Ethical Standards Commissioner

HARNESSING BOARD ROOM DIVERSITY – MENTAL WELFARE COMMISSION

The difference that diversity makes to your board's governance

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BODY: MENTAL WELFARE COMMISSION FOR SCOTLAND

CATEGORY: SYSTEMS

KEY LEARNING POINTS FROM THIS CASE STUDY

- *Supporting the whole Board to develop through harnessing the distinctive perspectives of members with particular experiences / insights*
- *Ensuring that any people holding 'designated roles' on a Board are best placed to contribute effectively*
- *Avoiding 'tokenism' and/or false 'representation'*
- *Ensuring that governance level approaches around diversity are reflected across the Executive and organisational approaches, and vice versa.*

Background

The Mental Welfare Commission exists to protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions. It was originally set up in 1960 under the Mental Health Act and its role and duties are governed by current mental health and incapacity law.

The Commission's statutory foundation states specifically that it must have both service users and carers on its Board. This structural aspect to its governance forms an important part of the Commission's overall ambition to ensure that the voices of service users and carers are at the heart of its decision making.

When 'designated places' for individuals with particular skills or characteristics are reserved on any Board of governance (whether that be people with lived-experience relative to that Board's business or those with specific legal, medical or financial qualifications vs lay members) it is critical to ensure that diverse viewpoints and inputs are both heard and valued by everyone. The whole Board must develop its diverse skills and wider understanding not simply fragment into potentially competing 'issues-based' or 'representative' positions.

This case study looks at how the MWC successfully harnesses the involvement of people with lived experience and/or carers in its governance to the benefit of the Board as a whole. Individuals appointed to Boards who reflect very particular skills and experiences may or may not have 'typical' Non-Executive backgrounds or competences. The successful practice of the MWC over many years offers lessons to other Boards that will be useful when either their statute requires designated roles or they simply seek to bring in distinctive perspectives and experiences.

Key ways that the MWC Board harnesses the impact of 'designated' members and the difference this makes

Properly appointing and supporting 'designated' members

This first stage is essential to longer term success. Board members are actively engaged at the recruitment stage – feeding into and proactively informing the formal public appointments process. This has helped over numerous appointments rounds in the design of public appointments criteria, assessment processes and publicity routes that properly evidence and value the merit of lived-experiences.

There is a clear understanding that designated 'carer' or 'lived experience' appointees can never be expected to be representative of other people who might fall within such groups but they may well bring different insights from other Board members whose expertise is purely professional. Similarly, appointments are not limited to the statutory minimum of people with such experience and it's essential not to 'label' or 'pigeon-hole' any Board member as it is likely that other board members will also have relevant lived experience. Indeed, currently another Board member with lived experience was previously a member of the Advisory Group (see below). The MWC recognises that of course these are all public appointments and so not within the control of the Commission itself however, by building good relationships with sponsor departments and appointing ministers, the Board is able to increase understanding and influence expectations.

The recruitment and support approach fully recognises there are differences on the service user dimension between people who might have experienced different types of mental ill health as well as with those who have learning impairments or dementia. It is not seen in any way as 'tokenistic' nor as 'a one size fits all' solution. As with any member of the Board, individual development needs are regularly assessed to identify what support may be most useful. Key to this is proactive chairing both in group and one-to-one situations and the need for all board members to have shared levels of understanding / commitment to the ethos of the organisation.

Clear engagement strategy

The Board members who fulfil the designated roles of having lived-experience as carers or in using services jointly chair an advisory sub-committee of the Board which consists of around 30 people representing national organisations relating to the work of the MWC. This allows a two-way flow of information and also provides a structural platform to underpin the roles of the 'designated members'.

This governance mechanism is also integral to the organisation's overall engagement strategy which is led by an executive director and supported operationally by two engagement participation officers. The designated board members had a direct role in the recruitment and induction of these officers and there is a symbiotic relationship between operations and governance in this area. As a result, the regular reporting to Board on engagement effectiveness and impact is properly contextualised and more closely tied to governance decisions. This proactive linking of designated Board positions to an advisory committee and on to the participation engagement officers was intended as a very structured approach to ensuring that 'lived-experience gets into the very guts of the organisation'

Strong networks and information-sharing

Reaching beyond these relatively formal structures, the MWC is actively widening its networks of people with relevant professional roles and those that are more community-

based along with individuals directly affected by the work of the Commission. This is increasingly through social media and email as well as the face to face activities of Board members and the participation engagement officers. Formal memoranda of understanding with key statutory partners also ensure role clarity and help shape expectations around the role and culture of the body. The wide range of audiences and communication channels is seen as important in maintaining maximum bandwidth and ensuring that individual Board members don't inadvertently become either 'mouthpieces' or 'gatekeepers' for particular viewpoints.

The key elements in achieving the difference and how the activity is maintained

AN ETHOS OF ENGAGEMENT

A clear organisational strategic plan for engagement provides a structured framework. Within this, while it is essential that many voices are heard at many levels, the impact of this engagement is increased by having a clear line of sight through to the Board due to the direct involvement of the two 'designated' Board members (along with other Board colleagues). The sense of mutuality manifests in practical ways such as where board members participate in regional engagement days and ensure a two-way conduit to organisational decision-making and influencing.

CLARITY OF REMIT

The MWC recognises its challenge in balancing the potentially differing perspectives on sensitive issues that may come from mental health professionals, those with lived experience, other statutory partners and the public. Its approach ensures that at an organisational and individual level there is clarity of remit and contribution which is then replicated in committee structures and through regular reporting to the Board. It is clear from the outset that the 'designated' board appointees are not 'representative roles' as this would be unrealistic, unsustainable and risk unintended outcomes. As such, these individuals and the Board as a whole adopt reflective practice that supports them in avoiding the traps of over-personalising or inappropriately generalising from their own perspectives. The recruitment approach also seeks to ensure that the lived experience of these members is in addition to a range of other skills and competences that they bring to the board. This minimises the risk of anyone at a governance level taking too narrow a perspective.

CHAIRING AND BOARD CULTURE

This is core to delivering the MWC's vision of protecting and promoting the human rights of people with mental illness, learning disabilities, dementia and related conditions. Having in the past been felt by some to be 'too psychiatry or professional-led', the Board is very mindful of the risks in governance of 'institutionalising issues' and losing the human and personal dimensions. The increasingly proactive engagement strategy and enhanced roles for people with designated experience developed from that heightened awareness. Board cultures and behaviours are as a result subject to self-assessment with tailored inductions for all, targeted support as appropriate for any individual members and a shared

understanding of the need to give equal weight and respect to all points of view in order to fully understand complex and sensitive issues relating to personal well-being.

The diversity in governance indicators in evidence

- Board members have the confidence to air disparate viewpoints and to challenge constructively
- The Board can consider its own role and performance through the eyes of those most affected by its actions
- The Board's collective ability to access particular skills and support externally is enhanced
- Fewer examples of public discord or campaigns as the Board can demonstrate how it has considered widest impact
- There is increased confidence and trust amongst board and executive leaders within the organisation as well as from stakeholders and communities.

Checklist for actions that boards that wish to replicate these activities can use

- ✓ Identify what new insights / perspectives could add value to the Board and consider defining that as 'merit' in the criteria for one or more Board members at the starting point of recruitment processes

- ✓ Recognise that Board members with different specific skills / expertise may also need different development support around certain Non-executive skills e.g. they may express themselves distinctively or have had differing levels of exposure to corporate governance

- ✓ Acknowledge, value and measure the contribution made by people's personal qualities such as emotional intelligence.

- ✓ Ensure that committee structures and staff roles provide proper input and feedback loops to enable designated board members to perform most effectively.

- ✓ Ensure the organisation's wider engagement strategy is fit for purpose in enabling the most effective functioning of the Board.

Further contact / information

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