



About YouthLink Scotland

YouthLink Scotland is the national agency for youth work. It is a membership organisation and is in the unique position of representing the interests and aspirations of both the third sector and statutory sector.

YouthLink Scotland champions the role and value of youth work, challenging government at national and local levels to invest in the development of the sector for the benefit of our young people. Our vision is of a nation which values its young people and their contribution to society, where young people are supported to achieve their potential.

This response does not claim to be the position of any one individual member or of all member organisations. Individual organisations may hold views which differ from the opinions presented here. We have consulted with our membership on this response, in line with our consultation response protocol, and as such the response incorporates the views of those members who responded to the request for information.

General Comments on Lobbying Transparency

- YouthLink Scotland supports the aim of increasing transparency and building levels of trust in Scotland's political institutions
- YouthLink Scotland believes that the register of lobbying should have a principle of being equally transparent – placing a duty and responsibility upon MSPs to record lobbying experiences and to publish a record of their appointments and meetings
- YouthLink Scotland believes further work is required to provide clarity of the definition of “significant lobbying activity” and lobbying frequency providing clear inclusion/exclusions of lobbying activities. Particular regard is required for: the Third Sector, taking account of the role of organisation Trustees and Directors who volunteer may lobby; Youth Work organisations who lobby on behalf of citizens (young people).
- YouthLink Scotland supports the registration of lobbying organisations, rather than individuals
- YouthLink Scotland would welcome the development of Charitable guidance for Third Sector Lobbying
- YouthLink Scotland would welcome a pilot of this approach ahead of legislation, to understand the true costs, practicalities, purpose and benefits of such a register.

Consultation on Lobbying Transparency

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

YouthLink Scotland

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Hunter

Forename

Susan

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3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as

- (a) Do you agree to your response being made available to the public (in Scottish Government library)
- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis **Please tick ONE of the following boxes**
- Yes, make my response, name and address all available
- Yes, make my response available, but not my

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library) Are you content for your **response** to be made available?
- Please tick as appropriate**
- Yes No

name and address

Yes, make my response
and name available, but
not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

CONSULTATION QUESTIONS

Question 1 – Do you agree that the Government’s three core principles are appropriate to inform the delivery of an effective and proportionate lobbying registration regime in Scotland?

We would welcome the inclusion of a clear purpose and benefit of introducing a lobbying register, in addition to these statements. We would like further evidence of how transparency is increased through a legislated lobbying register, as well as evidence of what other measures could be explored which would increase transparency.

The three statements are appropriate. We would, however, like to ensure that this core principle also includes that there be no cost for lobbyists to register.

Question 2 – Do you agree that a publicly available register of lobbyists should be introduced in Scotland?

YouthLink Scotland supports the general aims of increasing transparency and building increased trust in Scotland’s political institutions. Our experience, as a Third Sector organisation, has been positive in our working relationship with Holyrood – where we believe it to be generally open and accessible to organisations like ours.

It is our view that further discussion around the nature and definition of lobbying activity is required. This consultation document gives due consideration to the type of lobbyists, but falls short in its exploration of lobbying activity, frequency, nature and purpose; and does not define “significant lobbying activity” which makes it difficult for our organisation to fully understand and anticipate the implications for our organisation and our members.

We believe that the measures intended to increase transparency should not have any negative impact on how communities of interest, in particular youth work organisations, and Third Sector organisations more generally can access democratic processes without a burden of bureaucracy.

We believe that the register should be of lobbying activities – and that the duty and responsibility could be equally placed upon the MSPs themselves. We would welcome the publication of MSP engagements and meetings at a frequent interval as an additional measure to increase transparency.

Question 3 – Do you agree that no fee should be payable by lobbyists for registering or updating the register?

YouthLink Scotland welcomes the view of both the committee and the Scottish Government that registration of lobbying should be without fee. It is for this reason that we suggestion this to be included explicitly as a core principle.

However, we could anticipate that staff time will have to be allocated to the administration associated with the register and its returns. Due to the lack of definition of Significant Lobbying Activity – we cannot be certain as to the scale of this implication. However we do know that many voluntary sector organisations

are experiencing constraints; and may be unable to take on additional staff or increase the hours of existing staff. Youth work budgets are being cut in local authorities and the voluntary sector is often expected to bridge the gap in service provision. In addition to this, many organisations are operating on reduced grants for which there is increasing competition, and income from other sources such as private donation is dwindling due to economic factors. Staff are spending an increasing amount of time on sourcing and applying for funding rather than delivering services directly to young people and supporting the local networks and volunteers who undertake delivery. Adding yet more bureaucracy to this mix is unlikely to improve this situation and is in fact likely to create further barriers and costs.

Question 4 – What are your views on whether the onus to register should lie with individuals who lobby as part of their work, or organisations who lobby?

Please provide reasons in support of your response.

YouthLink Scotland strongly supports the view of the Committee that the onus for registration should be with the organisation. We believe that this would reduce the burden of bureaucracy for individual employees, who may jointly be part of lobbying activities which would then have to be reported in multiple to the register.

We also believe that as individuals move to different positions in different organisations the register and reporting would become disconnected from the organisation in whose name the lobbying activity is undertaken. Equally as employees move to different organisations their feelings of responsibility to record lobbying activity for a previous employer may lapse and gaps in the register of activity will emerge.

As Third Sector organisations, we have volunteers at our core, in particular as charity trustees and directors. We would therefore support an amendment on the consultation with regard to excluding voluntary lobbyists – but rather through organisational registration be able to account for lobbying undertaken by Trustees/Directors of our organisations whilst they lobby in our organisational capacity.

Question 5 – Should both consultant lobbyists and in-house lobbyists be required to register?

Please provide reasons in support of your response.

Consultant lobbyists should be required to register their activity, and to associate this to the organisation or company on whose behalf they act.

Question 6 – Should any types of in-house lobbyist be exempt from registration?

Please provide reasons in support of your response.

We support organisational registration, therefore in-house lobbyist activity would be account for.

Question 7 – Do you agree that the register should cover the lobbying of MSPs and Ministers?

Please provide reasons in support of your response.

We share the view that the register should cover lobbying of MSPs and Ministers, we would also welcome the registration of Special Advisors and senior civil servants. We would want reassurance that this would not affect our ability to share information with civil servants and other forms of informal correspondence and partnership working.

Question 8 – What types of communication do you think should be covered by a statutory register?

This question returns to our concern of the lack of definition of significant lobbying activity.

Much of our lobbying is undertaken by producing written briefings and advice notes - this is already in the public domain on our organisational websites for example. Therefore we would be comfortable with the exclusion of written information, as long as it was publically available in other means.

We support the inclusion of pre-arranged meetings and events as communications which should be included. However clarity is required as to whether events (in particular) are for the express function of lobbying, and if the responsibility is on the event organiser or on delegates. For example, a Minister gives a keynote speech at a conference attended by multiple organisations – lobbying activity may occur during Q&A sessions or during informal breaks in the proceedings. Is this pre-arranged? Is this the responsibility of the individual? What if the event is arranged by the Minister or MSP?

We share the view captured in the committee report – which identifies that the nature of lobbying activity continues to evolve – in particular on social media. However as this is typically a public realm then it brings with it its own transparency.

If the purpose is to increase transparency – consideration must be given to the message not just the method – and by the exclusion or inclusion of different communications may simply change the way in which lobbyists engage with MSPs.

We would welcome a clear statement that the register would exclude:

- Consultation Responses
- Evidence provided to Parliamentary Inquiries / Committee

We would welcome a clear position on conduct of Cross Party Groups and where responsibility for registering lobbying activity would be placed within this specific context.

Question 9 – Do you agree with the Government’s view that paid lobbyists should be required to register?

Please provide reasons in support of your response.

Yes

Question 10 – Do you agree that the register should also allow for voluntary registration by lobbyists not required to register?

Please provide reasons in support of your response.

The clear definition of significant lobbying activities is required to enable us to consider the scale of organisations not included and what benefit voluntary registration would bring.

Question 11 – What are your views on what kind of information each lobbyist should be required to provide on registration?

Please provide reasons in support of your response.

It is our view that registration should be by organisation. Within the organisation, it may be appropriate to name the individual lobbyists who are acting on their behalf.

Individuals would require assurances that this data was being held securely, there is a risk that in-house lobbyists may not wish to be identified. If this was done by Organisation, individual lobbyists could be coded and their identity protected from the public domain.

Question 12 – How often should lobbyists be required to provide a return detailing their lobbying activity?

Please provide reasons in support of your response.

We would support a minimum 6 monthly return but with no greater compulsory frequency. It would be beneficial to the costs of organisations to have a system that could be populated at greater frequency, but only be published at the compulsory intervals. Organisations will have to keep internal logs to ensure an accurate return – to avoid organisations having to invest in these processes it would be desirable for the online system to allow organisations to log lobbying activity in “real time”.

The online system must be searchable, otherwise the benefit of increasing transparency would be compromised.

Question 13 – Do you agree that the Parliament should introduce a Code of Practice for lobbyists setting out guidance on the registration regime and expected standards of behaviour?

Please provide reasons in support of your response.

YouthLink Scotland would welcome opportunities for further discussion on the content of a Code of Practice for lobbyists –establishing clearer parameters of expectations of conduct has the potential to be beneficial to the effective implementation of the register of lobbyists. We are particularly interested in discussing the benefits of a charitable code of practice with regards to lobbying.

Question 14 – Do you agree that a register should include the facility for lobbyists to indicate if they already subscribe to any industry Codes of Conduct?

Please provide reasons in support of your response.

We see no additional benefit to this, and it may make organisations feel that they have to join industry bodies which charge fees to subscribe to their code of conduct.

Question 15 – Do you have any views on the Committee’s proposals for who should be responsible for upkeep and oversight of the Register?

The costs of upkeep and oversight of the Register on the public purse needs to be explored and made transparent. This furthers our initial point with regards to the evidence of benefit of a lobbying register on transparency. The recommendations made in the consultation paper to place the responsibility with the Clerks of the parliamentary committee, we are not in an informed position to consider whether this is the solution that has least impact on the public purse or if other more economical solutions are available.

We would like to be assured that whoever the Registrar is that they endeavour to be connected to lobbyists in an open and positive manner. We would support one single centralised system.

We welcome the role of the Commissioner for Ethical Standards in Public Life that has been included in these proposals.

Question 16 – Do you have any views on what enforcement mechanisms and sanctions should be available in connection with the registration regime?

Please provide reasons in support of your response.

This would need to be considered within the sanctions upon an organisation and individuals.

Question 17 – Do you have any views on whether Parliament, by resolution, should be able to adjust the scope and operation of the registration regime once established?

YouthLink Scotland supports the view that the registration regime must be able to be reviewed and to be ‘future proof’. We would suggest, prior to legislation, that a voluntary pilot scheme be tested to identify the workload and to address any challenges or issues for lobbyists, Parliament and Government.

Question 18 – Do you have any views on whether there could be impacts on equalities groups as a result of the proposals outlined?

Please draw on specific evidence and/or wider knowledge, experience and expertise.

We believe that clear and explicit guidance will be required for this measure to have the desired impact. We believe that it must be made explicit that registration of lobbyists will not apply to Volunteers, to Citizens, or Community Groups. Any barriers, perceived or actual, must be removed to ensure this does not have a detrimental impact on the ability of any person or groups of persons to engage with

the work of Parliament, MSPs and Ministers.

Youth work supports young people to engage in the political process and encourages them to have their say. Despite this, many young people struggle to have their voices heard. Some organisations who work with particularly under-represented groups of young people may find that new regulations mean that they lack the time and resources to participate in lobbying. These organisations may already have limited capacity to undertake this important strategic-level work, as they find themselves under increasing pressure to deliver services at a time of budget cuts and reductions in grant funding.

Question 19 – Do you have any views on whether there could be any additional costs or other implications for businesses as a result of the proposals outlined?

Please draw on specific evidence and/or wider knowledge, experience and expertise.

We could anticipate that staff time will have to be allocated to the administration associated with the register and its returns. Due to the lack of definition of Significant Lobbying Activity – we cannot be certain as to the scale of this implication. However we do know that many voluntary sector organisations are experiencing constraints; and may be unable to take on additional staff or increase the hours of existing staff. Youth work budgets are being cut in local authorities and the voluntary sector is often expected to bridge the gap in service provision. In addition to this, many organisations are operating on reduced grants for which there is increasing competition, and income from other sources such as private donation is dwindling due to economic factors. Staff are spending an increasing amount of time on sourcing and applying for funding rather than delivering services directly to young people and supporting the local networks and volunteers who undertake delivery. Adding yet more bureaucracy to this mix is unlikely to improve this situation and is in fact likely to create further barriers and costs.

As in response to previous questions – this could be partially mitigated by national investment in to an online system which can be updated by organisations in real time, or to support their register return.

Question 20 – Do you have any other comments on the general operation of a register of lobbyists, or on any of the proposals put forward by the Committee or the Government?

Content of Returns – we would welcome greater information about the depth of detail that will be required in returns. We fear duplication of returns, utilising precious time in third sector organisations spent on bureaucracy, if this progresses at an individualised level.