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**Briefing on the Lobbying (Scotland) Act 2016 for senior management**

**Implications and compliance for Barnardo’s Scotland**

**Background**

**From 12 March 2018,** Barnardo’s Scotland has to send information to the Lobbying Register every time we meet face to face with MSPs, Scottish Government Ministers, the Permanent Secretary or Special Advisors for the purposes of lobbying.

**What does this mean for Barnardo’s Scotland?**

**The Act has implications for all parts of the organisation.**

Any interaction by Barnardo’s paid staff with an **MSP, a Scottish Minister, a Scottish Government Special Advisor or the Permanent Secretary** which relates to Scottish Government or Parliamentary functions will need to be recorded and submitted to the Official Lobbying Register.

Regulated lobbying **can take place anywhere,** however informally; the Act is very loose in terms of the parameters of this. This could involve official meetings but could also include impromptu meetings on the bus or at a social event as well as visits to services or shops.

The key to whether a conversation counts as regulated lobbying is whether or not **functions of the Scottish Government or Parliament are discussed** with any of the individuals in the Act (named above) in your capacity as a **paid employee.**

**Exemptions**

The Act does not cover phone calls or communication in writing such as emails or letters.

The Act does not cover unpaid staff such as volunteers or Trustees.

The Act does not cover local issues, such as constituency business with local MSPs.

The Act does not cover situations where named individuals approach us, for example being invited onto a Scottish Government Working Group.

The Act does not apply to interactions or conversations with Scottish Government Officials (civil servants), local Government Officials, local councillors or Members of the Westminster Parliament (MPs)

**Service example:** A Barnardo’s service hosts a visit from a local constituency MSP. The only issues discussed are about how the service helps and supports children and young people. This does not relate to the functions of the Scottish Government or Parliament so would not need to be submitted to the Register.

However, if the discussion moves on to conversations about Scottish Government funding or wider policy issues affecting the service such as poverty, benefits, welfare etc. this would need to be included as a return.

**Will this affect me?**

The Policy Team will be most affected by the Act as this is a large part of the core work of the team. However the Act will also affect paid members of staff in our shops, as well as our service and support staff.

E.g. – Staff attending Parliamentary receptions, staff hosting service/shop visits, staff attending Parliamentary cross-party working groups, staff speaking at conferences where MSPs, Ministers etc. may be present.

**It is very important this is communicated to all staff who this may impact. The Policy team will sometimes know about this activity but more often than not will not be aware.**

The Scottish Parliament has put together guidance and a list of common scenarios which we suggest Barnardo’s staff have a look at:

[**Guidance**](http://www.parliament.scot/LobbyingRegister/20171004ParliamentaryGuidance.pdf)

[**Common Scenarios**](http://www.parliament.scot/LobbyingRegister/20171006_CommonScenarios_final_version.pdf)

**What happens now?**

The Policy Team will be responsible for submitting official returns on behalf of Barnardo’s Scotland from **March 12th** **2018** onwards once the Act comes into force.

A central email address has been set up which internal returns should be sent to – [lobbying@barnardos.org.uk](mailto:lobbying@barnardos.org.uk) – this will be checked by the Policy Team.

These returns will be collated by the Policy Team and submitted as one Barnardo’s Scotland return every 6 months.

**It is crucial that other parts of the organisation feed all information into the Policy Team as there are sanctions for non-compliance with the Act.**

**General rules**

Regulated lobbying = 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.

If you or a member of your staff has had a conversation with any of the above and you are not sure whether this constitutes ‘regulated lobbying’ (i.e. whether it covers Scottish Government/Parliament functions) please email the details to [lobbying@barnardos.org.uk](mailto:lobbying@barnardos.org.uk) and the Policy Team will advise.

A template for what information should be included when emailing the Lobbying address will be circulated in the New Year.

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