

## **Board Appointments**

### **1. INTRODUCTION**

- 1.1 As part of the development of our Equality Outcomes 2017-2021 and Board Diversity Succession Plan, SEStran have worked with Changing the Chemistry to offer a 12-month Board Observer position as part of our Equality Act 2010 duties to promote, foster and mainstream the achievement of our outcomes. The SEStran Equalities and Healthcare Forum have also nominated a Board Observer. This paper seeks to confirm the appointment of the chosen Observers via either a formal appointment or continued non-formal process.
- 1.2 The paper provides the Board with an update on progress with the appointment to the current Non-Councillor Member vacancies on SEStran's Board as agreed at March 2017 Board. The paper also provides an update on the Board's representation to Scottish Ministers over SEStran's exclusion from the proposed Gender Representation on Public Boards (Scotland) Bill.

### **2. BOARD OBSERVERS**

- 2.1 The Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 makes provision for the formal appointment of observers. The RTP guidance on membership states that RTPs can appoint observers, who as advisers can make a valuable contribution. This provision would allow SEStran to involve people on the Board who were not appointed as Non-Councillor Members but who would have useful input to make. The SEStran Board agreed in September 2016 to appoint observers to the Board. These observers would not have a vote on the Board and would not be expected to participate in all discussions or all meetings. The aim of this is to provide wider opportunities to suitable representatives to gain experience of attending meetings with the intention that they can then go on and gain a seat on the Board or other public Boards.

### **3 PROCESS**

- 3.1 SEStran officers have progressed the delegated task of recruiting and recommending for appointment Board Observers. Changing the Chemistry sent a message to all their members seeking expressions of interest in the post and a formal submission of a covering letter and CV. 3 applications were submitted and following discussions with the Chairperson in March 2017 it was recommended that Kerra McKinnie be appointed. Kerra has worked across a number of sectors previously including financial services, food and drink and retail, having held senior positions with Tesco Bank, John Menzies distribution and Scottish Building Society. Kerra has some experience of working on voluntary boards and is a resident of East Lothian with a keen personal interest in transport.

**3.2** The Equalities and Healthcare Forum nominated Gordon Mungall at their October 2016 meeting. Gordon has been a long-standing member of the forum and is also Chairperson of Disability West Lothian, which is a group of individuals and representatives of organisations who work for and with people with disabilities and are committed to improving the quality of life of disabled people in West Lothian. The needs of disabled people to develop planned strategies which seek to reduce the negative barriers affecting disabled people within their community to build good working relationships with all service agencies and to promote new initiatives which increase integration.

#### **4 NON-COUNCILLOR BOARD MEMBER APPOINTMENTS 2018**

**4.1** The agreement of the Board Diversity Plan and commitment to a transparent and inclusive recruitment, on the basis of the current application pack, was agreed at the March 2017 Board meeting. The Partnership Director and Secretary have overseen the publication of the vacancy adverts in line with the previously used application pack and Scottish Public Appointments forms and guidance.

**4.2** Advertisement of the vacancy commenced on 26 June<sup>1</sup> and is scheduled to close on 30 September. As discussed at the March 2017 Board meeting, the application pack is not specific on the membership of the interview panel, and this will be updated once a Chair has been appointed and a further paper will be tabled to September Board meeting to determine the details of the process and membership.

#### **5 GENDER REPRESENTATION ON PUBLIC BOARDS BILL**

**5.1** The SEStran Board in March 2017, agreed to lobby for inclusion in the Stage 1 Bill of SEStran as a Regional Transport Partnership (RTP) and public body. The draft bill<sup>2</sup> signed into Parliament on 16 June included all RTPs within the scope of the legislation.

**5.2** Using the new competence transferred to the Scottish Parliament through the Scotland Act 2016, the Bill will require positive action to be taken to redress gender imbalances on the boards of public sector bodies. The key principles that:

- Positive action measures can only be used to appoint on the grounds of gender where candidates are judged to be of equal merit; and
- These measures cannot give automatic and unconditional priority to female candidates over male candidates, and vice versa.

The Bill sets a gender representation objective for the non-executive member component of public boards and requires certain actions to be taken in the appointing of non-executive members towards the achievement of the objective. The Bill covers Scottish public authorities with mixed functions or

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<sup>1</sup> Insert weblink to Appointed for Scotland

<sup>2</sup>[http://www.parliament.scot/Gender%20Representation%20on%20Public%20Boards%20\(Scotland\)%20Bill/SPBill16S052017.pdf](http://www.parliament.scot/Gender%20Representation%20on%20Public%20Boards%20(Scotland)%20Bill/SPBill16S052017.pdf)

no reserved functions; and Non-executive members who are appointed and who are not also employees of the body in question.

**5.3** Further updates will be provided to the Board as the Bill progresses through Parliament. The current timescale looks like Royal Assent might be achieved in late Summer/early Autumn 2018. The legislation is framed in a manner, that it would at the point of decision, require an action to be taken if there are 2 candidates of equal merit, one man one woman, the appointing authority to choose the woman unless there are exceptional circumstances. The other significant requirement of the draft legislation is to seek public bodies to take steps to actively encourage applications from women and to consider other appropriate action. Given SEStran's existing and planned actions, the draft legislation does not propose significant new requirements for SEStran.

## **6. CONCLUSION / RECOMMENDATIONS**

**6.1** The paper recommends that the Board formally appoint Kerra Mckinnie and Gordon Mungall as a formal Board Observers;

**6.2** The Board are asked to note the update on the advertisement of Board vacancies; and

**6.3** Note the inclusion of SEStran and other Regional Transport Partnerships in the draft Gender Representation on Public Boards (Scotland) Bill and the legal duties on SEStran that will follow Royal Assent in 2018.

George Eckton  
**Partnership Director**  
16<sup>th</sup> June 2017

Andrew Ferguson  
**Secretary**

Policy Implications	N/A
Financial Implications	N/A
Equalities Implications	Directly supports the achievement of the Board Diversity Succession Plan and Equality Outcomes 2017-2021 as agreed by the Board in March 2017. NCM2018 application process directly addressing equalities requirements.
Climate Change Implications	N/A