



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 6 November 2014

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CONTENTS

	Col.
DECISIONS ON TAKING BUSINESS IN PRIVATE	1
COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND	2
CROSS-PARTY GROUPS	20

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
13th Meeting 2014, Session 4

CONVENER

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

DEPUTY CONVENER

*Margaret McDougall (West Scotland) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Cameron Buchanan (Lothian) (Con)

Cara Hilton (Dunfermline) (Lab)

*Richard Lyle (Central Scotland) (SNP)

*Fiona McLeod (Strathkelvin and Bearsden) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Ian Bruce (Office of the Commissioner for Ethical Standards in Public Life in Scotland)

Mark Griffin (Central Scotland) (Lab) (Committee Substitute)

Bill Thomson (Commissioner for Ethical Standards in Public Life in Scotland)

CLERK TO THE COMMITTEE

Gillian Baxendine

Alison Walker

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 6 November 2014

[The Convener opened the meeting at 09:30]

Decisions on Taking Business in Private

The Convener (Stewart Stevenson): Good morning. Welcome to the 13th meeting in 2014 of the Standards, Procedures and Public Appointments Committee. I remind everyone to switch off their mobile phones, as they affect the broadcasting system. We have received apologies from Cara Hilton. Mark Griffin is attending as her substitute.

Under agenda item 1, I seek the committee's agreement that its consideration of a paper on hybrid bills and Scotland Act 2012 finance changes be taken in private at future meetings. Is that agreed?

Members *indicated agreement.*

The Convener: Under item 2, I ask the committee to agree to take items 6 and 7 in private. Item 6 is consideration of the committee's work programme and item 7 is a discussion on committees meeting at the same time as the chamber. Do we agree to take those items in private?

Members *indicated agreement.*

Commissioner for Ethical Standards in Public Life in Scotland

The Convener: Item 3 is an evidence-taking session on the 2013-14 annual report of the Commissioner for Ethical Standards in Public Life in Scotland. I welcome the commissioner, Bill Thomson, and Ian Bruce, the commissioner's public appointments manager.

I welcome Bill Thomson to his new role. We will grill you mercilessly, just as we would expect you to grill us mercilessly in other circumstances. I invite you to say a few words by way of introduction.

Bill Thomson (Commissioner for Ethical Standards in Public Life in Scotland): I do not want to say too much by way of introduction. As you are aware, the report covers 2013-14, which was the last year in office of my predecessor, Stuart Allan. I have acknowledged in the foreword to the report the substantial contribution that he has made to the development of ethical standards in public life in Scotland.

I took up office on 1 April, just after the period that is covered in the report. Thankfully, Ian Bruce was involved in all the public appointments activities that are reflected in the report, including the consultation that led up to the issue of the revised code of practice in October 2013. There have been relatively few appointment rounds under that code in the period that is covered by the report, but there have been significantly more since then. We are both happy to do our best to answer questions on the period that is covered by the report and, if you wish, on matters that have happened since then.

The Convener: Members have a number of questions. The answers might lead us to other questions of which we have yet to think.

Margaret McDougall (West Scotland) (Lab): The report states that the commissioner received 21 complaints about MSPs during the reporting year. Of those, 18 were found to be inadmissible and three were withdrawn, which means that there were no breach reports to this committee in the reporting year. Why were all complaints about MSPs found to be inadmissible?

Bill Thomson: I hope that the committee is not disappointed by those circumstances. I think that it is a good outcome.

A lot of complaints cover conduct that is perceived by the person complaining to be a breach of the key principles. Of course, there is no report to the committee if the issue is simply a breach of the key principles. That applies to the

codes of conduct for councillors and members of public bodies—by the way, there were 311 complaints about the conduct of councillors, most of which, again, were inadmissible.

Some complaints are inadmissible simply because they are not within my jurisdiction at all. People complain about quite a wide range of things, some of which are not covered by the code in any way. If you like, I am happy to provide in writing—I do not have them all in my head at the moment—the specific circumstances or reasons for treating those 18 complaints as inadmissible. I do not think that there is any secret to it. Most of them are just irrelevant or relate to an apparent breach of the key principles and nothing specific under the code.

Margaret McDougall: It would be useful if you could send us that information, thank you.

Bill Thomson: Certainly. I do not mind doing that.

The Convener: You referred to there having been 311 complaints about councillors. It might be useful to say that there are many more councillors than MSPs.

Bill Thomson: Absolutely.

The Convener: A quick, back-of-an-envelope calculation suggests that there have been complaints about 25 per cent of councillors and 15 per cent of MSPs. I think that those figures are close enough to suggest that they are in the same territory.

Bill Thomson: Indeed. There are over 2,000 councillors.

The Convener: There are over 2,000?

Bill Thomson: Sorry—there are 1,200. I beg your pardon. There are about 10 times as many councillors as MSPs.

The Convener: I am glad that we agree on that. I calculated that there are 1,222.

Mark Griffin (Central Scotland) (Lab): I have a supplementary question on that point. Mr Thomson, you said that a lot of those complaints did not come to us because they were outwith your remit. Do you have a view on the nature of those complaints and whether your remit should be extended to allow you to cover those complaints that were discharged?

Bill Thomson: I do, but I cannot envisage a situation in which the Parliament would agree to a code that would cover all the complaints that come to my office and I am not looking for any extension of my jurisdiction. As you well know, there is already a pretty extensive code to be observed by members. I think that it is reasonably complicated and I would not look to complicate it further.

Mark Griffin: Okay. Thanks.

Cameron Buchanan (Lothian) (Con): Good morning. In 2013, you produced a revised code of practice, which we scrutinised and on which we took evidence, including from the previous commissioner. The annual report states that the revised code of practice

“offers increased flexibility and encourages reduced bureaucracy.”

Have the changes made a difference through increasing flexibility? Have they succeeded in increasing flexibility and encouraging bureaucracy? Sorry—I mean have they succeeded in encouraging reduced bureaucracy?

Bill Thomson: I do not think that any of us wants to increase bureaucracy—I agree with you on that.

In the period that is covered by the report, the number of appointment rounds that took place under the 2013 code was too small to draw any conclusions from. However, I think that there have now been 46 appointment rounds under the revised code that was issued in October 2013—Ian Bruce will correct me if I am wrong. Yes, there are signs of the process being, in some ways, less bureaucratic and more flexible. If you wish, we can give you some specific examples.

Cameron Buchanan: Perhaps one would be of interest. Can you give me one example?

Bill Thomson: I refer to Ian Bruce for that.

Ian Bruce (Office of the Commissioner for Ethical Standards in Public Life in Scotland): A few appointment rounds have tried new approaches to the appointment process, which is one of the things that the committee and other stakeholders encouraged. I can draw the committee's attention to a few. Most recently, one of our advisers has been invited to take part in an appointment round for historic environment Scotland. The approach to assessment in that appointment round is very different from that which has traditionally been used.

On increased flexibility, we are encouraging panels to try new approaches to applications or assessments that are different from the traditional one of a written application addressing all the criteria for selection followed by an interview. In the historic environment Scotland case—it is one of a few cases in which the new approach has been tried—the panel is looking to simulate the activities that board members are involved in. That is a much better indicator of how effective candidates will be if appointed. After the meeting, we would be more than happy to provide written evidence on the range and success of the approaches that are being tried.

Cameron Buchanan: You have given an example, which is enough. Thank you very much.

Ian Bruce: Not at all.

Cameron Buchanan: I have no further questions, convener.

The Convener: In that case, I invite Mark Griffin to speak.

Mark Griffin: You have probably answered part of this, but will you outline how the reduction in scrutiny, particularly the changes to the role of the assessor under the revised code, is operating in practice? What is the impact of that approach?

Bill Thomson: I am not sure whether you are asking me to respond to that in terms of outcomes—I do not imagine that you are suggesting that the reduction in scrutiny will lead to different outcomes. I am concerned that appointments continue to be made in accordance with the code and, where possible, to encourage and support moves towards greater diversity on boards. Against that background, I have no evidence that the change has led to any departure from the code or made it more difficult for diversity to be achieved.

It is perhaps important to mention that we have changed the name and the nature of the role played by those people who are referred to as public appointments assessors in the 2013-14 report. As of early in this financial year, we have called them advisers. That may not seem like much of a change, but it reflects a deliberate attempt to work more closely with—if I can use Mr Buchanan's term—the bureaucracy that is involved in conducting the appointment process not only to monitor but principally to guide, advise and support. A significant number of appointment rounds have been treated as falling into the high category, so the adviser has been involved. When we give you the examples of changes in practice, you will find that the advisers have played a role in that.

In terms of how the resources are applied and the options for reducing the amount of bureaucracy, I think that the outcome is positive.

Mark Griffin: My question was a follow-on from Mr Buchanan's question about reducing bureaucracy while ensuring that the assessor has an appropriate role and that the role of scrutiny has not decreased because the bureaucratic element has been reduced too much. Are you satisfied that there has been an adequate level of scrutiny in the process by the assessor?

Bill Thomson: At the moment, I am. There are two caveats. A measure of satisfaction—this is not the only one—is whether I receive complaints. There were no complaints under the revised code that led to any finding of a material breach. That is

a good thing in itself, but it is not a complete answer. We are about to conduct, working with the Government staff who are involved, a thematic review of the rounds that took place. That will be selective. However, we will not look just at those that had a public appointments adviser or assessor involved; we will sample other rounds as well. I am afraid that we will not have the answers until early in the next financial year, but I might be able to come back to you if you are still interested at that point.

Mark Griffin: Thank you.

09:45

Richard Lyle (Central Scotland) (SNP): Good morning, commissioner.

The revised code of practice encourages ministers to appoint an independent panel member on the selection panel, particularly in cases in which the commissioner has not assigned an assessor as a panel member. Are ministers appointing independent panel members to selection panels when there is no assessor involved? How are independent panel members selected?

Bill Thomson: Yes, ministers are appointing independent panel members. I think that I mentioned that there have been 46 rounds since the 2013 code came into effect. Independent panel members have been appointed in very nearly 50 per cent of those cases, including ones in which there was no assessor directly involved.

I will ask Ian Bruce to answer your question about how independent panel members are appointed.

Ian Bruce: Officials sought our advice on what they ought to take into account when they look to identify independent panel members. We suggested that most public bodies have key stakeholder groups—the people whom one might consult about proposals for change. In certain cases, they might have stakeholder groups that are critical of the activities that they engage in. When a member of such a group is involved as a selection panel member, that clearly brings a challenge role.

We have been very heartened by the involvement in selection panels of stakeholders, in particular. There is a round on-going for Creative Scotland, two of the independent panel members for which have been drawn from the artistic community. The schools closure review panel is appointing a convener, and the head of the national parent forum of Scotland has been involved as an independent selection panel member.

A particularly interesting example is the involvement as a panel member in the Revenue Scotland appointment round of the president of the Chartered Institute of Taxation. Also, when the national confidential forum was established as a forum for victims of abuse to talk about their experiences, someone who had suffered historic abuse was involved as a selection panel member. We think that a lot of thought, time, effort and consideration is going into the selection of those people, and that independent panel members are adding value to the activities of selection panels. The issue is being taken very seriously.

Richard Lyle: I welcome your comments and the fact that ministers are trying to involve in the process people who usually criticise how people are appointed.

In its report on the revised code, the committee noted that “experience” had been added to the criteria that are used for making appointments. The previous commissioner explained that

“Any selection panel would want to know what experience a person can bring to a post.”—[*Official Report, Standards, Procedures and Public Appointments Committee*, 6 June 2013; c 682.]

Do you consider that adding the criterion of “experience” for making appointments has had an impact? Are you satisfied that it is not discouraging people from certain groups, such as younger people, from applying for public appointments? Younger people will not have experience, but they will have some knowledge and, as was said earlier, they will bring something to the table.

Bill Thomson: There are two questions in there. I know that, at the time, the committee—albeit that it was slightly differently constituted—had some concerns about the addition of “experience” but, as of now, I have no evidence that it is causing problems. I appreciate entirely the point that Mr Lyle makes about younger people finding it more difficult to get experience. It is a catch-22 situation: if someone does not get the experience, how can they demonstrate it?

The thematic review that I mentioned in answer to one of Mr Griffin’s questions will test the issue. We want to examine whether including “experience” specifically has a detrimental impact on the range of people who can put themselves forward and be available to get through the process. At the moment, we do not have any evidence that the addition of “experience” is causing problems.

However, I think that this drives at a cultural issue that is terribly important. It is very easy but very human and normal to have confidence in people who appear to be like the people who have succeeded before. In attempting to improve the

diversity on boards, which is widely recognised to be a good thing for a number of reasons, that is a barrier that has to be got over. One of the factors is what sort of experience is relevant. There are some examples, which Ian Bruce can expand on, of where specific experience has been sought that is not of the nature that would previously have been looked for under the paradigm of looking for the sort of person who has succeeded before, particularly in the health sphere.

Ian Bruce: We have spoken to the committee in the past about using different application and assessment methods. Obviously, as the commissioner has pointed out, the criteria for selection can make the process more accessible but, ultimately, it will deliver only what is asked for in the first place. A recent example of where we are trying new things, in which our adviser has been closely involved, is NHS Fife, which is—very reasonably, I think—looking for people with experience, particularly as a service user or as a carer, of overcoming barriers. That does not point to the typical picture that one might have in one’s head of a non-executive, but it speaks directly to the drive for co-location and the health and social care agenda. Depending on how one defines experience, one can find a more diverse group of people who are considered suitable for appointment at the end of the process. It is therefore about ministers thinking differently at the outset about what they are looking for.

Richard Lyle: I am smiling because you have picked an example of a group that I know about. Many other MSPs and I have attended various functions and met many young people who care for parents, aunties, uncles, grannies and so on. They are quite young people, but they have, as they keep reminding me, the life experience of caring and they have views. We were all young once and we all had views, and many of us have not changed those views over the years. I like the example that you selected, because it shows how a young person could be involved.

The Convener: I bring in Fiona McLeod.

Fiona McLeod (Strathkelvin and Bearsden) (SNP): My question has been covered.

The Convener: That is grand. I bring in Margaret McDougall.

Margaret McDougall: On delivering diversity, the commissioner’s annual report states that

“there has been limited progress other than in the case of applicants and appointees who declare they are disabled, and ... significant progress will have to be made if the equality outcome for public appointments is going to be achieved. This will depend on generating higher numbers of good quality applications from currently underrepresented groups and ensuring that the appointments process itself is free from bias and other barriers.”

The example that was given in response to an earlier question was a good one along those lines, because it is about bringing in someone who is actually an end-user of a service. What progress has been made towards meeting the targets set out in the report “Diversity Delivers—A strategy for enhancing equality of opportunity in Scotland’s ministerial public appointments process”? Are there plans to revise the strategy or the targets?

Bill Thomson: It is fair to say that progress has been slow—I would not pretend otherwise—and even disappointingly slow. I think that ministers share that view and are probably quite frustrated by the situation.

On the question whether the strategy should be revised, I am a little hesitant. I know that “Diversity Delivers” dates from 2008 and therefore might be seen by some to be quite old, but I think that it was based on sound analysis, and any further analysis that has happened since then tends to reinforce the position that was adopted in it. Some of the recommendations that it makes are pretty straightforward. If there is sufficient political will—and I believe that there is—it is a question of resources being made available to allow some fairly simple process changes to be made and, as I mentioned a few moments ago, continuing to work on changing the culture.

No one suggests that the boards that are currently appointed are generally doing anything other than a good job. Of course there may be issues but, generally, the process has delivered people who are capable of performing. For some, increasing diversity involves taking a risk by appointing people who are different from those who have been there up to now and trusting that those people will be able to demonstrate through the appointment process that they have the required skills, ability and experience and will be able to deliver.

Of course, that delivery will require the chairs of the boards that become more diverse to have the skills to exploit that diversity to good effect. It is not a simple process. Things will not change just by adjusting the pressure on a nut or moving a pipe somewhere. Quite a lot has to happen.

Although progress is disappointingly slow, if what is happening involves change on a number of fronts that will all lead to the outcome that everybody agrees is desirable, it is probably worth allowing a little more time for that to happen. Therefore, to answer your question about changing the strategy, I will happily listen to views but, as currently advised, I do not think that the strategy needs to change.

Margaret McDougall: What steps should be taken to generate higher numbers of good-quality applications from currently underrepresented

groups? You mentioned risk, but surely that should not be a reason for eliminating people who apply. Perhaps training will be required for new board members, particularly for those from certain underrepresented groups.

Bill Thomson: I absolutely did not mean to imply or argue that the risks that have to be taken at some point are a reason for shying away from looking for more diverse appointments—far from it.

The simple answer is that steps are already clearly set out in “Diversity Delivers” under three categories. Some of them have been taken and some have not. Taking the others would move us a long way.

I am encouraged by some of the things that have happened, even in the short period since I took office. As one of the committee members knows, I had a meeting with ministers last month to discuss how they might use their role in defining merit to greater effect in seeking to encourage more diverse people to be brought forward and get through the process. I am due to have a meeting towards the end of this month with some of the senior civil servants who are generally involved in chairing appointment panels.

Along with Ian Bruce and a small number of other people in my office, I am also working with the civil servants in what used to be called PACE, the public appointments centre of expertise, and is now called PAWD, the public appointments, wellbeing and diversity branch, on a number of actions that will address some of the process changes that need to take effect.

The Convener: Before we move on, you referred to steps not yet being taken. Could you be specific and put on the record what steps have not been taken, or would you require to write to us on that?

Bill Thomson: It would be fairer all round if I was to send you that in writing.

The Convener: That is fine.

10:00

Margaret McDougall: I will move on in that case.

The annual report contains a couple of examples of diversity where there has been

“significant progress in the case of applicants and appointees who declare they are disabled, with a rise from 2.4% to 13.1% representation on the boards of public bodies”.

What factors might have contributed to the increase in representation? Why is it not being replicated elsewhere?

Bill Thomson: That is quite a tricky question. I am not in favour of hospital passes but, given the fact that I was not involved at the time, I will have to ask Ian Bruce if he has anything that will help to elucidate. I am sorry but I cannot answer.

Ian Bruce: The thematic review that we are about to undertake might answer some of those questions. We originally anticipated that the Government would look at all the processes that it runs to see where the barriers arise and how to address them. The particular focus of the thematic review that we are about to run is to assist the Government in that respect. Why are people falling out at different stages in the process? Why are some appointment rounds more successful at bringing people forward and others not?

I can say that we saw a significant rise in application and appointment numbers after we changed all the monitoring information that we gathered, so it might be a matter of awareness on the part of applicants. However, I do not know that that is the case, so I cannot give you an explicit and definite answer.

Margaret McDougall: So the thematic review will give us answers to those questions.

Ian Bruce: Yes—in relation to all underrepresented groups, not just to disabled applicants. That is the purpose of the thematic review.

As I said, we had anticipated that the Government would do that work on a rolling basis and learn from round to round. With the review, we are hoping to make some recommendations about how that learning can be embedded. There are clearly pockets of good practice; you can see that in our report. Some directorates are good at attracting people but not particularly good when it comes to appointments. Others have better conversion rates further down the line. We want to identify what enables directorates to do well in some areas and what inhibits them, and then make some recommendations on the back of that.

Margaret McDougall: When will we know the results of that review?

Ian Bruce: We certainly intend to have all the work completed by the time that the next annual report is due to be finished—within this financial year. If you would like a copy of the report in advance of that, I am sure that we would be very happy to provide that to the committee.

Margaret McDougall: Thank you. I have one more question on the same subject.

The annual report highlights that the percentage of women on boards has barely risen from 34.5 per cent over a period of almost 10 years. The commissioner says that he

“welcomes the priority being given by the Scottish Government to addressing this imbalance”.

What factors have contributed to the lack of progress in recruiting more women to boards, and what steps are being taken to address the imbalance? I am sure that this question is brought to your attention quite a lot, and I am also sure that you are trying to rectify it, so perhaps you could tell the committee what you have been trying to do to overcome the problem and why it has not been successful.

Bill Thomson: Ministers are acutely aware of the issue and are very keen to see what can be done.

As I understand it, the research that is available suggests that it is, in part, down to women generally—I am sorry; I hate generalising because it is a dangerous thing to do—being less likely to put themselves forward for something when they are not sure that they meet all the criteria. It seems that the male gender is less worried about having a go in those circumstances.

That is dangerously simplistic, but that seems to be a factor. That is why it is very important to put in the effort early in the appointment process to identify clearly the merit on the basis of which an appointment will be made and what is being looked for, and then to ensure that that is clearly set out in how the appointment is advertised to make it accessible to people.

That sounds simple when it is put in that way, but a fair amount of thought is required as well as learning from experience. That is precisely what we hope to identify through the thematic review.

Margaret McDougall: What work has been done on improving how the applications are made and making the adverts for board places more attractive?

Bill Thomson: Ian Bruce is involved in a subgroup of the programme board, which the Government set up to look at diversity, so I ask him to answer that specific question.

Ian Bruce: I will happily do so.

As the commissioner has already identified, there were a number of recommendations in “Diversity Delivers”. To be reasonable to the Government, it has done quite a lot, but the picture is very complex, and unless everything is implemented it is very difficult to say, “Well, it hasn’t worked; we need to try a new approach.”

On the things that have been done, every advert now includes a positive action statement. We believe that that is helpful and that it ought to encourage more people to apply. The public body’s brand is also being used on more

occasions than previously, and that makes the advert more attractive.

More targeted attraction strategies have perhaps not been done. We expect that, with the establishment of the programme board, more time will be taken to target underrepresented groups. The programme board's particular aim and the strand that we are working to is having boards that reflect gender in society, so that women make up 51.5 per cent of the boards of our public bodies.

Gender parity is therefore a particular aim, and we plan to undertake a set of actions in order to hit that target. However, until all the recommendations that the commissioner's office has made have been implemented, we will not really be in a position to say that we have tried everything that we can. The reality is that we have not collectively tried everything that we can.

Margaret McDougall: Okay. Thank you.

Richard Lyle: I have two quick questions to ask, if you will allow me to do so, convener.

First, I want to ask about the point that Mr Bruce has just made. The percentage of female board members is 35 per cent, although 51 per cent of the Scottish population are female. I am referring to table 25 of the annual report. Does the answer lie in the question that I asked a few minutes ago? Some 54.3 per cent of the Scottish population are aged 49 or under, but only 17.4 per cent of board members are aged 49 or under. With the greatest respect to all of us, are we not looking at the wrong age range? Perhaps if we looked at those under 49, that could bring women on. I agree with and support that to encourage them to come along. There are more younger women councillors now in Scotland than there have ever been, because all parties have encouraged women to stand.

Are we not advertising in the wrong papers? What papers are we advertising in? With the greatest respect to *The Scotsman*, *The Herald* or whatever fashionable paper you read, most of the population do not read those newspapers.

Ian Bruce: Very few positions are advertised in *The Herald* and *The Scotsman*, and that has been the case for some time.

We anticipate that the Government will look at and learn from its strategy for publicising opportunities; indeed, the thematic review's purpose is to assist the Government with that. Most of the newspaper advertising for organisations such as territorial health boards is in local newspapers, because we know that they have a better reach; the *Metro* more than any other newspaper is used for nationally-advertised positions. However, advertising is only a small part of the story.

Publicity must be targeted. It does not have to be targeted on a round-to-round basis, so there must be a communications campaign that is targeted at underrepresented groups. You are absolutely right that we should be looking to attract younger people. That is about visiting workplaces. There are blue-chip companies on Edinburgh's edge, for example, and we should be going there and encouraging the employers to let people take time off to engage in the activity. The work is certainly good for employers' social responsibility and it increases the employees' skills set.

I mentioned earlier what had not been implemented; what I have just referred to still needs to be done.

Richard Lyle: I have a follow-up question if you will allow me, convener.

The Convener: I ask that you be brief.

Richard Lyle: I will be very brief. Councillors are allowed time off work by statute. Do you agree that ordinary people are not allowed time off work and, if they sat on a board, they would have a problem with their workplace?

Bill Thomson: There is no statutory right to time off work, so the picture is complex. Diversity will not be achieved fully just by taking people from, for example, blue-chip companies. I have nothing against blue-chip companies—they are a good source of well-qualified people—but the whole socioeconomic issue must be considered when looking at diversity.

What people have to give up in order to be on a board is a factor that must be borne in mind. That will inhibit some people; it will inhibit others less. You make a fair point: there is no such statutory right.

Richard Lyle: Thank you.

The Convener: We are moving towards the end. We have some questions to ask, but let us keep them tight.

Fiona McLeod: I will try hard to do that, convener.

First, before I forget, the foreword to the code says that it is

"supported by a handbook of statutory guidance".

Can we get a copy of that? I should have asked for that before today.

Bill Thomson: Yes.

Fiona McLeod: Thank you.

I will start with the good bits. I was pleased to hear about historic environment Scotland and the use of simulations rather than straightforward interviews. The NHS Fife example is brilliant, because experience is not just about someone

having board experience; rather, it is about the experience that they bring to the board. I was really pleased to hear about that, too.

I turn to “Diversity Delivers”. If that policy works and it was okay when it was written in 2008, why do we have the figures in table 26? There has been six years to deliver diversity, so why has it been delivered only for the disabled group? You talked about women being a particular problem. Disabled representation has risen from 2.4 to 13 per cent. Can you split that by gender? How have we got through to one group, but not women or black and minority ethnic groups?

Bill Thomson: I hope that you will be prepared to give us the opportunity to write to you with that split because I do not think that we have that information with us.

Fiona McLeod: Absolutely.

Bill Thomson: If I may paraphrase, I think that you are asking why, if “Diversity Delivers” works—I argue that it could and should work—it has not done so up until now. I have two answers to that. First, the policy has only been partially implemented and there has been some progress. Secondly, it requires resources to be applied. Some of those resources simply are not available, or have not been available up until now.

To come back to where we started, the process is run by a bureaucracy. The Government is a bureaucracy, as far as I know—all Governments that I have encountered are bureaucracies—and there is a tendency in any bureaucracy for things to be standardised and processes to be established because it is more cost effective to do things that way. “Diversity Delivers” argues for a variation in approach, which is fairly difficult for a bureaucracy to take on board, and it requires time to be set aside for thought to be given to all the things that we have discussed.

That means that the whole process has to start earlier, which means that it has to compete with other things that are more immediate. As politicians, members will know that it is difficult to ignore an immediate problem to concentrate on an issue that is not yet a problem but which might become one if it is not addressed now. A balancing of resources is required, but I do not think that that has been achieved sufficiently to allow the recommendations to be fully implemented.

10:15

Fiona McLeod: Table 26 in the annual report gives figures from 2004-05 and 2013-14. Could we get the figures from 2008, so that we have information on the transition from before “Diversity Delivers” to after it?

Bill Thomson: Yes, we will request those figures and provide them to the committee.

Fiona McLeod: Okay. It would be interesting to see if there was a wee bit of a change at that point.

To follow up on that, you said that in almost 50 per cent of the recent rounds, ministers appointed independent panel members. Is that evidence that ministers realise that they are not getting a diversity of people for them to appoint? Mr Bruce said that those panel members are being selected in creative and interesting ways. Again, I come back to the question whether “Diversity Delivers” is not working. Is that shown by the fact that ministers are having to appoint an independent panel member in 50 per cent of cases?

Bill Thomson: Obviously, we are guessing here, but that is a reasonable presumption.

Fiona McLeod: Would it be worth asking them?

Bill Thomson: By all means.

Fiona McLeod: As I said, it is great to hear about things changing. Ian Bruce gave a couple of examples, but I would like to hear more about the interview process and any interesting ways in which posts are being advertised. I am thinking about the children’s panel, which is advertised on bus shelters and on radio and TV. Those adverts say, “I’m a panel member,” rather than, “Be a panel member.” I would like to hear more about that.

The Convener: Before we get the answer to that, Margaret McDougall has a supplementary.

Margaret McDougall: We have talked about trying to get young people involved. Has social media been considered as a way of advertising?

Ian Bruce: Yes. It is worth saying that it is not as though nothing has been implemented, but it has been piecemeal. The PAWD recently opened a Twitter account that is dedicated to public appointments, and we have a dedicated public appointments website.

Margaret McDougall: How recent was that?

Ian Bruce: The dedicated Twitter account came about in the past six months. The boards that operate Twitter accounts are meant to follow that one, and PAWD follows their accounts. It is not my area of expertise, but someone is dedicated to that. Whenever new positions come up, tweets go out about them.

Some things are gradually being implemented and we expect changes. The key thing is learning from those. If somebody has tried advertising in a certain way, we need to learn whether that made a difference. I would be happy to provide examples of things that have been done differently,

particularly in the past year. There is now some momentum, which perhaps there has not been in the past.

Bill Thomson: Convener, to clarify, are you happy for those examples to be submitted after the meeting?

The Convener: Oh, yes—we never expect every answer to be given at the meeting.

Cameron Buchanan: There has been a recent improvement in timescales for making public appointments. There was criticism that it was taking far too long to make appointments originally, but there seems to have been an improvement. What factors have led to that improvement?

Bill Thomson: It is partly down to awareness and a willingness to improve the position. I hope that it has also been partly a result of the reduction in the extent of the supervision and the need to report on things—that assists a little. Further improvements could be made to the process.

We are particularly pleased that the time in which reappointments have been made has been extended, if you like—in other words, people who have been reappointed have found that out sooner than they would have done previously. That is beneficial to the individuals involved and probably to the organisations as well. It is based on thinking ahead and planning sooner.

Richard Lyle: Your budget for 2013-14 was £797,000 but you overspent, as your total expenditure was £811,000. The report gives various reasons for that, including the increased number of complaints. Given that an additional 12 boards will be brought into your remit and a further two boards will likely come within your remit in the forthcoming year, do you consider that the increase in the number of appointments that are regulated by your office will lead to an increased workload for your office and, therefore, increased expenditure? If you get more complaints, where do you see your expenditure going?

Bill Thomson: The short answer is no, I do not think that that change will, in itself, put pressure on the budget. I am sorry if this sounds like a cop-out, but it depends on what else happens. Most of the pressure last year came on the conduct complaints side, and the additional appointments to 12 boards have been made without blowing the budget.

I am not wholly clear about whether you are asking about complaints about public appointments, but those come to us only once the Government has investigated. The exercise that we would be left with, if the person who had complained was still dissatisfied, would involve a reasonable amount of investigation, which would

be quite demanding on our resources. However, up to now there have not been a lot of those complaints and I hope—I am touching wood as I say this—that that remains the position.

Richard Lyle: The point that I was making is that you have all this extra pressure on you, including additional complaints possibly from councillors about councillors and from members of the public about everybody, as well as the other pressures of looking at appointments and all the questions that you are asked. Do you feel that you have sufficient funding?

Bill Thomson: That is a matter that I have to discuss with the corporate body. My initial answer to your question was on the specific point of the additional boards coming within our remit. I do not think that that, in itself, will cause a problem. There is no sign of the overall pressure reducing at the moment, and I must consider how I deal with that within the resources that are available to me.

Richard Lyle: I am sure that you will do it well. I compliment you on your appointment.

The Convener: I have one final question. Ministers also get involved in joint appointments with other jurisdictions in the United Kingdom, and different jurisdictions have sometimes taken different views about who should be appointed. Do you learn from and work with the appointments process that applies at a UK level? That is generally the process that applies to such appointments.

Bill Thomson: I am not sure how to answer that question. There is contact, but it is fairly occasional. We try to learn from experience elsewhere, and we are quite encouraged by some of the developments that have taken place fairly recently in both Northern Ireland and Wales to encourage greater diversity. The short answer is that, yes, we learn where we can.

The Convener: Okay. That is fine.

On how we have not implemented all the priorities from 2008, I remember one of my project managers saying to me about 20 years ago that we had only three priorities for our project: top, urgent and desperate. I thought that that was very apposite, but what was particularly apposite was that the name of the person who gave me that advice was Teresa, not Terence. At least we were doing a little bit 20 years ago in the domain that I worked in.

Before we bring the discussion to a close, is there anything that you wish to say to us on something that we have not covered?

Bill Thomson: Nothing other than thank you.

The Convener: I warmly reciprocate and thank you for your time and contribution. A number of

questions resulted in a commitment from you to provide us with further information. I will get the clerks to check with you to ensure that we have a shared understanding of what that information is. We look forward to hearing from you in writing at a later date. Thank you very much indeed.

I briefly suspend the meeting while we get ourselves organised for the next item.

10:26

Meeting suspended.

10:28

On resuming—

Cross-party Groups

The Convener: Agenda item 4 is consideration of an update on cross-party groups. Members will note from the monitoring report the continued improvements in the overall level of compliance with the code for CPGs.

I will put on the record an update on the CPGs on Russia and the Scots language. The previous monitoring report, which we considered in May this year, highlighted that those two groups were not compliant with the code in relation to membership. The committee raised concerns with the convener of both groups—Rob Gibson—in an evidence session and agreed to allow the groups until after the October recess to address its concerns. Rob Gibson has since informed the clerks that the group on the Scots language has decided to disband and that the group on Russia has recruited a new MSP member and so is now compliant with the code's rules on membership.

Does anyone wish to comment on that factual report?

Fiona McLeod: On those two groups?

The Convener: Yes—just on that specific update at the moment.

If there are no such comments, I ask whether the committee wishes to take any action on any non-compliant groups. Indeed, are there any other comments on the report, bearing it in mind that we will cover a specific issue under the next agenda item?

10:30

Fiona McLeod: It is really good to read in the monitoring report that more groups are doing joint work. Overall, CPG compliance with the code is looking good.

However, I ask that we keep an eye on the CPGs on construction and human trafficking. The first attempt by the CPG on construction to hold an annual general meeting was inquorate, so I think that we should keep an eye on it. We should also have a wee word with the secretariat for the CPG on human trafficking because it should not have agreed a date for its AGM but then held a joint meeting with another group on that date, letting the AGM fall.

Overall, however, I think that what we see in the monitoring report is good.

The Convener: Okay. It seems that there are no further comments on item 4, which is fine.

Under agenda item 5, the committee is to consider a change of name and purpose for the CPG on psoriasis and psoriatic arthritis. The convener of the CPG, Dave Thompson, said:

“The reason for the change is to give a platform to all skin conditions rather than just those associated with Psoriasis. There are many such conditions which can be very debilitating.”

Does anyone wish to comment?

Fiona McLeod: I just want to say that I am a member of that CPG.

The Convener: Okay. It was in order for you to say that—the point is duly noted.

If there are no more comments from members, I invite the committee to consider whether to approve the proposed change of name and purpose for the cross-party group on psoriasis and psoriatic arthritis. Is that agreed?

Members *indicated agreement.*

The Convener: Okay. That ends the public part of our meeting.

10:31

Meeting continued in private until 11:33.

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