

Public Relations and Communications Association (PRCA) response to the Office of the Registrar of Consultant Lobbyists consultation on guidance, codes of conduct and compliance

Who we are:

- The Public Relations and Communications Association (PRCA) welcomes the opportunity to contribute to this consultation. The PRCA is the world's largest professional PR body. We represent and regulate more than 35,000 PR professionals in 70 countries worldwide.
- The PRCA promotes all aspects of public relations and communications work, helping organisations and individuals to maximise the value they deliver, within an ethical and professional framework. The Association exists to raise standards in PR and communications, providing members with industry data, facilitating the sharing of communications best practice, and creating industry understanding. All PRCA members are bound by our Professional Charter and Codes of Conduct. The Association works for the greater benefit of the industry and society, representing the profession, and lobbying on its behalf.
- Within the PRCA is the PRCA Public Affairs Board (PAB), the voice of the public affairs and lobbying industry. The PRCA PAB's role is to ensure transparency through our quarterly Public Affairs Register; to enforce high standards through our 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 2,000 practitioners, and working for approximately 3,000 clients.
- The PRCA Public Affairs Code is the only code automatically recognised by ORCL. Currently, 75 registrants declare the PRCA Public Affairs Code on the Register of Consultant Lobbyists.

Executive summary:

- As the voice of the public affairs industry, we believe that lobbying is integral to a thriving democracy and contributes positively to the policy-making process. Our membership is varied and includes consultancies, in-house teams (including charities, private sector organisations, and public sector bodies), and individual practitioners. The expertise of our members is relied on by MPs, Ministers, and civil servants when it comes to delivering well-informed legislation and scrutiny.
- The proposals for a template code of conduct will do very little to change behaviours or increase transparency and they risk undermining existing codes of conduct that work well. More importantly, such templates could encourage lobbyists to adopt a 'lowest common denominator' approach. Instead, the Registrar should recognise only credible codes that are independent and enforceable, such as the PRCA Public Affairs Code.
- The Registrar should no longer allow registrants to declare self-written and self-policed codes which are neither independent nor independently enforceable.
- We are concerned that certain organisations which engage in lobbying on behalf of clients are evading registration simply by using a loophole in the law that allows them not to classify themselves as consultant lobbyists. The Registrar should proactively engage with these organisations to ensure they are compliant. If this issue persists, the Registrar should propose changes to the law to ensure that all relevant organisations are covered.

Detailed commentary:

Question 1: How clear and comprehensible do you find the guidance? Where possible, provide examples of lack of clarity or ways in which clarity could be improved.

Question 2: What other areas do you think could usefully be covered by formal guidance?

The guidance in question is clear and detailed. However, we are concerned that certain organisations are evading registration because they are able to use the loophole in Schedule 1, Part 1, paragraph 1(1) of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 to avoid classifying themselves as consultant lobbyists.

In particular, our members have consistently raised concerns that many lawyers, accountants, and management consultants carry out the business of consultant lobbying, yet few if any are captured under the scope of the Act.

We appreciate that the guidance specifically urges these organisations to register even though the focus of their business may not be consultant lobbying. However, it would be useful for the Registrar to provide more detailed guidance on this and do more to encourage organisations that are engaging in consultant lobbying but are not currently registered to do so. If this issue continues, the Registrar should consider recommending to the Government that the Act is amended to close the loophole.

Question 3: If the Registrar provided a template or framework code of conduct would this be useful to you and/or registrants? What impact do you think this would have?

Question 4: What effect do you think this would have on clients, those being lobbied and others?

The PRCA supports the development and enforcement of ethical and professional standards. All PRCA members are governed by the PRCA Code of Conduct and the PRCA Public Affairs Code. We require members to disclose their lobbying activity quarterly on the PRCA Public Affairs Register and we expect them to behave in an ethical and transparent manner. With this in mind, we believe where existing codes work well, they should be respected, and we should preserve the distinction between those who are committed to transparency and openness and those who are not.

The introduction of a template code has the potential to undermine established and successful codes and remove this distinction for politicians, businesses and the public viewing the Register who wish to make an informed decision about the ethical standing of the organisations which appear. A template code of conduct risks a situation where members of the public viewing the Register assume that all organisations on there are committed to high ethical standards. Templates may also encourage 'lowest common denominator' behaviour, with lobbyists feeling that there is little benefit in going beyond the bare minimum standards in the template.

A key advantage of our code is its flexibility; we can change and review the Public Affairs Code to reflect the changing political environment or emerging techniques relatively quickly. In fact, the Public Affairs Code has been reviewed and strengthened twice over the past year and our members have strongly supported these changes. The Code was amended in May 2020 to provide members with more clarity around the employment of politicians and the use of privileged information. The Code was then amended in February 2021 to provide members with clarity on taking advisory roles within Government Departments. The political landscape is constantly changing, and we need to ensure that our Code reflects that change. We are not convinced that a templated code would have the same degree of flexibility as the PRCA Public Affairs Code.

The PRCA Code is independent and enforceable. Potential breaches of the Code are investigated under a thorough and independent complaints procedure. A key part of the PRCA Code is that sanctions are enforceable - including expulsion for the most serious breaches. Therefore, we are not convinced that the Registrar's vision for registrants themselves deciding how to handle complaints under a template code is suitable. Self-written and self-policed codes are meaningless: if registrants are allowed to implement their own complaints procedure under the template code, how will the Registrar police transgressions?

Finally, we strongly urge the Registrar to reconsider the inclusion of self-written and self-policed codes on the register. These codes have no standing, as they are neither independent nor enforceable. Instead, the Registrar should recognise only serious and credible codes such as the PRCA Public Affairs Code.

Question 5: What additional or better mechanisms can you suggest that would support compliance with the Act?

As mentioned earlier, the Registrar should increase its engagement with organisations that are not traditionally classified as consultant lobbyists but still provide lobbying services for their clients. We are concerned that lawyers, management consultants, and other professional service firms could evade registration without proper engagement from the Registrar and, if necessary, changes to the law.

We believe existing rules should be enforced to drive better behaviour. To ensure compliance, it could be helpful for the Registrar to conduct workshops with registrants to remind them of the rules. This can also be an opportunity for registrants to raise questions with the Registrar. We are confident that our members would find the workshops useful and we are happy to work with the Registrar to make them a reality.