Standards, Procedures and Public Appointments Committee

Lobbying (Scotland) Bill

Written submission received from RCN Scotland

The Royal College of Nursing (RCN) is the UK’s largest professional association and union for nurses with around 425,000 members, of which around 39,000 are in Scotland. Nurses and health care support workers make up the majority of those working in health services and their contribution is vital to delivery of the Scottish Government’s health policy objectives.

Please find attached the RCN response to the call for views on the Lobbying (Scotland) Bill.

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

The Scottish Parliament has established a reputation as being an open and transparent institution. This open engagement with politicians and decision makers of all parties by the public and by organisations has been seen by many as a very positive way to involve the electorate with their representatives.

As far as RCN Scotland is aware, there is not a problem with lobbying in Scotland, so on that basis, introducing the Register as proposed in the Bill seems unnecessary. We question whether the register will, in fact, have a public benefit.

Given the lack of a problem concerning lobbying it seems unnecessary to take any legislative action. Clearly it is important to ensure that any relevant Codes of Conduct for MSPs, Ministers and public officials are reviewed regularly and as necessary. They should be publicised publically and kept as transparent as possible.

How will the Bill affect you or your organisation?

Under the proposals RCN Scotland will need to enter onto the register.

We do already as a matter of best practice keep a record of all political engagement activity.

The need to register and the requirement to supply six monthly information return will, nevertheless, add to the workload of RCN Scotland.

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 stated in our original evidence to the Committee during its inquiry into lobbying, RCN Scotland believes that, as it is clear who in-house lobbyists represent (i.e. it is
clear that the Royal College of Nursing represents nurses and the nursing profession) a register should only apply to commercial or third-party lobbyists. This would ensure clarity on which client(s) third parties are representing.

Whilst we believe that in-house lobbyists should not be included, we are content that those speaking about voluntary work or as individuals are not captured.

**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 do not support proposals for in-house lobbyists to be included in the Register. Nevertheless we do not see the requirement to register as a barrier to continuing effective engagement with MSPs and the Scottish Government.

For commercial and third party lobbyists, however, the Register will capture helpful information about on whose behalf they are lobbying which will increase transparency.

**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?**

We believe that guidance would be necessary to ensure that all lobbyists understood the requirements and obligations placed on them by the Bill.

**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?**

Broadly we welcome the light-touch approach. As previously stated we do not believe there to be a problem with lobbying in Scotland and, given that, the Bill is not looking to address a problem but rather promote further transparency. It would therefore seem unnecessary to adopt anything other than a light-touch.

Clearly, however, a compulsory register is of little use if it is not regularly monitored and subject to compliance checks. As such it is important that penalties can be imposed should a situation arise where a person/(s) deliberately avoid registration and/or updating the Register when they have had cause and direction to do so.

**Theresa Fyffe**  
**Director**  
**RCN Scotland**  
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