

Lothian Health Board

2021 Report – Gender Representation on Public Boards (Scotland) Act 2018

1. Introduction

Lothian Health Board ('the Board') has prepared and published this report in line with the requirements of the Gender Representation on Public Boards (Scotland) Act 2018 Regulations 2020. Those regulations came into force on 29 May 2020.

The intent of the Gender Representation on Public Boards (Scotland) Act 2018 ('the Act') is to address the issue of under-representation of women in public life. The Act sets a 'gender representation objective' that a board has 50% of non-executives who are women' and includes rules as to how this is to be calculated.

Not all non-executive Board members are included in the calculation for the 'gender representation objective'. Anyone who is an employee of the Board, the four local authority stakeholder members, and the University stakeholder member are excluded from the calculation. Lothian Health Board currently has fourteen 'non-executive members' (as defined by the Act). The 'gender representation objective' is that seven of those members should be women. Currently six women hold these positions, so the Board is one short of achieving the objective.

As at 8 April 2021, the Board membership was as follows:

	Total	Men	Women
Total Number of Board Members, of whom:	26	15	11
Executive Board members	5	2	3
Non-Executive Board Members	21	13	8
Non-Executive Members (per the Act)	14	8	6
	Gender Representation Objective		7

The Scottish Ministers make the appointments to the Board. The Scottish Government runs the public appointment process to appoint the non-executive members, and the Cabinet Secretary for Health and Sport makes the appointment. The Board does have a role in identifying the needs of the Board and supporting the recruitment process, however the Board cannot itself determine what the approach will be or whom should be appointed.

On 30 April 2021 two non-executives (one man, one woman) will step down from the Board as their terms of appointment will end. Their replacements joined the Board on 1 January 2021.

There is a vacancy for a non-executive. There will be an appointment round held later in 2021 or in early 2022, and this gives an opportunity for the Scottish Ministers to appoint a woman and achieve the objective.

The Scottish Government started the process to appoint a new Chair of Lothian Health Board on 12 March 2021. The current interim Chair, who is a woman, will step down on 30 June 2021. The outcome of this process will have a bearing on the Board's position on the 'gender representation objective'.

When considering the issue of representation of women in public life, there is value in recognising how women are represented and contribute throughout NHS Lothian, rather than just considering who is appointed to the Board. As at 8 April 2021:

There are eighteen members of the NHS Lothian Corporate Management Team, and ten of them are women who hold the following roles:

- Medical Director.
- Director of Public Health & Health Policy.
- Director of Finance,
- Director of Human Resources & Organisational Development.
- Chief Officer (Acute Services).
- Once a new appointee has taken up post, all four IJB Chief Officers/ Directors of Health & Social Care Partnerships in Lothian.
- Director of Communications, Engagement and Public Affairs.

Looking at all employees in NHS Lothian:

- 46% of all clinicians who are consultants are women.
- 75% of people who are on executive/ senior management pay scale or Agenda for Change Band 8A or above are women.
- 78% of all employees are women.

2. Steps taken to encourage women to apply for positions on the Board

Management maintains a spreadsheet which identifies all Board members and records their membership of the committees and integration joint boards. The spreadsheet also maintains a record of the Board's position against the gender representation objective.

The Scottish Government ran a recruitment exercise from September-December 2020 for three non-executives for the Board. This was to address an existing vacancy and to replace two non-executives who are leaving on 30 April 2021.

The Board's planning process identified that the appointment of one man and two women to these positions would allow the Board to achieve the gender representation objective.

The Board developed a communications plan to improve the awareness of the public appointment process. One of the key messages in the applicant information, which informed the communications plan was: *'We know that diversity within our Board membership and staff builds a vibrant, creative culture which is better able to*

respond to our challenges, and the needs of the wide range of people we serve. However we are acutely aware that the Board membership currently does not fully reflect the diversity of the communities it serves. A key objective of this recruitment exercise is to address this. We therefore particularly welcome applications from people who can bring diverse perspectives to our work, see the 'bigger picture' from a large volume of complex information, and offer constructive challenge.'

The planning process identified that attracting applicants who could bring diverse perspectives was the key issue, rather than particularly focussing on encouraging women to apply.

One of the target audiences was members of the public who may have been previously unaware of the public appointment process or had never considered applying for a position. Steps taken included writing to key contacts in our established equality networks, businesses, making use of social media (such as LinkedIn and Twitter) and adding a prominent message on the NHS Scotland recruitment website.

These efforts were successful in generating a significant increase in the number of applicants, almost treble the number received in previous recruitment processes. Forty-five women applied and this was 52% of the total applications. This means that the 2020 appointment round generated more applications from women than the total number of applications from both men and women in the previous appointment rounds (held in 2017 and 2018). The response indicates that we were successful in improving the awareness of the public appointment process.

The National Records of Scotland mid-2019 population estimates indicate that women account for 51.3% of the population in the NHS Lothian area. The 2020 appointment round generated a response from women (52%) which was consistent with the female share of the local population.

The recruitment process led to the appointment of two new Board members (one male, one female). There will be a further recruitment exercise for a new non-executive later in 2021 which gives another opportunity to appoint a woman and achieve the objective.

[3. Details of any further steps to achieve the gender representation objective by 31 December 2022](#)

While the Board is currently one member short of achieving the gender representation objective, this report shows that the Board has good foundations in place to build upon.

The Board will have a new Chair in 2021 who will be involved in the future appointment round for the current non-executive vacancy. This process will include a reflection of what worked well in 2020 which generated the increase in applications both generally and from women, to consider what lessons can be taken forward in the next round. An initial idea is to examine what the Board can do to support individuals who may be or are interested in becoming Board members, to better prepare them for the public appointment process.

At a national level, the Scottish Government and NHS Boards are taking forward work related to Board member recruitment, and the broader issue of diversity within the membership of Boards. This will inform the approach to future recruitment exercises.

It is also noted that the Ethical Standards Commissioner carried out a survey of all chairs and members of public bodies in August and September 2020. This led to the publication of the [Report on a Survey on Time Commitment, Remuneration, and Other Aspects of the Role of Public Appointees 2020 \(February 2021\)](#). The survey report sets out a host of issues which are directly relevant to the issue of attracting women onto Boards. Two key issues are the actual time commitment of the role, and the level of remuneration. The Commissioner has recommended that the Scottish Government read the report and publish its response to it. The Commissioner is going to use the findings to inform the forthcoming changes to the current Code of Practice on Ministerial Appointments, and associated statutory guidance.

The above report does set out issues which only the Scottish Government can address, and as such there is a limit to what any individual public body can do on its own. However the Board will of course work with the Scottish Government to progress the development of the public appointment process, and what the Board itself does to meet the gender representation objective, and diversity generally.