

Public Relations and Communications Association (PRCA) response to the Office of the Registrar of Consultant Lobbyists (ORCL) registerable communications consultation

Introduction

- The PRCA welcomes this opportunity to contribute to the consultation. We are a UK-based PR and communications membership body, operating in 66 countries around the world. Representing in excess of 30,000 people, the PRCA is the largest PR membership Association in the world. The PRCA promotes all aspects of public relations and communications work, helping teams and individuals maximise the value they deliver to clients and organisations. The Association exists to raise standards in PR and communications, providing members with industry data, facilitating the sharing of communications best practice and creating networking opportunities. All PRCA members are bound by a Professional Charter and Codes of Conduct, and benefit from exceptional training. The Association also works for the greater benefit of the industry, sharing best practice and lobbying on the industry's behalf.
- Within the PRCA is the Public Affairs Board, the voice of the public affairs and lobbying industry. The Public Affairs Board came into being last year when the Association of Professional Political Consultants voted to merge with the PRCA. The Board's role is to ensure transparency through its quarterly [Public Affairs Register](#); to enforce high standards through its [Public Affairs Code](#); and to promote a wider understanding of public affairs and the contribution it makes to public life. The PRCA's public affairs membership totals 124 organisations, employing approximately 2000 practitioners, and working for approximately 3000 clients. As such, our membership covers the considerable majority of the industry, a position reflected by the fact that the majority of ORCL registrants who adhere to a Code, adhere to the PRCA Public Affairs Code.

Consultation

Letter from a client sent by a consultant lobbyist

Current practice differentiates between the following circumstances, making one registerable and the other one not:

- Non-registerable activity: A letter or email signed by a client and sent by a consultant lobbyist to a Minister, with a covering email or letter attaching the client's letter but saying nothing in the covering note about the subject matter.
- Registerable activity: A letter or email signed by a client and sent by a consultant lobbyist to a Minister, with a covering email or letter that describes the subject matter of the client's letter.

The Registrar is considering amending the guidance so that both circumstances would be registerable, because in both cases the consultant lobbyist is making a personal communication to a Minister on behalf of a client and the communication as a whole relates to government business.

Question 1: What is your view of this proposed change?

Meeting arranged by a consultant lobbyist

Current practice differentiates between the following circumstances, making one registerable and the other one not:

- **Non-registerable activity:** A consultant lobbyist arranges a meeting for a client with a Minister, but does not attend the meeting, or accompanies the client to the meeting, introduces the client to the Minister, but does not participate in the meeting.
- **Registerable activity:** A consultant lobbyist arranges a meeting for a client with a Minister, attends and participates in the meeting.

The Registrar is considering amending the guidance, so that the action of communicating with the Minister to arrange the meeting on behalf of the client is registerable, irrespective of the participation or not of the lobbyist in the meeting. This is because there is a personal communication with the Minister about government business, even if it is simply the lobbyist using their contacts to arrange access to the Minister.

Where a lobbyist communicates with a Minister about the possibility of a meeting with or on behalf of a client and then follows-up with the Minister's private office or special adviser to fix the meeting details, the first communication is a registerable activity because of the personal communication with the Minister.

Question 2: What is your view of this proposed change?

In addition, the Registrar is considering amending the guidance so that if a consultant lobbyist participates in any way in a meeting between a client and a Minister, this would also be registerable activity. 'Participation' would include accompanying the client to the meeting or introducing the client and Minister at the meeting, even if the lobbyist said nothing else or sat outside the meeting.

Question 3: What is your view of this proposed change?

We strongly welcome this clarity from the Registrar, and we agree that in all of the cases outlined above, the consultant lobbyist is making a personal communication with a Minister, and is therefore lobbying, as defined by the Act.

We have consistently argued that the statutory register of consultant lobbyists must deliver greater transparency, especially given the industry's commitment to this aim. The proposed change would deliver on this and it would also give our members greater clarity on what communications are registerable. It has not always been clear what type of communications are registerable given that the Registrar has previously advised registrants not to over-declare.

As noted earlier, the PRCA requires members to declare lobbying activity through the Public Affairs Register, which covers a much broader definition of lobbying than the statutory register of consultant lobbyists. The PRCA requires its members to err on the side of caution, and we always encourage

members to declare public affairs activity even if they are unsure of whether it falls under the scope of the register.

Letter drafted by a consultant lobbyist but sent by a client

Current practice differentiates between the following circumstances, making one registerable and the other one not:

- Non-registerable activity: Letter or email drafted by the consultant lobbyist but sent on the client's letterhead or from the client's email address – with no reference to the lobbyist.
- Registerable activity: Letter or email drafted by the consultant lobbyist and sent by them to the Minister.

The Registrar proposes to maintain this distinction because in the first circumstance, whilst the consultant may be advising the client, there is no personal communication from the consultant lobbyist to the Minister.

Question 4: What is your view of the proposal to make no change to this?

Taken as a whole, the PRCA believes that these recommendations are proportionate and reasonable and will advance our common goals of transparency in the conduct of lobbying.

In the interest of consistency and clarity for registrants, we agree that the first instance is non-registerable as the consultant in question is not making direct communication with the Minister, and this therefore does not constitute lobbying under The Lobbying Act.

It is important to note that there are evident disparities between the statutory and voluntary regimes. The PRCA's definition of lobbying would include the first activity, and therefore members would have to declare this activity on the Public Affairs Register. Most consultant lobbyists will be declaring their lobbying activity on multiple registers, which can be time-consuming and confusing if registers have different requirements. Therefore, it is extremely important that these distinctions are communicated to registrants in a clear manner. This is the only way that the statutory register can deliver transparency in a meaningful way.

Neha Khatwani MPRCA
PRCA Public Affairs, Policy, and Research Manager
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