

# **STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**

## **INQUIRY INTO LOBBYING**

### **SUBMISSION RECEIVED FROM BRITISH HEART FOUNDATION (BHF)**

#### **Summary**

At British Heart Foundation (BHF) Scotland we see our work as supporting our elected members and civil servants to continually strive in the fight for every heartbeat. Our focus on evidence-based policy is a vital asset to both Government and Parliament. We believe that any response to calls for lobbying transparency must be proportionate and not damage the relationship that organisations have with our public policy makers, as this relationship leads to an enriched environment for public policy debate that is informed, reasoned and apolitical. Any moves to curb this would lead to an impoverished public policy environment that lacks reasoned debate and one that is highly politicised.

- BHF Scotland believes that the most proportionate way to increase transparency of decision-making is for Ministers and Members of the Scottish Parliament to publish their diaries, much like Conservative MEP Malcolm Harbour's lobbying contact report<sup>1</sup>
- BHF Scotland believes that the people responsible for the integrity of decisions made in Scotland, both in Parliament and Government, are those that hold the responsibility and office
- Public policy is not only the domain of Parliament and Government and it is everyone's democratic right to engage in debate. The principle of access developed during the birth of the Scottish Parliament has ensured Scotland has one of the richest public policy environments in the UK
- To build constructive relationships it is vital that we do not put up barriers which restrict or discourage third sector organisations from participating in policy processes
- A lobbying register would be counter to the principles of empowerment, participation and positive engagement advocated in recent Scottish Government policy.

#### **BHF Scotland response**

##### **The Need for Change**

**Have there been significant changes over the last decade in the way that lobbying is carried out?**

BHF Scotland has worked since the beginning of the Scottish Parliament to ensure that those who represent us have access to the most up-to-date and relevant information relating to a wide array of issues and will continue to do so. We are not aware of significant changes over the last decade.

**Is there a problem or perceived problem with lobbying in Scotland? If so, how can this best be addressed? If not, do steps still need to be taken to address any problem arising in future?**

BHF Scotland's work on behalf of people with or at risk of cardiovascular disease includes championing, advocating and campaigning on issues that affect our stakeholders. Our stakeholders have embraced opportunities such as the Cross Party Group on Heart Disease and Stroke as legitimate ways to interact with elected members. From our perspective, there is no problem with lobbying in Scotland.

**Burden of transparency**

BHF Scotland believes that the most proportionate and cost-effective way to increase transparency of decision-making would be to have the Scottish Government and Scottish Parliament publish Ministers' and Members of the Scottish Parliament's diaries. These diaries should be made available on the Scottish Government's and the Scottish Parliament's websites where they would be easily accessible and available for all.

BHF Scotland believes that any solution should be proportionate and represent no cost to those who wish to engage with Parliament or Government. Previous proposals focusing the burden of reporting on those doing the lobbying represent a cumbersome and bureaucratic burden on organisations of all sizes, while publishing the diaries of MSPs and Ministers is simple, quick and creates more openness.

It is our view that this approach would meet the objectives of openness and transparency without placing unnecessary barriers in the path of third sector organisations. It would align well with the Government's approach to Freedom of Information and the increased emphasis being placed on proactive publication:

*'The Scottish Government is committed to operating its business transparently and proactively publishing information where possible.'*<sup>ii</sup> – Nicola Sturgeon, October 2013

*'We will continue to work with both requesters and practitioners, encouraging and enforcing proactive publication, sharing good practice and safeguarding rights.'*<sup>iii</sup> - Scottish Information Commissioner, Strategic Plan, August 2013

**Register of lobbyists**

**To what extent will the introduction of a register of lobbyists address any problem or perceived problem with lobbying?**

In principle, BHF Scotland does not support the creation of a register of lobbyists. This would shift the responsibility of protecting the integrity of Scottish politics onto those who wish to engage with Members of the Scottish Parliament and away from those Members themselves.

**To whom should such a register apply? Should it be voluntary or compulsory? How should it be maintained and who should maintain it? What level of information should be on it? Should thresholds be set for registration? If so what should they be? What are the likely cost implications of registration for groups that lobby?**

BHF Scotland is opposed to the creation of a register in principle for the reasons outlined above.

If a register were introduced, attention should be given to the risk of further disadvantaging marginalised groups largely run by volunteers, with small budgets, little or no administration capacity. This would run contrary to the spirit of the Scottish Parliament.

**What sanctions should there be for failure to register lobbying activity? How will the register sit alongside the UK register? How will compliance be monitored?**

BHF Scotland would point towards issues arising from the legislation being proposed in the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Bill. The Bill makes no distinction between third sector campaigners and corporate lobbyists, referring to 'consultant lobbyists', thus placing restrictions on the ability of the third sector to campaign in the run up to elections. As stated above, it is our view that the Scottish Parliament should place the burden of transparency on Parliamentarians and Government officials.

**What are the implications of a register for (a) the Parliament, (b) MSPs, (c) organisations that lobby and (d) Ministers and civil servants?**

MSPs, Ministers and civil servants could easily publish their diaries and compile a list of organisations they have met. Conservative MEP Malcolm Harbour already compiles a lobbying contact report,<sup>iv</sup> so we see no good reason why other officials could not do the same.

### **Other measures**

**Whether other changes could be made to improve transparency in lobbying in Scotland? What, if any, changes should be made to Section 5 of the Code of Conduct for Members of the Scottish Parliament?**

The committee should look into whether the Code of Conduct can be amended to bring about the proactive publication of MSP diaries in line with our recommendation above.

**Should there be a Code of Conduct for lobbyists? Should it be statutory or voluntary?**

We would not support a statutory Code of Conduct for lobbyists. As outlined above, this is unnecessary and could disrupt the positive interactions which take place between third sector organisations and public officials.

It should be noted that voluntary Codes of Conduct do already exist, such as the one agreed by members of the Association for Scottish Public Affairs.

## **Conclusion**

Any proposals for new regulation of lobbying must be proportionate and weighed up in terms of benefits delivered against the burdens imposed, with attention to effect on the third sector. It is our view that a lobbying register would have a profoundly negative effect on the free flow of information and ideas between the sector, Parliamentarians and Government officials. This would be damaging to the influence of the third sector and would also have a detrimental effect on the quality of public policy.

A simpler and fairer system which is consistent with the principles of openness and transparency would place the burden of accountability on those who hold public office. This could be accomplished by requiring MSPs and Ministers to publish their diaries online in a searchable database. This would achieve accountability without additional burden on those legitimately engaging with the democratic process.

BHF Scotland understand that lobbying scandals can bring politicians into disrepute – the public needs to be reassured that politicians and governments are acting in their best interests and are not being improperly influenced. A balance needs to be found to reassure the public and keep the politicians acting within their elected remit. Making their diaries public, with a brief description of the agenda, would allow this transparency. BHF Scotland wants to maintain a dialogue with politicians, officials and government so that we can provide evidenced-based intelligence and a voice for heart patients across Scotland. We seek assurances that any proposed system put in place to provide the public with reassurance that politicians are acting appropriately does not damage the useful engagement that interaction with the third sector provides.

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## **References**

*Scottish Voluntary Sector Statistics 2012*, SCVO  
<http://www.scvo.org.uk/about-the-sector/sector-stats>

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<sup>i</sup> <http://torymeps.com/people/malcolm-harbour>

<sup>ii</sup> <http://www.scotland.gov.uk/Publications/2013/11/3938/6>

<sup>iii</sup> <http://www.itpublicknowledge.info/UploadedFiles/StrategicPlan2013to2017.pdf>

<sup>iv</sup> <http://torymeps.com/people/malcolm-harbour>