

Guidance for civil servants: contact with lobbyists

1. All civil servants, including special advisers, are employed by the Crown and paid by the taxpayer to serve the Government of the day in a manner which upholds the highest standards of propriety in public life.

Basic principles

2. The basic principles are set out in the Civil Service Code, attached. They are demanding. But it is worth remembering that they are reflected in every department's Management Code and that any breach may give rise to disciplinary proceedings.

3. Civil servants should conduct themselves with integrity and honesty. They should not deceive or knowingly mislead Parliament or the public. They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others. They should not receive benefits of any kind which others might reasonably see as compromising their personal judgement or integrity. They should not without authority disclose official information which has been communicated in confidence in Government or received in confidence from others.

4. The principles of public life set down by the Nolan Committee in its first report in 1995 are also relevant: in particular -

- selflessness: holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- integrity: holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- honesty: holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Lobbyists in the UK political system

5. The Nolan Committee said in their first Report, "it is the right of everyone to lobby Parliament and Ministers, and it is for public institutions to develop ways of controlling the reaction to approaches from professional lobbyists in such a way as to give due weight to their case while always taking care to consider the public interest"¹.

6. The Government's approach, reflecting the approach of the Nolan Committee, is not to ban contacts between civil servants and lobbyists but to insist that wherever and

whenever they take place they should be conducted in accordance with the Civil Service Code, and the principles of public life set out by the Nolan Committee. This means that civil servants can meet lobbyists, formally and informally, where this is justified by the needs of Government.

Practical application to contacts with lobbyists

7. These basic principles apply to all contacts between civil servants and people outside Government, be they businessmen, trades unionists, journalists or campaigners of any kind. What the principles mean in practice will depend on the circumstances of each case. It is not possible exhaustively to cover every situation which may arise, but the main points to have in mind in dealings with professional lobbyists, given the nature of their work, is as follows.

8. Some things are completely unacceptable. For instance:

- DO NOT leak confidential or sensitive material, especially market sensitive material, to a lobbyist.
- DO NOT deliberately help a lobbyist to attract business by arranging for clients to have privileged access to Ministers or undue influence over policy.

These would be serious disciplinary offences and trigger procedures under which you would be liable to dismissal.

9. Much more common are situations where dealings with a lobbyist are acceptable provided that they are handled with care. These are grey areas where common sense has to be used. Here again, breaking the basic rules may lead to disciplinary action.

- DO NOT say or do anything that could be represented as granting a lobbyist preferential or premature access to information, Parliamentary or Governmental, which you have received because of your official position.
- DO CONSIDER whether meeting one group making representations on a particular issue should be balanced by offering other groups a similar opportunity to make representations.
- DO NOT accept gifts or other benefits from a lobbyist which are offered to you because of your official position and could place you, or reasonably be considered to place you, under an obligation to the donor.
- DO NOT give the impression to a lobbyist that any particular advice, idea or information from their clients could or will be decisive in the decision-making process. Decisions are for Ministers who will want to weigh up all the evidence and all the advice they receive before they judge the public interest.

- DO NOT do anything which might breach Parliamentary privilege or offend against the conventions of Parliament. Remember that the papers and reports of Select Committees are the property of the Committees and subject to Parliamentary privilege. If in doubt whether particular papers are in the public domain, seek guidance from the Clerk of the Select Committee.
- DO NOT use your knowledge about what is going on inside Government to impress your contacts in the lobbyist world. What may seem simple gossip to you may make money for someone else, or amount to improper help.
- DO NOT use your position to help a lobbyist get a benefit to which he or she is not entitled.
- DO NOT offer, or give the impression of offering, a lobbyist preferential access to Ministers or their officials. Where you think someone can contribute some interesting ideas, you should tell those concerned and let them decide for themselves.
- DO always declare to your Department any personal or family business interests which may at some time create an actual or potential conflict of interest with the work of your department, and comply with any instructions from the Department designed to eliminate the conflict.
- BE CAREFUL about accepting hospitality from a lobbyist: see next section.

These guidelines must of course be interpreted with common sense. If for instance you have a friend who is a lobbyist you do not have to sever your friendship and stop meeting them socially. If you are married to one, you do not have to get divorced! But do make sure that the ground rules are understood, that you make proper arrangements to deal with any conflict of interest and that you do not get tempted into doing something which would lay you open to criticism or be misunderstood.

Hospitality

10. Departments usually have their own rules about accepting hospitality which reflect the circumstances of their work. You should read them. If there is a complete ban on accepting certain kinds of invitation, you must comply with it.

11. Where the decision whether to accept hospitality is left to your judgement, you need to ask yourself some common sense questions: for instance, whether there is benefit to the Government in your accepting the invitation; whether the entertainment is lavish, on a scale which you could not personally afford; whether you are accepting too much hospitality from the same source; and, if your post is prominent, whether just your attendance at an event may be open to interpretation as a signal of support.

12. Provided that you are satisfied about the propriety of accepting, it may be legitimate occasionally to take modest hospitality from a lobbyist, if for instance it gives you the

opportunity to gain a better understanding of an industry or a group or a particular point of view. But if you find this happening to you a lot, you should pull back quickly.

If in doubt

13.If you are in doubt about what is proper, there are three particular things you should do.

- DO err on the side of caution. If you would feel uncomfortable if it became public, do not do it.
- DO consult your line manager, if you are still unsure.
- DO consider putting a brief note on the file recording that you have addressed the issue of propriety and setting out your reasons for believing that your actions comply with the Civil Service Code, if you decide to go ahead.

Lobbyists in other roles

14.The focus of this note has been on professional lobbyists - whether individuals, partnerships or companies - who earn their living by providing their clients with contacts, information and advice about how to persuade the Government and other public sector bodies to do or give them what they want. Remember that you may meet a lobbyist in other roles: for instance as a journalist or consultant. Bear all his or her interests in mind in your discussions. You cannot expect lobbyists to keep their different roles in watertight compartments.

Conclusion

15.Lobbyists are a feature of our democratic system. There is no ban on civil servants having dealings with them where this serves a proper purpose and is conducted in a proper manner. But the need for propriety is crucial. Lobbyists themselves are bound to want to talk up their own influence and contacts. It is the job of all civil servants to make sure that they conduct their dealings with lobbyists in a manner which is proper and not open to misinterpretation.

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Footnotes

1 First Report of the Committee on Standards in Public Life, page 35.

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