



## Public Affairs Code

### Preamble

This Public Affairs Code applies to the public affairs activities of a member. This Public Affairs Code applies equally, including to all clients, whether fee-paying or not, and all in-house teams. It is a condition of membership that members will accept and agree to abide by this Public Affairs Code and that members will be jointly and severally liable for their actions in relation to the Public Affairs Code. Members are required to endorse the Public Affairs Code and to adopt and observe the principles and duties set out in it.

Other conditions of membership of include:

- Being bound by the terms of the Public Affairs Complaints, Determination, and Disciplinary Rules and Procedures.
- Providing four times a year to Public Affairs Board the names of all relevant clients and practitioners during the previous three months for publication in the Public Affairs Register.
- Undertaking an annual compliance procedure in respect of the Public Affairs Code.
- Including Public Affairs Code compliance in practitioners' contracts, be they of employment or of service.

The Public Affairs Code applies the principles that public affairs practitioners should be open and transparent in their dealings with parliamentarians or representatives of institutions of government; and that there should be no financial relationship between them. Members are determined to act at all times with the highest standards of integrity and in a professional and ethical manner reflecting the principles applied by this Code. In the view of Public Affairs Board, it is inappropriate for a person to be both a legislator and a public affairs practitioner.

### Definitions

"Public affairs" means activities which are carried out in the course of a business for the purpose of (a) influencing government, (b) or advising others how to influence government. Activities are to be taken as having the purpose specified if a reasonable person would assume, having regard to all the circumstances, that the activities were intended to have the effect described. The full definition can be viewed [here](#).

"Government" includes, within the United Kingdom: (a) central government, devolved government, local government; (b) members and staff of either House of Parliament or of a devolved legislature; (c) Ministers and officials; and (d) public authorities (within the meaning of section 6 of the Human Rights Act 1998).

"Member(s)" means any entity which is in membership of the Public Affairs Board. Public affairs practitioners at consultancy members and in-house members are themselves members alongside those practitioners with individual membership.

## Code

1. In pursuance of the principles in the Public Affairs Code, members are required to adhere to this Public Affairs Code in its entirety in order to ensure that the reputation of the Association, the Public Affairs Board, or the profession of public affairs is not brought into disrepute. Where a member has concerns about the activities of a parent or connected company, it must ensure that the parent company is acquainted with the provisions of this Public Affairs Code.
2. Members must act with honesty towards clients (or, if not applicable, their employer) and the institutions of government.
3. Members must use reasonable endeavours to satisfy themselves of the truth and accuracy of all statements made or information provided to institutions of government, whether directly or on behalf of clients, as is applicable. Public affairs practitioners retained by clients must do similar for information provided to clients.
4. In making representations to the institutions of government, members must be open in disclosing the identity of those clients (or, if not applicable, their employer) and must not misrepresent their interests.
5. Members must advise their clients (or, if not applicable, their internal teams and employer) where their activities to deliberately and intentionally interact with the institutions of government may be illegal, unethical, or contrary to professional practice, and to refuse to act in pursuance of any such activity.
6. Members must not make misleading, exaggerated, or extravagant claims about, 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. Members must comply with the Bribery Act 2010.
8. Members must not:
  - Employ any MP, MEP, Member of the House of Lords, or any member of the Scottish Parliament or Senedd Cymru or the Northern Ireland Assembly or the London Assembly to conduct public affairs in any capacity.
  - Make any award or payment in money or in kind (including equity) to any MP, MEP, Peer, or to any member of the Scottish Parliament or Senedd Cymru or the Northern Ireland Assembly or the London Assembly, or to connected persons or persons acting on their account directly or through third parties.

If Members employ an MP, MEP, Member of the House of Lords, or any member of the Scottish Parliament or Senedd Cymru or the Northern Ireland Assembly or the London Assembly to conduct services in any other capacity other than public affairs, they must not, in any circumstances, make use of any Privileged Information made available or known to them, including in their dealings with the staff, associates, clients, new business prospects and/or other contacts of the Member.

For the purposes of this clause 8, "Privileged Information" means any and all information, whether in writing, in an electronic format, or passed on verbally, that a Member receives, obtains or otherwise becomes aware of through disclosure by the relevant MP, MEP, Member of the House of Lords, or

member of the Scottish Parliament or Senedd Cymru or the Northern Ireland Assembly or the London Assembly, and which is information that the Member has been informed is confidential and/or privileged or which it ought reasonably to know is confidential and/or privileged information, having regard to all the circumstances.

Privileged Information excludes information which:

- (i) at the time of receipt by the Member is in the public domain; and/or
- (ii) subsequently comes into the public domain through no fault of the Member, its officers, employees or agents.

9. Members that are part of a group of companies are not in breach of the Public Affairs Code if the group (but not the member) employs any MP, MEP, Member of the House of Lords, or any member of the Scottish Parliament or Senedd Cymru or the Northern Ireland Assembly or the London Assembly in a role that prohibits the parliamentarian from carrying out public affairs services for the benefit of the member (and, if applicable, its clients). Members must ensure that they do not benefit unreasonably by actions of any third party that, if undertaken by the member, would be considered a breach of the Public Affairs Code.

10. Members must comply with any statute, any resolution of an institution of government, and with the adopted recommendations of the Committee on Standards in Public Life in relation to payments to a political party in any part of the United Kingdom. Members must satisfy themselves that they are compliant with the obligations in the Privacy and Electronic Communications Regulations and the General Data Protection Regulations.

11. Members who also serve as members of decision-making public bodies (including local authority councillors) are prohibited from working on assignments of which the objective is to influence a decision of the body on which they serve. Where members employ, or are, public affairs practitioners who serve as members of decision-making public bodies, those individuals must have no involvement in advising on or supporting work that relates to those bodies, either directly or indirectly.

12. Members must keep strictly separate from their duties and activities as public affairs practitioners any personal activity or involvement on behalf of a political party, including as an office holder or candidate for office.

13. Members must always abide by the internal rules on declaration and handling of interests laid down by any public body on which they serve.

14. No person required to appear on the Public Affairs Register may hold a pass conferring entitlement to access to the Palace of Westminster, the Scottish Parliament, Senedd Cymru the Northern Ireland Assembly, the Greater London Authority, or their associated departments or agencies, except with the explicit written and public permission of the Public Affairs Board Executive Committee, and only then in truly exceptional circumstances.

15. Members must conduct themselves in accordance with the rules of any institution of government while within their precincts, and otherwise.

16. Members must abide by the rules and conventions for the obtaining, distribution, and release of documents published by institutions of government.

17. Members must not exploit public servants or abuse the facilities of institutions of central, regional, or local government.

18. Members must disclose the names of public affairs practitioners on the Public Affairs Register and, where applicable, all their relevant clients. A member providing secretariat or other services for an All-Party Parliamentary Group (APPG), Cross-Party Group (CPG), or All Party Group (APG) must list that APPG, CPG, or APG as a client, together with the name(s) of the funder(s) and any associated organisation(s). Where a client has outside or multiple funders, the names of those funders do not need to be listed on the face of the Public Affairs Register, but must be included in the same way as funders of an APPG, CPG, or APG.

19. Members must ensure that they/their practitioners have received thorough training on this Public Affairs Code, delivered either internally or by the Public Affairs Board.

In all their activities and dealings, members must be aware at all times of the importance of observing the principles and duties set out in this Public Affairs Code to protect and maintain their own reputation, the good name and success of their business, and the standing of the profession as a whole.



## **Public Affairs Complaints, Determination, and Disciplinary Rules and Procedures**

The principal objective of Public Affairs Board is to promote high standards among its members and the wider public affairs profession.

The Public Affairs Complaints, Determination, and Disciplinary Rules and Procedures provide a mechanism for the Public Affairs Board to investigate complaints against members and to take appropriate disciplinary action in the event that the Public Affairs Code has been breached. Any complaint must refer to a specific breach of the Public Affairs Code by a member within the five years previous to the date on which the complaint was lodged.

### **Definitions**

“The Complainant” means the person making a complaint to the Public Affairs Board that a member has breached a provision of the Public Affairs Code.

“Expert Adviser” means the person appointed from time to time by the Public Affairs Board Executive Committee to advise the Independent Adjudicator or the Panel, as the case may be. The Expert Adviser will not usually be a member of the Executive Committee but shall, in any case, have an understanding of the industry. The Expert Adviser’s role shall be limited to giving advice on accepted norms of behaviour within the industry.

“Finding” means the Public Affairs Board Executive Committee’s response to the Independent Adjudicator’s report on a complaint where the complaint is obvious and admitted, and the Executive Committee agrees Remedial Action with the member.

“Independent Adjudicator” means the person appointed from time to time by the Public Affairs Board Executive Committee for the purposes of fulfilling the functions described in Rules 10 to 12 inclusive.

“The Procedure” means the process of dealing with a complaint under the Rules.

“The Panel” means the panel set up by the Public Affairs Board Executive Committee pursuant to Rule 27.

“Regulations on Membership Obligations” means the regulations made from time to time by (requiring majority support from the Public Affairs Board Executive Committee and the PRCA Board) regulating the benefits, obligations, and rules relating to membership.

“Remedial Action” means such action as may be agreed by the Public Affairs Board Executive Committee with the Respondent or determined by the Panel as more particularly set out in Rule 24.

“The Respondent” means the member against whom a complaint is made.

“The Rules” means the Complaints, Determination and Disciplinary Rules and Procedures made from time to time by the Public Affairs Board Executive Committee.

“The Secretary” means the secretary of the Public Affairs Board.

### **Procedure**

1. Any complaint must be made in accordance with the Rules.
2. Anyone may make a complaint that the Public Affairs Code has been breached and the Public Affairs Board Executive Committee reserves the right to do so if it becomes aware of behaviour which may be a breach of the Public Affairs Code.
3. Complaints may not be initiated while a remedy is being sought through civil or criminal legal action. Legal action initiated by either party after the complaints procedure has started will result in the complaint being suspended until the outcome of the legal action is known.
- 4.1 On receipt of a complaint, the Secretary shall, unless the Complainant is the Public Affairs Board Executive Committee itself, provide a copy of the Rules to the Complainant, seek their agreement to abide by the Procedure, and, if necessary, seek the information listed in paragraph 5 below if not clear. The Secretary shall advise the Complainant that the complaint, when complete and their agreement to abide by The Rules has been received, shall be passed to the Respondent and the Independent Adjudicator. The complaint shall be deemed not to have been received by the Secretary until the Complainant has fully met the requirements of this paragraph.
- 4.2 Once a determination has been made by the Independent Adjudicator or the Professional Practices Panel, or once a complaint has lapsed, the same (or substantially the same) complaint will not be accepted for a second time.
5. Before the complaint is deemed to have been received and will be passed to the Independent Adjudicator, the Complainant must:
  - a) Specify which clause(s) of the Code the Complainant considers to have been breached.
  - b) Provide evidence in support of the complaint of the breach of the Public Affairs Code by a member within the previous five years.
  - c) Agree to the complaint being progressed in accordance with the Rules.
  - d) Agree to respect the confidentiality of the procedure (although the Public Affairs Board Executive Committee may, if asked, confirm that either a complaint has been received or that one is being considered by the Professional Practices Panel, but shall give no further information).
  - e) Agree to abide by any order as to costs made by the Independent Adjudicator or the Professional Practices Panel. In the event of no such order being made, each party will bear their own costs.
  - f) Agree to reimburse to Public Affairs Board any costs incurred by Public Affairs Board, unless the member is found to be in breach of the Code, in which case such costs will be borne by the member.
  - g) Agree that he or she will not have any further right of complaint or appeal beyond the decision of the Independent Adjudicator or the Panel, nor will he or she have any other rights or remedies whatsoever against the Public Affairs Boards.

In the case of a complaint by the Public Affairs Board Executive Committee itself, the above provisions will be complied with by recording in a minute of a meeting of the said Committee that it agrees to abide by the provisions of Rule 5 a) to g) and to meet any adverse costs order out of the central funds of the Public Affairs Board.

6.1 Once the Complainant has met the requirements in Rules 4 and 5 above, and the complaint is deemed received, the Secretary shall immediately send details of the complaint to the Respondent and the Respondent may make a response for submission to the Independent Adjudicator.

6.2 The Respondent shall have five working days within which to make such a response. The Secretary may - at their discretion - extend such period for a further five days.

6.3 Both parties' submissions will be copied to the other party.

7. The Respondent is, by virtue of its membership, bound by the Rules in force at the time the complaint is made.

8. If, within six weeks after a complaint is made, a Complainant has without due cause not provided sufficient information (as determined by the Secretary) for the complaint to be deemed received, the complaint will be deemed to have lapsed.

9. If a Respondent wishes to resign their membership of the Public Affairs Board after a complaint against them has been received by the Secretary, their membership will nevertheless continue until such complaint has been disposed of and will then be determined in accordance with any order of the Panel which may recommend termination of membership, failing which the resignation shall take effect upon the Respondent's compliance with the Panel's order. This will remain the case even if the member's membership has lapsed in accordance with the Regulations on Membership Obligations.

### **Independent adjudication**

10. Once a complaint has been deemed to have been received, the Secretary shall immediately place the complaint before the Independent Adjudicator to decide whether there is a prima facie breach of the Public Affairs Code and thus a case to be heard. In forming their decision, the Independent Adjudicator shall pay no regard to the fact that the Complainant is the Public Affairs Board Executive Committee itself, if that be the case.

11. The Independent Adjudicator will consider the written submissions from both the Complainant and the Respondent but will not hold a hearing of the parties. The Independent Adjudicator will be advised by the Expert Adviser.

12. Within five working days, the Independent Adjudicator will report to the Public Affairs Board that:

- a) there is no case to be heard and the complaint be dismissed; or
- b) the complaint is obvious and admitted, and that the Public Affairs Board Executive Committee may agree Remedial Action with the member. If the Executive Committee accepts the report and agrees Remedial Action with the member, it will issue a Finding based on the report of the Independent Adjudicator. The member will be given the opportunity to comment on the Finding within five working days. At the Executive Committee's discretion, the Finding may be published on the website for a time period to be determined by the Executive Committee; or
- c) the complaint is accepted and should be referred to the Panel appointed under Rule 27 below.

Except in the rare event that the Independent Adjudicator awards costs, each party will bear their own costs and will also bear any costs incurred by Public Affairs Board. Where the complainant is the Public



Affairs Board Executive Committee, then the member (if found to be in breach of the Public Affairs Code) will bear all the costs incurred by Public Affairs Board.

### **Reference to the Professional Practices Panel**

13. In the event that the Independent Adjudicator refers the matter to the Panel, or in the case that the Public Affairs Board Executive Committee and the Respondent cannot agree on Remedial Action in the case of a complaint that is admitted and obvious, the Executive Committee refers the matter to the Panel, the Panel shall as soon as practicable determine the complaint, adopting the procedure provided in Rule 17 below.

14. Any complaint must be placed before the Panel as soon as possible but no longer than eight weeks after the complaint has been deemed to have been received, other than in exceptional circumstances.

15. The proceedings of the Panel shall be held in private unless otherwise agreed by all parties.

16. The decisions of the Panel may be made by a majority vote. The Panel's decision shall be final and binding on all concerned.

### **Proceedings of the Professional Practices Panel**

17. The Panel will fix a time and place for a hearing of both parties. The Panel will conduct the hearing in accordance with procedural directions which the Panel will seek to agree with the parties. If they cannot be agreed, the Panel's directions will prevail. It shall consider all evidence placed before it by the Complainant (paying no regard to the fact that the Complainant may be the Public Affairs Board Executive Committee itself, if that be the case) and by the Respondent, and of any witness each party may consider necessary. Any written evidence which a party wishes to place before the Panel, shall be copied by that party to the other party who shall have the opportunity to comment in writing or at the hearing. The Panel may be advised by the Expert Adviser.

18. Both the Complainant and the Respondent may, if they so wish, be represented before the Panel by a solicitor, barrister or any other person whom he may nominate for the purpose of the hearing.

19. A party may, by notice in writing at any time not later than nine working 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 six working days after service of such notice give notice that he does not admit the document and requires that it be proved at the hearing.

20. The Panel shall as soon as possible and in any event within 15 working days after the hearing report to the Secretary of the Public Affairs Board Executive Committee in writing its findings, together with its orders if any relating to disciplinary action (under Rule 24) and the costs of the proceedings ("the Determination"). The Determination shall be final and binding on all parties

21. The Panel will not normally award costs except in the case of complaints which the Panel concludes are vexatious, flippant, or otherwise an abuse of the process or in the case of unreasonable or other activity which is an abuse of the procedure by any of the parties that added to the costs of the procedure or that sought to frustrate its progress or ability to reach a conclusion. In the absence of any award of costs, each party shall bear their own. Any costs incurred by Public Affairs Board will be



borne by the member if found to be in breach of the Public Affairs Code or otherwise by the complainant.

22. A copy of the Determination shall within seven days after receipt by the Secretary be supplied to both parties, who shall regard the findings as confidential unless and until they have been published.

23. In the event of the Complainant withdrawing from the proceedings, the Panel shall dismiss the complaint on the basis that the Complainant bears the wasted costs caused by the withdrawal.

### **Disciplinary action**

24. The Panel is empowered:

a) to warn; or

b) to reprimand a member; or

c) to require remedial action to minimise the risk of further breaches of the Public Affairs Code by the member; or

d) to suspend the member from membership; or

e) to recommend that the Public Affairs Board Executive Committee expel the Respondent from membership; and

f) either in addition or in the alternative to any of a) to e) above to require the Respondent to issue an apology or retraction in such terms and to be published in such manner as the Public Affairs Board Executive Committee may direct.

### **Publication**

25. Upon the conclusion of any investigation, and at its discretion, the Public Affairs Board Executive Committee (or, where the Public Affairs Board Executive Committee is a party to a complaint, the Secretary) may cause wider publication of the Determination and its reasons, including particulars of the complaint with the findings and direction of the Panel.

26. Where suspension of membership or expulsion is the outcome then that decision will always be published. If not determined by the Panel, the terms of suspension will be determined by the Public Affairs Board Executive Committee. In any event, the Respondent remains bound by the Public Affairs Code and other membership obligations during the term of suspension.

### **Appointment and constitution of Professional Practices Panel**

27. The purpose of the Panel is to investigate a complaint, make a Determination (as defined in Rule 20) and, if appropriate, order any disciplinary action and Remedial Action pursuant to Rule 24. The Panel is to be appointed by the Public Affairs Board Executive Committee. Unless otherwise determined, the Panel will consist of three persons each from outside the profession and appointed on the basis of their knowledge and reputation, and shall be assisted by the Secretary acting as Secretary to the Panel, and in that role responsible and accountable to the Panel. The Secretary will



not attend any private meeting of the Panel when it deliberates towards making a Determination. No member of the Public Affairs Board Executive Committee may serve as a Panel member.

**Chartered Institute of Public Relations (CIPR)**

28. In the event of a complaint being substantiated against a member who is also a member of the CIPR, the Public Affairs Board Executive Committee will inform the CIPR, of the outcome of the complaint.