

Declaring Codes of Conduct on
the Register of Consultant
Lobbyists

Contents

About This Consultation	2
About Us	3
Declaring Codes of Conduct.....	4
Consultation Questions	5



About This Consultation

Duration	7 November – 31 December 2016
Enquiries	Tel: 0207 271 8827 Email: enquiries@orcl.gov.uk
How to respond	Please send your response by 31 December to enquiries@orcl.gov.uk or Office of the Registrar of Consultant Lobbyists Room 3.26 1 Horse Guards Road SW1A 2HQ

About Us

The Office of the Registrar of Consultant Lobbyists was set up following the [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014](#), in order to create and administer the statutory Register of Consultant Lobbyists. The Government's intention behind the introduction of the Register was to enhance the transparency of those seeking to lobby Ministers and Permanent Secretaries on behalf of a third party.

At its heart, the role of the Office of the Registrar of Consultant Lobbyists is about ensuring there is transparency in the work of consultant lobbyists and their engagement with Ministers and Permanent Secretaries on behalf of clients. For this to happen it is important that the public can access information in a clear and easily understandable way.

In line with our statutory obligations, we have set ourselves the following objectives:

1. Administer an accessible, up-to-date and accurate Register of Consultant Lobbyists;
2. Ensure that all those who are required to register do so, by making potential registrants aware of their obligations under the Act and the process involved in registration;
3. Ensure the registration process provides a service to registrants that is clear and accessible;
4. Monitor and enforce compliance with the Act's legal requirements;
5. Operate the Register and the Office in a cost effective manner that demonstrates value for money.

Declaring Codes of Conduct

The registration guidance provided in respect of codes of conduct which may be declared in the Register of Consultant Lobbyists, states:

“...Declaring a code of conduct

When joining the Register, registrants will have to declare whether they subscribe to a relevant code of conduct and if so, where that code can be found. A hyperlink to a code which is hosted online can be provided, or the address of the individual or organisation that holds the code.

- Relevance is determined in relation to consultant lobbying, and may be a code of conduct for organisations or individuals. If a code of conduct concerning individuals is declared on behalf of an organisation, it should be so declared only if every member of that organisation subscribes to that code.*
- It may be the case that an organisation subscribes to multiple codes of conduct. In this case, declaration of one code of conduct is sufficient and the registrant can choose which they feel is most relevant.*
- In the case that the registrant does not subscribe to a code of conduct, the following text will be displayed on the Register:*

[Organisation] does not subscribe to a relevant code of conduct...”

For some time, representations have been made to the Registrar that in order to be “relevant”, a code must possess certain features, otherwise there is the scope for readers of the Register to gain a false impression about the organisation which declares it. Various, the features mentioned have included: for the code to specifically reference public affairs activity; the requirement for the code to apply to more than one organisation; for the code to include disciplinary mechanisms; for the code to be independently arbitrated.

The purpose of this consultation is to establish the views of registrants and other stakeholders, on the issue of “relevance” and if the Registrar is so persuaded, and the law allows, to update the guidance accordingly.

Consultation Questions

Question 1

At present, the Register provides the facility to subscribe either to a code of conduct (APPC, CIPR, ICAEW, PRCA, The Solicitors' Code of Conduct, Other), or None.

Should further specific codes be added to this list (e.g. The European Public Affairs Consultancies' Association), or any removed (e.g. Other)?

Question 2

If the category of "Other" were to be retained, what would be the reasons for this?

Question 3

Assuming that the category of "Other" were to be retained as an option, are there specific features of "Other" codes of conduct that would preclude their inclusion in this category?

For example:

- a. specific reference to public affairs activity;
- b. applicability to more than one organisation;
- c. inclusion of disciplinary mechanisms;
- d. independent arbitration;
- e. frequency of review;
- f. inclusion of provisions inconsistent with those of other codes;
- g. inclusion of errors or out of date provisions;
- h. anything else?

Please state as many of the above features which you feel preclude inclusion and give reasons for each feature you include.

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Question 4

The Registrar has reviewed the various codes of conduct currently referenced in the Register, and has noted many differences between them in scope and content. Those differences are more pronounced if the code has been drawn up by an organisation whose primary purpose is something other than public affairs. The Registrar has no powers under the Act to impose either a statutory code or penalties for breach of any code declared.

Is there merit therefore in relevant representative bodies designing a voluntary code for registrants, and if so, who should compile and arbitrate that code?

Question 5

Are there any other issues in regard to codes of conduct which you feel the Registrar needs to consider?

This consultation opens on 7 November 2016 and close on 31 December 2016. Responses should be sent to: enquiries@orcl.gov.uk

Office of Registrar of Consultant Lobbyists
