

Shelter Scotland Stage 1 debate briefing for Lobbying (Scotland) Bill - 7 January 2016

Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. We believe that everyone has the right to a safe, secure and affordable home and that housing is vital to people and families being able to flourish in their communities. We provide direct services to people facing bad housing and homelessness and we campaign to prevent it in the first place.

Since our establishment in 1968, Shelter Scotland has a long history of engaging openly, successfully and legitimately with Scotland's politicians and institutions and agree with the view of the Standards, Procedures and Public Appointments (SPPA) committee that *"lobbying is a legitimate and valuable activity"*.

A key part of our role, and that of many third sector organisations across the country, is to stand up for and ensure that the voices of our clients and vulnerable groups are heard in the parliamentary process and to positively influence the formation of legislation and policy that affects those we seek to represent.

The key principle underpinning the Scottish Parliament is equality of access both to parliamentarians and the process of law making. This openness must be preserved for everyone.

Centralised publication of MSPs' diaries

While we support the goal of this bill to increase transparency it is the view of Shelter Scotland that a simpler way of achieving this would be to facilitate the centralised publication of MSPs' diaries on a regular basis via the Scottish Parliament website or some other similar, publically accessible location.

Impact of the bill on resources

We are concerned that compliance to new regulations may detract limited resources away from Shelter Scotland's core critical business of providing direct support to our clients, lobbying and engaging productively with elected members. It may even preclude some people/organisations from becoming involved with the Scottish Parliament.

Any register should only include lobbying organisations and only those paid to lobby

We are not opposed to a register of lobbying organisations (as opposed to individuals) – this is a welcome amendment to the original proposals and would be a straightforward way to keep a comprehensive list of who is engaging in face-to-face lobbying activity across Scotland. We believe that only lobbyists who are paid should be included in this register, so as not to discourage groups of individuals such as volunteers and community campaigners from legitimately engaging in Scotland's political process.

Communication with MSPs

Shelter Scotland believes that the Lobbying Bill in its current form provides a fair and reasonable balance between increased transparency for the public and administrative burden on those who legitimately lobby the Scottish Parliament. Shelter Scotland is concerned by the suggestions that the Bill should be widened to include other forms of communication such as telephone calls, letters and emails. This we believe would greatly increase the burden on organisations and involve a significant amount of additional and unnecessary bureaucracy. In our experience, emails and telephone calls with Ministers and MSPs are usually used for administrative purposes i.e. to set up a face to face discussions, confirm attendance at events etc. Where we are sending substantial communications it is almost always information that would be in the public domain anyway, for example consultation responses and briefings that are published on our website.

Communication with senior civil servants

If the Bill is extended to include senior civil servants, we support the calls from the Scottish Council for Voluntary Organisations (SCVO) that it must be focussed on the civil servants themselves providing the information required, as Ministers currently do. This could be done through amendments to the Civil Service Code. We would oppose any extension of the register to include civil servants as it would further add to the levels of administration required and discourage partnership working with the Scottish Government.

Sanctions for non-compliance

We agree with the educative approach outlined in the draft Bill and would not want to see organisations penalised for genuine accidental breaches of the rules – especially in the early stages of its introduction. It will take time for organisations to become familiar with the new rules and processes required, so lenience will be particularly vital in the beginning. We do however, believe that this legislation needs to have some teeth and sanctions for those who deliberately and repeatedly fail to comply with this legislation should be established.

Above all else, this legislation must ensure that access and openness are maintained and the barrier to entry and engagement in Scotland's political process is not prohibitive. Compliance with new legislation should not hinder genuine and legitimate engagement or negatively impact smaller organisations, individuals or those with greater restrictions on their resources.

Review of the legislation

In addition, Shelter Scotland supports the call from organisations such the Association for Scottish Public Affairs (ASPA) and the SCVO that it would be of value to include a 'sunset clause' in the Bill to trigger a review of the legislation a year after its introduction so as to assess and review the costs and benefits of the legislation and help offset concerns about negative impacts and unintended consequences.

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