Summary

Cancer Research UK supports the introduction of a universal register, accompanied by a code of conduct, in order to maintain and increase public confidence in lobbying. We believe that campaigning activity is hugely important and that bad practice in this field should be exposed and eradicated, using this opportunity to regulate all those whose primary professional purpose is to lobby.

We welcome the Scottish Standards, Procedures and Public Appointments Committee call for views into the Lobbying (Scotland) Bill. We believe that lobbying and campaigning activity is a hugely important tool for charities, whether used to encourage change or maintain a positive status quo, raise awareness, provide expertise to strengthen strategy, or otherwise help to achieve their vision. Cancer Research UK believes the Scottish Government should protect the ability of charities to campaign.

Cancer Research UK is the largest single funder of cancer research in the UK, and last year, we spent over £31 on cancer research in Scotland. Our unique position allows us to inform political debate and provide expert advice on the issues that matter to cancer scientists, doctors, nurses and the thousands of people in the UK living with cancer. Our Public Affairs team works in Europe, England, Northern Ireland, Wales, and Scotland to ensure cancer stays at the top of the political agenda.

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

Yes. Cancer Research UK supports the principles of a transparent and universal register and the publication of an accompanying code of conduct. This will enable lobbying to increase its transparency and its reputation.

Campaigning or lobbying is a legitimate and important activity for charities to be involved in. Charity campaigning should be celebrated as a vital part of Scottish society which provides an opportunity for many people to participate in government decision making and the democratic process.

Charities, including Cancer Research UK, experience high levels of trust from the public. We need this to continue and encompass all elements of charity activity, including campaigning and working with the parliamentary process to advocate for change or maintain a positive status quo.
Lobbying and campaigning activity therefore needs to be undertaken in a transparent way, with integrity and clarity. We therefore recognise there is a need to regulate lobbying activity to uphold public confidence.

There are potential issues surrounding the unequal conditions imposed on charities versus other organisations involved in lobbying. Charities work to high standards, regulated by the Office of the Scottish Charity Regulator (OSCR). In order to increase trust in lobbying activities, efforts should be made to expose and eradicate bad practice.

**How will the Bill affect you or your organisation?**

Whilst we support a register, it should be recognised that its introduction would have an impact. For instance, Cancer Research UK campaigns in Scotland on various tobacco control issues and a register will require our in-house public affairs and campaigning team to be registered. This would require the charity to undertake additional administration.

In response to some of the specific details outlined in the draft Bill:

- We support the proposal for the register to be free-to-use, as any money spent by charities on reporting cannot be spent on fulfilling their charitable purposes
- The six-monthly frequency for returns is a reasonable and proportionate timeframe, and should help minimise the additional burden placed on charities
- The proposed level of information that is required to be captured should provide the right balance between transparency and proportionality
- We support the proposed three-tier oversight and enforcement system, comprising oversight by the Clerk, Commissioner investigation of potential breaches, and criminal offences and penalties as a last resort.

The introduction of a register in Scotland should also consider the potential for duplication with regimes proposed by Westminster and other nations. Any register would need to take into account the additional impact this would have on charities and other organisations working across multiple jurisdictions.

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?

We believe that the register should apply to all professional lobbyists, both in-house and external. The Bill’s proposal of a universal register for professional lobbyists will achieve parity between in-house lobbyists in private organisations and those working within charities.

An individual should be included when the primary purpose of their role within their organisation is to campaign or lobby: in Cancer Research UK, for example, this could include campaigning and public affairs officers. Those who occasionally
undertake lobbying activity to support broader aims of organisations’ role should not be included, such as the chief executive officer of the charity.

We agree with the Scottish Government’s assessment that excluding lobbying undertaken in the course of voluntary work strikes an appropriate balance between the wider interest of society in having information about lobbying activity publicly available on the one hand and in not imposing reporting obligations in connection with personal or voluntarily made communications with MSPs and Ministers.

**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?**

As above, in response to some of the specific details outlined in the draft Bill:

- We support the proposal for the register to be free-to-use, as any money spent by charities on reporting cannot be spent on fulfilling their charitable purposes
- The six-monthly frequency for returns is a reasonable and proportionate time-frame, and should help minimise the additional burden placed on charities
- The proposed level of information that is required to be captured should provide the right balance between transparency and proportionality.
- We support the proposed three-tier oversight and enforcement system, comprising oversight by the Clerk, Commissioner investigation of potential breaches, and criminal offences and penalties as a last resort.

One element that Cancer Research UK believes would strengthen the proposals, and help trace the impact that lobbyists may be having, is financial disclosure. Listing funding streams in order to show who has financially supported lobbying activity, if this is not already clear, would provide valuable transparency that is not currently captured by the draft Bill.

**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?**

To ensure all lobbyists fully understand their obligations, we would support the publication of parliamentary guidance, offering potential registrants an overview of the registration scheme, how to negotiate the process of initial registration and how to ensure compliance on an ongoing basis. It should offer examples of what types of engagements with MSPs and Ministers would, or would not, trigger the requirements to register and report and outline best practice.

This is in addition to the publication of a clear, statutory code of conduct alongside the Bill, which should be established in conjunction with campaigning and lobbying professionals, including those from the charitable sector. This code of conduct would set out clear expectations about how professionals should interact with MSPs, mirroring their own code of conduct. It should aim to improve lobbying standards.
Additionally, we believe there should be clear advice and guidance to help charities understand who should be on any register (similar to OSCR and Charity Commission guidance about their reporting requirements for Scotland and the rest of the UK).

About us

Cancer Research UK is the world’s leading cancer charity dedicated to saving lives through research. We support research into all aspects of cancer through the work of over 4000 scientists, doctors and nurses. Cancer Research UK spent around £31 million last year in Scotland on some of the UK’s leading scientific and clinical research. Our Cancer Research UK Centres in Edinburgh and Glasgow are bringing together experts in the local medical and scientific community – working in partnership to translate research into benefits for patients as quickly as possible. The charity’s pioneering work has been at the heart of the progress that has seen cancer survival in Scotland move from 1 in 4 in the 1970s to 2 in 4 today.

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