

PRCA response to the Senedd Standards of Conduct Committee call for evidence on lobbying

Who we are:

1. The Public Relations and Communications Association (PRCA) welcomes the opportunity to contribute to this inquiry. The PRCA is the world's largest professional PR body. We represent and regulate more than 35,000 PR professionals in 70 countries worldwide.
2. The PRCA promotes all aspects of public relations and communications work, helping organisations and individuals to maximise the value they deliver, within an ethical and professional framework. The Association exists to raise standards in PR and communications, providing members with industry data, facilitating the sharing of communications best practice, and creating industry understanding. All PRCA members are bound by our Professional Charter and Codes of Conduct. The Association works for the greater benefit of the industry and society, representing the profession, and lobbying on its behalf.
3. Within the PRCA is the PRCA Public Affairs Board (PAB), the voice of the public affairs and lobbying industry, which includes a Wales representative. The PRCA PAB's role is to ensure transparency through our quarterly Public Affairs Register; to enforce high standards through our Public Affairs Code; and to promote a wider understanding of public affairs and the contribution it makes to public life across the UK and including the devolved nations. The PRCA's public affairs membership totals 131 organisations, employing approximately 2,500 practitioners, and working for approximately 3,400 clients.
4. Our members who operate in Wales will all register their clients on a quarterly basis, and all staff of member agencies receive training in our [Public Affairs Code](#), which covers devolved politics and institutions. We promote the highest standards of activity and operate an independent complaints procedure, funded by the industry, to deal with potential violations of the code.

Q1. What do you understand by the term lobbying?

5. Lobbying means activities which are carried out in the course of a business for the purpose of influencing government or advising others how to influence government.
6. There are a number of obvious exemptions to this working definition of lobbying. This definition does not apply to: anything done in response to or compliance with a court order; anything done for the purpose of complying with a requirement under an enactment; a public response to an invitation to submit information or evidence; a public response to a government consultation exercise; a formal response to a public invitation to tender; anything done by a person acting in an official capacity on behalf of a government organisation; or an individual making representations solely on his or her own behalf. These exemptions contribute significantly to the definition's overall workability: they ensure an employee presenting a policy

proposal to their governmental employer or the constituent raising their own issue with their local representative are not considered lobbyists for our purposes here.

7. "Influencing", as deployed here, includes information but the act of making information or opinions public (for example, through advertising or attributed articles in a newspaper) is not the provision of lobbying services.
8. "Business" needs clarifying here. As far as lobbying is concerned, this can include charitable and not-for-profit undertakings. Services provided by or on behalf of an undertaking are provided "in the course of business" even if the persons providing the services are acting on a pro-bono, voluntary, or not-for-profit basis.

Q2. What concerns, if any, do you have about lobbying of Members of the Senedd? 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)?

9. For the purposes of this question, we are using the [Guidance on lobbying and access to Members of the Senedd](#)
10. The current arrangements relating to lobbying regulation are limited to guidance on lobbying for Senedd Members, publication of meetings of cross-party groups involving lobbyists, and publication of meetings between Ministers and those lobbying them.
11. We appreciate that there is guidance published on lobbying for Members of the Senedd. The PRCA has always argued that the onus to be transparent should fall equally on lobbyists and public officials. There is a tendency for lobbying regulation to focus solely on the ethical behaviour of the lobbyists; this, in practice, often places an unfair burden on the industry. Furthermore, we appreciate that all Senedd Members must comply with the Code of Conduct (with noncompliance resulting in an investigation): the PRCA has consistently argued that any lobbying regime must enforce sanctions in order to uphold public officials and lobbyists to the highest standards.

Q3. 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?

12. Provided the provisions under Section 12 of the Rules for the Operation of Cross-Party Groups are adhered to and interests are declared in a timely manner, the PRCA does not have any concerns at present about lobbying and Cross-Party Groups.
13. The guidance on Cross-Party Groups ensures the recording of meetings involving lobbyists and voluntary or charitable organisations in an annual report. This inclusion of in-house lobbyists is vital given they make up 80% of lobbyists. There is a tendency for lobbying regimes such as the statutory Register of Consultant Lobbyists to solely focus on consultant lobbyists. Failing to include in-house lobbyists acts to hinder transparency as it effectively excludes most lobbying that takes place.
14. However, the guidance on Cross-Party Groups should be expanded to include all in-house lobbyists not and just "charitable" or "voluntary" organisations. It is important to recognize that professional bodies like the PRCA, trade associations, trade unions and a variety of organisations including private businesses lobby the Senedd as well.

Therefore, expanding the definition would ensure that everyone lobbying would be covered by the guidance on Cross-Party Groups.

15. The Senedd should also ensure that the Minutes and Annual Reports are regularly updated and published, and could consider a review of such reports to test whether they are adequately recording engagement. The vast majority of CPGs listed on the Senedd website do not have any financial reports posted in the relevant section.

Q4. How do you think we could achieve greater transparency around decision making in Wales?

16. The PRCA believes that well-developed legislation is necessary and appropriate for achieving transparency. The primary reason for legislation is that it provides a statutory mechanism that requires all lobbyists to register. Legislation should not exist to pre-empt any supposed “problem” or remedy what campaigners against democratic engagement see as “corporatism” or as “undermining” to public policy. Rather, it should exist to recognise the need for transparency and the vast range of organisations and practitioners that the Senedd relies upon to carry out its work.
17. Importantly, any lobbying register must be universal in order to capture all those who perform the act of lobbying in a professional capacity. A truly inclusive register must create a level playing field. If it excluded pro-bono lobbying, for example, it goes some way to suggest that there exists a class of paid lobbyists and a class of voluntary lobbyists whose work is so radically different that the former is required to register and the latter is not. Similarly, if in-house lobbyists were not included, most lobbying would be completely absent from the register. This risks creating the impression that lobbying is only carried out by specialist third-party practitioners and confined to those clients who outsource some or all of their lobbying activities.
18. However, a balance must be struck between the administrative burden of declarations and the need for full transparency, especially since the industry as a whole already acts in an ethical and transparent manner. In Scotland, for example, we do not believe the amount of information declared by registrants provides much value or gives the public a better understanding of the lobbying industry in Holyrood. Furthermore, the burdensome nature of completing a register entry may have deterred lobbyists from having face-to-face communications with MSPs, Ministers, special advisers, and the Permanent Secretary. We believe these interactions are valuable and ultimately improve the policy-making process.

Q5. 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)?

19. The work done by the Public Affairs, Policy, and Research practitioners within the Communications department at the PRCA constitutes lobbying in every meaningful sense of the word: we appear on the PRCA Public Affairs Register. We do not appear on the statutory Register of Consultant Lobbyists because the definition is so narrow (it concerns itself with UK Ministers and Permanent Secretaries) and its remit so

small (it excludes in-house lobbyists like ourselves who make up 80% of the industry).

20. The PRCA currently regulates more relevant public affairs and lobbying practitioners than any other association: every single member has to abide by the specific PRCA [Public Affairs Code](#), and these members must also declare their offices, employees, and clients on the PRCA Public Affairs Register (submitted quarterly and retrospectively). Across consultancies, in-house teams, and individual practitioners, there are currently 134 entries on the last completed register.
21. The PRCA requires all of its member to declare their public affairs activity, naming staff and clients, once a quarter on the PRCA Public Affairs Register. Unlike the UK statutory register which applies only in relation to the UK Government, our members must declare all of their public affairs clients, and not just the ones on whose behalf they contact Ministers and Permanent Secretaries. The PRCA Public Affairs Code applies to all members equally and any breaches to the code are investigated under a thorough and independent complaints procedure.

Q6. 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?

22. Without a formal statutory register, it is hard to assess where regulation is lacking. For example, it is clear to see that the statutory Register of Consultant Lobbyists inadequately regulates in-house lobbyists in the UK. It also inadequately regulates meetings between lobbyists and special advisers given that it only covers communications with Ministers and Permanent Secretaries within UK Parliament
23. In Wales, however, Welsh Ministers regularly publish lists of organisations and individuals that they have met, and we believe that this is a far more effective way of scrutinising engagement that takes place.
24. Senedd Members may want to consider publishing a representative sample of diaries to see whether any planned new register would adequately capture a significant proportion of the meetings that they have.
25. It is also important to question what is meant by “unregulated” here. The notion that the lobbying industry in Wales is unregulated is a misconception. There is an existing structure of self-regulation through industry registers, first and foremost the PRCA Public Affairs Register. Declaring these activities is a condition of membership, therefore all PRCA members have a duty to declare their public affairs and lobbying activities on the Register. All of our members also follow the PRCA Public Affairs Code of Conduct which regulates and informs their actions as a condition of membership. Furthermore, the PRCA and its members have supported the implementation of a statutory register in Westminster and Scotland and – despite some unfit and unworkable aspects in both pieces of legislation – we are broadly supportive of statutory registers.
26. It is important to note that a statutory register works alongside Ministerial Diaries, Code of Conduct for Senedd Members, and the Freedom of Information Act. Senedd Members must also make meaningful efforts to achieve the highest levels of transparency; this means that their diaries, as well Cross-Party Groups’ annual reports, must be thorough and timely.