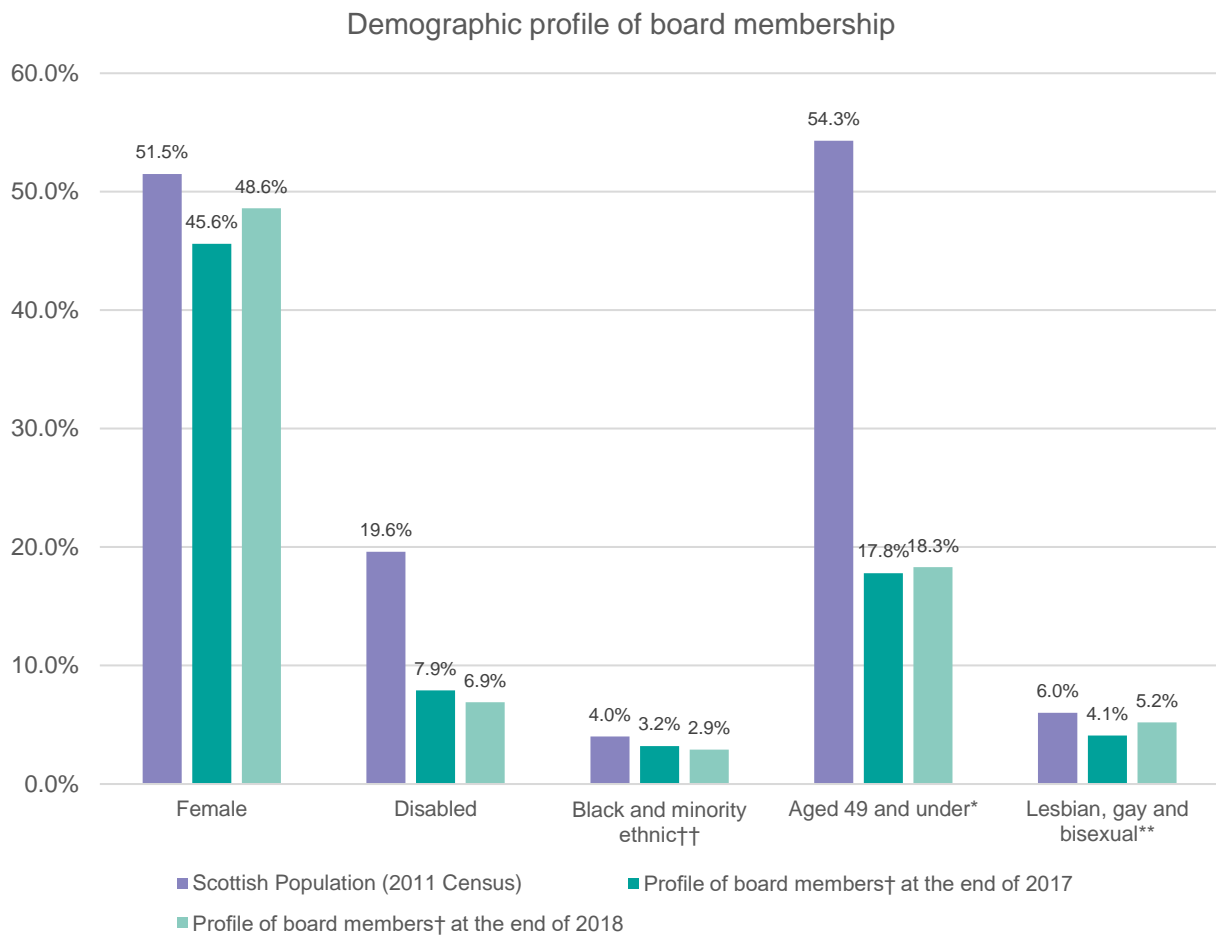
<https://www.ethicalstandards.org.uk/publication/revised-statutory-guidance-application-code-2019-version>

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

## 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 following tables 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.



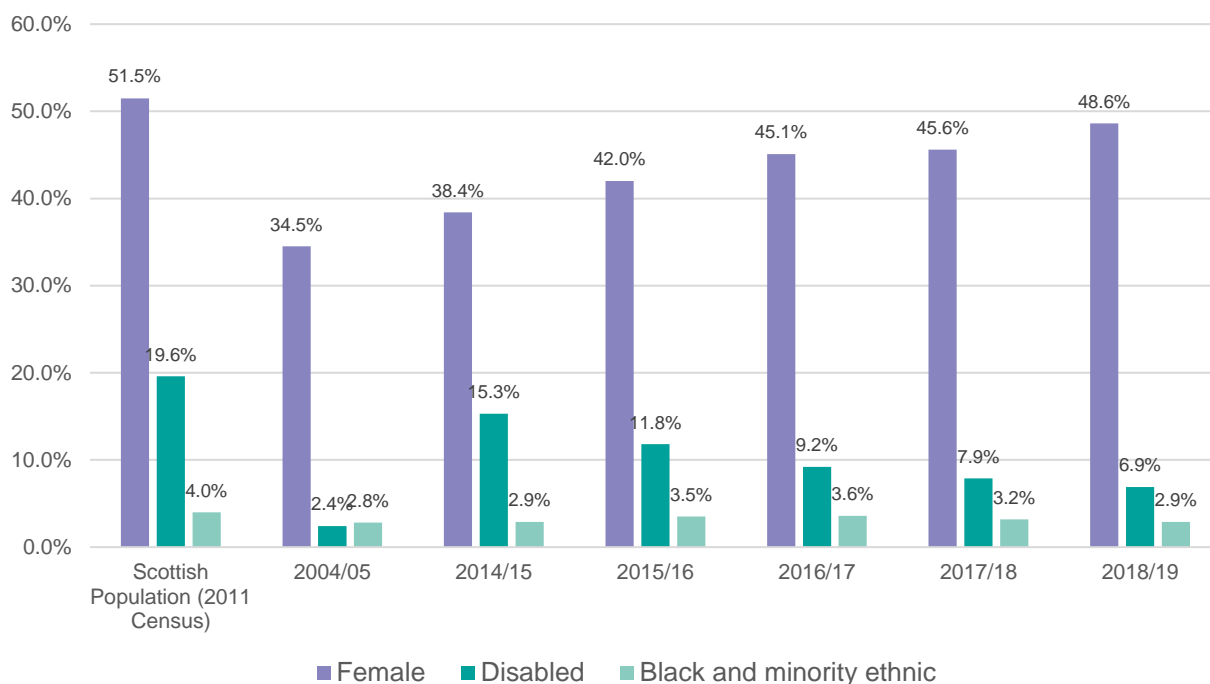
†All board members inclusive of the chair unless otherwise stated. Percentages do not include those who did not make a declaration.

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

\*Scottish Population figures is based on those aged 18 to 49 as a percentage of the whole population aged 18 and over.

\*\*Scottish Population figure is estimated based on information from Stonewall Scotland website.

The changing profile of board members

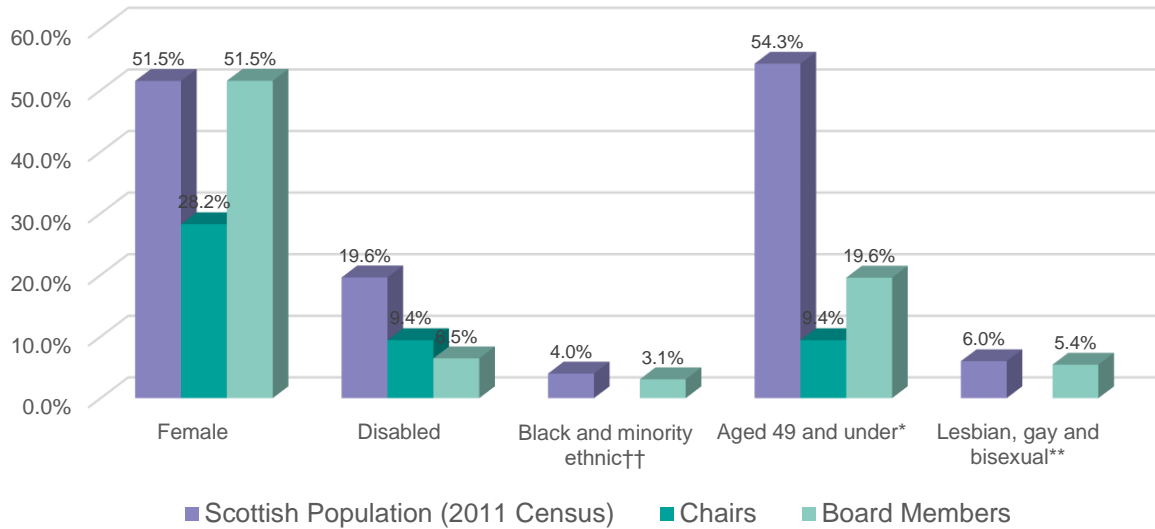


The Commissioner has not set a target for representation by protected characteristics on boards. It is however recognised that this baseline must be tracked in order to assess whether the Diversity Delivers targets for applications from currently underrepresented groups are making a difference to board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

Female board membership is for the third year running at its highest level since these figures have been recorded. There is still underrepresentation in respect of this and all characteristics for which targets have been set in comparison with the demographics of the population. There have been falls in current appointees who declare a disability and who are from a BME background. There has been a modest increase in the number of people under the age of 50 who serve as board members.

For the first time the demographic profile of chair positions is available. The Commissioner requested this breakdown with a view to monitoring and in future tracking the extent to which public body chairs are reflective of society.

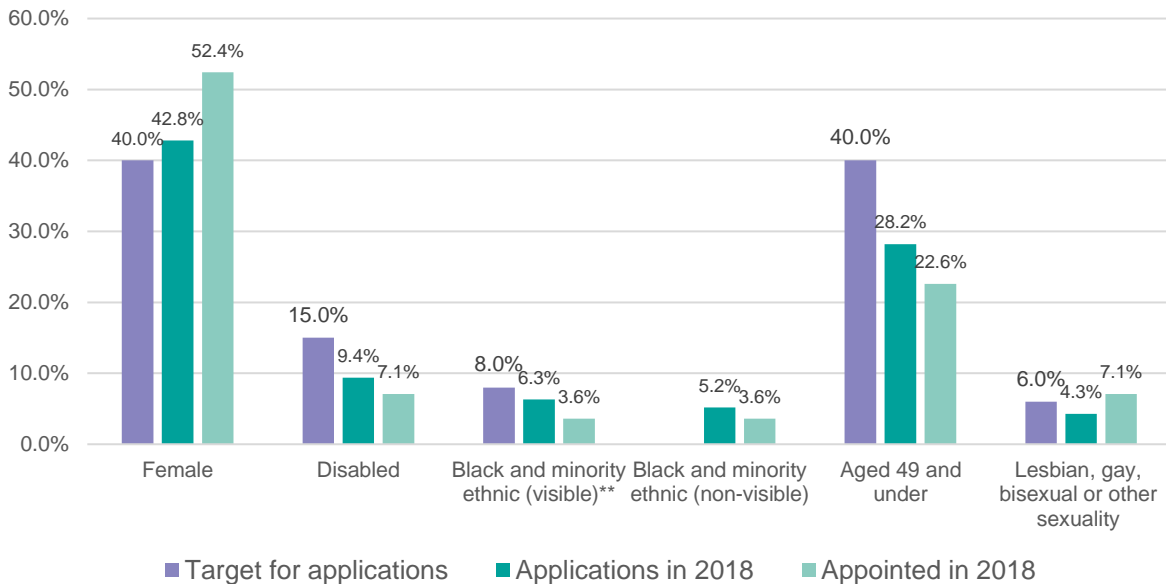
Profile of Chairs and Board Members



Values for fewer than five individuals have been suppressed to decrease the risk of disclosure of information about individuals.  
 †Black and minority ethnic figures reflect people from a non-white minority ethnic background.  
 \*Scottish Population figures is based on those aged 18 to 49 as a percentage of the whole population aged 18 and over.  
 \*\*Scottish Population figure is estimated based on information from Stonewall Scotland website.

The following table shows the percentage of applications in 2018 by each target group as set out in *Diversity Delivers*, the Commissioner’s strategy for achieving more diverse boards.

Performance against *Diversity Delivers* targets



Values for fewer than five have been suppressed to decrease the risk of disclosure of information about individuals.  
 \*\*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 will be 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”.

Target Group	Target	2018		2017		2016		Scottish Population*
	●	●	●	●	●	●	●	
	%	%	%	%	%	%	%	
Female	40.0	42.8	52.4	39.5	52.8	42.9	58.6	51.5
Disabled	15.0	9.4	7.1	11.0	6.5	9.8	10.1	19.6
Black and minority ethnic (visible)**	8.0	6.3	3.6	7.0	^	5.5	^	4.0
Black and minority ethnic (non-visible)	N/A	5.2	3.6	4.9	^	N/A	N/A	4.0
Aged 49 and under	40.0	28.2	22.6	27.1	29.6	27.1	31.4	54.3***
Lesbian, gay, bisexual or other sexuality	6.0	4.3	7.1	4.6	4.6	4.4	7.1	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 will be 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

A relatively low number of applicants choose not to provide demographic data. For the characteristics that have application targets the percentages of those who chose not to declare ranged from 3.3% to 11.2% with the highest percentage of 11.2% being choosing not to declare age. These applicants are counted towards the overall percentage in the table above such that they, in combination with those who do provide data, make up 100% of the applicant and appointee population.

The Scottish Government also provides application and appointment data to the Commissioner split by Director General 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 appointment rounds for the Director General for Health and Social Care and for the Director General for Education, Communities and Justice exceeded the target for applications from women in the reporting year. When women applied for roles they were comparatively more successful than men for all DG areas other than Organisation, Development and Operations which only accounted for one round. This suggests, as per previous findings by the Commissioner, that all DG areas who are not already actively encouraging women to apply should make more efforts to do so.

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, 32% of all applicants who provided their age were under 50 and 25% of all such applicants were interviewed. 25% of those appointed were under 50. The DG area for Economy saw the appointment of a significantly higher percentage of under 50s (37%) than other DG areas.

When the figures for only those who made a declaration about their ethnicity were aggregated, there were 6.6% of applications from visible BME applicants. Although this does not reach the 8% target, it is higher than the estimated Scottish population. The non-visible applications reached 5.4% and both groups appointed 3.8%.

The DG for Health and Social Care (DGHSC) reached the target for applications from visible BME with 8% and appointed 5.8%. It also attracted 5.2% of applications from non-visible BME and appointed 7.5%. DG Economy also attracted 4.1% of visible BME and appointed 6.5%. For all other DGs visible and non-visible appointment rates were lower than application rates.

When the figures for disabled applicants are considered as a percentage of those who have declared, it is 10% overall. This is still short of the target and a drop from previous years. When split by directorate DGHSC attracted 12.1% of disabled applicants and appointed 12.7%. This is significantly higher than other DG areas with only DGHSC and DG Education, Communities and Justice (DGEJC) seeing the appointment of any disabled applicants at all.

No DG area attained the target for applications from people who declare as lesbian, gay or bisexual. DG Scottish Exchequer attracted the highest percentage of applicants at 5.8% and DG HSC appointed the highest percentage at 13%. As shown in the table above, there do not appear to be any barriers to these applicants at any stage in the process for member positions so effort to increase applicant numbers should be the primary action required unless this changes.

## Scottish Government progress against the Commissioner's recommendations

The Commissioner made recommendations in his last two annual reports and also in a thematic review that examined Scottish Government progress in relation to its lessons learned and succession planning activities. The Scottish Government responded formally and positively to the recommendations in the 2016/17 annual report and undertook to take action to address the issues identified. The Scottish Government did not respond formally to the recommendations in the 2017/18 annual report published in October 2018 or to those set out in the thematic review published in September 2018.

In his last annual report the Commissioner made recommendations for areas of focus for the Scottish Government in the year ahead. These recommendations were based on an in-depth analysis of the figures relating to application and appointments provided by the Scottish Government.

The recommendations were over and above those in the prior year's report. Both sets of recommendations are set out below, grouped together on the basis of the protected characteristics that they relate to. The Scottish Government's progress reports are also included.

### Gender recommendations

- Continue to increase applicant numbers from women for all positions and especially for chair positions. DG areas that have been more successful at this should be approached in order to ensure that their good practice is shared widely.
- Complete the pilot mentoring scheme for the chairs of the future. Assess its effectiveness. On the basis of that assessment and any lessons learned, continue with the scheme to include a new cohort of mentees.
- Finalise changes to the monitoring form, including an option for non-binary people to make a declaration when they apply for an appointment.

## Progress

- ✓ During 2017/2018 the Scottish Government delivered a 'Chair Mentoring Scheme' to 23 participants, 19 were women. On completion of the mentoring programme one woman was appointed to the chair of a public body another woman went on to chair a charitable board. An assessment of the first round was completed and a new scheme was launched in 2019/20 which will provide mentoring for 15 participants, a currently unknown percentage of which will be women.
- ✓ The Scottish Government have taken a strategic approach to engaging with senior sponsors meeting with Directors General annually to draw on good practice and agree priorities for their portfolio areas. In 2018/2019 there has been a focus on the requirements of the Gender Representation on Public Boards (Scotland) Act 2018. In line with the Act, the Public Appointments team made recommendations for positive action where relevant.
- ✓ The Scottish Government Public Appointments Team worked with partners and umbrella bodies to promote board appointments to women. This included:
  - working with the Commissioner's office to speak at events organised by Equate Scotland and Changing the Chemistry
  - Three 'Come on Board' events in Glasgow, Edinburgh and Dundee.
  - attending the ACOSVO Conference in November 2018 to promote public appointments to voluntary sector leaders
- ✓ The Scottish Government Public Appointments Team advised on draft regulations and draft guidance for the Gender Representation on Public Boards (Scotland) Act 2018
- × As per the update in 2018, in order to maintain consistency with Census data collection, the monitoring form will be changed once questions are confirmed for the 2021 census.

## Disability recommendations

- Agree a detailed action plan with the Commissioner's office to include specific actions intended to redress the underrepresentation of disabled people. The Commissioner's recommended actions for inclusion in that plan are set out here.
- Take steps to increase applicant numbers from disabled people.
- Conduct a further analysis to determine whether people with particular disabilities apply and/or fare better or worse in the appointment process.
- Analyse why disabled people are not being interviewed at the same levels as non-disabled people for member and, in particular, chair positions. Address any barriers identified.
- Consider positive action measures over and above outreach to help prospective applicants to more successfully navigate the appointments process.

## Progress

- ✓ The Scottish Government has taken action to meet commitments made in the Scottish Government BSL Action Plan (2017-23). This includes the creation of a BSL video translation and BSL contact link which have been added to the Appointed for Scotland webpages. BSL organisations have been identified and added to the Public Appointment Team's stakeholder list and social media account.
- ✓ Inclusion Scotland have been funded to deliver the Access to Public Appointments project. This project will provide 6 disabled people with shadow placements on public body boards in 2019/20. It is expected that this work will deliver a small cohort of people who are 'application ready'. The aim of this work is to raise the profile of public appointments with disabled people and to increase awareness of disability and reasonable adjustments with public body boards. Monitoring and evaluation of the project has been built into the project so that learning can be shared with the Public Appointments Team and Sponsor Teams.



- ✓ An assessment of disability data has been undertaken. The assessment examined data from 2011 to 2018. A total of 1424 people declared a disability between 2011 and 2018. Analysis found that since 2011 disabled applicants were less likely to progress past the shortlisting stage than non-disabled applicants. The data was disaggregated by impairment where possible and, from the very small samples available, found that of those who have declared a disability, people with learning difficulties and mental health conditions fare least well at shortlisting stage and that those with chronic illnesses and visual impairments fare the best and are more likely to be appointed. The disaggregation was as follows:
  - Learning difficulty
  - Mental health condition
  - Deafness
  - Other Illness
  - Physical Disability
  - Chronic Illness
  - Visual Impairment

In order to better understand what happens for disabled applicants at shortlisting stage further qualitative analysis will be carried out in 2019.

- ✓ To better understand how recruitment of disabled people can be improved, the Public Appointments Team are working with colleagues from Employability Policy and the Social Security Team to assess recent practice and lessons learned from other recruitment methods where positive action was used to attract disabled people to apply. The Public Appointments Team will then consider what new methods and approaches can be tested out and implemented to increase the numbers of disabled people appointed to boards. Building on the analysis of data in 2018/19 the next stage of work will include an appraisal of options, including positive action, to encourage and support disabled people with the process particularly at application and interview stage.
- × A separate disability action plan will not now be drawn up and will instead be integrated into the overall public appointments action plan.
- × No progress has been made on understanding why there has been a drop in the rates of those declaring a disability, or in understanding why there are particular barriers for those applying for chair positions.

## Ethnicity recommendations

- 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 visible and non-visible BME backgrounds. The Commissioner's recommended actions for inclusion in that plan are set out here.
- Take steps to increase the number of applications from members of the BME community.
- Conduct analysis to assess why BME applicants for all positions and in particular chair positions are not progressing in the appointment process. Address any barriers identified.
- Conduct further research to give clarity on which subgroups of people from the visible and non-visible BME groups are not being successful at the application and interview stage.
- Consider positive action measures over and above outreach to help prospective applicants more successfully to navigate the appointments process.

## Progress

- ✓ A draft plan has been developed by the Public Appointments Team in consultation with BME organisations and BME appointees. This will be finalised in partnership with the ESC.



- ✓ In 2018 public appointments were promoted via outreach and engagement in partnership with the Ethical Standards Commissioner. This included representation at events with West of Scotland Race Equality Council, CEMVO, PATH Scotland and BEMIS.
  - ✓ An assessment of ethnicity data has been undertaken. The assessment examined ethnicity data from 2011 to 2018. Between 2011 and 2018 a total of 644 people declared that they were from a minority ethnic group. Disaggregation by different groups does not provide numbers large enough to draw clear conclusions on all subgroups (visible and non-visible BME groups) for stages in the application process. Analysis found that minority ethnic applicants are less likely to progress to interview stage. Minority ethnic women are more successful at the shortlisting stage than minority ethnic men.
  - ✓ The disaggregation was as follows:
    - White British
    - White Scottish
    - Prefer not to say
    - Irish
    - Unknown
    - Other White
    - Other Ethnicities
    - Indian
    - Pakistani
- The next phase of analysis in 2019 will assess if anonymised applications make a difference to the success of minority ethnic applicants.
- ✓ In the course of consultation with BME people for the Race Equality Action Plan the Public Appointments team have identified barriers to BME people and these have been detailed in the Plan.
  - ✗ Positive action measures are planned for 2019/20 (including work to develop talent by providing intense support and guidance at application and interview stage for a cohort of BME people) but none were achieved during 2018/19.

## Age recommendations

- Agree a detailed action plan with the Commissioner's office to include specific actions intended to redress the underrepresentation of younger people. Recommended actions for inclusion in that plan are set out here.
- Take steps to increase applicant numbers from people under the age of 50.
- 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. Review why there are differential success rates for younger people applying for roles in the DGHSC area in comparison with other areas in order to share good practice. Address any barriers identified.
- Establish why under 50s are not invited to interview in the same proportions as those aged 50 and over. Address any barriers identified.

## Progress

- ✗ A separate action plan for people under the age of 50 will not now be drawn up and will instead be integrated to the overall public appointments action plan.
- ✗ Research remains to be conducted in respect of barriers to applicants for chair roles and those reaching interview.

## Sexual orientation recommendations

- 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.

## Progress

- × there has been no activity in this area in the current financial year.
- × Research remains to be conducted. The small number of Chair appointments in 2018 means that an analysis of sexual orientation is not possible

## General recommendations

- Agree a new public appointments action plan in conjunction with the Commissioner's office. The plan should make reference to the sub-plans intended to redress disability, age and BME underrepresentation (see above).
- Conduct further stakeholder mapping to identify and engage with additional sources of applicants from currently underrepresented groups.
- Distribute the findings of the Commissioner's reviews to the officials and boards as appropriate to encourage improvement in the areas of succession planning and lessons learned.
- Agree a summary report with the Commissioner about the findings at stage one of the difference that diversity makes to governance research and share those findings with boards and officials. Work with the Commissioner's office on implementation of the further stages of the research.

## Progress

- ✓ An action plan 2018- 2021 is in place and has been shared with the Commissioner's office. This plan has operational actions as well as actions to address equality outcomes. As per discussion between the Scottish Government and the Commissioner in 2018, the focus will be on delivering an increasing level of appointment rounds and delivering on statutory obligations.
- ✓ Additional stakeholder mapping has been completed for BSL users, BME groups and for law and finance with a view to increasing reach with people under 50. This information has been used to target advertisements for board vacancies and to identify new outreach opportunities for example, the Women in Law Conference in June 2019.
- ✓ The Scottish Government Public Appointments team have been briefed on the findings of the Commissioner's reviews and are the conduit for good practice and thinking about succession planning amongst officials and boards. This is standard practice and is considered by the Scottish Government to be the most effective means for cascading this type of information efficiently.
- ✓ Stage one is complete. Work on this research continued throughout 2018 and engaged staff in the Analytical Services Team, Public Bodies Unit and the Ethical Standards Commissioner. The research is on track to report in 2020.
- × The public appointments action plan was presented to the Commissioner rather than developed in conjunction with the office. Discussion took place around the resource implications of delivering the action plan and the fact that action would be focussed on delivering appointment rounds and statutory obligations. Whilst the Commissioner understood the resource difficulties facing the Scottish Government, he nevertheless

concluded that the plan was insufficient to meet his own and ministerial objectives for boards that are reflective of society.

- × A number of specific actions from the reviews conducted by the Commissioner have not been implemented by the Scottish Government. There has been no formal response setting out what the Scottish Government does or does not intend to implement.

## Recommendations for 2019/20

The Commissioner's recommendations (R1, etc) for the Scottish Government for financial year commencing 1 April 2019 build on and reflect prior recommendations made in annual reports and thematic reviews. They take into account the latest statistics on applications and appointments as well as areas of work that have had to be carried forward as incomplete from the prior two years. As previously, these are set out under headings for particular protected characteristics.

### Gender

- 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.

### 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.

### 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.

## 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.

## 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.

## 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.

APPENDIX 1: APPOINTMENTS MADE IN 2018

Body	DG	Position	●	●	Level
Accounts Commission for Scotland	ECJ	Members	80	4	M
Architecture and Design Scotland	ECJ	Chair	11	1	H
Architecture and Design Scotland	ECJ	Members	66	3	L
Cairngorms National Park Authority	E	Members	87	5	H
Care Inspectorate Board	HS	Members	49	3	M
Children's Hearings Scotland	ECJ	Care Experienced Member	6	1	L
Children's Hearings Scotland	ECJ	Member	26	1	L
Community Justice Scotland	ECJ	Members	91	4	H
Creative Scotland	E	Chair	10	1	H
Creative Scotland	E	Members	10	3	M
Edinburgh Regional College	ECJ	Chair	9	1	H
Golden Jubilee Foundation	HS	Chair	9	1	H
Golden Jubilee Foundation	HS	Members	61	2	L
Healthcare Improvement Scotland	HS	Chair	5	1	H
Highlands and Islands Enterprise	E	Members	117	3	HSG
Judicial Appointments Board for Scotland	ECJ	Legal Members	9	2	M
		Members	25	1	
Local Government Boundary Commission for Scotland	ECJ	Commissioners	24	2	M
Loch Lomond and the Trossachs National Park Authority	E	Members	75	5	H
Mental Welfare Commission for Scotland	HS	Members	108	2	M
Mobility and Access Committee for Scotland	E	Members	16	2	L
NHS 24	HS	Members	31	2	M
NHS 24	HS	Members	53	1	L
NHS Ayrshire and Arran	HS	Members	18	2	M
NHS Borders	HS	Chair	2	0	H
NHS Dumfries and Galloway	HS	Chair	4	1	H
NHS Dumfries and Galloway	HS	Members	67	2	L
NHS Education for Scotland	HS	Chair	9	1	H
NHS Education for Scotland	HS	Members	113	3	L
NHS Fife	HS	Members	36	1	M
NHS Forth Valley	HS	Members	35	2	L
NHS Grampian	HS	Chair	2	1	H
NHS Grampian	HS	Members	28	4	L
NHS Lanarkshire	HS	Members	19	2	M
NHS Lothian	HS	Members	34	2	M
NHS Orkney	HS	Members	25	5	M
NHS Shetland	HS	Chair	4	1	H
NHS Tayside	HS	Chair	1	0	H
NHS Tayside	HS	Members	62	6	M
NHS Western Isles	HS	Chair	3	1	H
National Confidential Forum	HS	Members	104	4	L
National Galleries of Scotland	E	Members	22	2	L
National Museums Scotland	E	Members	30	2	M
Office of the Scottish Charity Regulator	ECJ	Members	149	2	L
Parole Board for Scotland	ECJ	Members	119	17	H
Quality Meat Scotland	E	Chair	8	1	H

Body	DG	Position	●	●	Level
Quality Meat Scotland	E	Members	34	4	H
Risk Management Authority	ECJ	Members	7	2	M
Scottish Ambulance Service	HS	Chair	11	1	H
Scottish Ambulance Service	HS	Members	49	3	M
Scottish Children's Reporter Administration	ECJ	Chair	19	1	H
Scottish Children's Reporter Administration	ECJ	Members	51	1	L
Scottish Commission on Social Security	ODO	Chair	13	1	H
Scottish Commission on Social Security	ODO	Members	47	3	H
Scottish Enterprise	E	Members	143	3	M
Scottish Fire and Rescue Service	ECJ	Members	105	6	H
Scottish Fiscal Commission	SE	Commissioner	9	0	H
Scottish Futures Trust	SE	Members	51	3	H
Scottish Law Commission	ECJ	Chair	3	1	H
Scottish Law Commission	ECJ	Members	9	1	M
Scottish Legal Aid Board	ECJ	Members	38	4	M
Scottish Police Authority	ECJ	Members	130	7	H
Scottish Qualifications Authority	ECJ	Members	32	3	M
Scottish Social Services Council	ECJ	Members	52	3	L
Skills Development Scotland	ECJ	Chair	14	1	H
Skills Development Scotland	ECJ	Members	72	4	H
The State Hospitals Board for Scotland	HS	Chair	6	0	H
The State Hospitals Board for Scotland	HS	Members	39	1	L
VisitScotland	E	Members	17	1	H
Water Industry Commission for Scotland	E	Chair	9	1	H
Totals			2832	168	

Key for table	
Applications: ●	Appointments: ●
<b>Column: DG</b>	<b>Column: Level</b>
<b>DG - Director General with sponsorship responsibility</b> E – DG for Economy ECJ - DG for Education, Communities and Justice HS - DG for Health and Sport 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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