Standards, Procedures and Public Appointments Committee

Lobbying (Scotland) Bill

Written submission received from Children in Scotland

Children in Scotland welcomes the opportunity to respond to the Committee’s call for evidence on the Lobbying (Scotland) Bill. We are an influencing and membership organisation, comprised of representatives from the voluntary, public and private sectors.

Children in Scotland is the collective voice for:
- children, young people and families in Scotland; and
- organisations and businesses that have a significant impact on children’s lives in Scotland

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

In order to inform our response to the initial call for views in July, Children in Scotland asked our members if they agreed that a register of lobbyists should be introduced. 33 of our members responded to our survey and of those who responded via our online survey, over 85% agreed a publicly available register should be introduced in Scotland. One respondent added:

“As democratically elected representatives and as the individuals who retain the most political power (e.g. those with most influence of public policy), MSPs should be accountable to all constituents (individual and organisational), as such access to these representatives should not be limited. Though more should be done to ensure that smaller organisations and individuals have more access to MSPs - their opinions/causes/concerns matter too.”

Children in Scotland is supportive of the three core principles laid out by the Scottish Government. In particular we welcome the consideration that reforms should “not restrict the legitimate activities of non-party political organisations engaging in public policy.” As a membership organisation we are supportive of measures that will improve engagements with smaller organisations and individuals as well as welcoming transparency with larger groups and bodies.

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

As a third sector organisation, much of our written communications with MSPs are already in the public domain as we submit consultation responses, issue briefings and provide joint secretariat support to the Cross Party Group on Children and Young People. All of this information is already available on our website as well as on the Scottish Parliament and Scottish Government sites.

We welcome the definition of regulating lobbying activity as being “orally and in
person” (S1(1)(a)(i)) and “in relation to Government or Parliamentary functions” (S1(1)(a)(ii)). Due to the definition of parliamentary functions being rather wide, we would however welcome an inclusion in the Schedule to ensure that some of our members who provide services are not forced to register their activities if their local MSP visits their premises. It is commonplace for MSPs to visit services, charity shops or community initiatives to find out about the work undertaken in their local community, and we would not want any disincentives for MSPs or local organisations to undermine this type of activity.

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?

As communicated in our previous response, Children in Scotland believes that all lobbyists aside from individuals should be included to ensure that there is no confusion as to who needs to register and no differences in the information that they should share.

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?

We are pleased that the reporting duties appear to be reasonable in content, however Children in Scotland believes that returns should be filled in every quarter as this is frequent enough to be of interest to members of the public.

We believe that if it is not updated regularly enough it will not improve transparency, particularly ahead of elections in which members of the public may wish to access the register in order to identify the interests of candidates wishing to re-stand.

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 definitions for who needs to register are clear, in that the regulations apply to all except individuals and volunteers.

Since the duty to register and indeed report on their activity falls on organisations, it is important that they are made aware of this through access to clear and accessible information on their duties.

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?
We welcome this approach and feel that sanctions should be a last resort, particularly if they incur financial repercussions. Again, access to clear information and guidance for organisations is key to ensure that the Act does not introduce new barriers for organisations to engage with MSPs, Ministers or any members of the Scottish Government.

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

In order to ascertain this, we would need to consult with our members to provide more robust scrutiny.

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

As a membership organisation, again we would prefer to consult with our members on any potential amendments to inform our position.

Sarah McDermott  
Assistant Policy Officer  
Children in Scotland  
30 November 2015