

Review of Public Appointments Regulation

Chwarae Teg Consultation Response

September 2011

Introduction

Chwarae Teg promotes, supports and develops the role of women in the Welsh economy. Established in 1992, we do this by raising awareness of the positive contribution women make to economy. We aim to sensitise Welsh Government strategy and policy to the barriers confronting women who wish to fully participate in the labour market.

The persistency of occupational segregation, the over representation of women amongst the working poor, the under-utilisation of women's skills, the gender pay gap, the lack of women in senior and management level positions and the limited number of women in decision making roles presents a challenge to Welsh policy and practice.

Funded by the **Welsh Government** to provide expert advice to Ministers and policy-makers on these matters, Chwarae Teg also designs and manages significant projects that support women's participation in the Welsh economy. In the past, this has included encouraging women's enterprise and providing pre-employment training for economically inactive women in their communities.

Our current project, **AGILE NATION: New ways of working in the 21st century**¹ provides bespoke, accredited management training to equip women to progress into leadership roles. We also work directly with employers, referral agencies and training providers to support the design of gender sensitive employment and training programmes. Chwarae Teg works in partnership with a range of organisations from all sectors.

¹ Funded by European Social Fund and Welsh Assembly Government 2008 - 2014

Consultation Response

Chwarae Teg welcomes the opportunity to comment on the Commissioner for Public Appointments' Review of Public Appointments Regulation. Women account for 51% of the population, 47% of the workforce, they make up the majority of students (55%); and they make most of the family's buying decisions (80%). However, despite their position in society, they remain under-represented in decision making processes that impact the way they live. For example, women hold just 20% of seats in the House of Commons² and hold one third of public appointments.³

"In 2009, just 32.6% of public appointments were women"

(Women's National Commission)

Women in Welsh decision making have suffered particular blows throughout 2010/11. Firstly, the Wales Women's National Coalition was forced to close due to funding issues. This organisation represented Welsh women at many levels and the closure has been a significant loss to the sector. The UK women's body, the Women's National Commission, has also been wound down, with the removal of the Women's Commissioner in Wales. And the number of women elected to the National Assembly for Wales has fallen from 48% to 40%. It is worth noting that in the first Assembly for Wales, women accounted for 51% of seats. It is also important to understand that 25-30% of seats must be held by women in order to 'ensure that the culture is reasonably feminised'.⁴ We do accept that the Government Equalities Office has taken on some of the work of the Women's National Commission and suggest that this mechanism is optimised to raise the profile of women and the public appointment process.

The proportion of seats held by women in the National Assembly for Wales has fallen from 50% in 2003 to 42% in 2011

(EHRC, 2011)

Women have a great deal to bring to the decision making process and yet they account for just under one third of all public appointments.

Women face many barriers to participation at this level, from a

lack of time due to caring responsibilities to lack of knowledge of the appointments process. Typically, women lack confidence and possess a different leadership style to men. Ironically, whilst this is what prevents them from engaging with public life, this is also the very reason why their engagement is so important.

Chwarae Teg is very pleased to see that the Government and Public Appointments Commissioner are committed to increasing the number of women in public life. We also support the target of 50% by the end of this Parliament. We believe that the key to

² EHRC (2011) *Sex and Power 2011*, London, EHRC

³ <http://www.thewnc.org.uk/work-of-the-wnc/women-in-public-life.html>

⁴ Osmond, J. and Morris, N. (2009) *Critical Mass: The Impact and Future of Female Representation in the National Assembly for Wales*, Cardiff, IWA

achieving this is ensuring understanding amongst all involved in the recruitment process of the barriers facing women and other under-represented groups and how these barriers can be removed.

Consultation Questions

1. Is the analysis correct that the current regulatory regime could be improved by a more proportionate, principles and risk based regime. What, if any risks may this pose and how might they be best mitigated?

Women are under-represented in public life, accounting for just 32.6% of public appointments.⁵ Evidence provided by the Equality and Human Rights Commission shows that this figure has actually fallen from 36% in 2003, suggesting that there are issues surrounding the recruitment and retention of women at this level. The Public Appointments Commission has identified five specific areas of concern regarding public appointments. Chwarae Teg is encouraged to see that diversity is one of these concerns and support the introduction of a target for the recruitment of women to the boards of public bodies. We are also pleased to see that the Commissioner has identified that the process is not achieving the desired outcome and is looking to take the necessary steps to change this. The process is very complex and Chwarae Teg supports steps to review the current code. Achieving diversity in public appointments will require steps to address barriers to engagement by under-represented groups. Practical considerations are often a deterrent for women. For example, many have caring responsibilities and so meetings or training should be planned with this in mind. Steps should be taken to actively encourage women to apply for public appointments. These might include providing clear, accessible information or specific training. Chwarae Teg also believes that there is a need to create a talent pipeline. We suggest that the Government works with schools and colleges to encourage young women or those from other under-represented groups to contribute to civil society. The Government should encourage engagement at this early stage in order to develop new talent and increase the pool of individuals with the skills and understanding required for public appointments.

2. Does the draft Code (Annex A) contain the essential principles and elements of process and practice? What, if anything, should be added or removed from the draft Code?

The draft code provided in Annex A of the consultation document has far greater clarity than the 2009 code of practise. The draft code is considerably shorter in length than the current document and makes the overall objectives of recruitment to public appointments very clear. The importance of diversity is emphasised throughout the proposed code as is the requirement of engagement of Ministers and senior officials from the initial stages of the process. The draft code provides an overall framework for the process of recruitment but panels are able to decide on the detail of this process in order to attract the widest possible

⁵ <http://www.thewnc.org.uk/work-of-the-wnc/women-in-public-life.html>

range of candidates. Chwarae Teg believes that this code will encourage departments to consider the needs of under-represented groups and help to address these. We do believe that guidance on the best way to achieve diversity and remove the barriers facing under-represented groups should be made available alongside this code. Formal training on encouraging diversity in public appointments should also be provided to officials involved in the public appointments process.

3. Does the proposed model for independent scrutiny offer a workable model in balancing level of scrutiny against risk?

It is clear from the draft code that achieving diversity is a prime objective of the Public Appointments Commissioner. Chwarae Teg believes that a further step in achieving this objective is to ensure independent assessors receive training in the needs of under-represented groups, the barriers facing them and ways to encourage applications from a range of backgrounds. It is important that training is tailored for this specific purpose, covering issues such as meeting times, location and experience criteria. General equality and diversity training will not be sufficient. We believe that independent assessment will be most useful if this training has been received.

4. Do the proposals for improved audit, reporting and transparency strike the right balance between the assessment of risk and providing assurance of Departmental compliance with the Code, and measures to drive improvement in Departmental capability?

The draft code proposes that the Commissioner will audit departmental public appointment processes and suggests the use of spot checks by independent assessors. Chwarae Teg believes that information and training on objectives for encouraging diversity and how to achieve that must be provided to those involved in the process from the outset. This will give recruitment teams the best chance of success and make audits or spot checks more successful. We also think that further steps must be taken to gender-proof departmental processes, using Equality Impact Assessments wherever appropriate.

5. Are the measures suggested to the Government to build Departmental capability necessary and sufficient to facilitate the regulatory reforms proposed?

No. Chwarae Teg believes that specialist training and guidance must first be provided to all involved in the process. Audits and spot checks will only be useful if recruitment panels are aware of the needs of under-represented groups and how they can meet these.

6. Do the proposals also meet the stated aim of promoting diversity in the processes for making public appointments as summarised in section 5?

Chwarae Teg supports the Government's aim of increasing diversity on boards so that decisions makers are representative of all of society. We are very pleased to note the Government's aim of increasing the number of women on boards to 50% by the end of Parliament. However, we also note that targets are not provided for other under-

represented groups and believe this should be addressed. We also support the simplification of the code, with the consolidation of the seven principles into three – merit, fairness and openness – and emphasis on diversity throughout. We do, however, believe that the Nolan principles of public life should not be forgotten. Once again, we stress the importance of comprehensive training for all involved in designing and implementing recruitment processes around encouraging diversity in public appointments.

7. Will the suggestion to Government on the coverage of public appointments regulation provide the necessary clarity and simplicity of what appointments are regulated and why, both to those making public appointment and the public at large?

The consultation document explains that appointments to the boards of public bodies falls within the commission's remit but appointments to statutory office do not. The consultation document outlines proposals for *all* appointments to require compliance with the code (subject to Government approval). As the proposed new code encourages fairness, transparency and inclusion, Chwarae Teg can see no reason for appointments to statutory office to be exempt from the code. The code promotes good practise and should apply to all public appointments without exception.

8. Do the proposals for reform go sufficiently far at this stage to move towards the aim of convergence with regulatory policy and practice for Civil Service appointments? Are the essential (and constitutional) differences between the two types of appointments properly described and preserved?

Chwarae Teg is encouraged to see that the Public Appointments Commissioner has identified good practice within the Civil Service Commission and is attempting to emulate this. The Public Appointments Commissioner has adopted the three principles of merit, fairness and openness which underpin Civil Service Recruitment. Figures provided on the Civil Service recruitment website show that the Commission has been successful in increasing the proportion of individuals from under-represented groups working in the Civil Service. For example, the representation of women has increased year on year from 46% in 1991 to 53% in 2010.⁶ The proportion of civil service staff with a disability or from an ethnic minority group has increased by more than 50%, reaching 7.6% and 9.2% respectively⁷. Chwarae Teg hopes that by adopting the recruitment model developed by the Civil Service Commission, the Public Appointments Commissioner will be successful in increase diversity in public appointments also.

9. Are the suggestions for using the skills and expertise of Civil Service Commissioner in the regulation of public appointment, in particular in the link Commissioner role, sensible and practicable?

Chwarae Teg believes that the proposal to engage Civil Service Commissioners as advisors to the Public Appointments Commissioner in order to fully benefit from their

⁶ <http://www.civilservice.gov.uk/about/facts/statistics/index.aspx#>

⁷ Ibid.

expertise is extremely sensible and very positive. The Civil Service Commission's "firm on principles, flexible on process approach" allows recruitment panels to develop processes which are appropriate for that department to achieve the required objectives. Given the progress made in increasing diversity by the Civil Service Commission, it makes sense for the Public Appointments Commission to benefit from their expertise.

Final Comment

Achieving diversity in public life is extremely important. Society is made up of people from different backgrounds and the composition of all boards, whether for public bodies or private companies, should reflect this. An appreciation of different styles and approaches will help boards to become more effective. As we have noted throughout this response, it is not just recruitment processes which should be addressed but training should also be a priority. Whether this be to nurture talent for the future or to ensure those responsible for recruitment understand the best ways to encourage diversity in public appointments. Chwarae Teg believes that the proposals for adapting the Code of Practice for Public Appointments are positive. However, the Commissioner should remember that a code alone will not be enough to achieve the desired outcome.

For further information from Chwarae Teg, please contact:

- Christine O'Byrne – christine.o'byrne@chwaraeteg.com
- www.chwaraeteg.com

Chwarae Teg, Anchor Court, Keen Road, Cardiff, CF24 5JW

02920 478900
