

# STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

## INQUIRY INTO LOBBYING

### SUBMISSION RECEIVED FROM CANCER RESEARCH UK

**Cancer Research UK's response to the Scottish Standards, Procedures and Public Appointments Committee Inquiry into Lobbying – January 2014**

#### **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 inquiry into lobbying and the opportunity to submit written evidence. 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. 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 work in Europe, England, Northern Ireland, Wales, and Scotland to ensure cancer stays at the top of the political agenda.

#### **Question 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?***

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<sup>1</sup>. 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

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<sup>1</sup> Public Trust and Confidence in Charities, Charity Commission and Ipsos Mori, June 2012

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. This could be achieved by:

- Publishing in one location and in a common format the meetings the Ministers and Members of the Scottish Parliament have had with outside interests and what issues were discussed.
- A register, showing who is providing financial backing for lobbying activity.

This will enable the public to understand the impact lobbyists are having on the public policy process.

### **Question 3**

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

Cancer Research UK supports the principles of a transparent and universal register and for any register to be accompanied by a code of conduct. This will enable lobbying to increase its transparency and its reputation.

A register of lobbyists which solely lists agencies and their clients would not address public mistrust, as this would not reveal the full extent of external influence on decision-making. Regulation of lobbying should aim to demonstrate its 'legislative footprint'.

In order to trace the impact that lobbyists may be having, the register would need to list funding streams in order to show who has financially supported lobbying activity, if this is not already clear.

### **Question 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?***

We believe that the register should apply to all professional lobbyists, both in-house and external. A universal register 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.

The register would need to be compulsory, to prevent those who fail to adhere to the Code of Conduct from simply unregistering to avoid penalties.

It could be maintained and monitored by the Commissioner for Ethical Standards in Public Life in Scotland, as their remit currently involves investigating the conduct of MSPs.

All charities working in Scotland register and submit an annual return to OSCR, with further financial information/ accounts required proportionate to their income. This may be a useful threshold as they could build registration into their usual reporting procedures.

Any costs of administrative requirements should be kept to a low level to avoid any financial burden on the charitable sector. Any money spent by charities on reporting cannot be spent on fulfilling their charitable purposes. Registration rates for charities, if imposed, should be different to rates for private sector organisations of a similar size. We believe this is fair because when a charity lobbies successfully it is helpful for their beneficiaries and their pursuit of public benefit as required by statute. In contrast, successful private lobbying ultimately brings greater profits for private organisations, and therefore should have separate registration fees.

#### **Question 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?***

There should be sanctions in order for the register and Code of Conduct to be effective. Any sanctions imposed would need to fit with the existing regime for charity regulation, but apply universally. Introducing two-tier sanctions for different types of organisation would be confusing. We would therefore be in favour of penalties for non-compliance being available to the regulator. It is important however that sanctions are proportionate, and financial sanctions should only be the last resort.

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).

#### **Question 6**

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

c) 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 if a register was introduced it would require our in-house public affairs and campaigning team to be registered. This would require the charity to undertake additional administration and budget for concomitant costs.

The registration requirements should therefore be proportionate in order to minimise the additional burden placed on charities. One example which could provide a useful

model is the EU transparency register<sup>2</sup> which Cancer Research UK signs up to on an annual basis as part of their campaigning at a European level.

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.

#### **Question 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?***

Section 5.1.5 would need to be edited, requiring MSPs to note all meetings with professional lobbyists and publish in one location and in a common format the meetings they have had with outside interests and what issues were discussed.

Additionally, it would make sense for MSPs be required to ensure that those they are meeting with are compliant and on the new register.

#### **Question 8**

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

Yes, and it 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.

The Code of Conduct should be statutory because the current system of self-regulation means that organisations can simply resign from membership bodies when non-compliance issues arise.

#### **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 £34 million last year in Scotland on some of the UK's leading scientific and clinical research. Our Cancer Research UK Centres in Edinburgh, Glasgow and Dundee 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 death rates in Scotland fall by a sixth over the last thirty years<sup>3</sup>.

**CANCER RESEARCH UK**  
**6 JANUARY 2014**

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<sup>2</sup> <http://ec.europa.eu/transparencyregister/info/homePage.do>

<sup>3</sup> Statistical Information Team, Cancer Research UK, 2012. European age-standardised mortality rates from 1979-1981 to 2008-2010

