

Response to the Standards of Conduct Committee's inquiry into lobbying

About the CIPR

The Chartered Institute of Public Relations (CIPR) is the professional body for public relations practitioners in the UK. With 9,500 members involved in all aspects of public relations, it is the largest body of its kind in Europe. The CIPR advances the public relations profession in the UK by making its members accountable through a code of conduct, developing best practice, representing its members and raising standards through continuing professional development. The CIPR, through the PR Academy, provides the CIPR Public Affairs Diploma, a professional qualification specific to lobbying.

The CIPR runs the UK Lobbying Register, a voluntary register of individual lobbyists and organisations which are involved in ethical and transparent lobbying. Although it is owned and operated by the CIPR, it is open to all (not only CIPR members), universal and free. The UKLR can be found at <https://lobbying-register.uk/>.

The CIPR has several sectoral groups, one of which is the CIPR Public Affairs Group. The group has more than 700 members and is made up of communications professionals who have regular dealings with both the UK and devolved governments, or the institutions of government, in its very widest sense. CIPR regularly feeds into consultations, provides reports and thought leadership, and holds events to support an open, ethical and professional lobbying industry. The following response has been compiled by the CIPR Public Affairs Group Committee, with input from the CIPR Cymru Wales Group Committee.

1. What do you understand by the term lobbying?

The CIPR defines lobbying as: "A discipline within public relations where the general intention of the activity is to inform and influence public policy and law. 'Lobbyists' are practitioners who execute planned and sustained efforts to deliver specific objectives within this broad profile of activity."¹

In 2012, the major representative bodies for lobbying in the UK, the CIPR, PRCA and APPC (now part of the PRCA) agreed on the following definition:

"Lobbying services" means activities which are carried out in the course of a business for the purpose of:

- a. influencing government, or
- b. advising others how to influence government.

Lobbying can also be known as 'public affairs', or 'government relations', which are more common in job titles. As a function it can be a stand-alone specialism and part of a wider range of communications disciplines drawn into a broad campaign. Lobbyists can be independent practitioners (freelancers), work in agencies or as consultants to agencies. They can also work 'in-house', where they are employed to lobby specifically in support of their employer's business.

¹ https://cipr.co.uk/CIPR/Our_work/Policy/Lobbying.aspx

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

Lobbying plays an important part in the democratic process, allowing businesses, charities, trade unions and individuals to feed in their views and expertise to the work of policymakers. It allows those who may be affected by proposed legislation to provide their thoughts, suggest changes that could make the legislation more effective or to raise any issues that policymakers may not have considered. Lobbyists can also bring issues and concerns to the fore that can lead to policy changes, thereby delivering societal change.

Policymakers can ultimately choose to accept or ignore the advice lobbyists provide, but the right of lobbyists to advocate on behalf of their organisations or clients makes our policymaking process richer, stronger and delivers better laws for the public and society. However, lobbying needs to be conducted in an open, ethical and professional way, with an understanding from both the decision maker and the lobbyist as to what is considered acceptable behaviour.

Lobbyists are subject to the law and must respect the rules, codes of conduct and regulations that govern the institutions or public bodies they are seeking to influence. For lobbyists registered on the UKLR or as a CIPR member, they are also bound by the CIPR's Code of Conduct.² Lobbyists should be skilled or qualified to carry out the services they offer and engaged in continuing professional development (CPD). This means lobbyists should carry out their work in a way that:

- Does not break the law or contravene any relevant regulations;
- Does not intervene in the relationship between a politician and their constituents;
- Is in accordance with an enforceable, independently administered code of professional conduct; and
- Follows the exercise of reasonable professional judgement.

The CIPR has no reason to have any specific concerns around lobbying of Members of the Senedd, but it is vital that, as an institution, the Senedd continues to support professional lobbying practice, whilst also acting to protect against unprofessional lobbying activity.

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?

Cross-Party Groups are an important way for MSs to engage on a variety of issues and topics, to promote cross-party consensus or to raise issues up the political agenda. Organisations support Cross-Party Groups by acting as the secretariat, providing resources and organisation for the Groups.

It is right that organisations support Cross-Party Groups in this way, as they often not only provide additional resources, but also expertise in the subject or issue. It is important that this work is declared and organisations are fully transparent in their work for Cross-Party Groups. It is also vital that secretariats act ethically to ensure that anyone who wishes to engage with a Cross-Party Group can do so and that they do not use their Secretariat position in a way that limits the engagement of other organisations. It is also important, if a Cross-Party Group's Secretariat is an agency, that they are transparent about any relevant clients who may have interests in the Group's activities.

² https://cipr.co.uk/CIPR/About_Us/Governance_/CIPR_Code_of_Conduct.aspx

The *Rules for Operation of Cross-Party Groups* provided by the Senedd is a useful document, but could be supplemented by additional guidance on what best practice looks like for both politicians and Secretariats involved in a Cross-Party Group.

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

Lobbying in the UK is currently regulated by:

- The Office for the Registrar of Consultant Lobbyists (ORCL) which provides a statutory duty for consultancies to register if they have lobbied UK Government Ministers.³
- The Scottish Lobbying Register which provides a statutory duty for all organisations and individuals to submit a return to the Register if they have lobbied a Scottish Government Minister, Permanent Secretary, Special Advisor or Member of the Scottish Parliament.⁴
- The industry also self-regulates through voluntary registers, such as the CIPR's UK Lobbying Register and the PRCA's Public Affairs Board register.⁵

There is currently no statutory lobbying register for Wales. Whilst the CIPR would welcome measures to improve the transparency of lobbying in one nation of the UK, we believe there needs to be a more fundamental re-examination of lobbying across the UK. This requires changes to ORCL to cover all lobbying activity, both consultancy and in-house, and to ensure organisations on the statutory register are committed to industry-wide, enforceable codes of conduct. There should also be greater consideration of regulating MP, MS and MSP activity through ORCL.

There should also be greater coherence of lobbying regulation across the UK's various democratic institutions. Lobbyists welcome moves to improve transparency and ensure lobbying activity is open and ethical but if each devolved nation establishes its own separate register, with its own guidance and practices, it could quickly become overly burdensome on lobbyists to manage each, particularly as it is often the case that lobbyists work across multiple institutions. National institutions should come together to agree one approach to regulating lobbying activity, making it as straightforward as possible for lobbyists to be transparent.

5. 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)?

The CIPR has not encountered any problems.

6. 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?

As stated above, the CIPR has no specific areas of concern, but is ready to work with the Senedd and its Members to ensure professional and ethical lobbying continues to support the democratic policy making process in Wales.

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³ <https://registrarofconsultantlobbyists.org.uk/>

⁴ <https://www.lobbying.scot/>

⁵ <https://lobbying-register.uk/> and <https://register.prca.org.uk/>