

SCVO response to Scottish Parliament

Post-legislative Scrutiny The Lobbying (Scotland) Act 2016

11 February 2020

About SCVO

The Scottish Council for Voluntary Organisations (SCVO) is the national membership organisation for the voluntary sector. We champion the sector, provide services, and debate big issues. Along with our community of 2,000+ members, we believe that charities, social enterprises, and voluntary groups make Scotland a better place.

Scotland's voluntary sector

The Scottish voluntary sector encompasses an estimated 40,000+ organisations, from grassroots community groups and village hall committees to more than 6,000 social enterprises, nearly 25,000 registered national charities, and over 100 credit unions. Scotland's voluntary organisations are focused on delivering vital services and empowering some of Scotland's most marginalised communities. They also have a big role to play in protecting Scotland's environment as well as campaigning and advocating for change. Together, they employ over 100,000 paid staff, work with over 1.4 million volunteers, and have a combined annual turnover that reached £6.06bn in 2018. This includes a range of mixed-income sources such as contracts, grants, and fundraising.

Consultation

SCVO welcomes the opportunity to offer further evidence to the committee, following our written response submitted in August and the opportunity we were given to provide oral evidence to the committee in November.

The evidence and opinion we have offered to the committee was sourced from SCVO's diverse membership through a series of engagement events and we feel this has offered a rounded view of voluntary sector opinion on the Lobbying Act. We have subsequently shared the committee's draft report and call for evidence with our policy networks.

The committee's draft report and summary of evidence received is in keeping with SCVO's view that there exists a plurality of thought, with regards to this legislation. SCVO remains mindful that there are differences of opinion within the voluntary sector as to how the Lobbying Act should operate and we have encouraged individual voluntary organisations to make their views known directly to the committee.

SCVO is pleased to see many of the recommendations put forward by the committee mirror suggestions we have made in our evidence. We remain of the view that there are opportunities to improve the Act – by both improving transparency and reducing the administrative burden on voluntary organisations.

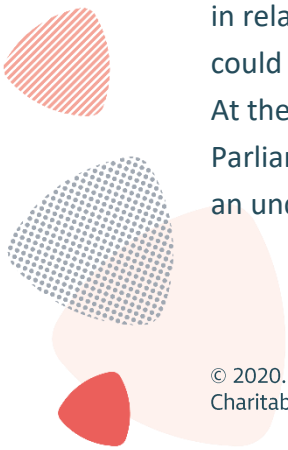
Should the committee's request for a full impact assessment be granted, we look forward to supporting this work, ahead of the committee making firm, firmed and conclusive recommendations.

Once again, SCVO welcomes the opportunity to offer our views on individual recommendations proposed by the committee, and do so by their numerical reference under the following headings.

Impact and operation of the Act to date

50. SCVO is in agreement that there are many views on the purpose and efficacy of the act. Within the sector, some organisations wish to see greater transparency – particularly in relation to interactions with organisations whose commercial operations, they deem, could have a negative impact on public health.

At the same time, many organisations are keen to preserve the openness of the Scottish Parliament and have concerns that an increase in registering requirements would place an undue burden on them at a time of particularly stretched capacity.



53. SCVO supports the introduction of a ‘search function’ on the Lobbying Register site. We are aware that some voluntary organisations are keen to build a full understanding of the engagement and influencing work undertaken by other organisations. This would support them in that work and assist in improving the transparency the Act was designed to deliver.

54. SCVO appreciates why the committee feel a full impact assessment would be required before concrete changes are made to the Lobbying Act. We would be happy to support the Scottish Government in undertaking the work and ensuring the views and experiences of the voluntary sector are fully understood and reflected in the findings.

The status quo or legislative reform

89. SCVO agrees with the committee’s assessment that the Lobbying Act only offers a surface level view of the influencing and lobbying activity taking place in Scotland. The Act as it stands provides only a list of *some* of the face-to-face meetings that take place between organisations and MSPs, Ministers and Civil Servants. Whether this meets the threshold to be considered ‘transparency’ is debatable. However, SCVO is conscious that there exists a trade-off between full transparency and what is administratively manageable for voluntary sector organisations to undertake.

90. SCVO and our members would welcome a discussion and the provision of greater clarity with regard to the use of video-conferencing technology.

91. SCVO would agree with premise that civil servants of all levels do hold varying degrees of power and influence. However, any extension to civil servants would require serious thought. What level of civil servant would be covered? How would individuals know which grade a civil servant held – to ensure compliance with the Act? Further, there is a risk that such requirements would become an onerous task for an organisation like SCVO which routinely interacts with the Third Sector Unit in the Scottish Government.

94. SCVO agrees that improvements to technology could see the administrative burden placed on organisations fall. This would certainly be a welcome development. However, we would not be supportive of a reduction in administrative burden, simply as a means to introduce additional registering requirements. Rather, a reduction in administrative burden should be pursued as an end in itself.

95. SCVO understands the reticence from MSPs regarding the publishing of diaries – and understands the issues surrounding confidentiality. However, we still feel strongly that MSPs and Ministers should have the opportunity to help contribute to transparency. Currently, it appears the cards are stacked against the sector and that all responsibility for transparency falls on external parties. If MSPs are serious about transparency, they should lead by example and offer some contribution towards this aim.

130. Exemptions surrounding communication with regional or constituency MSPs where an organisation’s work is ‘ordinarily carried out’ was raised by a number of voluntary organisations – some of whom felt the exemption was deliberately being misinterpreted and misused by some organisations. SCVO would therefore support a change in legislation to provide greater clarity on this exemption.

131. SCVO concurs with the committee’s view that there are good arguments for reconsidering whether there should be an exemption excluding communications which are made on request. It has been noted by SCVO members that conversations with Ministers and MSPs routinely stray on to other matters, not covered by the initial meeting request. It would seem reasonable that this exemption should be disappplied.

Non-legislative improvements

141. SCVO is supportive of the recommendation to shorten the reporting period and specifically called for the introduction of new reporting periods to bring ‘*real time transparency*’ to Lobbying activity.

159. SCVO agrees with the evidence provided by a range of organisations who found the lobbying register website less than user friendly. We would welcome changes to the lobbying register interface to reduce the administrative burden on voluntary organisations.

170. SCVO has consistently recognised the work of the Lobbying Register team, who have worked closely with SCVO and our members to ensure the Register operated effectively and that organisations had a good foundational grasp of what would be expected and required of them.

However, there exists a genuine frustration in the sector regarding the frequent need for resubmission of detail, or the rejection of entries that are not considered lobbying.



Indeed, 64% of respondents to our survey on the Lobbying Act advised they had submissions returned.

As such, we would fully support the introduction of voluntary submissions – which would reduce the need for constant analysis of whether lobbying was carried out. We feel confident that voluntary organisations would only choose to record information if they felt the engagement sought to influence.

Conclusion

SCVO welcomes the publication of the committee’s Draft Report on post-legislative scrutiny of the Lobbying Act, and many of the recommendations made therein.

Working with our members, SCVO is keen to ensure the experience and proposals offered by the voluntary sector are fully reflected in any subsequent change to the legislation or operation of the act.

We look forward to continuing to support the committee in its work on these matters.

