

Public Relations and Communications Association (PRCA) response to the Post-legislative scrutiny review of Part 1 of the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014

Who we are:

- The Public Relations and Communications Association (PRCA) welcomes the opportunity to contribute to this inquiry. 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 2000 practitioners, and working for approximately 3000 clients.
- The PRCA Public Affairs Code is the only code automatically recognised by the Office of the Registrar of Consultant Lobbyists. Currently, 74 registrants declare the PRCA Public Affairs Code on the Register of Consultant Lobbyists.
- The PRCA is responding to this enquiry on behalf of its members and we have included direct views from members throughout this response.

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. MPs, Ministers, and civil servants rely on the expertise provided by our members to deliver well-informed legislation and scrutiny.
- For a number of years prior to its creation, we advocated for the introduction of Act, and we commend ORCL for the good work it is doing. That being said, we believe that its scope should be widened to include all who lobby rather than just third-party advocates. The scope should also be expanded to cover interactions with Special Advisers to Ministers.
- Those who appear on the Register should also be subject to a code of conduct that governs their behaviour, such as the PRCA Public Affairs Code. In addition, registrants should not be allowed to declare self-policed and self-written codes.
- The current fee structure is unfair and discriminatory towards SMEs. The fee system could be restructured if the scope of the Act was expanded to include in-house lobbyists therefore allowing the Government to lower fees especially those paid by smaller organisations.

Detailed commentary:

1. Do you think any changes to lobbying and the lobbying industry have resulted from the Act?

- Due to the limited scope of the Act, the legislation has only had an impact on the lobbyists that are required to sign up to the Register of Consultant Lobbyists. Our members have also raised concerns about the added administrative burden and cost imposed on them due to the legislation. Currently, PRCA members are required to appear on the Register of Consultant Lobbyists, the Scottish Lobbying Register, and the Public Affairs Register.
- It is also worth mentioning that the PRCA has always required members to declare their public affairs activity on the PRCA Public Affairs Register and the industry has long-standing commitment to transparency. PRCA members are also bound by the rigorous PRCA Public Affairs Code, the only code automatically recognised by the Office of the Registrar of Consultant Lobbyists.
- While the PRCA believes this legislation is important, we also believe in good legislation. Therefore, the legislation should be expanded in order to make a real difference.

2. Is the scope of the Act – who registers and why – appropriate?

- The overwhelming consensus amongst our members is that the Act should be expanded to cover more of those engaged in lobbying – therefore the inclusion of in-house lobbyists is crucial. Members have raised concerns that lawyers, accountants, and management consultants all carry out the business of consultant lobbying, yet none are captured under the scope of the Act. The scope of the act should also be expanded to those working in corporate communications and other consultancy businesses. This should also include charities and campaigning groups, thinktanks, trade unions and private companies. Currently, the majority of the industry is not represented by the legislation. If the aim of the legislation is to increase transparency, then it must cover larger swathes of the industry.
- The interactions covered by the Act should be expanded to include Special Advisers to Ministers. The Act is currently limited to interactions with Ministers and Permanent Secretaries, however if the Act's aim is to be truly transparent and representative of the lobbying industry then it must be expanded to cover communications with Special Advisers.
- Those who appear on the Register should also be subject to an independent recognised code of conduct that governs their behaviour, such as the PRCA Public Affairs Code. Currently, the Act does not require registrants to sign up to a code (registrants may wish to declare a relevant code).
- PRCA Public Affairs Code applies to all members equally and any breaches to the code are investigated under a thorough and independent complaints procedure. Registrants should demonstrate their commitment to ethical lobbying by signing up to a code.
- We also believe that Registrants should not be allowed to declare self-policed codes. A key aspect of the PRCA Code is that sanctions are enforceable by an independent body - including expulsion for the most serious breaches. Self-written and self-policed Codes are not enforceable and cannot possibly be described as 'relevant'.
- As it stands, the PRCA Code is the only code that is automatically recognised by the Registrar and 74 registrants declare our Code on the Register. The PRCA code is independent and

enforceable with sanctions available for minor to serious breaches of the Code. The PRCA Code is reviewed regularly to ensure it is relevant and robust in its application. We believe that any code declared on the Register should enforce similar high ethical standards.

3. Is the fee system proportionate and fair?

- No. The majority of our members are SMEs and they have described the fee system as arbitrary and unfair and it is particularly discriminatory towards SMEs. There have been some suggestions that one-size fits all approach is particularly harmful to smaller organisations that may only employ a handful of employees, especially in the current economic climate. Therefore, there have been some suggestions that the fee should be decided based on the number of staff or annual turnover.
- Of course, the fee system could be restructured if the scope of the Act were to be expanded by covering more registrants. This should enable the Cabinet Office to lower fees, especially for smaller agencies.

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