

## **Senedd Standards of Conduct Committee: Inquiry into lobbying consultation**

### ***UNISON Cymru Wales response***

UNISON is the UK's largest trade union organising and representing 1.3 million public sector workers UK wide, including 100,000 public sector workers across Wales.

Our members, 85 per cent of whom are women, work in the delivery of public services through direct public sector provision, private and voluntary contractors providing public services, and in the essential utilities. They include frontline staff and managers, working full or part-time in public administrations, local authorities, health and social care, the police and justice service, university, colleges and schools, the electricity, gas, environment and water industries, transport, and in the voluntary and community sectors.

We support efforts to increase public confidence in the Senedd by making political decision-making more transparent and action on lobbying to guard against the influence of big private money.

### **What do you understand by the term lobbying?**

1. Lobbying is when individuals or organisations seek to have direct or indirect influence on policy-making and implementation. Lobbying plays an integral role in the formulation of public policy and legislation. Lobbying can help in the development of better legislation by allowing the views of individuals, communities, businesses and other organisations to be included in the consideration and scrutiny of the laws and policies which directly impact on the UK population.
2. Being able to lobby elected representatives is an important principle to be upheld, but so is transparency. There is public concern about the conduct of both lobbyists and politicians, the motivations behind some lobbying activities and the perception of unfairness or worse, corruption within the system. Taking action can help rebuild public trust.
3. In developing an agreed definition of lobbying, UNISON suggests the Committee examines that developed in the past by the Alliance for Lobbying Transparency, a coalition of public interest groups and unions:
4. *Communication with public officials (elected or appointed), regarding the formulation, amendment or adoption of legislation; the formulation, modification, or adoption of regulation, policy, or position of government policy; the awarding of any contract, grant or other financial benefit by or on behalf of the government.*
5. *A lobbyist is someone who is either a paid employee or is paid by a client or receives other compensation to undertake lobbying activity.*

### **What concerns, if any, do you have about lobbying of Members of the Senedd?**

6. A healthy democracy which is respected by and engages its population must have the appropriate checks to protect its integrity. Welsh people should have the opportunity to understand who is lobbying whom, why they are lobbying, how lobbying is being done.
7. The Senedd's current arrangements on lobbying are not significantly robust; there is no clear agreed definition of lobbying and no lobbying register.
8. Trade unions are democratic organisations whose interaction with government is an agreed part of a well-functioning civic society. Welsh government is aware of UNISON's participatory and transparent lay-democracy, and of the legislative controls on our industrial and political activities. Like other unions, UNISON complies with laws on disclosure of financial and political activities in an open and transparent manner. Any financial donations to political activities or campaigns are registered with the Electoral Commission and a full breakdown of the union's financial records is presented to members annually.
9. This contrasts with private companies where shareholders do not have to be involved in deciding whether to make political donations and there is no democratic accountability or transparent declaration of this spending.
10. It is essential lobbying rules are tightened to ensure transparency and that private money does not buy undue influence on the political system. Wales must avoid past various Westminster scandals of cash for access, with robust lobbying safeguards.

**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?**

11. UNISON has met with cross-party groups in the past and we have attempted to persuade them with the power of our argument.
12. Improving transparency of the political system and introducing a lobbying register should include reviewing whether the rules governing cross-party groups and how they are funded and supported by external bodies, are sufficiently robust.

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

13. Any statutory register of lobbyists must contain enough information to allow it to be of value to the public in making the political lobbying system more transparent.
14. The 2009 House of Commons Public Administration Select Committee Report on Lobbying urged disclosure of:
  - Names of staff involved in lobbying activity

- Descriptive information about the company or organisation, for example the number of employees
- Identity of clients
- Where appropriate, specific information on the subject matters lobbied, for example, naming the Bill
- Details of expenditure in relation to individual lobbying projects
- Details of fees received in relation to individual lobbying projects
- Details of public officials/ representatives contacted
- The communication techniques used

15. In addition, UNISON supports the inclusion a list of meetings which have occurred between the registered organisation and government ministers or senior civil servants; information detailing whether individuals appearing on a statutory register have previously been a government minister, MS or MP or senior civil servant and details of any public office they hold such as a local councillor or magistrate.

16. The statutory register of lobbyists could be updated on a quarterly basis.

17. Consideration should be given to how compliance around a lobbying register is policed and the penalties imposed when there has been a failure to comply. It should be managed by a body independent of the lobbying industry and government.

18. The degree of scrutiny of the executive and draft legislation and due diligence of the Senedd would be aided if the number of MSs and Senedd increases in size, as has been proposed by Welsh government.

**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. As a democratically mandated membership body, we regularly engage with government to protect and improve the pay and conditions of our members and the wider quality of life of their families and the broader community. UNISON provides a voice for Wales' public services and the people who provide them and wider, on the need for social justice and tackling discrimination.

20. As Welsh government manages or funds either directly or indirectly, much of the operation of public services, most of our interaction with the Senedd /legislative process is part of the agreed industrial relations. We also respond to government and committee consultations and give evidence. This interaction with government bodies does not constitute lobbying.

21. During the passage of a particular piece of legislation UNISON may lobby MSs to support or oppose parts of a Bill. Our lobbying efforts are transparent and we have consistently argued for greater openness in decision-making.

22. UNISON does not give any money directly to politicians. UNISON's expenditure at election time is democratically agreed and is declared and transparent. Our affiliation to the Labour Party is a matter of public record.

**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)?**

23. No

**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?**

24. Although it does not appear to be in the thinking of the Committee, when considering action in this area, it should be mindful that in 2014, the UK coalition government introduced a Lobbying Act (The Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act), in order to limit the ability of civil society groups and other campaigning organisations from being openly critical of the government. In 2017, more than 100 charities including Age UK, Greenpeace, Girl Guiding and the RSPB, wrote to the government calling for this Act to be overhauled saying it failed to define non-party campaigning properly and forced them to restrict their campaigning activities. Restricting the voices of trade unions and the third sector in this way runs contrary to the principles of democracy. As we have said, it is action to guard against the influence of big private money that is required.

25. In some respects, Westminster regulation of lobbyists has encouraged rich individuals to donate directly to the Conservative Party and to meet politicians through social events arranged by the Party, not arranged by lobbyists nor recorded anywhere. By contrast, companies and trade associations use lobbyists extensively to contact politicians and civil servants.

26. Scandals of preferential access to extremely lucrative UK government personal protective equipment (PPE) for healthcare, care and other workers during the Covid pandemic damaged people's faith in democracy.

27. Confidence in the political system is diminished by the revolving door of employment between government and the private sector and murky links between the two.

28. Welsh government should review whether this area is effectively regulated and how politicians and public servants are trained about their codes of conduct.