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

We value our access to policy makers, and it is vital that our work remains transparent for our own legitimacy as campaigners. We engage with the Scottish Parliament and Scottish Government solely to represent the needs and experiences of unpaid carers and campaign on issues that directly affect them, always evidencing this through research and consultation with carers and carers’ services. We already record (and in many cases, publicise) our interaction with politicians and policymakers to inform all our stakeholders, including funders and donors, about our activities; we must be transparent to all our stakeholders otherwise our validity as a charity and campaigning organisation would be compromised.

As our engagement with the Scottish Parliament is already fully transparent, we have no particular concerns with a register of lobbying work being publically available; the Bill’s provisions seem administratively proportionate and we are pleased that the onus for registration should be placed on organisations rather than individuals. However, we continue to question the need for legislation in this area, in line with our response to the consultation on proposals for the Bill:

- Several codes of conduct and codes of practice for organisations that lobby already exist and charities are regulated; these methods of regulating lobbying activity seem sufficient, given that there is no known bad practice in lobbying in Scotland.
- It is imperative that organisations, particularly in the third sector, are not prevented from taking part in the parliamentary process or penalised by not registering their lobbying activity. The Bill’s provisions around oversight and enforcement are good and will not be overly burdensome on organisations, but the awareness raising that accompanies this Bill must be clear to all who may be affected.
- A register that only collects information of face-to-face contact with MSPs will miss the opportunity to capture a great deal of significant lobbying activity that is carried out by phone and email, and that is directed towards special advisers and civil servants.
- Increased transparency and publicity of Ministerial and MSP diaries should also be considered in tandem with this Bill.

2. How will the Bill affect you or your organisation?

We engage in regulated lobbying as specified by the Bill, so we will have to register. It will require more stringent record-keeping of meetings and some time spent on awareness-raising with our wider staff team and board of trustees, as staff who may
not consider themselves to be lobbyists (such as trustees and volunteers) will be affected by this legislation and must be made aware of the requirement to keep track of the meetings they have with MSPs. As we are a network organisation, there will also be a further responsibility for us to inform and support our network about how this may affect them; these organisations are service providers, and frequently receive visits from their local MSPs in order to meet service users and discuss local issues, which would count as a ‘pre-arranged meeting or event’ under the terms of the Bill but would traditionally have not been considered as lobbying.

Our lobbying activity is not consistent and changes depending on Parliamentary activity that is applicable to our organisation's aims and objectives, or that affects our service users. Based on current proposals it is unlikely that we will ever become an ‘inactive registrant’, although this may be the case for the members of our Network.

3. **Registration is triggered only when lobbying is being done in exchange for payment (either as a consultant or an employee) and does not capture lobbying carried out in the course of voluntary work or when it is done by an individual on his or her own behalf. Do you agree with this approach?**

We agree that this is a reasonable approach – individual citizens who are engaging in the democratic process should not be expected to join a register of lobbyists. However, as expressed in our response to the consultation on proposals earlier this year, this distinction can cause problems for third sector organisations who may have both paid and voluntary staff engaged in lobbying activity, and furthermore may not be fully aware that activities they undertake could constitute regulated lobbying activity. These nuances of lobbying activity – on behalf of an organisation but not undertaken for payment – is common in the third sector but is difficult to capture in the provisions of this Bill. It is likely that organisations that are aware of this possibility will register their activity anyway, but this may tip the balance towards the register being overly burdensome for some organisations.

4. **Do the provisions set out in the Bill succeed in striking a balance between capturing information of value and ensuring that access and participation with the work of Parliament and Government is not discouraged?**

The current Bill provisions will not capture all information of value. As described above, the exclusion of electronic and telephone communications is an oversight. Moreover, meetings with senior civil servants, which would not be captured under the current Bill, can be equally useful in lobbying significance as meeting with parliamentarians, and as one of the Bill’s aims is to improve transparency, this leaves a gap. It seems obvious that lobbyists who did not want to disclose the details of their meetings would simply use methods of communication that do not need to be registered.

5. **Do you feel that the definitions and exclusions are sufficiently clear? Do they, for example, allow individuals and organisations to easily know whether their activity requires to be registered?**

The requirement to register following the first instance of lobbying activity is good, as it protects accessibility of the Parliament and removes an unnecessary burden from organisations and allows them to react quickly to developments such as the
introduction of relevant legislation. The classifications of active and inactive registrants is also useful for organisations whose lobbying activity is not consistent over time, although the administrative burden on both the Clerk and the registering organisations will not be fully clear until it is operational. Guidance under Section 43 of the Bill will presumably bring further clarity to the current provisions, and there will be support for the third sector through official and representative channels such as OSCR and SCVO.

As discussed above, there must be clarification of the activities of trustees, interns and other voluntary positions who are not paid but who carry out lobbying activity on behalf of an organisation, and hopefully this can be achieved in guidance too.

6. **The Bill’s Policy Memorandum states the Bill aims for a “light touch, educative approach” and that “criminal offences and penalties [are] provided for as a last resort”. What are your views on this approach?**

This is a reasonable approach and ensures that organisations who unwittingly breach the regulations will not be penalised. It is more likely that any breach of the register would be due to oversight rather than malicious intent, and it would be wrong for organisations or individuals to be unduly penalised for this.

7. **Are there any unforeseen consequences of the Bill as currently drafted?**

8. **Are there any amendments that would, in your view, enhance the Bill?**

As mentioned above, there is a risk that lobbyists and organisations who wish to conceal the nature of their lobbying activity will simply use methods of communication that do not have to be registered. An amendment to include electronic and telephone communications would enhance the general aim of the Bill to make lobbying activity more open and transparent, but the potential administrative burden would need to be taken into serious consideration.

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30 November 2015