

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

INQUIRY INTO LOBBYING

SUBMISSION RECEIVED FROM ROYAL COLLEGE OF NURSING SCOTLAND

The Royal College of Nursing (RCN) is the UK's largest professional association and union for nurses with over 410,000 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.

RCN Scotland welcomes this opportunity to contribute to the Standards, Procedures and Public Appointments Committee's inquiry into lobbying.

Lobbying and influencing play a key part within the democratic process. Individuals, charities, pressure groups, companies and a whole range of organisations provide politicians and officials with information, opinion and advice that help contribute towards the policy-making process. Those being lobbied have every right to consider these views before acting on them or otherwise, and those carrying out the lobbying have every right to present their case during the policy making process.

In summary, RCN Scotland believes:

- Lobbying is a democratic right and aims to improve policy and legislation;
- The Scottish Parliament has established a reputation as being an open and transparent institution, with both the public and organisations given a range of opportunities to present their case to politicians of all parties;
- Keeping the Parliament as open and transparent as possible should be a priority, with regular reviews of the MSPs' Code of Conduct to establish it is in line with international best practice; and
- If a decision were to be taken to introduce a register it should apply to third party lobbyists only.

The Need for Change

1 Have there been significant changes over the last decade in the way that lobbying is carried out?

RCN Scotland has not made any significant changes to the way it lobbies. RCN Scotland staff and members lobby in a range of ways including:

- Electronic, written and face-to-face communication with ministers, civil servants, MSPs of all parties and MSPs' staff on issues of significance to our members such as changes to health policy;
- Written briefings for assistance for MSPs and staff in advance of parliamentary debates;
- Asking MSPs to lodge PQs and parliamentary motions;

- Providing written evidence and evidence in person to parliamentary committees; and
- Use of social media to communicate with MSPs and other stakeholders who may influence MSPs about issues of significance.

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?

RCN Scotland does not believe there is a problem with lobbying in Scotland. Since the Scottish Parliament was established in 1999, open and transparent 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.

Given the lack of a problem concerning lobbying it seems unnecessary to take any action, other than to ensure any relevant Codes of Conduct for MSPs, Ministers and public officials are reviewed, highly publicised and kept as transparent as possible.

One way of improving transparency would be to regularly publish details of who – other than constituents – MSPs, Ministers and public officials have met with. This would enhance the reputation of the Parliament as a model of open and transparent democratic participation.

Register of lobbyists

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

As far as RCN Scotland is aware, there is not a problem with lobbying in Scotland, so on that basis, introducing a register seems unnecessary. It would potentially introduce a cost and a bureaucratic burden to those affected – and to whichever body is tasked with managing such a register – for little or no perceived public benefit.

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?

If a register for lobbyists were to be introduced, 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), such a register should only apply to commercial or third-party lobbyists, to make clear which client(s) they are representing.

A new independent body should be established to maintain such a register and there seems little value in making a register anything other than compulsory. The register should consist of a list of lobbying/public affairs companies and self employed consultants, together with their clients. Thresholds would then be irrelevant.

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?

If a compulsory register were to be introduced, it would require clear governance, together with regular monitoring and compliance checks. Therefore a new independent body, or a new function of an existing independent body, would need to be established and this would be likely to have significant financial and bureaucratic costs.

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

Other than potential financial and bureaucratic burdens, there would be limited implications for those groups listed above.

Other measures

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?

As mentioned above, details of those organisations or individuals that MSPs have met with – other than on constituency business – should be published. This would enhance transparency. There should also be regular reviews of the Code of Conduct, with the public consulted on this on a regular basis.

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

If a register were to be established, the body that administers it could also introduce a Code of Conduct for lobbyists, which should also be statutory.

**THERESA FYFFE
DIRECTOR
ROYAL COLLEGE OF NURSING SCOTLAND
10 JANUARY 2014**