



Public Affairs Cymru Membership Response - Senedd Standards of Conduct Committee Inquiry into Lobbying

Public Affairs Cymru (PAC) is a membership organisation for public affairs professionals in Wales. Members come from a wide variety of backgrounds – commercial public affairs agencies, PR companies, the voluntary sector, trade associations, advocacy groups and professional bodies who all share a common desire to ensure that public affairs and lobbying activities are undertaken professionally and responsibly.

Public Affairs Cymru recognises that lobbying and public affairs activity is an entirely legitimate and a vital part of Welsh democracy and its members are committed to:

- Advising on professional practice in public affairs in Wales
- Raising awareness of issues within the sector, and
- Enhancing the reputation of public affairs in Wales.
- With appropriate consultation, be the collective voice of public affairs professionals in Wales.

In preparing a response to this inquiry, PAC members were consulted on their views on the questions posed by the Committee. Therefore, our responses below reflect views of our membership, summarised by PAC's Executive Committee.

Definition of lobbying

Public Affairs Cymru's current working definition defines lobbying 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."

PAC Members broadly agree with our current working definition, however, some members feel that the definition of lobbying could extend to user-led organisations or individuals working independently to advance their own interests. Other feedback notes that the definition of lobbying should directly include a reference to an attempt to influence change whilst maintaining transparency.

There is agreement amongst our members that the adoption of a clear definition of "lobbying" by the Senedd would be desirable. It was noted among some responses that our members recognised that the term lobbying often has negative connotations. Therefore, the adoption of a clear definition would lead to greater understanding on what "lobbying" entails.

Lobbying Members of the Senedd

As an organisation, we feel lobbying is an appropriate activity in a healthy democracy and plays an important part in informing MSs in relation to policy development. Most PAC Members have no specific concerns with respect to lobbying Members of the Senedd.

Since the Senedd was established, it's widely recognised how accessible Members of the Senedd are to both external organisations, such as our members, but also to the wider public, especially when compared to Westminster. However, some members noted their concerns were mostly in relation to the public perception of the lobbying of Members of the Senedd and feel the practice of lobbying is misunderstood by wider society.

PAC suggests that the Committee consider how transparency when lobbying Members of the Senedd could be improved further, particularly to alleviate any concerns that MSs are being unduly influenced.

One concern that was raised, pertaining to lobbying Members of the Senedd (MS), referred to the Senedd being formed of only 60 MSs at present (whilst recognising proposals for expanding the number of MSs). This may impact the capacity of Members to develop specialist knowledge of the areas of policy they are assigned through committee memberships, as well as their party-political shadow roles. Our members clearly welcome the opportunity to inform MSs and provide expert information should it be required but there needs to be transparency regarding who MSs engage with to ensure fair access to all who wish to lobby them and reduce the risk of undue influence by larger or better resourced external stakeholders.

Cross-Party Groups (CPG) and lobbying in the Senedd

Many of our members are either actively involved in or run Cross Party Groups (CPGs) in the Senedd and feel that they have an important role to play in policy development and scrutiny in Wales.

They play an important and useful convening role between MSs and relevant sector stakeholders over a specific policy issue. However, a number of our members questioned the transparency and accessibility of CPGs, in particular around invite-only attendance and the level of control the secretariat of a CPG can provide over a specific policy issue.

As the Committee may be aware, concerns have been raised about the equivalent groups in Westminster (All Party Parliamentary Groups) and the level of direct lobbying from these groups. We believe the Senedd system is much more transparent and ensures better protection against direct lobbying, however, we would add that further steps could be taken to ensure transparency and fairness.

In the current CPG system, most CPGs are supported by an external secretariat and in some instances, this can lead to one external organisation being able to influence the agenda towards their interests. We believe the Committee should give consideration to this concern regarding the role of CPG secretariats. Although not supported by all members of PAC, some members highlighted the possibility of MSs – with their support staff – providing the secretariat. This could ensure increased transparency and accessibility with regards to CPGs, however, this suggestion also brought about wider concerns around capacity of MSs and therefore functionality and effectiveness of CPGs.

Other suggestions the Committee may want to consider to increase transparency include amending the code of conduct for CPGs and:

- Requiring CPG meeting times to be published in advance on the Senedd website to ensure stakeholders who are interested in attending meetings are able to do so
- Better enforcement of the rules which require minutes to be published on the CPG webpages in a timely manner.
- Requiring CPG workplans to be discussed and agreed at the AGM allowing for increased contribution from all stakeholders to the work of the Group.

Regulation

➤ PAC Code of Conduct

As an organisation, PAC has a strong record of proactively developing and implementing self-regulatory guides, including our refreshed Code of Conduct, which was introduced in 2017, following the Senedd's previous inquiry into lobbying.

All members of PAC are expected to behave in accordance with this Code and to ensure that they meet all its provisions in their professional activity. The most important benefit attached to compliance with the terms of the Code of Professional Conduct is that the lobbying/government relations/public affairs profession in Wales will both be professional and ethical, and seen by others as being professional and ethical. That is of inestimable value to all practitioners, in whose interest it is that policy makers and the public alike perceive their profession as reputable, legitimate and of a high standard.

From May 2017, PAC has created a new membership system whereby every member of PAC. Both Full members and Associate members, must sign the Code upon joining and thereafter on an annual basis.

Full members of PAC (not associate members) are expected to comply by the following standards of Professional Conduct:

1. Members of PAC are expected to take care to ensure that none of their professional activities or behaviour causes, or has the potential to cause, damage to the reputation of PAC itself or to their profession more generally.
2. Members are expected to deal with clients, employers, organisations and all the institutions of government honestly, transparently and with integrity.
3. Members are expected to take reasonable steps to establish that information supplied by them to clients, employers and organisations or to public office-holders and press is factually accurate and honest. Members are expected to not knowingly mislead elected public office holders, their staff or officials.
4. Members are expected to observe a positive duty in all their professional dealings to disclose the identity of their client, employer or organisation and to be open in providing other information when requested (within the normal boundaries of commercial confidentiality). Any PAC member which routinely sells public affairs commercial services (excepting trade or representatives bodies) will lodge a publicly available list of clients with PAC.
5. Members are expected to advise their client, employer or organisation if they believe that the objectives or activities of their client, employer or organisation may be unethical, illegal or contrary to good professional practice and not to take action to further such objectives or activities.
6. Members are expected to ensure that any financial relationships involved in their professional dealings could not reasonably be construed as being potentially illegal or dishonest.
7. Members are expected to provide information on the cost and value of hospitality provided to public office-holders if the public office-holders concerned request such information.
8. Members are expected to take care to keep entirely separate, and to be seen to do so, their professional activities and responsibilities and their personal and individual membership of, and involvement in, political parties, pressure groups, related organisations and other political causes.
9. Members are expected to neither hold nor seek to obtain permanent passes which confer entitlement to access (or other privileges) to elected public office holders, their

staff or officials for use. No Full member of PAC is allowed to hold a pass to the Senedd in any capacity.

10. Members are expected, while in the Senedd, Welsh Government or any other parliamentary or governmental building to observe the rules and procedures of that institution. Any PAC member which routinely sells public affairs commercial services will respect the Senedd as an institution and undertake not to use the Senedd estate as a marketing initiative either by direct company marketing or attending events speculatively with the purpose of attracting new clients.
11. In relation to the process of drafting manifestos, members will not exploit their roles within a political party, nor indeed their membership of a political party, to seek advantage for those for whom they lobby or represent professionally.

In addition, commercial lobbying companies who are PAC members are also members of the PRCA and publish a list of their clients on the PRCA on a quarterly basis whilst in-house public affairs professionals in different sectors adhere to wider regulation, such as those in the third sector.

➤ **Improving regulation**

Transparency and openness are central to a healthy democracy and as a sector we welcome any opportunity to improve this. Regulation guiding lobbying activity in Wales – including PAC's Code of Conduct and publication of client registers – are all done so on a voluntary basis. As an organisation, we are open to further consideration of how engagement between public affairs practitioners, MSs and their staff is recorded and shared publicly. As proposed in the final report of the last Senedd inquiry into lobbying, we support the suggestion that MSs record and publish all meetings with external bodies, which would in effect create a de facto list of those undertaking lobbying activity with Members of the Senedd.

Code and guidance on lobbying and access to Members of the Senedd

Generally, we agree that the guidance on lobbying for Members of the Senedd is satisfactory. It should however be updated to reflect changes since its publication in 2013, such as removing references to 'Assembly Members' and replacing these with 'Members of the Senedd', likewise through the removal of 'National Assembly for Wales' and replacing this with 'Senedd Cymru/Welsh Parliament'.

Point 6 of the guidance suggests that when meeting with a person or organisation, Members of the Senedd "may wish to find out whether the 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. This would include public affairs bodies such as Public Affairs Cymru (PAC) and the Association of Professional Political Consultants (APPC). "

Firstly, the reference to the APPC should be updated to PRCA following merging of the two organisations in recent years. Secondly, our members note that very rarely, if ever, have they been asked this by an MS ahead of a meeting. Our members approach all meetings with elected members and their staff with openness and transparency, in line with the PAC Code of Conduct but this may point to lack of awareness of the guidance on behalf of MSs and the Committee may wish to consider this.

Public Affairs Cymru Executive Committee
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