

Cabinet Office: Introducing a statutory register of lobbyists

Response by the Wellcome Trust

April 2012

Key Points

1. The Wellcome Trust considers that charities and charity umbrella groups should not be captured by the proposed statutory register of lobbyists. Lobbying and other political activity may be undertaken by a charity only in the context of supporting the delivery of its charitable purposes. As information about those charitable purposes is publicly available, requiring charities to register would not deliver additional transparency benefits, and it would impose additional costs on charities.

INTRODUCTION

2. The Wellcome Trust supports the Government's desire to increase transparency about who is lobbying and for whom. Our main interest in responding to this consultation is the extent to which charities should be captured by the proposed register.
3. The consultation proposes that the register should include only "those who undertake lobbying activities on behalf of a third party client or whose employees conduct lobbying activities on behalf of a third party client". Such a definition would exclude charities and other organisations where lobbying or public advocacy activity is conducted in-house. We support this approach. However, there is a suggestion that this scope might be broadened following the consultation.
4. From a public transparency perspective there may be arguments for including some types of in-house lobbyists, particularly employees based in large firms whose main duty is to lobby on behalf of the firm. On balance, we agree with the decision to restrict the register to third party lobbyists.
5. If the scope of the register is broadened to include some types of in-house lobbyists, there are still compelling reasons to exclude charities, taking a similar approach to the Australian system:
 - UK charity law limits the scope of lobbying activities that a charity can engage in to those that further or support its charitable purposes. UK charities are regulated by the Charity Commission, which provides extensive guidelines around charity campaigning and political activity.¹
 - While many charities undertake activities that fall within the definition of lobbying used in the consultation document, they typically advocate on behalf of a general community – for example the scientific community – rather than a specific client or clients.

¹ See <http://www.charity-commission.gov.uk/Publications/cc9.aspx>

- Because information about charity missions is publicly available, and any lobbying activity must be linked to an individual charity's mission, there would be no additional transparency benefits in requiring charities to publish details of such activities.
 - Requiring charities to register would impose an additional financial burden on them, as the proposal is for the register to be funded by those on it. Whereas lobbying firms can recoup these additional costs from their clients, charities would need to divert funds from their charitable programmes.
6. The definition of lobbyist used for the Australian statutory register also excludes non-profit associations or organisations constituted to represent the interests of their members. At present it is unclear whether such groups are intended to be covered by the proposed UK register. The Wellcome Trust belongs to a number of membership groups including the Association of Medical Research Charities and the Charity Tax Group. These groups seek to influence government policy but also have a broader mandate encompassing the provision of information and guidance, development and promotion of best practice amongst members, education and public dialogue. We suggest that charity umbrella groups should also be exempt from registration provided that they meet transparency requirements by making available a full list of members or charities they represent.
7. The consultation document groups charities with other non-profit organisations such as Think Tanks and Trade Unions. We take no position on whether Think Tanks and Trade Unions should be included in the proposed statutory register. However, we would draw a clear distinction between charities and these two other types of organisation on the grounds that they are not subject to the same regulatory framework as charities and do not have the same requirement for political impartiality.
8. We broadly agree with the consultation proposals related to the funding and operation of the register. We also agree that the register should be managed by an independent body.

Relevant Wellcome Trust activities

9. As a global charitable foundation dedicated to achieving extraordinary improvements in human and animal health, the Wellcome Trust is independent of both political and commercial interests.
10. Our constitution provides a mandate to “seek to influence opinions, regulation, legislation or policies; and to seek to ensure that members of the public, public bodies, policy makers and public institutions are well informed on questions relating to research, its funding and any other objects or powers of the Trust; and to make representations to any of them when issues arise that affect the objects or powers of the Trust.”²
11. Our policy and advocacy work aims to create an environment in which research can flourish whilst protecting research participants and maintaining public confidence. One of our main activities is to contribute to discussions about proposed legislation and

² Schedule B: Administrative powers that may be exercised in administering the Trust and in furtherance of the objects of the Trust, paragraph (9)

regulatory developments in order to facilitate this goal. As a major non-government funder of biomedical research in the UK, the Wellcome Trust is a key stakeholder in relation to policy proposals that will impact on biomedical research. We are often approached by government agencies and invited to contribute to policy discussions, particularly where specific scientific expertise is required. We are also involved in a wide range of productive partnerships with government departments, for example joint funding the Health Innovation Challenge Fund.

12. We work closely with the Westminster and European Parliaments, and the European Commission, and are increasingly working with other international funders. We also work with relevant umbrella groups and membership organisations such as the Association of Medical Research Charities, the Charity Tax Group and the Campaign for Science and Engineering.
13. The Trust's policy and advocacy work is coordinated by a small in-house team. These staff members spend only part of their time on activities that might fall under the definition of lobbying used in the consultation document. The work covers a wide range of issues related to the Trust's activities and mission, including contributing to the development of government strategy related to biomedical research and science education; providing evidence to inform legislation governing the use of animals in research, and the use of stem cells, human tissue and embryos in research; and working with government to encourage open data for research.
14. Senior managers, including the Director, also spend a proportion of their time engaging in policy-related discussions, including with Government ministers and senior civil servants.
15. The consultation document proposes that the names of individual lobbyists be included on the register. For organisations such as the Wellcome Trust, which do not employ dedicated lobbyists or public affairs staff, this may not be straightforward. The level of involvement of individual staff members in policy work can be quite variable over time. The need to track and keep records of individual activity would create a significant compliance burden, while delivering little benefit in terms of public transparency.
16. Although the consultation document does not propose including information on the specific issues where particular organisations are lobbying, such information is included in the United States federal register. Including it would appear to increase transparency and make the register more useful to members of the public. However, the benefits of including such information must be weighed against the potential risks to individuals named on the register. The areas of legislation and public policy that the Wellcome Trust is involved in include areas where some members of the public hold strong opposing views – such as the use of animals in research; or the use of human embryonic stem cells in research. While the Trust seeks to openly communicate our positions on these contentious issues and the rationale behind them, publicly identifying individual staff members who work on these issues would expose them to unacceptable personal risk. It is also not clear that it is in the public interest to name individual staff members involved in lobbying, with the exception of professional lobbyists and the specific concerns associated with former ministers or civil servants.

The Wellcome Trust is a global charitable foundation dedicated to achieving extraordinary improvements in human and animal health. We support the brightest minds in biomedical research and the medical humanities. Our breadth of support includes public engagement, education and the application of research to improve health. We are independent of both political and commercial interests.

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