Standards, Procedures and Public Appointments Committee

Lobbying (Scotland) Bill

Written submission received from Health and Social Care Alliance Scotland (the ALLIANCE)

The ALLIANCE is the national third sector intermediary for a range of health and social care organisations. The ALLIANCE has over 1,500 members including a large network of national and local third sector organisations, associates in the statutory and private sectors and individuals. Many NHS Boards and Community Health and Care Partnerships are associate members.

The ALLIANCE’s vision is for a Scotland where people who are disabled or living with long term conditions and unpaid carers have a strong voice and enjoy their right to live well.

Introduction

The ALLIANCE welcomes the opportunity to comment on proposals for a Lobbying (Scotland) Bill. As the Government’s consultation documents have previously recognised, lobbying is a vital part of a healthy democracy, and is an activity through which elected representatives can hear a range of views to ensure that they arrive at rounded and well informed decisions.

Influencing policy and legislation through lobbying is a key area of focus for many members of the ALLIANCE. Meeting with MSPs and Scottish Government Ministers allows third sector organisations the opportunity to ensure that the views of people who use support and services are expressed and noted within the legislative process – beyond simply responding to policy consultation processes.

Our response is informed by the views of our members, though it is important to point out that many of our members do not feel they have received adequate information about the impact of the Bill for them and their operations.
Consultation Questions

1. Do you agree that the Bill is necessary and that the establishment of a Lobbying Register is desirable?

A notable feature of the Scottish Parliament has been how open and accessible it is to campaigning groups and individuals seeking to ensure their MSPs are well informed about the decisions they make. In our view, these are principles that should be celebrated and built upon. We are concerned; however, that the proposals to introduce additional requirements on those seeking to engage with elected representatives may run counter to these values and may disempower third sector organisations from engaging with the Scottish Parliament.

The Government’s previous consultation document notes that “no allegations of impropriety about the lobbying of MSPs have arisen since the Scottish Parliament conducted its last Inquiry into the subject in 2002.” We are also not aware of a problem with lobbying in Scotland which will likely be “fixed” by this Bill – but we welcome the further transparency it may create.

We would, however, encourage the committee to consider:

- Current approaches to transparency and whether they are operating successful, for example whether Ministerial diaries are being published in a timely and consistent manner.

- Options for MSPs diaries to be openly available to the public – rather than placing legislative obligation on external parties.

- How the Bill is accompanied by further measures that promote discussion, debate and sharing of information between the public and MSPs, and that the mechanisms for doing so, including Cross Party Groups, are recognised as a valuable part of the Parliamentary and legislative process with which the public can directly engage in the work of the Parliament.

- Initiatives such as Your Say\(^1\), which ensured that the Welfare Reform Committee directly hears from people affected by changes to social security, are particularly good practice in this regard.

\(^1\) [http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/47889.aspx](http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/47889.aspx)
2. How will the Bill affect you or your organisation?

Under the proposals the ALLIANCE will need to enter onto the register and create a system for recording all of our political engagement which comes under the scope of the legislation.

The ALLIANCE regularly hosts roundtable sessions which facilitate discussion between politicians and our member organisations and individuals. We feel the legislation is unclear about whether every individual involved in such a discussion would need to be registered as a “lobbyist”.

A lot of our face to face engagement with elected members is about helping the people we support to engage in the democratic process. So, for example, helping to facilitate for a MSP/Minister to come and meet with a group of adults with learning disabilities and engage with/learn about what matters to them. Would the communication that takes place as part of that process now to be regarded as regulated lobbying by our organisation?

ALLIANCE Member Organisation

3. You would only have to register if you were lobbying in exchange for payment (either as a consultant or an employee). You wouldn’t have to register if you lobby in the course of voluntary work or lobby on your own behalf. Do you agree with this approach?

Yes.

4. Does the Bill strike the right balance between capturing valuable information while ensuring that access to participation with the work of Parliament and Government is not discouraged?

We are concerned that while it is proposed that registration would be free of charge, the introduction of the proposed registration regime would be likely to have a greater impact on smaller third sector organisations who may lack the administrative capacity to interpret and comply with the register and could therefore contribute to an inequality of access to the political process in Scotland.

Consequently, the ALLIANCE believes that the most proportionate, and practical method of increasing the accountability and openness of decision making processes would be for the Scottish Government and Scottish Parliament publish Ministers’ and Members of the Scottish Parliament’s diaries. This measure would support the objectives of transparency without placing additional and unnecessary requirements on third sector organisations seeking to amplify the voices of those they represent.

Significant guidance is necessary to ensure that all lobbyists, organisations and people who contact their MSPs understand the rules and the obligations on them as a result of the Bill.
5. Do you feel that the Bill is sufficiently clear? Does it allow individuals and organisations to easily know whether their activity requires to be registered?

A number of our members have expressed concern that they do not feel well informed about the nature of the Bill and the obligations it places upon them. We welcome a light-touch approach and feel that a significant information campaign highlighting the need for organisations to comply with the rules would be helpful to ensure that registers and rules are effectively followed.

Andrew Strong
Policy and Information Manager
the ALLIANCE
30 November 2015

About the ALLIANCE

The ALLIANCE has three core aims; we seek to:

- Ensure people are at the centre, that their voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.

- Support transformational change, towards approaches that work with individual and community assets, helping people to stay well, supporting human rights, self management, co-production and independent living.

- Champion and support the third sector as a vital strategic and delivery partner and foster better cross-sector understanding and partnership.