

## **Inquiry into lobbying**



### *A response from WCVA*

1. WCVA is the national membership organisation for the third sector in Wales. Our vision is for a future where the third sector and volunteering thrive across Wales, improving wellbeing for all. Our mission is to be a catalyst for positive change by connecting, enabling and influencing.
2. WCVA works with a range of national specialist agencies, county voluntary councils and other development agencies, to provide a support structure for the third sector in Wales. We have over 3,000 members, and are in touch with many more organisations through a wide range of national and local networks.

WCVA is pleased to have the opportunity to respond to the Standards of Conduct Committee's inquiry into lobbying. This is a key issue for many third sector organisations that are working to influence and achieve positive change in Welsh society; it is therefore crucial that WCVA's members and wider third sector networks have an opportunity contribute to policy development.

3. WCVA has consulted with our members and third sector networks to help build this response.
4. First we offer our recommendations, followed by answers to each question asked by the Committee.

### **Recommendations**

5. The UK Government should be asked to respond to the Harries Commission report on the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act (also known as the Lobbying Act).
6. A standard definition of 'lobbying' would be useful to aid clarity among the public as to what lobbying is and does.
7. Welsh Government should consider publishing meetings that Cabinet Secretaries and Ministers have with those who seek to influence them.
8. The idea of a register of lobbyists needs to be explored further in order to assess its suitability.

## Is there a need for change?

9. We are pleased that the previous Welsh Government committed to [a different direction](#) on lobbying to the UK Government, and hope that this continues through the fifth Assembly.
  
10. Lobbying rules applicable to the UK Government remain a concern despite the recent introduction of [Grants Standard 6](#), which seems to remove the anti-lobbying clause of February 2016 that prohibited those in receipt of grant funding from UK departments from seeking to influence UK Government or Parliament.
  
11. Concerns about the UK Government's Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act remain. In our [2013 response](#) to the Political and Constitutional Select Reform Committee consultation on the Act, we said that we understood the UK Government's decision to promote transparency in this area; however we also said:
  - The Act's definition of 'activities for election purposes' is so broad it could capture a range of day-to-day activities charities carry out as part of their campaigning and policy/advocacy work
  - Day-to-activities of charities could be considered 'for election purposes' and caught by the rules.
  - A charities' ability to react to important policy developments could be undermined.These concerns persist both in Wales and in Scotland, as [this work](#) from our sister organisation SCVO demonstrates.
  
12. The UK Government has yet to respond to Lord Hodgson's 2015 [review](#) of the Lobbying Act. It would be useful if the Assembly could take on board issues identified within this review and approach UK Government, requesting them to make their thoughts clear.

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

13. In our guidance, [How to lobby the National Assembly](#), WCVA uses the term 'lobbying' to mean 'any contact with those in power that is designed to influence their actions in some way'. This includes the submission of petitions, briefing papers, letters and consultation responses, plus campaigning, meeting with AMs and giving oral evidence to committees. Being able to influence legislation, policy and practice has meant the third sector in Wales has made positive contributions to wellbeing.
  
14. However, lobbying is sometimes seen as a dubious activity due to the poor reputation of professional lobbyists - people who are paid, usually by businesses, to influence policy or legislation on the behalf of the group or individual who has hired them.

15. There can be a grey area between organisations who have hired their own staff as lobbyists and third sector employees who may, among other duties, seek to influence politicians.
16. A standard definition of lobbying that the public can understand, along the lines of that in point 12 would help shift the negative perception of what lobbying is and does.

### **How is lobbying regulated at the moment?**

17. Lobbying is regulated by the Charity Commission for England and Wales and the Transparency on Lobbying, Non-Party Campaigning and Trade Union Administration Act of 2014. The expected value for civil servants are set out in the Civil Servants Code and for Ministers in the Ministerial Code. Within the Assembly, there is the non-statutory Guidance on Lobbying and access to Assembly Members, and the Standards of Conduct Committee carries out the functions of Standing Order 22, governing the relationships Assembly Members have with outside organisations.

### **Do you consider yourself a lobbyist?**

18. Whether we would consider ourselves to be lobbyists depends on the definition of lobbying. If it is any form of activity that is aimed at influencing decision-making, as per WCVA's definition, influencing is a core part of what we do. During our strategic review process last year, one of the biggest messages we received from our members is that they wanted WCVA influencing positive change to be a fundamental function of what we do as an organisation.
19. One of WCVA's functions under the National Assembly for Wales' Third Sector Scheme is to facilitate the sector to have its voice heard by the Welsh Assembly. This can be by seeking sector opinion to incorporate into a consultation response such as this; or by facilitating a meeting between the sector and a Cabinet Secretary, Minister or official. In this context, we are not directly a lobbying organisation, but help others to lobby.
20. Many WCVA members have staff whose role includes trying to influence policy and legislation. We doubt that many of them would consider themselves lobbyists, as such work tends to be just a small part of a wide range of other considerations; however influencing positive change to support their vision and mission is an important element of activity for many of them.

### **Have you encountered any problems with the current arrangements?**

21. We are not aware that the sector has any issues with current arrangements for lobbying the Assembly.
22. However, The Harries Commission issued [a report](#) detailing negative impacts of the UK Government's Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act on non-governmental organisations. They state that sector organisations were confused about the 'ambiguity of the definition of regulated activity' which may have led to awareness-raising activity not taking place for fear of

contravening the regulations.

23. We refer the Committee back to points 11 and 12 of this response for more comment on our ongoing concerns around the Lobbying Act.

**Are there any areas you consider to be unregulated in this area which pose a risk to the accountability and reputation of governance in Wales?**

24. We note that the First Minister has previously said members of the Assembly do not meet with commercial lobbyists. However, it would help accountability and transparency if meetings that Cabinet Secretaries and Ministers have with people who may seek to influence them were to be published online regularly.

25. Welsh Government does not always publish an analysis of consultation responses and feedback on how suggestions have been responded to. When it then takes a particular course of action, this lack of analysis can lead to a gap in understanding as to why that action has been chosen.

**What would you consider the impact of introducing a new regime to deal with lobbying?**

26. A register of lobbyists, coupled with the publication of meetings outlined in point 16 and a standard definition of lobbying as discussed in point 10, could help make the lobbying process more transparent and demonstrate the impact it has. Work would need to be done to fully assess the suitability of this idea.

27. However, if a register were introduced it should not mean making controls on lobbying more restrictive and reducing the access that people have to Assembly Members.

**Discussion**

28. We will be pleased to discuss these or any other points relating to this consultation response with the Standards Committee, Cabinet Secretaries or Ministers if requested.

David Cook  
Policy Officer  
WCVA  
[dcook@wcva.org.uk](mailto:dcook@wcva.org.uk)

31.1.17