



Lobbying Bill Report Stage Briefing – January 2014

The PRCA

The PRCA is the UK professional body representing the public relations and public affairs industry. Its membership includes consultancies (including around 75% of the “PRWeek Top 150”), in-house communications teams (from banks to public sector teams to charities), and also individual PRs and lobbyists.

The PRCA is in favour in principle of the introduction of a statutory register of lobbyists. We believe that lobbying should be open and transparent, which is why every member of the PRCA who provides public affairs and lobbying services is required to register their staff and clients on a quarterly basis and sign up to our Code of Conduct of ethical conduct supported by rigorous disciplinary structures.

There are currently 82 organisations on the PRCA Public Affairs Register. This includes the largest consultancies in the industry such as MHP Communications, Weber Shandwick, Hanover, Edelman etc. We also have on our register the lobbying teams for in-house organisations as diverse as Nationwide and the NSPCC.

- + You can view the latest Public Affairs Register here: <http://www.prca.org.uk/paregister>
- + Our Code of Conduct can be viewed at the end of this briefing or here: [http://www.prca.org.uk/assets/files/PRCA%20Professional%20Charter%20and%20Codes%20\(October%202013\).pdf](http://www.prca.org.uk/assets/files/PRCA%20Professional%20Charter%20and%20Codes%20(October%202013).pdf)

The Government’s proposed Statutory Register of Lobbyists (Part 1 of the Bill)

The PRCA continues to make the case for the Government to broaden the scope of the Register so that it applies to all professional lobbyists and for the scope of the Bill to extend beyond Ministers and Permanent Secretaries, particularly to MPs and special advisers.

Marshaled list amendment 1 - Clause 1

We welcome Lord Hardie, Baroness Royall and Baroness Hayter’s amendment to Clause 1. This amendment would removed the distinction between “consultant lobbying” and other professional lobbyists, and result in a register which required all those who “engage in professional lobbying” to be included.

The PRCA believe that the statutory register should provide transparency of the entire lobbying industry, and not discriminate against different types of lobbyists. Therefore in-house lobbyists (representing around 80% of the industry) should be required to register along with all other professional lobbyists, including: think tanks, trade unions, law firms, management consultancies, charities and other professional organisations.

The PRCA believe that a statutory register that covers all those that lobby will provide genuinely greater transparency around who is lobbying, and will ultimately increase the reputation of our industry and restore public trust in both politics and the institutions of Government.

There is widespread support for a universal register, indeed a survey conducted by PR Week and Populus of 132 MPs, published 19th December 2013, shows that 58% of MPs questioned on the matter think a register of lobbyists should include both in-house and third party lobbyists. Only 2% of respondents strongly opposed this inclusion.

We have welcomed clarification from the Government that amendments in the Commons Bill are intended to ensure that all third party lobbyists are covered, so, anyone making contact with a Minister or Permanent Secretary on behalf of someone else and in return for payment, will be required to register, including those working for law firms, management consultancies, marketing agencies etc.

This is a significant change from the original drafting which exempted “mainly non lobbying” organisations where lobbying was an “insubstantial proportion” of their business.



We urge Peers to recognise the widespread support for a universal register in the Commons and support amendment 1.

Marshalled list amendment 2- Clause 2

We also support Lord Hardie, Baroness Royall and Baroness Hayter’s amendment to Clause 2 which will have the effect of extending the scope of the Register beyond just Ministers and Permanent Secretaries to “Parliamentary Secretary, civil servant or political adviser”.

Given how infrequently consultancies speak directly to ministers on behalf of clients (especially without the client being present) and that speaking to permanent secretaries is pretty much unheard of, we believe that an extending the scope to civil servants and advisers will increase transparency.

We continue to have concerns about exactly how many organisations will be required to register given the narrow scope of the Bill and therefore the likely cost of registration for individual organisations. Our alternative definition produced with the APPC and the CIPR supported an even broader scope, including Members of Parliament.

An alternative workable definition:

The PRCA, along with the APPC and CIPR, collaboratively produced a workable definition of lobbying. The Definition is based on the following principles:

- + That any statutory register of lobbyists should be universal, covering the act of lobbying—not type of lobbyist;
- + That a definition of lobbying should provide certainty as to who should seek registration

The three bodies presented its policy to the Cabinet Office in March, and its official, legal definition in April. The Government did not respond to us or the official Select committee response until after it had produced its Bill, which is why the Bill has been criticised by all sides.

Joint-Definition of Lobbying: <http://www.prca.org.uk/assets/files/Definition%20of%20Lobbying.pdf>
Q&A on Definition of Lobbying: <http://www.prca.org.uk/assets/files/Definition%20QandA.pdf>

Proposed amendments to Clause 4

Marshalled List amendment 11

We would support the inclusion of names of consultants providing lobbying services for each registered organisation. This would increase transparency for businesses and the public.

The PRCA Public Affairs register already publishes much more information than the statutory register proposes. The PRCA Register is updated quarterly and lists members conducting lobbying activity, all staff involved and for consultancies all clients for whom lobbying services have been provided.

You can view the latest Public Affairs Register here: <http://www.prca.org.uk/paregister>

Marshalled list amendment 12

We fully support Lord Wallace’s tabled amendment to Clause 4 which would result in the register noting whether a registrant was governed by “a relevant code of conduct” that is “open to inspection by members of the public” and indicate where a copy of the code could be accessed.

We believe that this amendment will help to support the self-regulatory regime, by clearly setting out where an individual is signed up to a code of conduct. This allow organisations and individuals conducting lobbying services to be rightly recognised for their involvement in a voluntary code of conduct, allow businesses to



make a proper and informed choice about who they work with, and provide anyone with the information to make a complaint.

We hope that this will encourage individuals to continue to support the self-regulatory regime, and the greater level of information and transparency around our members' lobbying activities that we currently and continue to put into the public domain.

Our code of conduct and arbitration and disciplinary processes are set out at **Appendix 1** below.

Marshaled list amendment 13

Baroness Royall and Baroness Hayter's tabled amendment 13 would result in the removal of "whether" from Lord Wallace's amendment to be replaced with "that". This would have the effect of requiring any organisation on the register to abide by a code of conduct.

The PRCA fully support the development of ethical and professional standards in lobbying, requiring all our members who lobby to sign up to a code of conduct, which is set out in full below. However we have concerns that requiring **every registrant** to abide by a code could result in registrants creating their own codes of conduct – as long as they were publically available - simply to abide by this legislation. As such, this amendment has the potential to undermine established and successful codes and remove the distinction between those that are signed up to established codes and those that aren't.

This would reduce transparency and impact on the ability of businesses to make a proper and informed choice about the organisations they work with. We would therefore want further reassurances about the key principles of any code of conduct before feeling able to support this amendment.

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PRCA Code of Conduct

The PRCA Code of Conduct covers the activities of regulated PRCA members, including: individual members, member organisations, and their staff and non-executive consultants that conduct “lobbying services”.

It is a condition of membership of the PRCA that members should accept and agree to abide by this Code of Conduct. Regulated PRCA members are required to endorse the Code and duties it sets out in relation to their dealings with these institutions of government. The Code has eighteen distinct parts.

Code

1. In pursuance of the principles in this Code, PRCA members conducting lobbying services are required not to act or engage in any practice or conduct in any manner detrimental to the reputation of the Association or the profession of political communications in general.
2. PRCA members conducting lobbying services must act with honesty towards the institutions of government.
3. PRCA members conducting lobbying services must use reasonable endeavours to satisfy themselves of the truth and accuracy of all statements made.
4. In making representations to the institutions of government, PRCA members conducting lobbying services must be open in disclosing the identity of their employers and must not misrepresent their interests.
5. PRCA members conducting lobbying services must advise colleagues where their activities may be illegal, unethical or contrary to professional practice, and to refuse to act in pursuance of any such activity.
6. PRCA members conducting lobbying services must not make misleading, exaggerated or extravagant claims, or otherwise misrepresent, the nature or extent of their access to institutions of government or to political parties or to persons in those institutions.
7. PRCA members conducting lobbying services must comply with the Bribery Act 2010.
8. PRCA members conducting lobbying services must not:
 - + Employ any MP, MEP, sitting Peer or any member of the Scottish Parliament or the National Assembly of Wales or the Northern Ireland Assembly or the Greater London Authority;
 - + Make any award or payment in money or in kind (including equity in a member organisation) to any MP, MEP, sitting Peer or to any member of the Scottish Parliament or the National Assembly of Wales or the Northern Ireland Assembly or the Greater London Authority, or to connected persons or persons acting on their account directly or through third parties.
9. PRCA members conducting lobbying services must comply with any statute, Westminster or Scottish Parliamentary or National Assembly of Wales or Northern Ireland Assembly or Greater London Authority resolution and with the adopted recommendation of the Committee on Standards in Public Life in relation to payments to a political party in any part of the United Kingdom.
10. PRCA members conducting lobbying services who are also local authority councillors are prohibited from working on an assignment of which the objective is to influence a decision of the local authority on which they serve. This restriction also applies to PRCA members conducting lobbying services who are members of other public bodies.

11. PRCA members conducting lobbying services must keep strictly separate from their duties and activities as political consultants any personal activity or involvement on behalf of a political party.
12. PRCA members conducting lobbying services must abide by the rules and conventions for the obtaining, distribution and release of parliamentary and governmental documents set out by the institutions of government.
13. PRCA members conducting lobbying services must not hold, or permit any staff member to hold, any pass conferring entitlement to access to the Palace of Westminster, to the premises of the Scottish Parliament or the National Assembly of Wales or the Northern Ireland Assembly or the Greater London Authority or any department or agency of government. The exceptions are:
 - + Where the relevant institution is a client or employer of the PRCA member and requires the member to hold a pass to enter their premises;
 - + Where the PRCA member requires a pass as a spouse or civil partner of a member of the relevant institution or if a member holds a pass as a former Parliamentarian. The pass must not be used for the purpose of providing lobbying services.
14. PRCA members conducting lobbying services must conduct themselves in accordance with the rules of the Palace of Westminster, Scottish Parliament, National Assembly of Wales, Northern Ireland Assembly or Greater London Authority or any department or agency of government while within their precincts, and with the rules and procedures of all institutions of government.
15. PRCA members conducting lobbying services must always abide by internal rules on declaration and handling of interests laid down by any public body on which they serve.
16. PRCA members conducting lobbying services must not exploit public servants or abuse the facilities or institutions of central, regional or local government within the United Kingdom.
17. PRCA members must provide to the PRCA the names of all staff conducting lobbying services, all offices in the United Kingdom where the lobbying services take place, (and for consultancies) a list of all clients that receive these lobbying services. This information will be provided quarterly and retrospectively within one month of the final date of the previous quarter. This information will be published on its PRCA Public Affairs Register. PRCA members must clearly state on their Register entry:
 - + Local Authority Councillors by placing “(Councillor)” after their name;
 - + Pass holders and the relevant institution by placing “(Pass holder–Institution)”;
 - + Clients that receive pro-bono lobbying services, by placing “(pro-bono)” after the client name;
 - + All APPGs, including “Associate Parliamentary Groups”, that benefit from lobbying services—such as secretariat roles—must be included in a list of clients;
 - + Current holders of an elected role in a political party at constituency chairman or vice-chairman level or higher—by placing “(party–role)” after their name.

PRCA members may also declare other information on the PRCA Public Affairs Register that not mandatory. For example, stating a staff member holds an unelected position in a political party. PRCA members must seek permission from the PRCA before submitting this additional information.

18. PRCA members conducting lobbying services must be at all times aware of the importance of their observance of the principles and duties set out in this Code for the protection and maintenance of their own reputation, the good name and success of their organisation, and the standing of the profession as a whole.

PRCA Arbitration and Disciplinary Procedures



The PRCA has a structured and publically available Arbitration and Disciplinary Procedures. The purpose is to have a mechanism whereby the Professional Charter (which includes the Code of Conduct) is seen to be capable of enforcement. It provides a mechanism by which complaints under the Charter against members may be processed effectively and fairly. Additionally, it allows parties in disagreement to submit their cases by mutual agreement to arbitration and settlement.

Complaints

Stages in the procedure are specified and are designed to ensure that any complaint is dealt with as speedily as possible whilst giving all parties concerned adequate time to respond to each stage. A complaint may be originated by any individual, whether a member of the Association or not, or by any organisation, or by any Committee of the Board, or by the Board itself. It shall be the duty of the Professional Practices Committee promptly to investigate any complaint properly brought before them against a member.

The Committee will recommend to the Board sanctions on the member concerned where serious breaches of the Charter or Memorandum and Articles of Association have been proven. Such sanctions may extend to suspension or termination of membership coupled with a published censure. The Committee is empowered to impose sanctions (short of suspension or termination) on the member concerned where minor breaches of the Charter or Memorandum and Articles of Association have been proven, including, but not necessarily limited to warnings, admonishments or reprimands which may be published.

Matters that are currently the subject of a legal action will not be covered by the Committee. The Committee should advise all parties concerned of this as soon as possible.

The following complaints will be covered by this procedure:

- + An apparent breach of the PRCA Professional Charter or the Memorandum and Articles of Association by a member;
- + Where there are reasonable grounds to believe that a member has brought discredit upon the profession or the Association;
- + Where one member considers they have a cause to complain about the professional behaviour of a fellow member;
- + Where having regard to both the letter and the spirit of the Charter, a member of the public believes cause for complaint against a member exists.

Procedures and timings

1. On receipt of a formal complaint the Secretary of the Association shall if necessary correspond with the complainant in order to clarify any matters of uncertainty and to identify the specific clause or clauses of the Charter or the Memorandum and Articles of Association which relate to the complaint. The Secretary must inform the complainant in writing of the Committee's disciplinary procedure and in particular explain that the defendant will be notified of the complaint in order he may exercise the right to reply. The Secretary shall then send details of the complaint to the defendant and invite him to submit written observations within 14 days which will be placed before the Professional Practices Committee together with the original complaint.
2. Any complaint must be placed before the Committee in session as soon as possible but no longer than 8 weeks after the complaint was received except in exceptional circumstances. If the Committee consider that there is no prima facie case for invoking disciplinary procedure the respective parties should be notified accordingly.

3. Each party shall supply within 30 days to the Committee, and to the other party, a written summary of their case, with copies of any relevant documents. If both parties agree to the procedure, and sign their respective summaries and documents as fairly representing the facts, then the Committee may proceed to give their decision upon the evidence contained in the documents. Otherwise the Committee shall fix a time and place for the hearing of both parties and of any witness each party may consider necessary.
4. In the event of a hearing both parties shall be entitled to make oral submissions to the Committee either personally or through a representative. The Committee may invite further representations from either or both parties. Any such representations shall be made within 14 days of the Committee meeting.
5. Any party may by notice in writing at any time not later than 9 days before the day fixed for the hearing call upon any other party to admit any document and if such other party desires to challenge the authenticity of the document, he shall within 6 days after service of such notice, give notice that he does not admit the document and requires that it be proved at the hearing.
6. The proceedings of the Committee shall be held in private unless otherwise agreed by all parties.
7. After consideration of the case, the Committee shall decide whether there has been a breach of the Charter of Memorandum and Articles of Association and, if so, what sanctions should be applied against the defendant. Such decisions shall be made by majority vote at the Committee Meeting where the matter is considered. The Committee's decision except in the case of a resolution of suspension or termination shall be final and binding on all concerned (subject to the member's right of appeal). The Committee shall give their decision in writing.
8. If the Committee decide that the correct sanction is one of suspension or termination then it shall recommend this decision to the Board who shall consider the report and recommendations of the Committee and shall approve, amend or overrule the recommendation of the Committee and shall give its judgement in writing.
9. Where suspension or termination of membership is the outcome, then following appeal the terms of censure will always be published. If the decision is to warn, admonish or reprimand then an additional vote must be taken as to whether or not following appeal the terms of the censure will be published.
10. Any appeal by a member against a disciplinary decision must be lodged in writing to the Board through the Secretary at the Association's registered office within 2 weeks of the Committee's or Board's decision being notified to the defendant. Such appeal shall be considered by the Board together with the report of the Professional Practices Committee and the Board shall approve, amend or overrule the decision which was the subject of the appeal.
11. In the unlikely event that the Committee are unable to settle a grievance or there is a conflict of interest within the Committee, the Chairman shall nominate a Subcommittee of three who are not associated with the parties concerned, and who shall have the power to hear both parties and decide between them.
12. The Committee may appoint legally qualified assessors and in appropriate cases instruct one or more to sit and act as non-voting members of the Committee to ensure that the proceedings are conducted



in accordance with the principles of natural justice and the law. The Committee shall be bound by the legal rules of evidence.

Arbitration

By mutual written consent of both parties a Subcommittee of the Professional Practices Committee may arbitrate and determine settlement of disputes either between fellow members or between non-members and members of the PRCA. The above rules of procedure apply equally to the handling of complaints and to requests for arbitration