

Senedd Standards of Conduct Committee Inquiry into Lobbying Consultation

23 June 2022

Introduction

ColegauCymru is a post-compulsory education charity; we promote the public benefit of post-compulsory education and learning. We also convene the further education (FE) Principals' Forum which represents Further Education colleges and FE institutions (FEIs) in Wales. ColegauCymru also undertakes research, policy development and provides practical support to FE colleges in Wales, including on work-based learning (WBL) which is a key part of FE college activity.

ColegauCymru welcomes the opportunity to respond to the Senedd's Standards of Conduct Committee inquiry into Lobbying.

1. What do you understand by the term lobbying?

1.1 The term 'lobbying' has in some ways become discredited as a result of various improper or inappropriate activities at a variety of levels. However, it is still a shorthand for a range of formal and informal activities. Public Affairs Cymru (PAC), the membership organisation for public affairs professionals in Wales (of which ColegauCymru staff are members) defines lobbying for the purposes of its Code of Professional Conduct as: "all activity associated with representing the interests of a client, employer or organisation as regards any matter of public policy. This includes the provision of information and advice, as well as the actual advocacy of a point of view." This definition seems an appropriate starting point.

1.2 ColegauCymru agrees that in its broadest sense, lobbying means to influence decisions or legislators – as well as to highlight and bring issues to the attention of such decision-makers. Targeted lobbying can make an integrative and necessary contribution to political processes by supporting ways to overcome boundaries through forming a common basis of communication between politics and different sectors from the third-sector to private business.

1.3 The need for a clear understanding about what is meant by lobbying and what makes someone a lobbyist is essential if we are to develop more robust regulatory practices for campaigning, advocacy and lobbying. This is especially true in light of support from the sector for some form of voluntary register. Furthermore, a clear and workable definition of lobbying would improve awareness around where the lobbying of MSs takes place and the influence this has. Although we recognise it is a complicated term to define, we must be mindful of the challenges that could emerge for people who are unintentionally caught in the scope of greater regulation.

1.4 Some charities and organisations are cautious about associating themselves with the term 'lobbying,' and prefer to align themselves with terminology such as 'campaigning' and 'advocacy' due to instances of negative events that have embroiled lobbying in the past. The Hansard Society's report *Audit into Political Engagement* found that 63% of people in Britain think that the United Kingdom system of governance is "rigged to the rich and powerful" – and it is this perception of lobbying by those with significant resources

that has undermined and corroded trust in public institutions.¹ Greater transparency and steps towards a more responsible approach to lobbying would restore confidence and foster a more positive outlook towards the vital impact lobbying can have for many third-sector and voluntary organisations, and in turn make it easier to identify and root out areas of contention around the practice of lobbying.

2. What concerns, if any, do you have about lobbying of Members of the Senedd?

2.1 ColegauCymru does not have any immediate concerns about lobbying of Members of the Senedd. However, that is not to say that problematic situations could not arise in future, nor that preventative action to avoid such situations where possible should not be considered.

2.2 It is of course the case that there are varied reasons organisations want to lobby. From ColegauCymru’s perspective, as a post-compulsory education charity our Vision is “world-class further education for Wales” and our mission is to “demonstrate the value of further education to all learners, society and the economy.” As a result, we see responsible lobbying activity as contributing to the public good, the greater benefit of Welsh society, and ensuring that the voice of an essential but often forgotten sector is heard.

2.3 ColegauCymru suggests that there is a difference between activities undertaken in the charitable interests of Welsh society and those where individuals, organisations or companies stand to gain personally and/or financially from lobbying activity. Such a line is not always easy to draw and this is not to suggest that private commercial interests should not have a voice. We must therefore think about the way in which we distinguish between the aims and objectives of lobbying in different contexts, and how we go about recording them to ensure transparency.

3. What is your understanding about the role that Cross-Party Groups play in relation to lobbying in the Senedd, and do you have any comments/concerns?

3.1 It must be recognised that the numerous Senedd CPGs operate in different ways and cover a diverse range of subject matter. If used effectively, they can act as vehicles to advocate/lobby on particular issues to interested Members of the Senedd and potentially Ministers, if invited and able to attend. This can result in action such as the use of appropriate Senedd channels for oral or written questions, debates, 90-second statements etc.

3.2 ColegauCymru provides secretariat for the CPG on Further Education and Future Skills, chaired by John Griffiths MS. To date, the CPG has tended to operate as an opportunity to bring the FE (Further Education) sector and interested groups together to discuss a particular topic of interest. Some CPG meetings have been attended by Welsh Government Ministers or Committee Chairs with a view to highlighting and discussing issues. Other CPGs have instead operated as smaller working groups on more targeted issues.

¹ Hansard Society, ‘Audit into Political Engagement 16’, (2019). You can find a link to the full report [here](#).

ColegauCymru is exploring the most effective way for our CPG to function, to highlight and progress sector concerns.

3.3 ColegauCymru has no immediate concerns about CPGs and lobbying. However, beyond our own CPG and limited involvement in some others, there has been no reason to consider this issue in any depth. We would suggest that there needs to be a clear set of expectations about what a CPG can and cannot do. The vast majority of currently registered CPGs would seem to have a link to some sort of public benefit rather than straying into commercial interests.

4. How do you think we could achieve greater transparency around decision making in Wales?

4.1 This is a challenging question as it raises issues of the appetite for understanding decision making in Wales. Turnout in Senedd elections has yet to reach 50 per cent, suggesting that there is much work to do in engaging Welsh citizens in understanding decision making, beyond those with an existing interest, journalists, and instances where a decision is of interest to a particular community or group. Welsh Government Decision Reports, for example, are available online and accessible to the public, however they lack the option to easily find further detail. Similarly, the quarterly publishing of external Ministerial meetings and engagements was a welcome move that improved transparency following the last inquiry into lobbying.

4.2 In Scotland, under the Lobbying Act 2016, ‘regulated lobbying’ is clearly defined as lobbying which takes place face to face (including by online video conference) and the people who are required to document their activities in a Lobbying Register. ColegauCymru would not object to the principle of a register to ensure the responsible governance and more robust form of accountability surrounding lobbying activities in the Senedd. It is also important to note that the public affairs landscape in Wales is unique and that what works for Scotland might not be the most appropriate method and approach to take here in Wales.

4.3 Transparency and openness is key to ensuring that the public affairs sector is trusted and respected in Wales. Public Affairs Cymru (PAC) has previously highlighted that increased transparency could be achieved through the publication of meetings by the Welsh Government, MSs and officials rather than a statutory register so that engagement by all those who seek to influence elected members and senior civil servants, not just agency lobbyists, is clear, open and visible.

4.4 Welsh Parliament *Guidance on lobbying and access to Members of the Senedd* suggests that Members ‘may’ wish to find out whether a lobbyist is a member of a professional body, registering information about who its members represent and which has a professional code of conduct for its members, before meeting with them. Clause 7 of the guidance also notes that Members should consider taking one or more of the following steps:

- Keeping a record of all meetings with persons considered to be undertaking lobbying activity;

- Requiring the person undertaking the lobbying activity to make a record of the meeting, and provide for the Member to have access to that record at any future time should it be called for, before agreeing to meet with them; and
- Arranging for a member of their support staff to take notes at any meetings with persons considered to be undertaking lobbying activity.

4.5 ColegauCymru suggests that there could be a requirement to ensure that these actions are met. Not only would it ensure a responsible and transparent approach to lobbying, but it could encourage organisations to register with professional bodies like Public Affairs Cymru (PAC) and the Association of Professional Political Consultants (APPC). We must also stress the importance of keeping any additional bureaucracy around record keeping to a minimum.

4.6 Ultimately, we would like to see a strong emphasis on responsible good practice when it comes to keeping a record of lobbying meetings and disclosing a summary of the content discussed, from ministers, Members of the Senedd, the civil service and equally those who seek to lobby them.

5. Do you consider yourself a lobbyist? How is lobbying regulated within your sector at the moment (e.g. if you are a private business, third sector, professional organisation)?

5.1 Certain members of staff at ColegauCymru have roles that would be seen as including lobbying. One of the key purposes of ColegauCymru is to advocate for and promote the public benefit of the Further Education sector in Wales. This sometimes involves activities that we believe would fall under the rubric of ‘lobbying’ relevant members of the Senedd in order to achieve this. This might include meetings, provision of briefings or other relevant information, engagement with relevant Senedd channels such as cross-party groups, oral and written questions, 90-second statements etc.

5.2 Relevant staff are members of Public Affairs Cymru (PAC), the membership organisation for public affairs professionals in Wales and sign up to its Code of Professional Conduct - all members are expected to behave in accordance with this Code and to ensure that they meet all its provisions in their professional activity. Members of the PAC are committed to:

- Safeguarding the reputation of the public affairs profession;
- Encouraging best practice amongst public affairs professionals;
- Promoting wherever possible the work of public affairs professionals operating in Wales.

5.3 Beyond this, there are the usual expectations of integrity and professional behaviour from organisations who employ staff with such roles but no further regulations beyond this. We believe that the PAC Code of Conduct is an effective tool for maintaining high standards and ethical practices for those who are members – however we cannot account for the practices of those who are not PAC members.

5.4 ColegauCymru is also regulated by the Charity Commission for England and Wales and adheres to its guidance on campaigning and political activity for charities. It states that “political campaigning, or political

activity, as defined in this guidance, must be undertaken by a charity only in the context of supporting the delivery of its charitable purposes” and emphasises that “campaigning and political activity can be legitimate and valuable activities for charities to undertake.”

6. Have you encountered any problems with the provisions in the Code and the guidance on lobbying and access to Members of the Senedd (agreed 2013)?

6.1 ColegauCymru is not against updating or strengthening guidance but has not encountered any problems on this issue to date.

7. Are there any areas relating to lobbying that you consider to be unregulated in this area which pose a risk to the accountability and reputation of governance in Wales

7.1. Although there may not have been any significant issues concerning lobbying to date, this is not to suggest that we should be complacent or assume that such problems could not occur in future. Special attention should be paid to any area where there is the risk of unfair or inappropriate financial gain to individuals or businesses. Certain areas of activity are likely to be more contentious than others in this respect.

7.2 Without clear and enforceable rules and regulations, issues where there are competing interests and where activities are more contentious leave the door open for potential problems with political decision-making. Wales should certainly consider options and good practice from the other devolved administrations and, if necessary, explore potential legislative solutions.

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