

**Health and Social Care Alliance Scotland (the ALLIANCE)
Regulated Lobbying Policy
February 2018**

Disclaimer: All organisational policies are written with the ALLIANCE in mind. Do not adopt this policy wholesale without considering your organisation's circumstances or the current landscape of regulated lobbying in Scotland.

The ALLIANCE works closely with elected representatives and officials to inform and influence decision making in relation to health and social care and other issues related to the lives of people who live with long term conditions, disabled people and unpaid carers. From 12 March 2018, the ALLIANCE is required by law to make sure that certain forms of lobbying activity are recorded on a new lobbying register.

Why has this policy been developed?

This policy aims to make sure that the ALLIANCE complies with the [Lobbying \(Scotland\) Act 2016](#), which creates a lobbying register and introduces new duties on organisations to register lobbying activity.

Under the Act, every six months the ALLIANCE is required to make a return to the Lobbying Registrar setting out each separate occasion on which our organisation has engaged in regulated lobbying, specifying a range of further details (outlined on page 4).

Under the Act, criminal offences will be created for failing to provide information to the Registrar, failing to register on the Lobbying Register and providing inaccurate information returns, with measures including fines of up to £1,000, parliamentary censure and custodial sentences possible.

What is regulated lobbying?

All staff must be aware of what constitutes regulated lobbying. In line with the Scottish Parliament's guidance, when considering if you have been engaged in regulated lobbying, please ask yourself:

1. Have I communicated orally and face-to-face (including video conferencing, BSL but not telephone conversations) with:
 - a. A member of the Scottish Parliament (an MSP);

- b. A member of the Scottish Government (including the First Minister, Cabinet Secretaries, Ministers, the Lord Advocate and Solicitor General);
- c. The Scottish Government's Permanent Secretary; and/or
- d. A Scottish Government Special Adviser (SpAd)?

2. Was the communication about Scottish Government or Scottish Parliamentary functions?

This includes a wide category of communications and includes discussions about:

- New legislation in the Scottish Parliament or changes to existing legislation
- Scottish Government policy positions (on both devolved and reserved issues) including proposals for new policies or changes to existing policies
- Scottish Government decisions about contracts, grants, financial assistance or licences
- Speeches, votes, questions and motions in the Scottish Parliament

3. Did I use the opportunity to inform or influence decisions **on behalf of the ALLIANCE?**

4. Am I a paid member of the ALLIANCE staff team?

5. Is it true that none of the following exemptions apply to this instance of lobbying?

- a. The communication was about an issue I was raising on my own behalf.
- b. I was communicating with an MSP who represents the constituency or region where I live or where the ALLIANCE is based or ordinarily operates **(This does not apply if this MSP is a member of the Scottish Government).**
- c. The communication occurred at a time when the ALLIANCE had fewer than ten staff members.
- d. The communication took place during formal parliamentary proceedings of the Scottish Parliament (e.g. a meeting of a parliamentary committee) or as communication required by statute or another rule of law.
- e. The communication happened in response to a request for factual information or views on a topic from:

- i. A member of the Scottish Parliament (an MSP);

- ii. A member of the Scottish Government (including the First Minister, Cabinet Secretaries, Ministers, the Lord Advocate and Solicitor General);
 - iii. The Scottish Government's Permanent Secretary; and/or
 - iv. A Scottish Government Special Adviser (SpAd).
- f. The communication was in relation to terms and conditions of employment.

If the answer to all five of these questions is 'Yes', you have engaged in regulated lobbying, and must take steps to ensure that this is recorded (see 'What you need to do' on page 4).

Examples of regulated lobbying

The following hypothetical examples attempt to explain a range of circumstances where regulated lobbying does, and does not, apply to ALLIANCE staff.

At the Self Management Awards, the ALLIANCE stall is approached by someone who identifies themselves as the MSP for Lothian. After discussing the Self management awards the staff member turns the discussion to the Scottish Government's new autism bill and uses the opportunity to highlight the ALLIANCE's position that changes should be made to the Bill. **This is constituted as regulated lobbying and must be recorded via the ALLIANCE's Regulated Lobbying Information Return. However, if the MSP had themselves brought up the same topic and asked the staff member "What is the ALLIANCE's position on the proposed Autism Bill?", then the exchange would be classed as a "response to a request for factual information or views or information on a topic". This is exempt under the terms of the Act, and would not need to be recorded on the lobbying register.**

The ALLIANCE's Policy and Communications Team is approached by the Minister for Social Security to meet in order to discuss an amendment to the Social Security (Scotland) Bill. **This is not regulated lobbying because the communication happened in response to a request for factual information or views by a member of the Scottish Government/an MSP and therefore it does not need to be recorded on the lobbying register.**

The ALLIANCE's Policy and Information Officer completes a response to a call for evidence on mental health in Scotland and submits it to the Health and Sport Committee. They then email the convenor who meets with them to discuss the response and the ALLIANCE's views. **The meeting is regulated lobbying and must be recorded via the ALLIANCE's Regulated Lobbying Information Return.**

The ALLIANCE arranges a roundtable of civil servants to discuss the new Suicide Prevention Strategy at which a series of related policy issues are highlighted and discussed in detail. **This is not considered regulated lobbying because all civil servants (except the Permanent Secretary) are not covered by the Act.**

The ALLIANCE's Chief Executive is speaking at an event on social isolation attended by several MSPs. He directs a specific "policy ask" to the MSPs in the room related to the social isolation and loneliness strategy. **This is regulated lobbying and must be recorded via the ALLIANCE's Regulated Lobbying Information Return.**

A "quorate" meeting (e.g. attended by the Convenor and one other MSP member) of the Cross Party Group on Learning Disability discusses care charging and a Director of the ALLIANCE gives their view. **This is not considered regulated lobbying because quorate Cross Party Groups are not covered by the Act.** After the meeting finishes the ALLIANCE's Director approaches the MSP who convenes the Committee to discuss the ALLIANCE's position on care charging further. **This is considered regulated lobbying and must be recorded via the ALLIANCE's Regulated Lobbying Information Return.**

What do I need to do?

The ALLIANCE is responsible for making a regular return to the Scottish Parliament to highlight all instances of regulated lobbying where they occur on the organisation's behalf. To make sure that this is an accurate and up to date record, all staff must identify recent instances of regulated lobbying on a regular basis and communicate these directly to the Head of Finance and IT.

To help with this process, the ALLIANCE has compiled a standardised lobbying form (**Appendix 1**) which must be completed by all staff members when they have undertaken regulated lobbying.

You must note:

- The date the lobbying occurred
- The name of the person who was lobbied
- The role of the person who was lobbied
- The location the lobbying took place in
- A short (1-2 sentence) description of the meeting, event or circumstances of the lobbying
- The type of communication (e.g. meeting, videoconferencing)
- The purpose of the lobbying activity.

The vast majority of regulated lobbying undertaken by the ALLIANCE will relate to encounters between staff members and MSPs or members of the Scottish Government (Cabinet Secretaries or Ministers). You may find the following resources helpful in identifying names and roles and it is recommended that you consult these in advance of events where instances of regulated lobbying are likely (for example, the Self Management Awards ceremony).

- [List of all current Members of the Scottish Parliament](#)
- [List of Scottish Government Cabinet members and Ministers](#)

Your completed lobbying form (signed off by your Line Manager or Team Director) should be sent to lobbying@alliance-scotland.org.uk monthly or handed into the Head of Finance and IT by 5th of each month.

The Head of Finance and IT is responsible for inputting the collated information from across the organisation onto the Scottish Lobbying Register which can be accessed at <https://www.lobbying.scot>.

ALLIANCE staff must

- Be aware of the terms of this policy
- Discuss what “regulated lobbying” refers to and how it impacts you and your team
- Accurately note details of all regulated lobbying activity

For more support

More information on regulated lobbying in general can be found via the Lobbying Register Team at the Scottish Parliament or www.lobbying.scot. The lobbying

registrar is happy to take questions and queries from interested people and can be contacted directly via lobbying@parliament.scot.

Further information about the ALLIANCE's regulated lobbying policy can be obtained from the Head of Finance and IT.

Review date

This policy will be reviewed on or before 31 March 2019.

