

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

INQUIRY INTO LOBBYING

SUBMISSION RECEIVED FROM CHARTERED SOCIETY OF PHYSIOTHERAPY SCOTLAND

The Chartered Society of Physiotherapy Scotland welcomes the opportunity to respond to the current inquiry into lobbying. The Society is committed to the highest standards in public life and to openness and transparency in its public affairs and public relations activity.

The following offers a response to the questions posed by the current inquiry.

Key Questions: The need for change

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

CSP Scotland would point to an increase in lobbying activity since devolution, reflected in the growing number of organisations that maintain a capacity in Scotland to influence public policy, and more diverse methods of lobbying. Political parties have also developed a more sophisticated approach to attract engagement from external organisations at conferences and communications are becoming increasingly diverse with the use of digital and social media.

2. 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?

The Public Affairs industry Scotland has not experienced major problems in terms of standards or ethics and conduct.

Lobbyists and public affairs professionals have a legitimate and reasonable role in supporting clients and organisations to make their case to governments and decision makers. Lobbying the political process remains an important part of a democracy and organisations seeking to influence public affairs have a duty to be transparent in their dealings. Public policy also benefits from the contribution and involvement of interested stakeholders.

The CSP does share concerns that those that can afford to purchase professional advice may be able to gain access to senior politicians and decision makers, whilst others in society may not share this privilege. We therefore support openness and transparency in lobbying. However, this cannot be the sole responsibility of the lobbying industry or those seeking to make representations, there must also be transparency from those being lobbied.

Register of Lobbyists

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

The CSP believes that a statutory register of lobbyists will only go so far to allay public concerns regarding access to those with influence and power. Genuine transparency requires those being lobbied to acknowledge who they have met with, what was discussed and if favours were received. Disclosure of formal meetings with MSPs could be made available on request in the same way that information on formal meetings of Ministers, officials and special advisors are made available.

CSP Scotland would have no objection to belonging to a register of organisations, and is expressly involved in seeking to influence public policy in health and social care and education for example. However, retaining accessibility to decision makers is an important founding principle of the Scottish Parliament. It might be counterproductive to seek to impose requirements or afford privileges to registered organisations or individuals.

CSP Scotland would not wish to see its wider membership disadvantaged in seeking to represent themselves on local issues.

4. 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?

CSP Scotland broadly agrees with the position taken by ASPA, that there ought to be a level playing field for all organisations and individuals. A voluntary register might have merit in improving public perception, but would be likely to attract only those already committed to high standards.

Requiring people to register their lobbying activity should not adversely affect those whose main focus is lobbying. However, requiring the registration of every member of staff in an organisation who may come into infrequent contact with a politician (as in the case of trade union officials) would be a significant burden, which would not necessarily improve transparency or public understanding.

Any register would also require administrative support and its purpose and function would need to be clear. Thresholds for registration that look to quantify lobbying activity or resources devoted to lobbying might inhibit or distort engagement, particularly from smaller organisations, charities and those who might only engage periodically.

5. 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?

Provided that a registration scheme was appropriate and workable, the provisions in the Companies Act 2006 seem appropriate in respect of filing accounts and reports in a timely fashion. Sanctions should be applied depending on the severity of the case, in order to ensure those lobbyists required to register do so accurately and do not make false claims or conceal activity.

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

The implications for a register will depend to a large extent on the burden of compliance. Where that is one of agreeing to a code of conduct for engagement, upheld by the Scottish Parliament, for example, it might have no major implications for those that maintain high standards. However, a burdensome regulatory regime may have resource implications, particularly for smaller and charitable bodies. It might also have the unintended consequence of inhibiting such organisations from seeking to influence public debate, which would be detrimental for decision making and democracy.

Other measures

7. 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?

A focus on a code of conduct is common across the industry sectors in public affairs, and might be usefully explored as a means of maintaining good practice and public confidence.

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

CSP Scotland is a member of the Association of Scottish Public Affairs (ASPA). As a condition of membership, members agree to abide by its code of conduct, which governs their engagement with the Scottish Parliament and Government and its agencies.

The CSP is transparent about the work it does with parliamentarians and in general we feel that politicians and people receiving our representations should be responsible for declaring them as they deem appropriate.

Consequently, in principle the Society would have no objection to complying with an appropriate future code of conduct, and is committed to maintaining the highest standards in public life.

**KENRYCK LLOYD-JONES
POLICY OFFICER FOR SCOTLAND
CHARTERED SOCIETY OF PHYSIOTHERAPY
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About the Chartered Society of Physiotherapy

The Chartered Society of Physiotherapy (CSP) is the professional, educational and trade union body for the UK's 50,000 chartered physiotherapists, physiotherapy students and support workers.

The CSP has around 4,000 members in Scotland. The majority are employed in the NHS but chartered physiotherapists are also found in education, independent practice, the voluntary sector and with other large employers, such as sports clubs and businesses. More than 98% of all physiotherapists in Scotland are members of CSP Scotland. Physiotherapy is the largest health care profession in the UK after nursing and medicine and is the largest of the allied health professions.