

Scottish Parliament Lobbying Register

Clàr Coiteachaidh
Pàrlamaid
na h-Alba



Annual Report 2020

Aithis Bhliadhnail 2020

LOBBYING REGISTER

| CLÀR-COITEACHAIDH



The Scottish Parliament
Pàrlamaid na h-Alba

Second report on the operation of The Lobbying (Scotland) Act 2016

Covering the period 12 June 2019 to 12 June 2020

An dàrna aithisg air obrachadh Achd Coiteachadh (Alba) 2016

A' dèiligeadh ris an ùine 12 Ògmhios 2019 gu 12 Ògmhios 2020

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Buidheann Chorporra Pàrlamaid na h-Alba 2020

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- David McGill, Clerk/Chief Executive, Scottish Parliament

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FOREWORD



I am pleased to present to you the second Annual Report on the Scottish Parliament's Lobbying Register, and my first since assuming the role as Clerk/Chief Executive.

This report provides information and figures for the period from 13 June 2019 to 12 June 2020.

During the last year we have continued to see an increase in the number of organisations registering and submitting information on the Register and in doing so, ensuring compliance with the Lobbying (Scotland) Act 2016 Act. I'd like to place on record my thanks to all those new organisations registered since last year, as well as recognising the continued efforts of those registered previously.

Collectively, all our registered organisations are contributing to a valuable source of information on regulated lobbying activity. As of 12 June, over 12,000 published information returns were available to view on the Register, a rise of over 5,000 returns from this point last year.

I'd also like to thank our Lobbying Register Team for the support and advice they have provided to registrants, through telephone, email and in-person assistance, including outreach activities at conferences, events and in running compliance workshops. Of course, as the COVID-19 pandemic continues to challenge us all, this has clearly had a major impact on how we carry out that type of in-person business.

We are however seeing the increased use of video conferencing as a method for engaging in regulated lobbying. The Lobbying Register Team are also using video conferencing to provide face-to-face advice and this particular form of support is, I hope, proving helpful to organisations during these very difficult times.

Of course, we all look forward to returning to the days where we can meet and engage again safely, in the ways we did before. In the meantime, I offer my best wishes.

David McGill
Clerk/Chief Executive
The Scottish Parliament

FACAL-TOISICH



Tha mi toilichte an dàrna Aithisg Bhliadhnail air Clàr Coiteachaidh Pàrlamaid na h-Alba a thaisbeanadh dhuibh, a' chiad fhear agamsa bho ghabh mi ris an dreuchd mar Chlàrc /Ceannard.

Tha an aithisg seo a' toirt seachad fiosrachadh agus figearan airson na h-ùine bho 13 Ògmhios 2019 gu 12 Ògmhios 2020.

Rè na bliadhna a dh'fhalbh, chunnaic sinn tuilleadh àrdachaidh anns an àireamh de bhuidhnean a' clàradh agus a' lìbhrigeadh fiosrachadh don Chlàr agus ann a bhith a' dèanamh seo, a' dèanamh cinnteach gu bheilear a' cumail ri Achd Coiteachaidh (Alba) 2016. Bu mhath leam mo thaing a thoirt do na buidhnean ùra sin a chaidh a chlàradh bhon uiridh, agus cuideachd aithneachadh oidhirpean leantainneach an fheadhainn a chaidh a chlàradh roimhe.

Còmhla, tha na buidhnean clàraichte againn uile a' cur ri stòr fiosrachaidh luachmhor mu ghnìomhachd coiteachaidh riaghlaichte. Bho 12 Ògmhios, bha còrr air 12,000 fiosrachadh foillsichte rim faighinn air a' Chlàr, àrdachadh de chòrr air 5,000 bhon àm seo an-uiridh.

Bu mhath leam cuideachd taing a thoirt do Sgioba a' Chlàr Choiteachaidh againn airson na taic agus comhairle a thug iad do luchd-clàraidh, air fòn, post-d agus aghaidh ri aghaidh, a' toirt a-steach gnìomhan com-pàirteachaidh aig co-labhairtean, tachartasan agus ruith bhùthan-obrach gèillidh. Gu dearbh, leis gu bheil galar lèir-sgaoilte COVID-19 fhathast a' toirt dùbhlann dhuinn uile, tha e soilleir gu bheil seo air buaidh mhòr a thoirt air mar a nì sinn an seòrsa sin de ghnothach pearsanta.

Ach tha sinn a' faicinn barrachd conaltradh bhidio mar dhòigh air coiteachadh riaghlaichte a dhèanamh. Tha Sgioba a' Chlàr Choiteachaidh cuideachd a' cleachdadh co-labhairtean bhidio gus comhairle aghaidh-ri-aghaidh a thoirt seachad agus tha an seòrsa taic seo, tha mi an dòchas, na chuideachadh do bhuidhnean aig àm duilich.

Gu dearbh, tha sinn uile a' coimhead air adhart ri bhith a' tilleadh chun nan làithean far am faod sinn coinneachadh agus conaltradh a-rithist gu sàbhailte, anns na seann dòighean. Gus an tig an latha sin, tha mi a' guidhe mo dhùrachd oirbh uile.

David McGill
Clàrc/Ceannard
Pàrlamaid na h-Alba

Updates on the Lobbying Register

Ùrachaidhean air a'
Chlàr Choiteachaidh

UPDATES ON THE LOBBYING REGISTER

Parliamentary review

The Lobbying (Scotland) Act 2016 makes provision for a committee of the Scottish Parliament to review and report on the operation of the Act.

The Scottish Parliament's Public Audit and Post-legislative Scrutiny Committee was appointed as the lead Committee earlier this year to undertake this statutory review. The Committee issued a call for evidence in June.

Our [annual report for 2019](#), set out a number of areas which the Committee may wish to consider within the chapter [Issues for Review](#).

Outreach activities

The Lobbying Register Team continued to arrange Information Return Compliance Workshops for registrants last year. During the summer of 2019 the team ran three workshops, with participants from 38 separate organisations attending.

The main aim of the workshops was to improve the understanding of registrants on the content required for an Information Return and to answer any queries on the Lobbying Register IT system in general. These two-hour workshops covered:

- Common issues of registrants such as forgotten passwords and how to update account details;
- How to complete and submit an Information Return, including guidance on different lobbying scenarios; and
- What happens once an Information Return has been submitted and how it is processed by the Lobbying Team.

Following the success of the summer workshops which were held in the Scottish Parliament, the team then held a workshop in Aberdeen in February 2020, allowing them to be more physically accessible to registrants from that part of Scotland.

In recent months the team have continued to make themselves available to meet with registrants by video conference to provide in-person advice and to participate in webinars and other online events.

Registered Social Landlords (RSLs)

The Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 came into force on 11 November 2019.

It provides for the extension of coverage of the 2002 Act, in setting out the meaning of a Scottish public authority, to any Registered Social Landlord (**RSL**) as defined in section 165 of the Housing (Scotland) Act 2010, and to any connected body under section 164(c) of the 2010 Act.

This extension of these Freedom of Information provisions had implications for any 'RSL' organisation already registered on the Lobbying Register, as The Lobbying (Scotland) Act 2016 exempts communications made by:

“any other Scottish public authority within the meaning of the Freedom of Information (Scotland) Act 2002”.

The effect of this Order meant RSLs could no longer be engaged in 'regulated lobbying' for the purposes of the Lobbying (Scotland) Act 2016. As such, prior to the Order coming into force, the Lobbying Register Team provided advice direct to all registrants, asking any to which the Order may be relevant to take steps to make the organisation 'inactive' on the Lobbying Register (more on [Inactive registrants](#) below).

At 12 June 2020, all organisations that have contacted the team have either been made inactive or are in the process of winding up remaining issues from prior to 11 November 2019, to allow them to be made inactive.

Organisations were also informed that the option to register as a voluntary registrant would be available, after being made inactive, if they wished to further continue to contribute in an alternative way to the Lobbying Register (more on [Voluntary registrants](#) below).

COVID-19 coronavirus

This report covers the period up until 12 June 2020. The report is therefore limited in being able to reflect on the full impacts of the COVID-19 pandemic, as it only covers the first few months since lockdown arrangements came into place in mid-March.

The 2021 report will therefore be able to more fully analyse approaches and responses taken during this unprecedented period.

One early impact of note however has been the necessitated move away from in-person engagement, to communications being made face-to-face by using video conferencing instead. A video conference is also a registrable format as set out in the Act at [Section 1\(1\)\(a\)\(ii\)](#):

“a communication which is made in person or, if not made in person, is made using equipment which is intended to enable an individual making a communication and an individual receiving that communication to see and hear each other while that communication is being made”

This was highlighted on the Lobbying Register home page and details added to the [News section](#) of the Lobbying Register website, on 5 June.

Registrations

Clàraidhean

REGISTRATIONS

The Register launched on 12 March 2018. This report covers data from that start date up until **12 June 2020** (i.e. two years and three months of full activity).

Any company, organisation or other eligible individual (e.g. a sole trader), likely to engage in regulated lobbying, can register an account on the Lobbying Register website at www.lobbying.scot. Registrations can be made in advance of any regulated lobbying being undertaken, but as a legal requirement must be made no later than 30 days from the date of a 'first instance' of regulated lobbying.

A registration is completed online, with one account only per organisation. The organisation's details submitted are assessed by the Lobbying Register Team. Once all the details are verified, the team turn the account 'active' – it is at this point the new 'registrant' can submit Information Returns on the Register.

Registrants by number

Last year's annual report set out that 802 of the then 1088 registered organisations (almost three quarters) registered within the first 3 months of the Lobbying Register going live.

By **12 June 2020**, the Lobbying Register held **1196** active registrants, a net increase of **108** on the previous year.

Inactive registrants

It is also possible for registrants to become 'inactive' in line with requirements set out in [Section 12](#) of the Lobbying (Scotland) Act 2016. Prior to taking the significant step of applying to do so, organisations are asked to first consider two key points:

- To remember that it was the organisation **itself** that made the choice to register, because it was engaging (or considered at the time it would engage), in the regulated lobbying of MSPs, or the Scottish Government's Ministers, Special Advisers or Permanent Secretary. If engaging, it is a legal requirement to report on this.
- That if the organisation does not engage in regulated lobbying during any statutory six-month period, then that organisation simply needs to submit a 'nil' return, which is not a difficult or lengthy process.

Nil returns also provide an important transparency purpose. By providing nil returns and remaining on the Register, organisations are providing evidence, through a nil declaration, that they have not engaged in regulated lobbying, within any particular time period.

However, where an organisation does determine that it is no longer going to be engaged in regulated lobbying and wishes to be made 'inactive', then they must formally notify the Lobbying Register Team that they wish to do so, by making an application to that effect.

All outstanding information returns (or a nil return) must be submitted up to the date of that request, before the organisation is made inactive. All published information returns remain on the Lobbying Register.

By 12 June 2020, a total of **27** organisations had been made inactive. These are identified in the associated data document supplied in support of this annual report. Some of this number were Registered Social Landlords (RSLs), no longer covered by the legislation (see **Registered Social Landlords (RSLs)** section above).

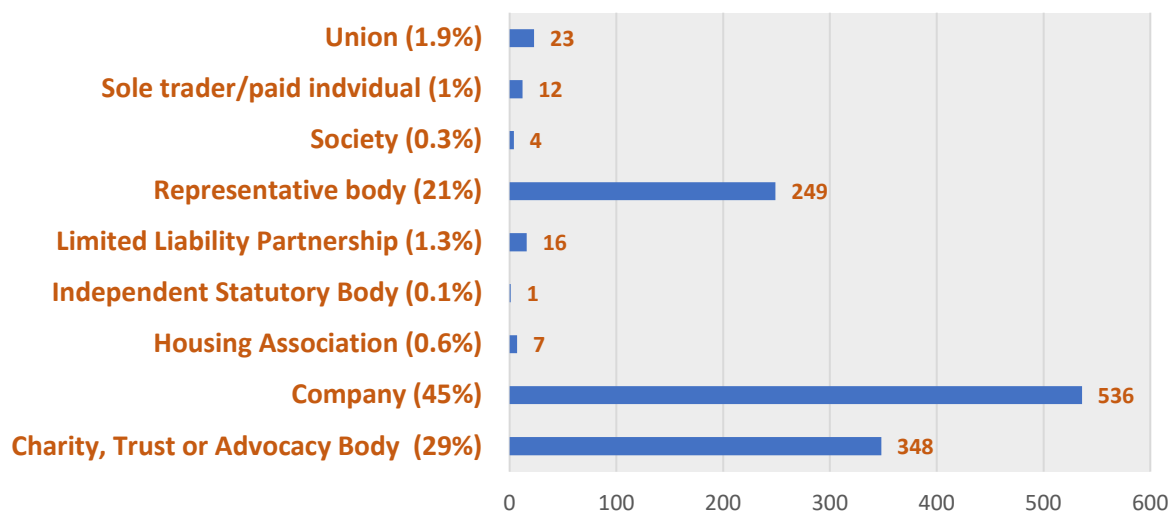
Voluntary registrants

We currently also have **4** voluntary registrants. Voluntary registrants are permitted under [Section 14](#) of the Lobbying (Scotland) Act 2016, as long as the applicant is not already an active registrant.

Not all oversight and enforcement conditions for being an active registrant apply to voluntary registrants. Assistance on these matters is provided to any potential applicant before proceeding.

Registrants by organisational type

The organisational type of active registrants (as at 12 June 2020) are reflected in the table below. This information is based on the primary role of any company, organisation or individual registered.

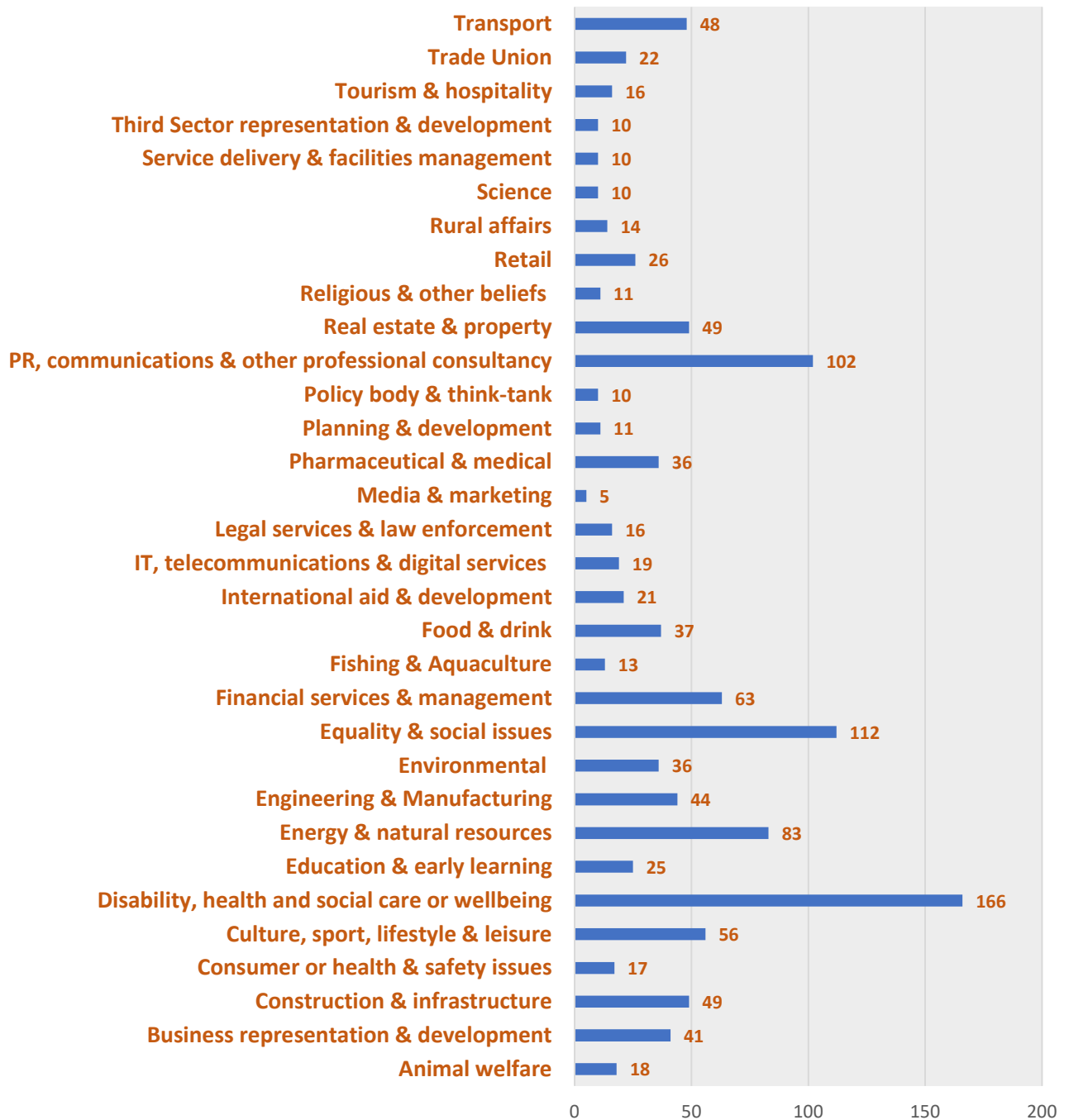


Highlights

- An additional net **108** registrants were added in the past year.
- Of that 108, the Company category rose by **55** and the Charity, Trust or Advocacy Body category by **34**. However, these were only marginal percentage changes overall and only one category saw a rise from last year - Company (up by 1%) to **45%**.

Registrants by sector

The table below shows registrants split into different types of sector (again, reflecting the primary sector they operate within).



Highlights

- The Disability, Health and Social Care or Wellbeing sector still accounts for the highest percentage rate, up very slightly this year at **13.8%** of all registered accounts.

Information Returns

Aithrisean Fiosrachaidh



INFORMATION RETURNS

The Act sets out when a person engages in what is referred to as ‘regulated lobbying’. Not all forms of lobbying are covered by the Act. In addition, the **‘Five Key Steps’** contained within the [Parliamentary Guidance](#), provide a ‘quick guide’ to help registrants assess whether, or not, they have engaged in regulated lobbying.

If a communication made by a registrant fits with all the Five Key Steps, then that indicates the registrant will need to submit an Information Return, detailing what the regulated lobbying undertaken was.

Information Returns are completed by individuals logging into their organisation’s account on the Register at www.lobbying.scot; creating a new Information Return and submitting this online to the Lobbying Register Team for initial checking.

6-month statutory return periods

Every registrant is required to submit at least one Information Return during their statutory 6-month period - the start and end dates of which are unique to each registrant. The first 6-month period for any registrant starts on the date of application to join the Register. However, if regulated lobbying by an applicant took place in advance of this, the first date on which any regulated lobbying took place becomes the start date, instead.

Registrants are notified of these timescales during the registration process. In addition, an email reminder is also sent to the registrant’s email account, two weeks before the end date for every 6-month period. Information Returns can however be submitted at any time and the Lobbying Register Team encourage Information Returns to be submitted on a regular basis, rather than waiting until the end of a 6-month period. In doing so, this contributes to information on the Register being more current and helps to alleviate ‘bottle-neck’ peak periods during Spring and Autumn, when the end dates for many registrants fall.

In cases where the registrant has not engaged in regulated lobbying during a 6-month period, the requirement to submit at least one return is covered by the submission of a nil Information Return. This nil return acts as a public declaration by the registrant that they have not taken part in any regulated lobbying during that 6-month period.

Assessing an Information Return

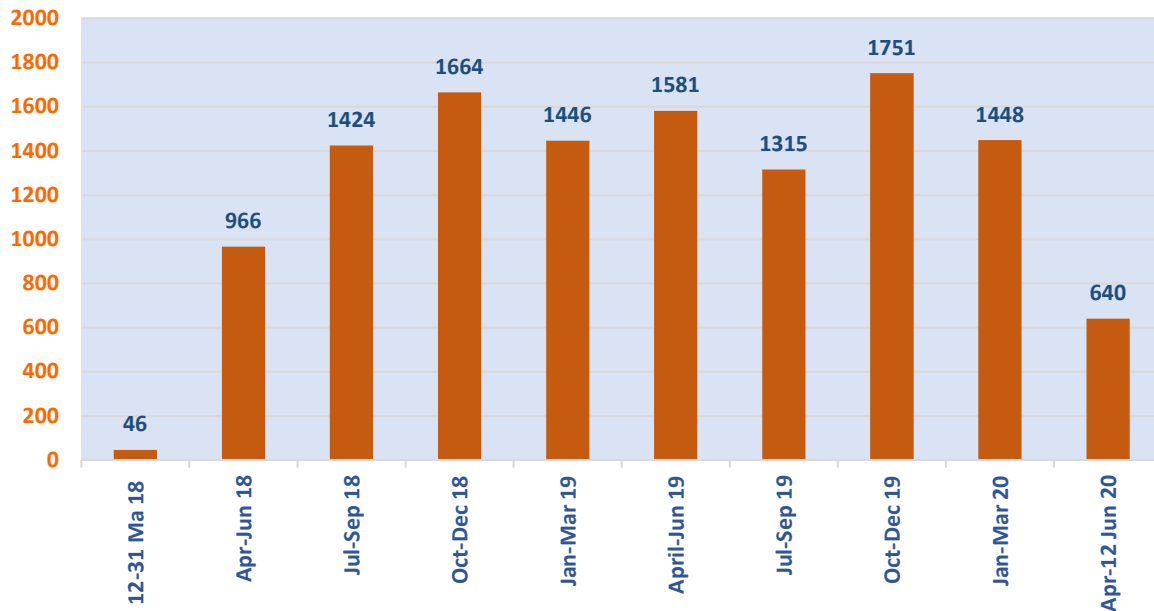
Once an Information Return is submitted by the registrant it is assessed by the Lobbying Register Team to check whether the activity outlined amounts to regulated lobbying, as set out by the Act.

This check includes an analysis of the details provided and consideration of whether any exemptions in the Act might apply. Feedback is then offered to the registrant where required and changes sought before final publication.

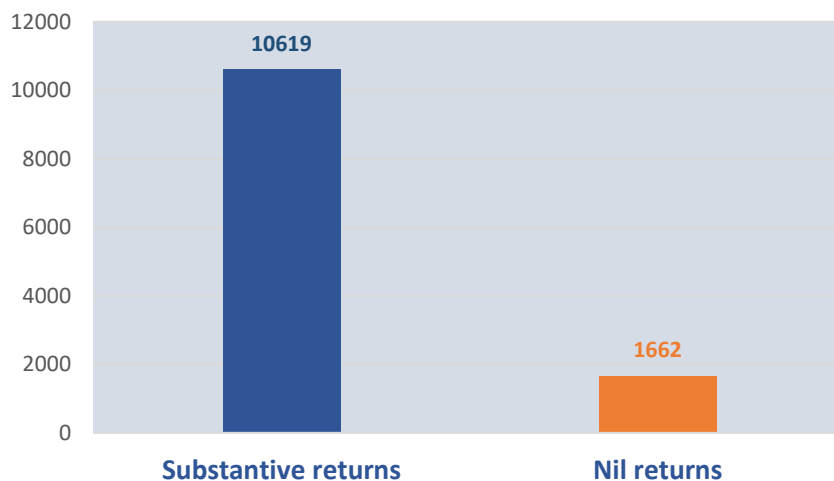
Refinements are made by the Lobbying Register Team and published without recourse, as part of a pragmatic approach to assist registrants.

Information Returns by number

By 12 June 2020 the number of Information Returns published was **12,281**, an increase of **5,336** on last year. The table below sets out quarterly publication figures, since 12 June 2018. The first quarter and final quarter are not full 3-month periods.



The table below shows the total number of published returns, split between substantive Information Returns and 'nil' Information Returns, by 12 June 2020.

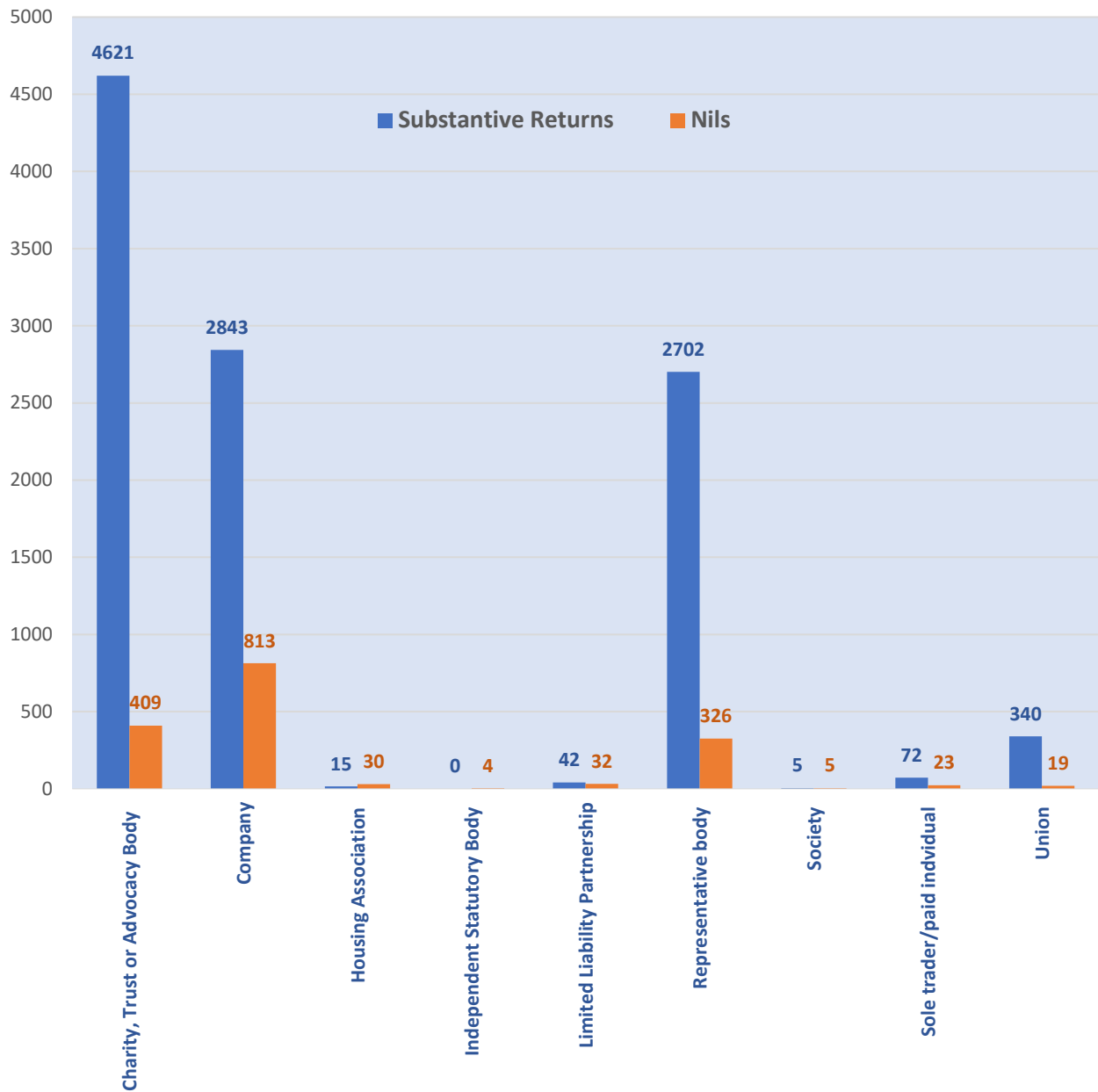


Highlights

- Published Information Returns since 12 March 2018 average 455 per month.
- There has been an increase in the proportion of nil returns published since last year to **14%** of all returns (up from 10%).

Information Returns by organisational type

The chart below shows the same published Information Returns, split into different types of organisation.

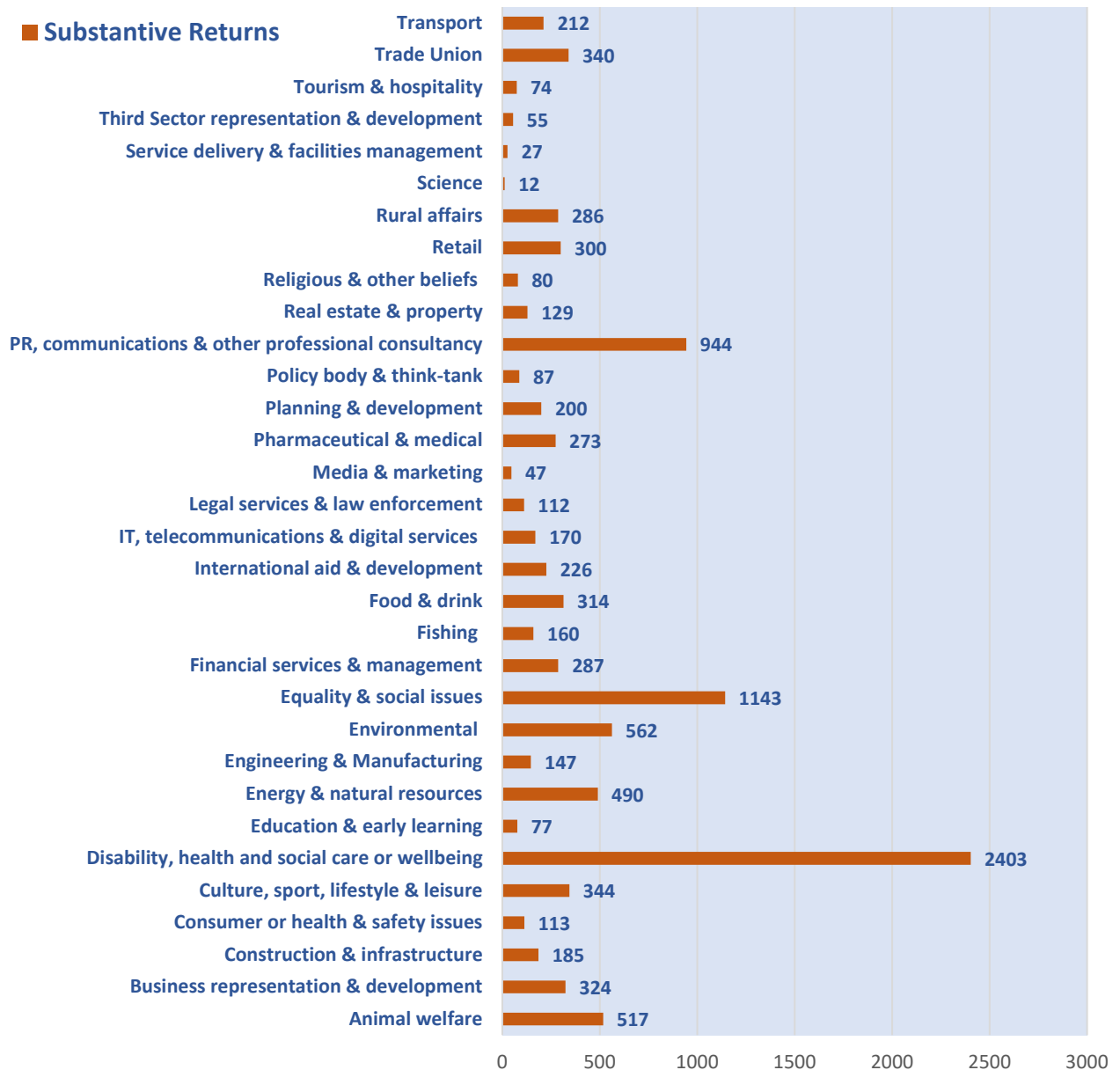


Highlights

- The largest percentage of overall Information Returns now published by organisational type remains Charity, Trust or Advocacy Body with **5030** (at 41% up slightly from 40% last year).
- This was followed by Company at **3656** (at 30% up slightly from 29%) and Representative Body at **3028** (remaining at 25%).

Information Returns by sector

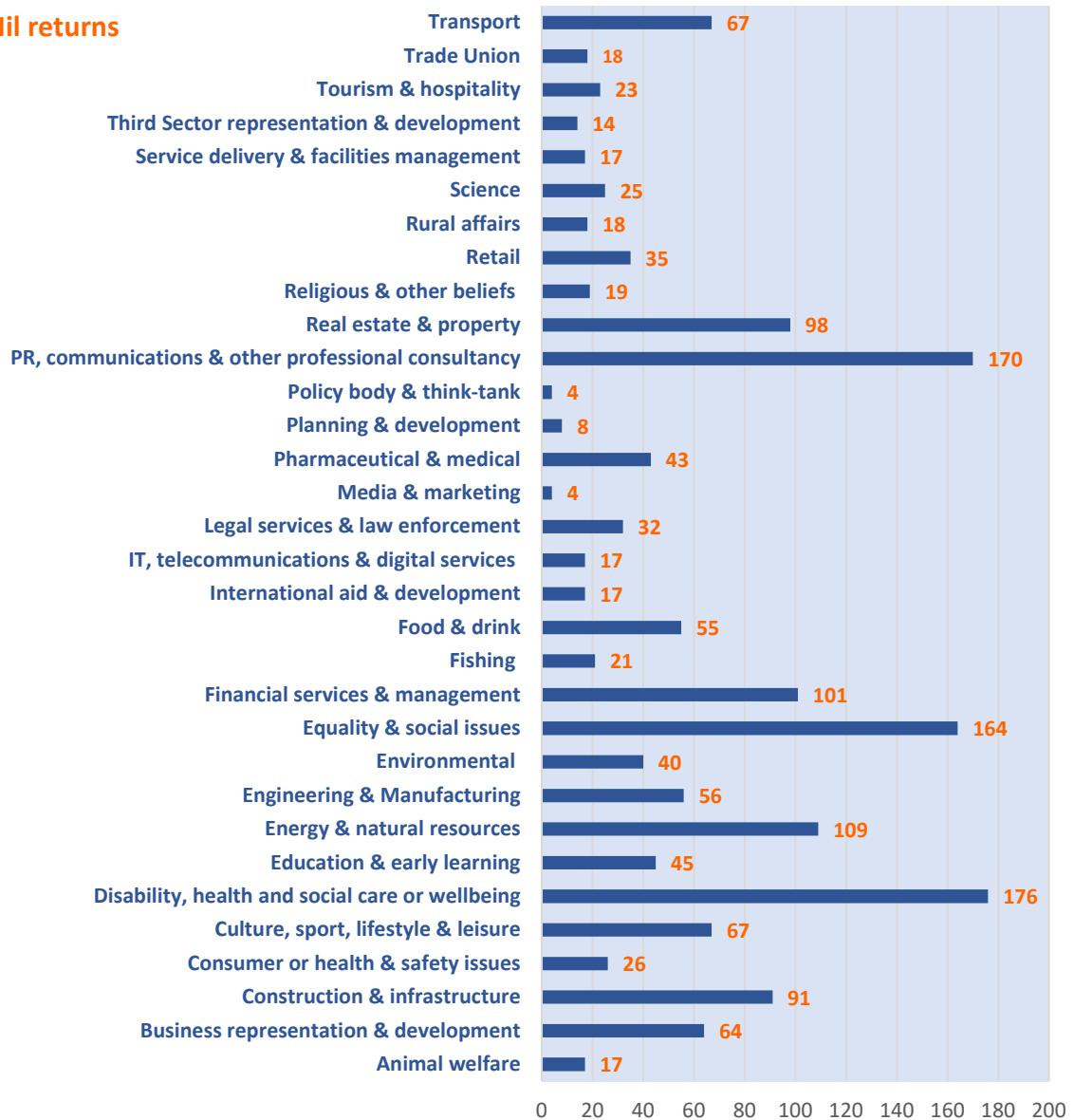
The tables on the following two pages show published Information Returns split into different types of sector – first, substantive returns and secondly, nil returns.



Highlights

- The largest percentage of Information Returns now published by sector is **2403** (23%, up from 21% last year) for Disability, Health and Social Care or Wellbeing.
- This was followed by Equality or Social Issues at **1143** (11%, up from 9.5%) and PR, Communications & other Professional Consultancy at **944** (9%, down from 10% last year)

■ Nil returns



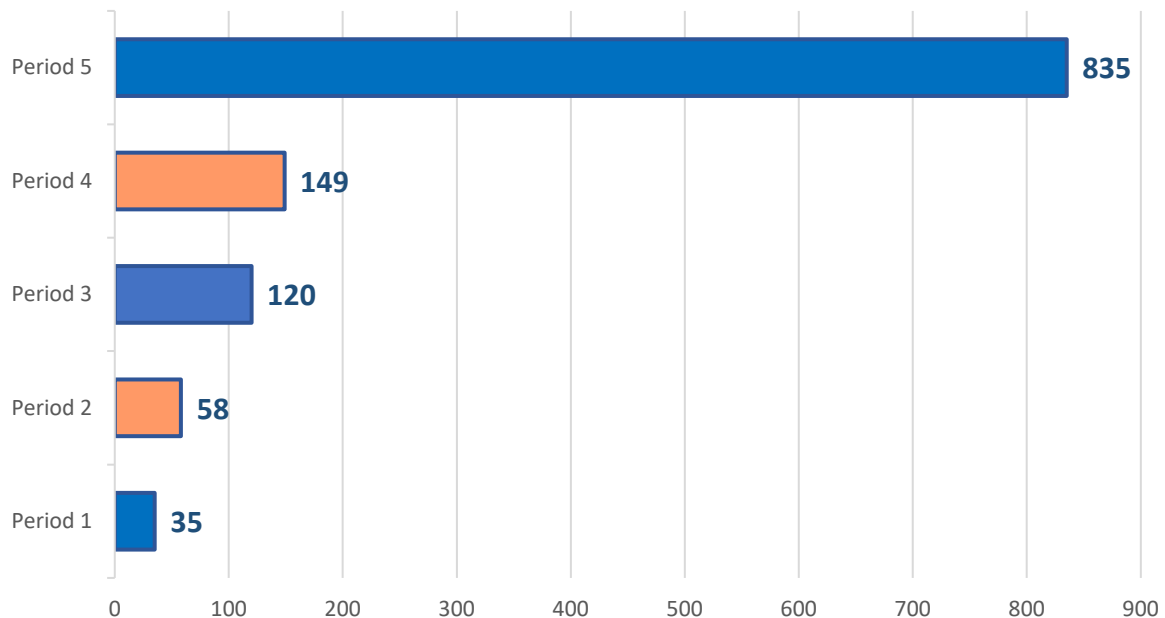
Highlights

- The largest percentage of **nil** Information Returns now published by sector is **176** (at 10.5%, up from 9.5%) for Disability, Health and Social Care or Wellbeing.
- This was followed by PR, Communications & other Professional Consultancy at **170** (10%, down from 10.5%) and Equality or Social Issues at **164** (remaining at 10%).

Information Returns – current six-month statutory periods

Every organisation has specific start and end dates for each of its successive six-month statutory periods. This is based on the start date when the organisation registered, or the first time it engaged in regulated lobbying, if that was earlier.

This table sets out which period each organisation was within, on 12 June 2020.



Deleted Information Returns

As previously described, the Lobbying Register Team carry out an assessment of every return to check that the activity described appears to amount to regulated lobbying under the Act. Where it is established that no regulated lobbying took place, a return is deleted, after agreement with the registrant organisation.

The team will also receive ‘tidying-up’ requests or confirmations (originating from audit work by the team) to delete extant returns sitting in an organisation’s ‘Not Submitted’ folder. These deletions are generally unused drafts or duplicate returns created in error. Again, a deletion will only take place once confirmation is received from the organisation of the purpose for deletion.

The total number of deleted returns in the past year was **709**. This is a rise against the total number of returns handled by the team from 7% last year to 11% this year.

However, a key focus from January to mid-March 2020 (pre COVID-19) was a specific audit by the team. This exercise was to reduce the number of returns where organisations had yet to fully respond to the team on. Much of this work led to the deletion of returns for the reasons set out above.

Six-month statutory period and breaches

The Act makes it a requirement for every registrant to provide at least one Information Return, or where appropriate a nil Information Return, every six months.

Following the end date of a statutory six-month period, registrants have a further two weeks to ensure they submit all relevant returns for that period (or provide a nil return, instead). Failure to do so is a breach of the Act.

When a registrant has failed to provide any return by that final day, the Lobbying Team will email the registrant asking for appropriate action to be taken. If no reply is received, this is followed up by a recorded delivery letter (also emailed) from the team to a senior individual in the organisation. This approach has continued this year in leading again to, ultimately, full compliance.

By 12 June 2020, the number of those emails issued by the Lobbying Register Team was 246 for Period 2 and 290 for Period 3. The Period 4, 5 and 6 figures will all be available in next year's report and will be useful for comparative analysis and consideration of whether further measures are required, especially in light of the higher figure already for Period 3.

ADDENDUM



ADDENDUM

Data for the Report

The data for this report covers the period 12 March 2018 until 12 June 2020 and is published as an accompaniment to the Report, within a searchable excel spreadsheet. This includes:

- Registrant: date of registration
- Registrant: name
- Registrant: type
- Registrant: (primary) subject area
- Registrant: final date for end of Period 1
- Registrant: final date for end of Period 2
- Registrant: current Period (at 12 June)
- Registrant: number of substantive Information Returns published (at 12 June)
- Registrant: number of nil Information Returns published (at 12 June)
- Registrant: breaches in Periods 2 and 3.

Conclusion from the Lobbying Registrar

I hope you find the information contained in this second annual report of continued interest.

The figures presented suggest no substantial shifts in the patterns we saw emerging in last year's first annual report.

Of course, the reporting cycle to 12 June each year means this data is only just starting to touch on the ongoing impact caused by COVID-19, since mid-March 2020. These impacts will be more apparent in next year's analysis. In the meantime, I'd like to reiterate that our team remain on hand to help. Please do not hesitate to get in touch if you are needing any assistance.

In last year's conclusion I mentioned the expectation in 2020 of a parliamentary committee starting a statutory review of the existing legislation. I hope the information in this year's report will therefore be additionally helpful to the Public Audit and Post-legislative Scrutiny Committee in its considerations, as they now carry out that task.

I also hope this report proves helpful to all those who are now, or are planning to, participate with that review.

Billy McLaren
Lobbying Registrar