Diversity in Political Representation in Scotland -Data Improvement Project Proposal



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1. Introduction

Electoral stakeholders in Scotland have a long history of taking and promoting measures to widen access to political participation and seeking to ensure that our elected institutions are representative of the communities they serve. Data on the characteristics of candidates and elected representatives is very limited, however, making it impossible to fully assess the diversity of political representation in Scotland, to effectively monitor change over time, and to ensure policies and initiatives are aligned with accurate data.

The Scottish Government has been scoping out a project to work with partners and stakeholders to improve the completeness of data on the diversity of election candidates and elected representatives in Scotland.

This paper sets out the details of a proposed new data collection at the 2022 local council elections, and is being published to invite feedback and comments on the proposed approach. Contact details are provided at the end of the <u>paper</u>.

2. Context

2.1 Equality and diversity characteristics

Under the Equality Act 2010¹, it is unlawful to discriminate against someone because of one or more of the following protected characteristics:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race
- religion or belief;
- sex:
- sexual orientation.

The Equality Act also provides the legal framework² for positive action measures by political parties, intended to address the disadvantages and under-representation experienced by people who share protected characteristics³.

The Fairer Scotland Duty⁴, Part 1 of the Equality Act 2010, came into force in 2018. It places a legal responsibility on particular public bodies, including Scottish Ministers and local authorities to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions.

² Equality Act 2010: Special provision for political parties

¹ Equality Act 2010

³ Equality and Human Rights Commission Equality Act 2010 – guidance for political parties

⁴ Fairer Scotland Duty: quidance for public bodies

2.2 Legislative context and voluntary commitments to publication of data

There is currently no legal requirement to collect or publish information on the equality characteristics of candidates for elections in Scotland. Section 106⁵ of the Equality Act 2010 would require political parties to publish information relating to the protected characteristics of applicants for nomination and/or election candidates. It has not, however, been commenced by the UK Government. If Section 106 was commenced, it would not as currently set out in the legislation, include local government elections in its scope. It would also apply only to registered political parties, so not independent candidates who made up almost a fifth of candidates at the 2012 and 2017 Scottish local government elections⁶.

The five largest parties in Scotland signed up to Inclusion Scotland's Access to Politics Charter⁷, which includes a commitment to "voluntarily publish data on protected characteristics of our candidates in line with section 106 of the Equality Act 2010 for all elections, including Scottish local authority elections". At the time of publication of this paper no published data is yet available from political parties on the diversity of their candidates for the 2021 Scottish Parliament election, and it is not yet known whether all parties plan to meet this commitment for the 2022 local government elections. Ensuring this data is gathered and reported consistently is important from the perspective of seeking to collate a national picture of the diversity of candidates. As set out at Section 4.1, below, this project hopes to make a contribution to the development of a consistent approach to collecting and reporting on this data.

The data that is available comes from surveys and observation, as set out briefly below. There is no publicly available data on applicants for nomination as candidates.

2.3 Current availability of diversity data

2.3.1 Data on election candidates

Data on the proportion of female candidates at local government elections has been collected since 1999, relying on names, knowledge of Returning Officers (ROs) and academic desk research. These methods of data collection are imperfect, and not able to be used for collection of data on all protected characteristics, but nevertheless provide a relatively complete picture for the gender breakdown of local government candidates since 1999 (see Figure 1).

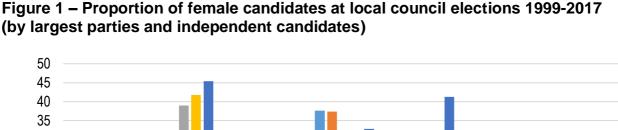
The available data shows that the proportion of female local government candidates rose by only four percentage points between 1999 and the last election in 2017, from 26.8% to 30.5%. As Figure 1 shows, progress towards gender balance amongst candidates has varied considerably by party. There was a decline in the proportion of female candidates among all of the major parties following the introduction of the Single Transferable Vote (STV) electoral system in 2007⁸. At a national level there was no increase in the number of female candidates in 2012, and the proportion of female candidates only reached 30% for the first time in 2017.

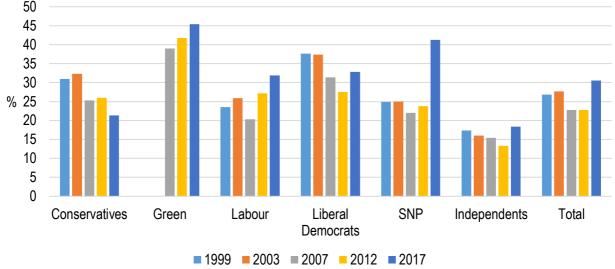
⁵ Equality Act 2010: Section 106

⁶ Electoral Commission (2017) <u>Scottish council elections 2017: Report on the administration of the elections held on 4 May 2017</u>

⁷ Access to Politics Charter - Inclusion Scotland

⁸ Bochel, H. & Denver, D. (2007) A Quiet Revolution: The Scottish Council Elections of 2007





Source: Bochel and Denver reports for the Electoral Commission in 2007, 2012 and 2017 (see footnotes)

ROs have previously collected data on the gender of candidates, based on the names of candidates and their own knowledge⁹. Aggregated data for the 2017 local council elections was published in the Electoral Management Board (EMB)'s summary of candidates nominated¹⁰. This included a breakdown by local authority, showing that the proportion of candidates who were female ranged from a high of 40% in East Ayrshire Council to a low of 12% in Comhairle nan Eilean Siar.

Scottish Parliament Information Centre (SPICe) local government elections briefings in 2012 and 2017 used data provided by the EMB to provide gender breakdowns of local government election candidates by political party¹¹ 12.

Professors Hugh Bochel and David Denver (and in 2012 Dr Martin Steven) have produced a number of reports on behalf of the Electoral Commission following Scottish local government elections. Noting that the figures for percentages of female candidates were according to their best judgement based on publicly available information, their reports have provided breakdowns of the percentage of women candidates by political party for each local government election from 1999 to 2017¹³ ¹⁴ ¹⁵.

⁹ In their 2017 candidates summary, the EMB noted: "Data on gender was based on the name of the candidate, or the knowledge of the Returning Officer. As such there may be inaccuracies. However, the analysis does not assign a gender identity to any individual candidate but aims to give a general overall sense of the gender balance of candidates".

¹⁰ Electoral Management Board for Scotland RO Return (Nominations) for the EMB – Summary of candidates nominated 2017

¹¹ Scottish Parliament Information Centre SPICe Briefing - Local government elections 2012

¹² Local Government Elections 2017

¹³ Bochel, H. & Denver. D. (2007) A Quiet Revolution: The Scottish Council Elections of 2007

¹⁴ Bochel, H. Denver, D. Steven, M (2012) Report on Scottish Council Elections 2012

¹⁵ Bochel, H. & Denver. D. (2017) 2017 Scottish Council elections Report

Within the 2016 and 2021 House of Commons Scottish Parliament Election briefing papers¹⁶, data on the gender of candidates was gathered by volunteers for Democracy Club¹⁷. Candidate data was collected from 'Statement of Persons Nominated' reports, published by councils before an election. When data was not available the gender of candidates was inferred from the candidate's first name. The Democracy Club acknowledged the limitations of this methodology.

Data on the proportion of candidates with other protected characteristics is very limited, or not available for some characteristics, and no intersectional analysis is available.

In their report on the diversity of candidates and elected officials in Great Britain¹⁸, the Equality and Human Rights Commission (EHRC) drew on data from surveys of candidates at the 2016 Scottish Parliament election and 2017 local government elections undertaken by Dr Wolfgang Rüdig at the University of Strathclyde as part of the cross-country Comparative Candidates Survey¹⁹. The surveys ask standardised questions across issues including campaigning and political views, but also collected data on age, disability, race, religion or belief, sex and sexual orientation. Response rates to the surveys were 32% for Scottish Parliament candidates and 34% for local government candidates, so while valuable data was gathered across a range of topics, it is not known how representative the diversity data is of the national picture.

Surveys of councillors are undertaken after each local council election by the Improvement Service (and previously by Cosla). In 2003 and 2007, the Scottish Government undertook parallel surveys with unsuccessful candidates so that a national picture for all candidates was produced^{20 21 22}. The surveys collected data on the characteristics of candidates as well as their motivations and experiences of standing. Both surveys resulted in response rates of around 60%.

2.3.2 Data on Councillors

SPICe briefings following the 2012 and 2017 local government elections²³ reported the proportion of council seats in Scotland by party and gender using data provided by the EMB. The reports by Bochel and David Denver (and Steven in 2012) for the Electoral Commission have provided data on the percentage of female councillors by political party for each local government election from 1999 to 2012²⁴ ²⁵.

¹⁶ House of Commons Library <u>Scottish Parliament Elections - 2016</u>; <u>Scottish Parliament Elections - 2021</u>

¹⁷ Democracy club

¹⁸ Equality and Human Rights Commission (2019) <u>Diversity of candidates and elected officials in</u> Great Britain

¹⁹ The Comparative Candidate Survey

²⁰ Scottish Executive (2003) National Survey of Local Government Candidates, 2003

²¹ Scottish Government (2008) National Survey of Local Government Candidates, 2007

²² Scottish Government (2008) National Survey of Local Government Candidates and Councillors, 2007 - Research Findings

²³ Scottish Parliament Information Centre <u>SPICe Briefing - Local Government elections 2012;</u> SPICe Briefing - Local Government Elections 2017

²⁴ Bochel, H. & Denver. D. (2007) A Quiet Revolution: The Scottish Council Elections of 2007

²⁵ Bochel, H. Denver, D. Steven, M (2012) Report on Scottish Council Elections 2012

Figure 2 shows the proportion of female candidates and councillors at each local council election since 1999, against the proportion of women in the population (51.3% in 2017²⁶).

60 50 40 % 30 20 10 0 1999 2003 2007 2012 2017 Female population in Candidates Councillors Scotland (2017)

Figure 2 - Proportion of female candidates and councillors at local council elections 1999-2017

Sources: Bochel and Denver reports for the Electoral Commission in 2007, 2012; SPICe; National Records of Scotland (see footnotes).

Data on the proportion of councillors with other protected characteristics is limited, or not available for some characteristics, and no intersectional analysis is available.

Surveys of councillors in Scotland have been carried out by Cosla, and then the Improvement Service, following each local government election since 1999²⁷ ²⁸. Diversity data is collected as part of these surveys, although it is not their primary purpose. The response rates are not sufficiently high for the surveys to be a reliable source of data on the equality characteristics of elected members over time (only a third of councillors responded to the most recent councillor survey in 2017).

2.3.3 Data on Members of the Scottish Parliament

SPICe briefings following 2016 and 2021 Scottish Parliament Elections provided gender breakdowns of MSPs elected by political party. Following the 2003 and 2007 Scottish Parliament elections, SPICe published the sex, ethnicity and age profile of elected MSPs. Educational, occupational and political background was also published²⁹.

The EHRC's report on the diversity of candidates and elected officials in Great Britain³⁰, included data on the age, sex and race of MSPs gathered from publicly available sources

²⁶ National Records of Scotland <u>Population Estimates Time Series Data</u>

²⁷ Improvement Service Scotland's Councillors 2013

²⁸ Improvement Service Scotland's Councillors 2017-2022

²⁹ Scottish Parliament Information Centre <u>SPICe Briefing: Election 2003</u>; <u>SPICe Briefing: Election 2007</u>; <u>SPICe Briefing: Election 2016</u>; <u>SPICe Briefing: Election 2021</u>.

³⁰ Equality and Human Rights Commission (2019) <u>Diversity of candidates and elected officials in Great Britain</u>

such as MSPs personal websites, political parties' websites and the Scottish Parliament website³¹. Two ethnic minority MSPs were elected in 2016, which increased to six in 2021 including the first two women of colour. The first permanent wheelchair user was elected to the Scottish Parliament in 2021, however, no reliable data is currently available on the overall proportion of MSPs with disabilities, since these are very often invisible or 'hidden'³².

2.3.4 Data on Members of the UK Parliament

The House of Commons Library have published a number of reports examining the characteristics of MPs. The reports draw on data from the House of Commons library MP database, academic sources, newspaper articles and observation. The reports publish data on the gender, sexual orientation, age, ethnicity, parliamentary experience, education and occupation of MPs^{33 34 35}.

The EHRC report on the diversity of candidates and elected officials in Great Britain published data on the diversity of elected MPs from the 2017 General Election³⁶. Data on age, sex and race was available for almost all of the elected MPs using observational data. Data on disability, religion or belief, sexual orientation and trans status was taken from a parliamentary candidates survey³⁷. Response rates for the survey questions on disability, religion or belief, sexual orientation and trans status was only 28% for MPs, with response rates for questions on disability and sexual orientation dropping to 8%.

2.4 Approaches to data collection in other countries

A brief review of practice in selected other countries found a range of different approaches to collecting data on the diversity of candidates, to some extent related to whether those countries have population or centralised candidate registers.

Finland and Norway use similar methods to each other, where data is gathered prior to parliamentary and municipal elections on the Finnish electoral candidate register³⁸ and Norwegian electronic election administration system³⁹. Data gathered includes gender, age, country background, education and occupation.

In Sweden, candidate data is collected from the population register. Data is collected on sex, age and whether or not the candidate is a Swedish citizen based on information in the

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³¹ English, P., Morales, L., and Sobolewska, M. (2016), 'UK Dataset of the project Pathways to Power: The Political Representation of Citizens of Immigrant Origin in Seven European Democracies'. ESRC (ES/L016664/1) in EHRC (2019)

³² Evans, E. & Reher, S. (2021) <u>Barriers to elected office for disabled people</u> UK Government Equalities Office

³³ House of Commons Library UK Election Statistics: 1918-2021: A Century of Elections

³⁴ House of Commons Library Social background of MPs 1979-2019

³⁵ House of Commons Library Ethnic diversity in politics and public life

³⁶ Equality and Human Rights Commission <u>Diversity of candidates and elected officials in Great</u>
Britain

³⁷ Campbell, R., Hudson, J. and Rüdig, W. (2017) Representative Audit of Britain

³⁸ Statistics Finland <u>Background analysis of candidates and elected MPs in Parliamentary elections</u> 2019

³⁹ Statistics Norway Storting election, candidates

population register. Ballot papers contain candidates' name, party, age, gender and occupation⁴⁰.

In Canada, political parties do not collect, or publish, individual-level candidate data. Accounting for this absence, a largescale dataset (4,516 candidates) has been produced that has collated candidate data from the four most recent federal elections⁴¹. Data collection methods have involved analysis of official party and candidate websites, social media, news report, the Library of Parliament, and biographical and photograph analysis. Data includes gender, race, occupation, party, prior electoral experience and electoral outcome.

In New Zealand, local government candidates were surveyed by the Department of Internal Affairs between 2001-2007. The response rate in 2001 was 63%. Data was collected on gender, age, place of birth, Maori ancestry, ethnicity, employment, occupation, geographical location, household income and household composition⁴².

As part of the Local Government (Wales) Measure 2011⁴³, every local authority in Wales is required to conduct a survey of councillors and candidates at each local government election. The survey includes questions on gender, age, sexual orientation, ethnicity, disability, religion or belief, health, education and qualifications, employment and work as a councillor. In 2017, the response rate for county candidates was 24% and for community candidates was 17%44.

The Comparative Candidates Survey⁴⁵ is a cross-country survey that asks elected representatives various questions about their political candidature and background (including sex, year of birth, citizenship, level of education, employment status, affluence, religion, marital status, children). There are 35 participating countries from Europe, North America, South America and Australasia. Dr Wolfgang Rüdig at the University of Strathclyde has collected data in Scotland as part of this project (see 'Data on election candidates' section, above).

⁴⁰ Swedish Election Authority Elections to the Riksdag - Age and gender

⁴¹ Johnson, A., Tolley, E., Thomas, M., & Bodet, M. (2021). A New Dataset on the Demographics of Canadian Federal Election Candidates. Canadian Journal of Political Science, 54(3), 717-725.

⁴² New Zealand Department of Internal Affairs <u>Local Authority Election Candidates Report</u>

⁴³ Local Government (Wales) Measure 2011

⁴⁴ Welsh Government Local Government Candidates Survey 2017

⁴⁵ The Comparative Candidate Survey

3. Proposed new data collection

The previous section set out the limitations of the currently available data on the diversity of candidates. In this context, we have discussed potential options for improving data collection with the Electoral Management Board for Scotland, Electoral Commission, the Improvement Service, Cosla, Inclusion Scotland, Engender, the Equal Representation Coalition, the Poverty and Inequality Commission and the Scottish Parliament Political Parties Panel to date.

These discussions have indicated broad consensus and support for a proposal to collect diversity data via a non-mandatory questionnaire completed at the candidate nomination stage, when all candidates (or their agents) are completing nomination papers and submitting these to their local election office.

The objectives and scope of the project are set out below, and the following sections set out further detail on the proposed approach, which we would welcome <u>feedback</u> on.

3.1 Objectives

The overall aim of the project is to improve the evidence base on the diversity of political representation in Scotland, helping to ensure that policies and initiatives in pursuit of an intersectional approach to increasing diversity are appropriately aligned.

In order to meet this aim, the project seeks to achieve the following objectives:

- to develop a robust process for collecting data on the diversity of candidates and elected representatives in a way that maximises the completeness of the data;
- to ensure that the data collected enables comparison with the national picture, intersectional analysis, and the monitoring of progress over time;
- to work with electoral partners to develop a process for data collection that is efficient and minimises burden on candidates and Returning Officers;
- to work collaboratively and transparently with equality stakeholders, political parties and others to ensure the process is well-designed, and candidates and interested parties have confidence in it; and
- to publish aggregated findings and data (fully complying with data protection laws).

3.2 Scope

The scope of the project is to collect data on the diversity of candidates and elected representatives at the 2022 local government elections. We will evaluate the success of the exercise after the election and any decisions on repeating it at future elections would be considered nearer the time. The project will capture the picture at the time of the election, and we do not propose to collect data at subsequent by-elections.

We propose to collect data on all protected characteristics apart from marriage and civil partnership, and pregnancy and maternity, reflecting the approach set out in Section 106 of the Equality Act 2010. This would therefore include:

- Age;
- Sex:

- Gender reassignment;
- Disability;
- Race;
- · Religion or belief;
- Sexual orientation.

We are also proposing the inclusion of questions on socio-economic status in line with the Fairer Scotland Duty, and questions on previous experience as a candidate / elected representative and caring responsibilities, to capture additional understanding of the diversity of candidates and elected representatives.

We are not proposing the inclusion of questions exploring the experiences of candidates in seeking nomination and any barriers they may have faced in seeking to become or previously serving as a councillor. This evidence would be extremely valuable and we intend to explore, with partners, options for conducting research on these issues following the election. As noted in the following section, the questionnaire proposed here is intended to be kept as short as possible in the hope that this maximises response rates and the completeness of the data gathered.

4. Designing the Questionnaire

4.1 Approach

In designing the questionnaire for this exercise, we have sought to take into account a range of factors as set out below:

- The questions should allow comparison of the profile of election candidates with the national picture.
- This exercise may be able to make a contribution to the development of a standardised questionnaire and approach to reporting that can be used by others including political parties. Seeking feedback now is intended to ensure the questionnaire is as useful as possible, and future-proof as far as possible for future data collection exercises.
- Response rates for similar surveys have been low. In order to seek to maximise the likelihood of candidates responding, the questionnaire will be as short and straightforward to complete as possible.
- Candidates may find some questions more sensitive than others. Instructions will be
 provided to respondents making clear that questions are voluntary and if there are
 any questions they do not want to answer, they can just go on to the next one.
- Questions will be designed to be proportionate and gather only as much detail as required to obtain a picture across the protected characteristics.
- Accessibility ensuring the questionnaire is available in formats that meet the needs of respondents.

The proposed questionnaire has been developed along the lines of equality monitoring forms and diversity monitoring forms that are commonly used in a range of settings, with the addition of potential questions on parliamentary experience, socio-economic status/background and caring responsibilities. While diversity monitoring forms are commonly used in a range of settings, there is not a single existing suite of agreed questions to use for this purpose⁴⁶, and indeed one of the weaknesses noted in the EHRC's report about the currently available data on election candidates, was the lack of consistency in data collection, and the associated "fragmented picture across protected characteristics with many gaps" ⁴⁷.

We have reviewed key sources of guidance on collecting diversity data, explored the approaches taken by different surveys, and sought advice from a number of equality and diversity stakeholders to date. To enable comparison with the national picture and consistency with similar international surveys we specifically looked at questions in the following surveys:

- 2022 Census⁴⁸;
- Scottish Household Survey (SHS)⁴⁹;

⁴⁶ Scottish Government (2021) Public sector - understanding equality data collection

⁴⁷ Equality and Human Rights Commission (2019) <u>Diversity of candidates and elected officials in</u> Great Britain

⁴⁸ Scotland's Census - 2022 Question Set

⁴⁹ Scottish Household Survey questionnaires

- Improvement Service Survey of Councillors⁵⁰;
- Welsh Local Government Candidates Survey⁵¹;
- Comparative Candidates Survey⁵².

4.2 **Proposed questions**

In order to collect data on the diversity of election candidates and elected representatives in Scotland the questionnaire proposes to ask candidates and elected members questions on the following protected characteristics:

- age;
- sex:
- sexual orientation;
- gender reassignment;
- disability;
- race:
- religion or belief.

To capture additional information on the diversity of candidates and elected representatives, the questionnaire also proposes to ask questions on:

- socio-economic status;
- previous parliamentary experience;
- caring responsibilities.

Annex A sets out the proposed questions and response options in full as well as the rationale for each question choice. Where possible, the questions proposed in the questionnaire reflect either or both of the 2022 Census and the annual Scottish Household Survey.

To ensure that the form and subsequent data is as useful as possible for partners and stakeholders, we would welcome comments and feedback on what is proposed.

4.3 Making the questionnaire available in different formats

Engagement with stakeholders to date has indicated that an approach that provides both an electronic and a paper-based option for responding will best meet candidate's needs. The questionnaire will therefore be provided alongside an information leaflet as follows:

- 1. As an online survey, accessible via a QR code and hyperlink provided on the paper and printable questionnaire taking candidates to an electronic version of the survey to enable them to complete it on their phones or other electronic devices;
- 2. As a paper form, leaflet and return envelope given out with nomination papers by ROs (marked as non-mandatory); and
- 3. As a printable form and leaflet available to download online and print (marked as non-mandatory) for those not travelling to collect nomination papers from their council office.

⁵⁰ Improvement Service Scotland's Councillors 2017-2022

⁵¹ Welsh Government Local Government Candidates Survey 2017

⁵² Comparative Candidate Survey (CCS) Module II

We will continue to consider further options to ensure the form and process for responding are as accessible as possible, and would welcome comments and <u>feedback</u> on this.

4.4 Facilitating analysis of both candidates and elected representatives in one exercise – collecting names

The exercise aims to enable analysis and reporting both on the diversity of all candidates for election in May 2022, as well the diversity of the cohort of councillors elected. To avoid the need for two separate data collection exercises, and the associated risk that newly (re)elected councillors may not be keen to fill in the same form a second time in the aftermath of the election, we are proposing to ask for candidate names as part of the exercise.

Under the proposed approach candidates would be asked to provide their name with their online or paper questionnaire response. Prepaid sealable envelopes would be provided to candidates with the paper forms, intended to provide both a straightforward and free means of returning their questionnaire, but also some reassurance that their data is being returned privately in envelopes that will not be opened until the data entry stage.

Once analysts receive the sealed envelopes and electronic survey data they would attach a unique identifier to each candidate name and to their diversity data. The names would then be separated from the candidate's responses and stored separately in restricted electronic storage. Paper questionnaire responses would be stored in secure locked storage and destroyed as soon as quality assurance of the data entry is complete. As a result, only the unique identifiers would be linked to candidates' diversity data.

Using unique identifiers is standard practice with surveys of this nature and enables trained analysts / researchers to keep track of which responses belongs to which candidate without using the candidates' names.

Following the election, the successful candidates will be marked on the list of candidate names and unique identifiers. The record of successful and unsuccessful candidates by unique identifier only would then be linked to the diversity data so that the diversity dataset can then be analysed by either all candidates or by successful and unsuccessful candidates. Candidate names and linking information would at all times be stored securely and separately from diversity data, and only a small number of analysts undertaking the data entry would have access to candidates' names and response data.

5. Proposed Approach to Data Collection

The proposed new data collection would take place in advance of the 2022 local government elections using the (non-mandatory) questionnaire outlined above to collect diversity data at the candidate nomination stage, when all candidates (or their agents) are completing mandatory nomination papers and submitting these to their local election office.

The key steps in the data collection process are set out below. If you would like any more information on the proposed approach or the rationale for this approach, or if you have comments / suggestions, please don't hesitate to get in touch.

We will continue to work with the EMB and welcome feedback from ROs to ensure the process is as efficient as possible and minimises the burden on candidates and ROs.

Step 1: Development of data collection materials and approach

The process of developing the questionnaire and approach to data collection is the subject of this paper. We will continue to engage with interested parties as we finalise the data collection materials over the coming weeks, and respond to any feedback received in response to this paper.

Step 2: Dissemination of materials

In early February 2022, the Scottish Government will print and send enough paper copies of the questionnaire, information leaflets and return pre-paid envelopes as required to ROs in each local authority in advance of the nomination period opening in March.

We also propose to provide a printable version of the paper questionnaire (marked as non-mandatory) online able to be downloaded and printed, for those who do not pick up nomination papers directly from council offices.

The online version of the form will be accessible via QR code or hyperlink from the information leaflet and paper and printable versions of the questionnaire, and the link will be shareable in any subsequent electronically circulated reminders about the survey.

Step 3: Inviting candidates to complete the questionnaire

During the March candidate nomination period, ROs would hand out the paper questionnaire, information leaflet and return pre-paid envelopes to candidates or their agents when they collect nomination papers from council offices, noting that the questionnaire is not a mandatory part of the nomination papers, but pointing them to the information leaflet on the project, which we hope will encourage participation.

Where candidates or their agents have downloaded online candidate nomination forms, information and instructions for responding online or by printing and returning paper versions of the questionnaire will be provided.

Step 4: Returning the questionnaire

Candidates will either:

- complete the questionnaire online on their phone or other electronic device.
- post paper questionnaires (whether received from their RO or downloaded online and printed) in the pre-paid envelope provided*, or hand their sealed pre-paid envelope to their ROs alongside their nomination papers so that ROs can put directly in the mail.
- * As discussed in the previous section, the pre-paid envelopes are provided for privacy for candidates. A supply of envelopes will be provided to ROs, in case candidates or agents lose the original envelope they picked up with nomination papers or don't have them because they downloaded the questionnaire directly online.

Step 5: Data processing after nomination period

Analysts would be responsible for inputting the data from the paper questionnaires and assigning each candidate a unique identifier. Access to the paper questionnaires and data would be restricted to a small number of analysts to ensure candidate's privacy. Paper forms would be stored securely in locked cabinets until they are destroyed following quality assurance of the data entry.

It is currently being confirmed whether data entry will be undertaken by a small number of SG analysts or by a data entry contractor, with a pseudonymised dataset being provided securely to SG analysts for quality assurance and analysis.

Step 6: Data stored in secure password protected file until election

The data from the questionnaires will then be stored in a password protected file on a secure server until the election results. Access to the file will be restricted to a small number of analysts.

Step 7: Data processing post-election

Following the results of the election, analysts will input whether each candidate was successful or unsuccessful in order to be able to provide a breakdown of the diversity of all candidates, and the diversity of elected members at the 2022 elections. Candidate's diversity data would then be analysed using a dataset with unique identifiers only.

Step 8: Reporting

Aggregated data and an anonymised dataset will be published once analysis is complete. See Section 6 for information on the approach to reporting.

Step 9: Potential to retain candidate's names securely for data linkage at future elections

The Scottish Parliament Local Government, Housing and Planning Committee held a meeting⁵³ on 23 November 2021 seeking to understand the barriers to participation in local politics. Specifically, the committee wanted to try and understand why there are not more younger people, more women and more people of colour becoming councillors or remaining as councillors.

Retaining candidates' names securely following the 2022 local government election to allow data linkage at future elections may enable analysis over time of the issue of retention raised by the Committee. It would enable analysis of whether candidates and councillors with certain protected characteristics are less likely to stand again at future elections than those without these characteristics. If this option was pursued, candidates data would again be analysed using unique identifiers and all linking information would be held separately and securely.

While there would be benefits to this approach from an evidence perspective, this is required to be balanced against the importance of maximising candidate's comfort in providing their data and participating in this exercise. Therefore we would welcome-your views on the potential to retain candidate's names securely for data linkage at future elections.

Step 10: Review exercise

The 2022 local council elections will be the first time that this approach to collecting diversity data from candidates at the nomination stage has been tried. Following the election, we will review the process with stakeholders, including looking at the response rate and associated representativeness of the data, and the experience of participating in the exercise for ROs and candidates. We will also look at the wider context in terms of any legislative changes or further voluntary commitments, and this will feed into consideration of whether the exercise is repeated at future elections.

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⁵³ <u>Scottish Parliament Local Government, Housing and Planning Committee meeting - Diversity of</u> representation at local government elections | Scottish Parliament Website

6. Deliverables and approach to reporting

The 2022 local government election candidate and elected member diversity data will be analysed and reported via a publication on the Scottish Government website. Within the publication we will:

- Present the diversity characteristics of candidates and elected members;
- Compare diversity characteristics of candidates and elected members with Scotland's population;
- Compare the diversity of successful and unsuccessful candidates at the 2022 election:
- Provide intersectional analysis where possible; and
- Compare the profile of new candidates and elected members with those who have stood / served as elected members previously (if the question on previous experience is included).

Data tables will accompany the publication, which will comply fully with data protection laws. Aggregated national-level data will be provided by protected characteristic. Data on some protected characteristics (e.g. age, sex) may be able to be broken down by local authority, but where numbers of individuals with certain characteristics or combinations of characteristics is small, this will not be provided for data protection reasons.

7. Data protection

The Scottish Government is committed to protecting and respecting candidate's privacy. It is very important that candidates have confidence in the data collection and are able to respond as openly as possible. Respondents will be advised that no question is mandatory and they can skip any questions they do not feel comfortable answering.

The proposed data collection and processing will be designed to comply fully with all data protection laws ensuring that candidate's personal data is protected. The online version of the survey would be run through Questback, a password protected secure online survey tool frequently used by the Scottish Government. Paper versions of the questionnaire would be returnable using sealable pre-paid envelopes; would be stored in a locked cupboard upon receipt; and would be securely destroyed once data entry was complete. Our proposed approach to the use of unique identifiers so that candidate's names are not stored with their data is set out in Section 4.4, above.

A data protection impact assessment and privacy notice will be published on the Scottish Government website.

8. Project organisation and timescales

This project is being led by a statistician and a researcher in the Constitution, International and Migration analysis team, which provides analytical support to the Scottish Government's Elections policy team.

Successful delivery of the project will rely on close working with electoral partners at the EMB and Electoral Commission, as well as stakeholders and other interested parties (see below).

Table 1: Project timescales

Milestones	Date(s)
Engagement with stakeholders	June 2021 - Ongoing
Publish proposal paper for stakeholders and academics to provide comments and feedback on proposed approach	December 2021
Further engagement and opportunity for comments on materials and approach	Until end January 2022
Finalise all practicalities of the data collection/ and have a final version of the questionnaire form	January 2022
Scottish Government to send all paper questionnaires, information leaflets and envelopes to ROs to include in nomination packs.	Early February 2022
Collect diversity data during nomination period for the 2022 LG elections	Mid-March – end of March 2022
Data processing	March- June/July 2022
Publish report and anonymised diversity data	Autumn 2022

9. Responding to this proposal paper

In addition to the engagement we have had with stakeholders and academics to date we are publishing this proposal paper to provide an opportunity for stakeholders and other interested parties to provide feedback or ask questions on our approach.

Please contact us directly with any comments or queries by **12 January 2022** at: diverserepresentationdata@gov.scot. If you would prefer to feedback or ask questions verbally, we can be reached via the Central Inquiry Unit (0300 244 4000. Ask for Hannah Rutherford or Gillian Cruickshank). Please also let us know if you would like to be kept up to date on the project.

Annex A: Proposed questions and rationale

<u>Section 4</u> of this paper set out our approach to developing a questionnaire for this exercise. This annex sets out the proposed questions and response options for the questionnaire, as well as the rationale for each of the proposed questions to be included.

The proposed questionnaire has been developed along the lines of equality monitoring forms and diversity monitoring forms that are commonly used in a range of settings with the addition of potential questions on parliamentary experience, socio-economic status/background and caring responsibilities. The questions asked are broadly in line with the Census 2022 and/or national surveys. Where questions don't align we set out, below, the rationale for choosing another question and/or response option.

All questions are non-mandatory and candidates can skip questions they would prefer not to answer.

All respondents will be asked which political party they are standing for (or whether they are standing as an independent candidate), and which local authority they are standing in.

It is important that the form and subsequent data is well-designed and useful. We would welcome <u>feedback</u> on what is proposed.

Protected characteristics questions

Age	Age		
Proposed question	Proposed response options	Rationale for this proposed question	
What was your age at your last birthday?	Age (please write in)	Age is a protected characteristic. The proposed question is the Scottish Government's harmonised question for use in surveys in Scotland and is used in the Improvement Service' Survey of Councillors ⁵⁴ ⁵⁵ . Information on age can be gathered by asking respondents' age; age group; date of birth; or year of birth ⁵⁶ . Examples include: • "What is your date of birth?" - Census 2022 and Scottish Household Survey • "What age band were you in on your last birthday?" - Welsh local government candidate survey ⁵⁷ :	

⁵⁴ Scottish Government <u>Collecting Equality Information Series: Guidance note on asking questions on age</u>

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⁵⁵ Improvement Service Scotland's Councillors 2017-2022

⁵⁶ Scottish Government (2021) Public sector - understanding equality data collection

⁵⁷ Welsh Government Local Government Candidates Survey 2017

Asking for a date or year of birth would be preferable to asking whether individuals belong in a particular age range as it would provide a more flexible and futureproof dataset, i.e. we would be able to accurately compare the 2022 data on age with national age data or other candidate surveys irrespective of which age ranges they used to report their data. And any future diversity data collection would not be tied to the age categories chosen for this initial survey if they wanted to collect comparable data. While people tend to be used to providing age / date of birth information in different contexts, we think that some candidates may feel more comfortable providing age at last birthday rather than their specific date of birth, so are suggesting 'What was your age at your

last birthday' for this question.

Reporting: Cross-sectional analysis in the report will present age data aggregated into age ranges by other characteristics, i.e. number of those aged 18-24, 25-34 etc. who are women/men and so on.

Sex	Sex		
Proposed question	Proposed response options	Rationale for this proposed question	
What is your Sex?	MaleFemale	Sex is a protected characteristic. The proposed question is the recommended question in the published guidance for public bodies on the collection of data on sex and gender, alongside the question below on trans status ⁵⁸ . This question aligns with the guidance for Scotland's Census 2022 ⁵⁹ . Other options could be: Scottish Household Survey question (prior to 2022 survey) ⁶⁰ : "How would you describe your gender identity?" Man/Boy Man/Boy Woman/Girl	

⁵⁸ Scottish Government (2021) Guidance for public bodies on the collection of data on sex and

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⁵⁹ Scotland's Census Sex question guidance: 30 august

⁶⁰ Scottish Household Survey questionnaires

 In another way (if you would like to, please tell me what other words you use)
However, this question will change for the 2022 Scottish Household survey ⁶¹ to align with the published guidance for public bodies on the collection of data on sex and gender noted above.

Gender reassignment/Trans status			
Proposed Proposed		oposed	Rationale for this proposed question
question	re	sponse	
	op	otions	
Do you	•	No	Gender reassignment/Trans status is a protected
consider	•	Yes	characteristic.
yourself to	•	Prefer not to	
be trans, or have a trans history?		say	The proposed questions are the recommended questions in the published guidance for public bodies on the collection of data on sex and gender ⁶² and will be asked in the Scottish Household Survey from
If you would	•	Please write	2022 ⁶³ onwards.
like to, please describe your trans status (for		in	The proposed question is also very similar to the question asked in the Improvement Service Survey of Councillors ⁶⁴ .
example non-binary, trans man, trans			Very little data is collected on people's trans status or history in Scotland, and there are no definitive international standards for how to do this ⁶⁵ .
woman):			Stakeholder engagement as part of the 2022 Scottish Census found that trans people preferred to answer a sex question (on a self-defined sex basis) followed by a trans status question ⁶⁶ .

⁶¹ Scottish Household Survey questionnaires

⁶² Scottish Government (2021) Sex, gender identity, trans status - data collection and publication guidance
63 Scottish Household Survey questionnaires
64 Improvement Service Scotland's Councillors 2017-2022

⁶⁵ Scottish Government (2021) Sex, gender identity, trans status - data collection and publication

⁶⁶ Scottish Government (2021) <u>Sex, gender identity, trans status - data collection and publication</u> guidance

Sexual orientation		
Proposed question	Proposed response options	Rationale for this proposed question
Which of the following best describes your sexual orientation?	 Straight / heterosexual Gay or Lesbian Bisexual Other sexual orientation (please write in) Prefer not to say 	Sexual orientation is a protected characteristic. The proposed wording of this question follows that in the 2022 Census ⁶⁷ and the 2022 Scottish Household Survey ⁶⁸ which is also very similar to the question asked in the Improvement Service Survey of Councillors ⁶⁹ . Another option could be the Scottish Household Survey question prior to 2022: "Which of the options on this card best describes how you think of yourself?" • Heterosexual/Straight • Gay/Lesbian • Bisexual • Other

Disability	Disability			
Proposed	Proposed response	Rationale for this proposed question		
questions	options			
Do you have any	YesNo	Disability is a protected characteristic.		
physical or mental health conditions or illnesses lasting or expected to last 12 months or	Prefer not to say	The Scottish Government equality unit have advised that we use questions with the current wording in The Scottish Surveys Core Questions (SSCQ) ⁷⁰ rather than changing to be in line with the 2022 census. This guidance is in line with the GSS harmonisation group and ONS surveys ⁷¹ and mirrors what is asked in the Improvement Service survey of Councillors ⁷² .		
more?		The questionnaire could add a third question on		
Does your condition or illness / do any of your conditions	Yes, a lotYes, a littleNot at allPrefer not to say	the nature of the respondent's condition, which could provide information that may be helpful for understanding what type of support candidates and councillors may need.		

⁶⁷ Scotland's Census Scotland's Census 2022 Question Set
68 Scottish Household Survey questionnaires
69 Improvement Service Scotland's Councillors 2017-2022
70 Scottish Surveys Core Questions (SSCQ)
71 Measuring disability for the Equality Act 2010 harmonisation guidance – GSS
72 Improvement Service Scotland's Councillors 2017-2022

or illnesses reduce your ability to carry-out day-to-day activities?	Examples of this are the 2022 Census question ⁷³ (see below) and the proposed question within the Real Inclusion's Employerability Toolkit ⁷⁴ . • "Do you have any of the following, which have lasted, or are expected to last, at least 12 months"
	 Deafness or partial hearing loss Blindness or partial sight loss Full or partial loss of voice or difficulty speaking: a condition that requires you to use equipment to speak Learning disability: a condition that you have had since childhood that affects the way you learn, understand information and communicate. Learning difficulty: a specific learning condition that affects the way you learn and process information Developmental disorder: a condition that you have had since childhood which affects motor, cognitive, social and emotional skills, and speech and language Physical disability: a condition that substantially limits one or more basic physical activities such as walking, climbing stairs, lifting or carrying Mental health condition: a condition that affects your emotional, physical and mental wellbeing Long-term illness, disease or condition: a condition, not listed above, that you may have for life, which may be managed with treatment or medication Other condition No condition

 ⁷³ Scotland's Census <u>Scotland's Census 2022 Question Set</u>
 ⁷⁴ Real Inclusion Employerability Toolkit

Race/ Ethnicity				
Proposed	Proposed response options	Rationale for this proposed question		
question				
What is your ethnic group?	Choose ONE section from A to F, then tick one box which best describes your ethnic group or background.	Race/Ethnicity is a protected characteristic. The proposed question is used in the 2022 Census ⁷⁵ and 2022 Scottish Household Survey.		
	A. White	The Scottish Government Equalities unit are currently working on refreshed ethnicity guidance but this is currently based around the 2022 Census question. This guidance is in draft form and will hopefully be finalised soon.		
	 Please write in (for example Nigerian, Somalia) E. Caribbean or Black Please write in (for 			
	example Scottish			

⁷⁵ Scotland's Census 2022 Question Set

Caribbean, Black	
Scottish)	
F. Other ethnic group	
 Arab, Scottish Arab or 	
British Arab	
 Other (please write in 	
for example Sikh,	
Jewish)	
G. Prefer not say	

Religion		
Proposed Proposed response		Rationale for this proposed question
question	options	
What religion, religious denomination or body do you belong to?	 None Church of Scotland Roman catholic Other Christian (please write in below) Muslim (Please write in denomination or body below) Buddhist Sikh Jewish Hindu Pagan Another religion or body (please write in) Prefer not to say 	Religion is a protected characteristic. The proposed question is used in the Scottish Household Survey ⁷⁶ and 2022 Census ⁷⁷ .

Socio-economic diversity and proposed additional questions

Socio-economic diversity

In line with the Fairer Scotland Duty⁷⁸, we have been exploring the inclusion of questions on socio-economic status in the questionnaire. To date we have spoken with SG poverty and inequality colleagues and the Poverty and Inequality Commission, and reviewed the following guidance:

 Office for National Statistics - The National Statistics Socio-economic classification (NS-SEC)⁷⁹.

⁷⁸ Scottish Government (2021) Fairer Scotland Duty: guidance for public bodies

⁷⁶ Scottish Household Survey questionnaires

⁷⁷Scotland's Census 2022 Question Set

⁷⁹ Office for National Statistics <u>The National Statistics Socio-economic classification (NS-SEC)</u>

- Cabinet Office Annex A Evaluation of measures of socio-economic background⁸⁰.
- Social Mobility Commission Simplifying how employers measure socio-economic background⁸¹.

There is a wide range of options for survey questions seeking to pick up different dimensions of socio-economic background and status, including (but not limited to):

- Occupation (If applicable, what is your occupational type? (Or last occupational type if no longer in additional employment to your role as an elected member))
- Employment status (What is your current employment status?)
- Educational background (Which of these qualifications do you have?)
- Parental background:
 - What is the highest level of qualifications achieved by either of your parent(s) or guardian(s) by the time you were 18?
 - What was the occupation of your main household earner when you were about aged 14?

As noted in the <u>approach section</u>, in order to minimise burden on candidates and maximise response rates, we think it's important to keep the questionnaire as short and straightforward to complete as possible. It will not be possible to cover all angles of socio-economic diversity in the form but some questions provide additional useful information for understanding candidates, councillors and their potential support needs in office. For example, asking about current employment status (e.g. employed full-time/part time, unemployed, retired) helps councils and stakeholders to understand the proportion of councillors working alongside their councillor role, and how this may interact with other characteristics. Data on the occupational backgrounds of elected representatives is useful to better understand the councillor cohort and any patterns in which occupational types are currently most likely to be attracted to the role of councillor (or MSP / MP).

Questions about respondent's parent's education and/or occupation are commonly used measures of socio-economic background, but may not be best suited to this context⁸².

We would welcome <u>comments and feedback</u> on the options for measuring socio-economic diversity in this context and will be seeking further engagement with stakeholders on this section.

Candidates' previous experience

Previous experience			
Proposed question	Proposed response options	Rationale for this proposed question	
Have you stood for	Stood and was elected	Council experience question.	
election to a	Stood and was not elected	These questions are variations of the questions asked in the 2007 Scottish local	

⁸⁰ Cabinet Office (2018) Annex A - Evaluation of measures of socio-economic background

⁸¹ Social Mobility Commission Simplifying how employers measure socio-economic background

⁸² Cabinet Office (2018) Annex A - Evaluation of measures of socio-economic background

council in the past? If you have been elected as a councillor previously, how many years in total have you served as a councillor?	No Please include all periods of office that you have served as a councillor. (please write in)	government candidate survey ⁸³ and the Welsh local government candidate survey ⁸⁴ . Asking candidates and elected members about their council experience would enable comparison of the characteristics of the new and previous cohort of candidates and elected members. Alternative could be: "In which years have you stood as a candidate for the [council] and have you been elected in those years? Comparative candidate survey ⁸⁵ .
Have you ever?	 Been a Community Councillor Been an MSP Been an MP Been a Member of the European parliament Worked as an unpaid party/campaign volunteer Worked as paid party/campaign worker or MSP/MP employee Held party office None of the above 	Potential additional political experience question. Proposed question is adapted from question asked in Comparative candidate survey ⁸⁶ : Asking candidates about their political experience would enable comparison of the characteristics of candidates with different levels of experience.

Caring responsibilities

Caring responsibilities			
Proposed question	Proposed response options	Rationale for this proposed question	
Do you have responsibility for any children aged 16 or under?	YesNo	This questions proposed to capture additional information on candidates and elected members caring responsibilities, and any intersectionality with protected characteristics.	

 ⁸³ Scottish Government (2008) National Survey of Local Government Candidates, 2007
 84 Welsh Government Local Government Candidates Survey 2017
 85 Comparative Candidate Survey (CCS) Module II
 86 Comparative Candidate Survey (CCS) Module II

The proposed children caring question is adapted from the Welsh local government candidate⁸⁷ survey⁸⁸ question.

Another option would be to ask:

 "How many children do you have in your care younger than [national legal adult age]?" – Comparative candidate survey⁸⁹

Do you look after, or give any help or support to family members, friends, neighbours or others because of either:

- long-term physical / mental ill-health / disability; or
- problems related to old age?"
 (Do not count anything you do as part of your paid employment)

• No

- Yes, 1 to 19 hours a week
- Yes, 20 to 34 hours a week
- Yes, 35 to 49 hours a week
- Yes, 50 or more hours a week

This question proposed to capture additional information on candidates and elected members caring responsibilities, and any intersectionality with protected characteristics.

The proposed caring question is from the 2022 Census question⁹⁰:

An alternative caring question(s) could be the question asked in the Scottish Household Survey⁹¹:

"Apart from anything you do as part of paid employment, do you look after, or give any regular help or support to family members, friends, neighbours or others because of either long-term physical / mental ill-health / disability; or problems related to old age?"

- Yes
- No

If respondents answer yes, Scottish Household Survey then goes on to ask:

"In total, how many hours each week approximately do you spend providing any regular help or support? (include care provide both inside and outside the household. Exclude any caring that is done as part of any paid employment.)

- Up to 4 hours a week
- 5 19 hours a week
- 20 34 hours a week
- 35 49 hours a week
- 50 or more hours a week or continuous care
- Varies

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⁸⁷ Welsh Government Local Government Candidates Survey 2017

⁸⁸ Welsh Government Local Government Candidates Survey 2017

⁸⁹ Comparative Candidate Survey (CCS) Module II: Questionnaire (2019-2023)

⁹⁰ Scotland's Census 2022 Question Set

⁹¹ Scottish Household Survey questionnaires



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The Scottish Government St Andrew's House Edinburgh EH1 3DG

ISBN: 978-1-80201-754-0 (web only)

Published by The Scottish Government, December 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA PPDAS963846 (12/21)

www.gov.scot