**Royal National Institute of Blind People (RNIB) Scotland response to the Scottish Parliament’s Public Audit and Post-legislative Scrutiny Committee on the operation of the Lobbying (Scotland) Act 2016 (“the Lobbying Act”)**

**What has changed**

**1. In your view, what concerns was the Lobbying Act seeking to address?**

The stated purpose of the preceding Lobbying Bill introduced to the Scottish Parliament in 2015 was to increase 'public transparency of the interactions between lobbyists and elected representatives and Government Ministers'. We believe that the Lobbying Act sought to bring clarity to which organisations were lobbying which decision makers, when and how often.

**2. Two years’ on, has the Lobbying Act addressed those concerns?**

**In particular, has the Act added value? If so, in what way? For example, has the Act improved transparency? Do you think it has changed the way lobbying is carried out?**

The Act has not changed how RNIB Scotland carries out its campaigning activity. We continue to communicate with MSPs and members of the Scottish Government face-to-face, through emails, over the phone, and, increasingly since the beginning of lockdown, over video calls.

It has been impressed upon staff that they must report any incidence where they discuss issues relating to RNIB Scotland’s work with elected representatives in a way that could constitute lobbying. There was concern among some staff not in public affairs roles that they might inadvertently talk to an MSP about their work in a way that could be interpreted as lobbying and not realise that they are meant to report it. Consequently, staff reported that they would be less comfortable talking to elected representatives. However, so far this has not been an issue in practice.

The Act has gone some way to improving transparency. As only face-to-face conversations, either in person or over video call, are required to be registered, it is limited. However, we would emphasise that we believe requiring organisations to register alternative forms of lobbying would place too great an administrative burden on already busy organisations – particularly in the third sector – whose limited resources should primarily be focused on helping their stakeholders. If the administrative burden increases, it could act as a deterrent to organisations communicating with decision makers. We believe that this would go against the intentions of the Act.

**3. Do you support a legislative approach to regulating lobbying activity? If so, why? If not, for what reason? Has your view on the value of a legislative approach changed since the commencement of the Lobbying Act?**

**Improvements without legislation**

A language and tone guide for drafting lobbying returns, along with sample lobbying returns, would help new lobbying registrants submit returns accurately first time. This would save the time of both the registrant and the lobbying register team, decreasing the number of incidences when they need to send back inadequate returns for editing.

**4. In your view, is the Lobbying Act working in the way it was intended? If not, why not? What needs to change to ensure that it is working as intended (i.e without making changes to the legislation)?**

**Improvements requiring legislative change**

N/A

**5. Could the legislation be improved in any way? If so, please indicate why and in what way?**

**In particular, do you have any views on whether the changes should be made to the following (please indicate why and in what way):**

**a. the Act covers lobbying to a Member of the Scottish Parliament, a member of the Scottish Government, a junior Scottish Minister, a law officer, a special adviser or the permanent secretary. Does the Act cover the right groups of decision makers?**

Yes, we believe this list covers the right groups of decision makers.

**b. the Act requires face-to-face communications, including via video conferencing and other similar means, which are also regulated lobbying to be registered. Are these the right communications to capture?**

Any consideration of changing the communication methods to capture lobbying must give thought to the practical effects this will have on the ability of less well-resourced organisations to talk to decision makers about issues that concern their stakeholders. The exemption under the Act which takes less well-resourced organisations into account, states that organisations with fewer than ten full time equivalent staff are not compelled to register lobbying activity. However, in practice the number of total staff is less relevant than the number of staff the organisation employs in public affairs and administration roles.

**c. the circumstances in which a person undertaking "regulated lobbying" is required to provide information, to be included in the register, about costs incurred by them when engaging in regulated lobbying.**

N/A

**Bill assumptions v. reality of the Act**

**6. Have assumptions made at the Bill’s introduction in its Financial Memorandum and Policy Memorandum and during its passage through Parliament held true (for example, on costs or impact) and, if not, why not?**

**Any other points**

N/A

**7. Are there any other issues you would like to raise in connection with the operation of the Lobbying Act?**

Changes could be made to make registering lobbying more efficient.

In order to make a return, a registrant must create an account. This could give the registrant the ability to store information from previous returns to inform future returns. For example, a substantial amount of lobbying takes place in the Scottish Parliament; it would therefore make sense to include the address of the Scottish Parliament as an option in a drop-down menu in the address section of the form. This would particularly affect the amount of time spent registering lobbying after a parliamentary reception or exhibition. It would also be useful to store the names of individuals who have lobbied in the past in a drop down menu in the ‘person lobbying’ section of the form, as it tends to be the same group of people from the organisation who carry out lobbying.