****

|  |  |
| --- | --- |
| Nominations and Remuneration Committee Meeting | |
| Date of Meeting | Monday 1 July 2019 |
| Paper Title | Draft Consultation Response – Gender Representation Act |
| Agenda Item | 7 |
| Paper Number | NRC6-C |
| Responsible Officer | Penny Davis, Board Secretary |
| Status | Disclosable |
| Action | For Decision |

1. Report Purpose
   1. This report asks Members to agree GCRB’s response to the current consultation on the implementation of the Gender Representation on Public Boards (Scotland) Act 2018.
2. Recommendations
   1. The Committee is asked to consider and, as appropriate, agree the draft response for submission via the online response form.

3. Background

* 1. The Scottish Government is developing guidance in relation to the Gender Representation on Public Boards (Scotland) Act 2018 and recently launched a consultation on its proposals for implementation of the Act and reporting on public authorities’ and appointing persons’ progress with implementation.
  2. The deadline for submission of consultation responses is 4 August and the GCRB Board agreed at its meeting on 17 June that the Nominations and Remuneration Committee, given its membership and appointments remit, should agree a response on the Board’s behalf.
  3. The consultation is designed for online responses. The guidance and associated commentary has not been reproduced here, but may be accessed at <https://consult.gov.scot/equality-unit/gender-representation-on-public-boards/>
  4. For the most part, the guidance is relatively straightforward and consistent with expectations. GCRB has taken steps over the past two years to ensure that it has an informed approach to board gender balance and diversity, and is well placed to implement any incoming requirements. In addition to a small number of issues highlighted in the draft responses (in blue text) in Appendix 1, the key considerations for GCRB will be:
     1. establishing reporting arrangements within the region, ie, by Assigned Colleges to GCRB, that will enable it to fulfil its duties as Appointing Person;
     2. the co-ordination of information and publication of reports across the region, since the colleges will have to report as Public Authorities and GCRB will also have to report, both on its own members and on its appointment of Assigned College members;
     3. developing a collaborative approach to succession planning and recruitment across the region in the interests of achieving consistent good practice and minimising duplication.
  5. The Committee may wish to consider whether it would be beneficial to work with Assigned College Chairs/Nominations Committees during 2019-20 across the region in the interests of establishing arrangements that support compliance and good communication, and minimise duplication of effort*.*

**4. Draft Consultation Response**

See Appendix A

5. Risk Analysis

**5.1**  The objective of the new legislation and associated guidance is to achieve more balanced and representative public sector boards. For GCRB, seeking to ensure it implements the guidance effectively and has adopted a regional approach, where appropriate, will help to mitigate risks 011, the capacity and capability of the Board is inadequate and standards of governance fall below the level required, and 012: there is a breach of legislation/guidance/code of practice and this results in a failure of governance.

6. Legal Implications

**6.1** There are no legal implications besides those directly referred to in the report.

7. Resource Implications

**7.1** There are modest implications arising from a new strand of compliance reporting, given that GCRB has reporting duties under the new legislation that were not previously in place.

**8. Equalities Implications**

**8.1** Equalities implications are addressed in the consultation.

9. Strategic Implications

**9.1** There are no new strategic implications arising from the report.