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**STAFF BRIEFING – SCOTLAND’S NEW LOBBYING ACT**

**What is the Lobbying Act in Scotland?**

The Lobbying (Scotland) Act 2016 relates to all oral communications in relation to Government or parliamentary functions, made in person in face-to-face meetings, or made using equipment such as video-conferencing where parties can see and hear each other when the communication is being made to:

* a MSP
* a Scottish Government Minister
* a Special Adviser or the Permanent Secretary of the Scottish Government (the only civil servant covered by the act)

N.B. Any face-to-face meetings in any location counts, this includes outside Scotland.

The register does **not** cover lobbying activity that is:

* Carried out by volunteers, including trustees
* Taking place in cross-party groups or at Scottish Parliamentary committees
* Is not face-to-face, e.g. letters, emails, phone calls, tweets etc
* With senior civil servants or parliamentary staff
* Instigated by the Minister, MSP, etc.
* Constituency business and local issues

**How do I know if I am lobbying?**

Regulated lobbying is any conversation where the functions of the Scottish Government or Parliament are discussed with an MSP, Minister, Special Advisor or the Permanent Secretary in your capacity as a paid employee.

Loosely speaking this could be any conversation which seeks to help or benefit Barnardo’s Scotland. This could take place in a service, a shop, at an external event, or even on the bus.

**Service example:** A Barnardo’s service hosts a visit from a local constituency MSP. The staff member discusses how the service helps and supports children and young people.

The discussion moves on to conversations about Scottish Government funding or wider policy issues affecting the service such as poverty, benefits, welfare etc. this **IS** regulated lobbying.

**Lobbying Register**

Once the Register is operational on 12 March 2018, any paid member of Barnardo’s Scotland staff who engages in regulated lobbying must submit returns with information about their lobbying activity.

We will have 30 days to upload the information to the online register following the first instance of lobbying. The information initially goes to the Registrar to check for basic errors. The information will then be open to the public. A return must then be made every 6 months and two days thereafter.

There are sanctions in place if the Registrar believes you are not compliant including a fine of up to £1000.

The Register will contain information about the registrant’s identity and their regulated lobbying activity, including the name of the person lobbied, the date, the location, the circumstances, the purpose, the name of the individual making the communication and on whose behalf the communication has been made.

**So what do I need to do and when?**

It is the responsibility of ALL staff to record the details of all face-to-face and video conferencing with MSPs, Ministers, Special Advisers and the Permanent Secretary.

Staff will be asked to provide details of all meetings that could fall under this Act, even if you don’t think it needs to be registered, please check with Nicki Wray in the Policy Team for clarification. If more than one member of staff has attended a meeting or event, please decide who will take responsibility for registering the meeting.

All meetings MUST BE registered within seven days of taking place. Please follow the staff procedure below.

**Step 1 – The Five Ws**

Who? – Who did you meet with? What is their name and title?

Where? – Where did the meeting take place? Or was it over video conferencing or facetime?

When? – When did this meeting take place?

Why? – Why did you have this meeting?

What? – What was discussed in the meeting? Include a summary and any key actions or follow up that was agreed. This is where the most detailed information is needed.

The [guidance](http://www.parliament.scot/LobbyingRegister/20171220_ParliamentaryGuidance.pdf) states that information included in the ‘purpose of lobbying’ field should be "accurate and meaningful", an example is included below:

“To inform Ministers of the positive role Barnardo's Scotland plays in providing services within HM YOI Polmont, fulfilling aims of reducing the risk of re-offending and supporting young people to achieve positive futures through 1:1support, mentoring, parenting programmes and youth work”

**Step 2 – Sign off**

Check – make sure all the details are correct and put all information into the short template form, this is on Beehive under Resources 🡪 Lobbying 🡪 Lobbying Act Scotland

Send – send the form to the Policy Team at [lobbying@barnardos.org.uk](mailto:lobbying@barnardos.org.uk)

**Top tips**

* Always take a quick note straight after any meeting, using the notes on your phone is a handy way to do this or you can go old school and carry notepad and pen.
* If you are not sure who you are speaking to, you have to ask them, unfortunately the responsibility is completely on us – ask for a business card or their email.
* Not sure if you have to register a meeting? Then please ask Nicki Wray in the Policy Team for advice.

**Identifying MSPs, Special Advisers and Ministers**

MSPs and the Scottish Government’s Ministers, Permanent Secretary and Special Advisers are fully aware of the Act, have been prepared for its introduction and know what it means for them. If you are likely to engage in regulated lobbying with any of these individuals, or you are someone briefing colleagues who might engage in regulated lobbying, then you should familiarise yourself with who they are. Some helpful links are here:

MSPs <http://www.parliament.scot/msps/current-msps.aspx>

Scottish Government Ministers <http://www.parliament.scot/msps/ministers-and-law-officers.aspx>

Scottish Government Permanent Secretary <https://beta.gov.scot/about/how-government-is-run/civil-service/permanent-secretary/>

Scottish Government Special Advisers (link as of July 2017 – update due Jan 2018) <https://beta.gov.scot/publications/special-advisers-july-2017/>

Further info on the act: [www.lobbying.scot/SPS/](http://www.lobbying.scot/SPS/)

Nicki Wray | Policy and Public Affairs Officer | Barnardo's Scotland | 111 Oxgangs Road North, Edinburgh, EH14 1ED | : [nicki.wray@barnardos.org.uk](mailto:nicki.wray@barnardos.org.uk) | Office: 0131 446 7033 | Mobile: 07712415360