

////// LOBBYING
A GUIDE TO
PROFESSIONAL
CONDUCT ////

WHAT IS “LOBBYING”?

Lobbying is a discipline within public relations where the general intention of the activity is to inform and influence public policy and law. ‘Lobbyists’ are practitioners who execute planned and sustained efforts to deliver specific objectives within this broad profile of activity.

In 2012, the CIPR, PRCA and APPC agreed on the following definition.

"lobbying services" means activities which are carried out in the course of a business for the purpose of:

- (a) influencing government, or
- (b) advising others how to influence government.

In the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, which introduced the Register of Consultant Lobbyists, although the Act only covers a limited group of people, the definition used is consistent with the idea that lobbying is communication carried out with the intention of influencing Government.

Lobbying can also be known as ‘public affairs’, or ‘government relations’, which are more common as job titles. As a function it can be a stand-alone specialism and part of a wider range of communications disciplines drawn into a broad campaign.

Lobbyists can be independent practitioners, work in agencies or as consultants to agencies (which may or may not specifically supply lobbying services). Or they can work ‘in-house’, where they are employed to lobby specifically in support of their employer’s business.

Important Note:

This guide addresses professional standards in lobbying. It is not intended to cover the relationship between an elected representative and their constituents or the right of a private individual seeking to influence Government on their own behalf.

It is intended to illustrate and explain the CIPR Code of Conduct in the context of lobbying as a business service - that is to say, where lobbying is carried out in the course of business, regardless of whether or not it is carried out in a pro-bono or voluntary capacity.

CIPR'S GUIDING PRINCIPLES ON LOBBYING:

Where lobbying is carried out as a professional service, the CIPR believes it is in the public interest for it to be carried out in a way that:

- does not break the law or contravene any relevant regulations
- does not seek to come before the relationship between a legislator and their electors
- is in accordance with an enforceable code of professional conduct
- follows the exercise of reasonable professional judgement

Politicians and policy makers need information in order to exercise their judgement effectively. Lobbying, as a professional service, has an important role in the process of making policy and law. It is one of the key means by which information can enter the debate from outside the system itself.

Modern lobbyists help their clients and employers understand legislative and political processes and to create ethical and achievable objectives within those processes. They are skilled at introducing information into political dialogue at the right time and in the most effective way to assist in the achievement of these objectives. Good lobbyists know their interests are best served by enabling legislators to exercise their critical judgement based on a range of relevant, balanced information.

When engaged in lobbying, people are subject to the law and should respect the rules, codes of conduct and regulations that govern the institutions or public bodies they seek to influence.

Professional lobbyists are additionally regulated by codes of conduct directly relevant to their practice, to which they are personally accountable.

Professional lobbyists, in common with other public relations and communications professionals, should be skilled or qualified to carry out the services they offer and engaged in continuous professional development.

The CIPR Code of Conduct

All members of the CIPR are bound by the Code of Conduct. They make the commitment on joining and renew this annually when they renew their membership.

Under the principles of the Code, members of the Chartered Institute of Public Relations agree to:

- maintain the highest standards of professional endeavour, integrity, confidentiality, financial propriety and personal conduct;
- deal honestly and fairly in business with employers, employees, clients, fellow professionals, other professions and the public;
- respect, in their dealings with other people, the legal and regulatory frameworks and codes of all countries where they practise;
- uphold the reputation of, and do nothing that would bring into disrepute, the public relations profession or the Chartered Institute of Public Relations;
- respect and abide by this Code and related Notes of Guidance issued by the Chartered Institute of Public Relations and ensure that others who are accountable to them (e.g. subordinates and sub-contractors) do the same;
- encourage professional training and development among members of the profession in order to raise and maintain professional standards generally.

INTERPRETING THE CODE: REQUIREMENTS

The Code of Conduct has a number of key requirements that members, when working as lobbyists, should meet. Members have a duty of care to their clients and employers and to any staff or employees they may be responsible for. They also have a responsibility, as professionals, to serve the public interest.

Professionals are “ethically competent”. That is to say, they are bound by a code of conduct and can balance the daily application of their technical competence with the requirements of their code.

Resolving the most appropriate manner in which to operate is the responsibility of a professional in any context.

// Key Requirements

Members are required to maintain the highest standards of professional endeavour. One part of this is at least to be aware of and able to act in accordance with the relevant statutes and regulations that govern the activity of lobbying beyond the CIPR Code of Conduct. A non-exhaustive list is available in the appendices.

Members are also required to:

- Act with integrity
- Deal honestly and fairly
- Respect legal and regulatory frameworks
- Uphold the reputation of, and do nothing that would bring into disrepute, the public relations profession or the Chartered Institute of Public Relations
- Make sure that any person responsible to them or engaged by them meets the standards set out in the code

Minimum expectations arising from these requirements:

1. Illegal or Misleading Activity

Members must not be party to any activity:

- a. where the intention or effect may be to mislead,
- b. where the activity is illegal or contrary to this or any other relevant regulation or Code of Conduct.

Members must advise their clients/employers where their activities may be misleading, illegal or contrary to relevant regulations or codes.

They must not act for a client/employer who, after the member has made their best efforts to dissuade them, intends or continues to act in a manner intended to mislead, is illegal or contrary to relevant regulations or codes.

2. Bribery, Inducements, Gifts and Entertainment

Members must not offer or give any bribe, or cause any other person to offer or give any bribe, to any person at any time. This includes inducements or incentives and excessive gifts or entertainment, where the intention is to bribe, solicit a favour or gain preference.

3. Payments to Holders of Public Office

Members must observe rules, resolutions, codes of conduct and statutes in relation to any payments they may be party to, made to holders of public office, public servants, political parties and anyone working for them. They must take reasonable steps to ensure that the recipient of any such payments also observes any rules, resolutions, codes of conduct and statutes in relation to any payments.

4. Exaggerated Claims of Influence

Members must not make, or be party to, misleading or exaggerated claims about their access to or influence over elected members of legislative bodies or representative institutions, Ministers, civil servants, holders of public office or their staff, or the institutions or processes involved in making public policy and law.

5. Employing or Contracting Holders of Public Office

Members must observe rules, resolutions, codes of conduct and statutes in relation to the employment or contracting of elected representatives in any location at any level, holders of public office and public servants. This includes any rules covering the periods of time after they have quit or departed those roles.

6. Holding Public Office

Any member holding an elected office must observe the regulations relating to that office and make all appropriate declarations in relation to their personal or professional activity.

7. Lobbying While in Public Office

Any member who holds an elected or public office must not engage in lobbying on behalf of a client/employer where the intention is to influence the institution in which they serve or any part or member of it.

8. Personal Political Activity

Any member who works for a political party, whether paid or as a volunteer, including as an ordinary party member, must keep their personal political activity separate from their professional lobbying activity.

9. Paid or Voluntary Political Activity

Any member who advises or otherwise works for a person holding public office, elected or otherwise, in any capacity whether paid or voluntary, must ensure they meet any regulations, rulings or requirements relating to declaration of interests. They must advise their employer and any other appropriate authority immediately and in writing, about any lobbying activity they engage in on behalf of any other client/employer. They must keep separate their role as an advisor or member of staff from any lobbying activity they engage in. They must not accept payment of any kind to influence any holder of public office who employs them in any capacity. (See "Transparency" below).

10. Passes

Members who hold passes or otherwise have privileged access to the precincts of any Parliament, Assembly, Council or other elected body, or any Institution of Government, where that pass is not explicitly granted in relation to their role as a lobbyist, must not make use of it in the course of lobbying or otherwise abuse this privilege.

INTERPRETING THE CODE: PRINCIPLES OF GOOD PRACTICE

At the heart of the Code of Conduct are four Principles of Good Practice:

- INTEGRITY
 - COMPETENCE
 - TRANSPARENCY
 - CONFIDENTIALITY

In this section, we will set out the expectations for CIPR members engaged in lobbying activity.

INTEGRITY

Principle: Be honest, clear and straightforward in all dealings at all times.

This particularly applies when dealing with clients/employers, lobbying targets (i.e. elected representatives, Ministers, Civil Servant and holders of public office) and their staff. This is applicable in any context in which lobbying takes place (i.e. it is the same whether the lobbying is carried out at national, regional or local level) and wherever you are operating (i.e. within the UK or in other locations).

What the code means as a minimum standard:

// 1. Accuracy

Information or statements provided or made at any time, whether to a client or employer, to a lobbying target or their staff, should be accurate and true. This means making a reasonable effort to verify statements and be clear about what you don't know to be true or accurate. If the contents of the statements are beyond your professional or personal knowledge, 'making a reasonable effort' means conducting research (e.g. contacting subject specialists, sourcing sound, referable material).

// 2. Omission

No information should be omitted or obscured from briefings, statements or other material used in the course of lobbying where to do so would have the effect of misleading a lobbying target.

// 3. Identity of the Client or Employer

The identity of the client or employer or interest on whose behalf you are seeking influence should be clear at all times and in all communications.

// 4. Nature of Interest

The nature of the interests of your client or employer should always be clearly represented at all times and in all communications.

// 5. Public Support

Levels of public support for a cause, interest or a client or employer should always be accurately represented.

// 6. Possible Impact of Lobbying

Claims about the possible results of lobbying should not be exaggerated or extravagant.

// 7. Client Expectations and activities

Work should not be accepted or should be turned down if the client has unrealistic expectations of potential results or outcomes, or if they are engaged in activity which is illegal or contrary to this or any other relevant regulation or Code of Conduct.

COMPETENCE

Principle: Maintain your professional knowledge and only accept work for which you are appropriately skilled or qualified.

What the code means as a minimum standard:

// 1. Professional Knowledge and Competent Service

Professional knowledge should be maintained to ensure that clients and employers receive at least a competent standard of service.

// 2. Ensuring Competence in Others

Steps should be taken to ensure that other lobbyists or non-lobbyists, working with or for members in any lobbying project, contract or context, are appropriately competent.

// 3. Continuing Professional Development

Committing to continuing professional development, although this is not a requirement of membership of the CIPR.

// 4. Professional Limitations

Being aware of the limitations of your professional competence and being prepared to turn down work on an honest assessment of what would be involved if the requirements cannot be met within the resources at your disposal. This should take into account realistic opportunities for professional development.

// 5. Limitations of Lobbying

Where and when appropriate, making their clients or employers aware of the limitations of the practice in relation to their desired outcomes.

// 6. Law, Rules, Regulations and other Codes of Conduct

Being aware of and adhering to relevant statutes and regulations that govern the activity of lobbying beyond the CIPR Code of Conduct.

TRANSPARENCY

Principle: Manage and avoid conflicts of interest, disclose financial interests where appropriate and publicly disclose client relationships and other information in the public interest.

What the code means as a minimum standard:

// 1. Managing Conflicts of Interest

It is not acceptable to represent two clients who compete in the same market or have a clash of interests.

Where such a conflict arises, the lobbyist should be clear about their obligations, disclose the conflicts to each party and take appropriate steps immediately to remove themselves from the conflict.

// 2. Avoiding Situations which could give rise to a Conflict of Interest

There are many situations in which a conflict of interest may arise. It is the responsibility of the professional to avoid them or manage them.

Where a lobbyist has any 'political' role, either personally or professionally, elected or appointed, or has a role in public life and/or the democratic process at any level, whether or not in a voluntary capacity and including the provision of advice, they should:

- a. Cease immediately any lobbying activity related to their 'political' roles, on appointment or election
- b. Cease immediately any lobbying activity related to any institution (e.g. a Parliament, Assembly or Council) in which they hold office, or have any role which includes access to that institution for purposes other than lobbying, on appointment or election
- c. Disclose any relevant relationships and interests, past or present, in line with any regulations that govern any such role
- d. Not undertake to lobby whilst in post and observe any rules that govern their activities on leaving office.

// 3. Disclosing Financial Interests

Lobbyists should disclose any financial interest in a supplier being recommended or engaged.

// 4. Disclosure of Clients and Employers

Lobbyists should act in accordance with their statutory and professional obligations to disclose on whose behalf they act:

- a. Statutory Obligations - lobbyists should act in accordance with any legislation requiring them to disclose their clients, in any jurisdiction in which they lobby. (see accompanying notes)
- b. Professional Obligations - members of the CIPR who lobby should disclose their clients, employers or interests on whose behalf they lobby, whether or not the activity is paid-for, on the UK Lobbying Register (see appendices).

// 5. Disclosing Lobbying Activity

Where required by law or regulation governing their activity in any jurisdiction, lobbyists should make disclosures required relating to lobbying activity, (as distinct from disclosing clients).

CONFIDENTIALITY

Principle: Safeguard the confidences in general, only disclosing confidential information or material where there is a clear public interest case to do so. Not making professional use of information gained through 'privileged' or 'insider' access.

What the code means as a minimum standard:

// 1. Safeguarding Confidences

Observe a duty of care by safeguarding confidences of present and former clients and employers.

// 2. Acting in the Public Interest

Do not disclose confidential information unless specific permission has been granted or the public interest is at stake or if required by law.

// 3. Insider Information

Avoid using confidential and 'insider' information to the disadvantage or prejudice of clients and employers, or to self-advantage of any kind.

NOTES

Enforcing the Code of Conduct

It is the Code, and the fact that the Institute can take steps to uphold it, that makes Members accountable for the standard of their professional conduct. This accountability is a valuable asset both to Members and to those who hire or employ them.

Anyone can make a complaint to the Institute if they believe a CIPR Member (or others for whom they are directly responsible) may have breached the Code.

Complaints process

We treat complaints seriously and carefully. For the sake of our Members, as well as the people who have complained, we must be fair, equal and rigorous.

If it appears that the Code has been breached, the CIPR's Professional Standards Panel will investigate and either negotiate a settlement or adjudicate.

We resolve most complaints through informal negotiation ('Conciliation'). When this is not possible, a hearing is convened through the Professional Standards Panel (PSP). Hearings are conducted by members of the PSP and lay professionals, joined by the Regulatory Consultant and the CIPR's solicitor. The complainant and defendant may bring representation.

The hearing results in a report to CIPR Board of Directors, which endorses the decision of the PSP. The Appeals Panel considers appeals by Members against decisions of the PSP.

Outcomes

In certain cases the Institute's Board of Directors may expel a Member summarily, that is, without going through the Complaints Procedure: for example, if a Member has been convicted of a crime involving dishonesty or of any sufficiently serious crime, or has breached the rules of a regulatory or other authority by which they are bound.

Where a complaint is upheld, sanctions open to the PSP to include a reprimand, a suspension of membership or expulsion from the Institute. Where a case is found not proven, no further action will be taken. Where the Code of Conduct is found to have been breached, decisions of the PSP are normally made public.

If the Panels decide that a CIPR Member has delivered substandard work to you, they may require the Member to return any fees you paid for that work. If the substandard work was part of a larger contract, the refund is limited to the value of that part of the contract. If you want further compensation, you will have to go to law: the CIPR does not impose damages.

Further information, along with instructions on registering a complaint can be found on the CIPR website.

APPENDICES:

// Codes of Conducts

Membership organisations

1. CIPR Code of Conduct
2. APPC Code of Conduct

The Houses of Parliament

3. The House of Commons Code of Conduct
4. The House of Lords Code of Conduct

UK National and Regional Governing Institutions

5. Code of Conduct for Members of the Scottish Parliament
6. Code of Conduct for Welsh Assembly Members
7. Department for Communities and Local Government illustrative text for local code of conduct

International Institutions

8. Australian Government Lobbying Code of Conduct
9. Canadian Government's Lobbyists' Code of Conduct

// UK Registers

1. Register of Consultant Lobbyists (ORCL statutory register)
2. UK Lobbying Register (UKLR)



This article is worth **5 CPD points**

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