

## Report on the Gender Representation on Public Boards (Scotland) Act 2018

This section of the report is for the purposes of compliance with the reporting requirements of The Gender Representation on Public Boards (Scotland) Act 2018, as set out in The Gender Representation on Public Boards (Scotland) Act 2018 (Commencement No. 2) Regulations 2020. It covers the period 1 May 2021 to 30 April 2023.

The Act applies to those non-executive members of the University's governing body, the University Court, who are appointed by the University Court itself but who have not been 'appointed only by virtue of being the winning candidate in an election for membership or by virtue of being nominated for membership by another person'.<sup>1</sup> The following categories of University Court members are in scope:

- Co-opted Members;
- Senior Lay Member (as the appointment involved a two-stage process of interview followed by election for those who passed the interview stage rather than a single stage process of an election only); and,
- General Council Assessors.

The Act sets a 'gender representation objective' that 50% of the membership of Scottish higher education institutions' governing bodies within the certain membership categories explained above are women<sup>2</sup>. Subsequent Regulations added that Scottish higher education institutions must publish by 30 April 2021 and subsequently, at intervals of not more than every two years, a report which includes:

- (a) a statement of whether at the date of publication the gender representation objective has been achieved,
- (b) a statement confirming the number of vacancies for non-executive members which arose during the period covered by the report,
- (c) a statement confirming for each vacancy referred to in sub-paragraph (b) how many recruitment competitions were held with a view to fill the vacancy and, for each competition—
  - (i) the number of applications received and, where applications were received, the percentage which were from women, and
  - (ii) confirmation of whether an appointment was made and, where an appointment was made, whether a woman was appointed,
- (d) details of any steps taken by the appointing person under section 5(1) of the Act to encourage applications from women to become non-executive members of the public board, and
- (e) details of any other steps taken by the appointing person under section 6(2) of the Act with a view to achieving the gender representation objective<sup>3</sup>

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<sup>1</sup> [The Gender Representation on Public Boards \(Scotland\) Act 2018, Schedule 1](#)

<sup>2</sup> The Act had included a definition of "woman" but the Court of Session later found that this definition is outwith the legislative competence of the Scottish Parliament. Updated [statutory guidance](#) now states that: "'woman" in the Act has the meaning under section 11 and section 212(1) ["a female of any age"] of the Equality Act 2010. In addition, in terms of section 9(1) of the Gender Recognition Act 2004, where a full gender recognition certificate has been issued to a person that their acquired gender is female, the person's sex is that of a woman, and where a full gender recognition certificate has been issued to a person that their acquired gender is male, the person's sex becomes that of a man".

<sup>3</sup> [Scottish Statutory Instrument 2020/120](#) (Equality Public Bodies, The Gender Representation on Public Boards (Scotland) Act 2018 (Reports) Regulations 2020), Regulation 3

The first biennial report was published within section 2 of the [Equality Outcomes and Mainstreaming Progress Report 2017-2021](#) and this is the second biennial report. To answer the reporting requirements in turn:

*(a) a statement of whether at the date of publication the gender representation objective has been achieved*

The gender representation objective was achieved by the publication of the first report, in April 2021. At the publication of this report, the gender representation objective is not currently being met as 40% of the present University Court members within the scope of the Act are female and 60% are male.

The current position for the membership of the University Court as a whole is as follows:

<b>April 2023 University Court Membership</b>	<b>No.</b>	<b>%</b>
Female reportable categories	4	40%
Male reportable categories	6	60%
<b>Sub-total</b>	<b>10</b>	<b>100%</b>
Female other categories	6	50%
Female/in another way other categories	1	8%
Male other categories	5	42%
<b>Sub-total</b>	<b>12</b>	<b>100%</b>
All Female	10	45%
All Female/in another way	1	5%
All Male	12	50%
<b>Total</b>	<b>22</b>	<b>100%</b>

*(b) a statement confirming the number of vacancies for non-executive members which arose during the period covered by the report*

Four vacancies for positions on the University Court within the scope of the Act arose during the period covered by this report.

*(c) a statement confirming for each vacancy referred to in sub-paragraph (b) how many recruitment competitions were held with a view to fill the vacancy and, for each competition—*

*(i) the number of applications received and, where applications were received, the percentage which were from women, and*

*(ii) confirmation of whether an appointment was made and, where an appointment was made, whether a woman was appointed,*

Three recruitment competitions have been held to fill the four vacancies:

1. One General Council Assessor vacancy, filled from 1 August 2021
2. Two Co-opted Member vacancies, filled from 1 August 2021
3. One Co-opted Member vacancy, filled from 1 August 2022

Details of these are set out in the table below:

Recruitment competition	Applications received	% Applications from females*	Appointments made	Female appointments
1	8	13%	1	0
2	15	31%	2	1
3	22	33%	1	0
<b>Total</b>	<b>45</b>	<b>24%</b>	<b>4</b>	<b>1</b>

\* Calculated from those who opted to declare this information when applying, which was: 8 of 8 applicants for competition 1, 13 of 15 applicants for competition 2, and 16 of 22 applicants for competition 3.

*(d) details of any steps taken by the appointing person under section 5(1)<sup>4</sup> of the Act to encourage applications from women to become non-executive members of the public board, and  
(e) details of any other steps taken by the appointing person under section 6(2)<sup>5</sup> of the Act with a view to achieving the gender representation objective by 31 December 2022 [note: this no longer applies and the University of Edinburgh had met the gender representation objective by the publication of the first report in April 2021.]*

The following steps have been taken:

- Advertisements for all four vacancies were placed on the board recruitment platforms established by [Changing the Chemistry](#) and [Women on Boards](#), which are focused on improving board diversity and gender representation on boards in particular;
- All advertisements included text encouraging applicants from diverse backgrounds and the advertisement for the third recruitment competition drew upon newly published guidance from sector body AdvanceHE, the [Higher Education Board Diversity and Inclusion Toolkit](#);
- Search agencies were used for the second and third recruitment competition with a mandate to assist in the encouragement of suitable applicants from diverse backgrounds, including gender;
- Became a launch partner in the [Governance Apprenticeship Programme](#), with a governance apprentice now shadowing the University Court over the course of each academic year; and,
- Information on progress in meeting the gender representation objective has been included in papers to the Nominations Committee, the committee responsible for oversight of the recruitment process for new members within the scope of the Act.

### **Diversity of the University Court**

While the reporting requirements relate solely to gender representation within certain categories of University Court membership, the benefits that a diverse University Court more generally can bring is strongly recognised. Search agencies have been utilised in recent years and in an ongoing recruitment campaign with a particular focus on improving the ethnic diversity of the University Court membership alongside bolstering key skills and experience. Equality monitoring information is collated and submitted to the Higher Education Statistics Agency annually and has been summarised

<sup>4</sup> “An appointing person for a public board must take such steps as it considers appropriate to encourage women to apply to become non-executive members of the public board.”

<sup>5</sup> “An appointing person for the public board must, in addition to anything done under sections 3 to 5, take such other steps as it considers appropriate with a view to achieving the gender representation objective by 31 December 2022”

in anonymised form within recent AdvanceHE reports on the diversity of governors in Scottish higher education institutions and in UK higher education institutions.<sup>6</sup>

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<sup>6</sup> Scottish institutions: <https://www.advance-he.ac.uk/knowledge-hub/diversity-he-governors-scotland>; UK institutions: <https://www.advance-he.ac.uk/knowledge-hub/diversity-governors-higher-education-2022>