



Declaring Codes of Conduct on the Register of Consultant Lobbyists

ICAEW welcomes the opportunity to comment on *Declaring Codes of Conduct on the Register of Consultant Lobbyists* published by the Office of the Registrar of Consultant Lobbyists (ORCL) on 7 November 2016, a copy of which is available from this [link](#).

This ICAEW response of 21 December 2016 reflects consultation with the Business Law Committee which includes representatives from public practice and the business community. The Committee is responsible for ICAEW policy on business law issues and related submissions to legislators, regulators and other external bodies.

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MAJOR POINTS

1. We are responding to this consultation on behalf of the members of ICAEW, some of whom (or may in future) undertake consultant lobbying but for whom consultant lobbying is not the major part of their business. We have chosen not to answer the specific questions posed in the consultation (see Appendix) but would like to make a number of more general points on how the Register for Consultant Lobbyists ('Register') should reflect adherence to Codes of Conduct.
2. We agree that it is important for consultant lobbyists to follow Codes of Conduct and that users of the Register should know which Codes of Conduct are followed. We are mindful of the fact, however, that the term 'consultant lobbyists' can cover a wide range of professionals. These range from those whose sole activity is that of lobbying ('traditional consultant lobbyists') to those such as accountants and lawyers whose main activity is not lobbying but may lobby on behalf of their clients on an occasional basis ('non-traditional consultant lobbyist').
3. ICAEW members fall into the category of 'non-traditional consultant lobbyists'. They do not belong to the professional associations of traditional consultant lobbyists and therefore are not subject to the same code of conducts as 'traditional consultant lobbyists'. These include, for example, the codes of conducts prescribed by the Association of Professional Political Consultants (APPC), the Chartered Institute of Public Relations (CIPR) and the Public Relations and Communications Association (PRCA).
4. All our members, however, do subscribe to ICAEW's Code of Ethics (available [here](#)). It applies to all members, students, affiliates, employees of member firms and, where applicable, member firms, in all of their professional and business activities, whether remunerated or voluntary. This would include any activities deemed to be 'consultant lobbying.'
5. ICAEW's Code of Ethics emphasizes the need for our members to act in line with four fundamental principles: integrity, professional competence and due care, confidentiality and professional behavior. It sets a high standard of professional behaviour that covers all activities undertaken by our members.
6. We have been informed by our members who are already listed on the Register that the Registrar has accepted that ICAEW's Code of Ethics is a 'relevant' code for the purposes of the Register. We also note, however, that some of our members have their own 'Code of Conduct' and we understand that the Registrar has also accepted that these are 'relevant.'
7. We consider, however, that to refer to Codes of Conduct as 'relevant' is confusing and unhelpful to both users of the Register and those who are considering registering. We note that some 'non-traditional consultant lobbyists' (including our members) are recorded on the Register as not adhering to a Code of Conduct. As noted above, in the case of ICAEW members this is clearly not the case. We understand that this is because it can be argued that our members do not adhere to a 'relevant' code of conduct such as those referred to in paragraph 2 above. Some other 'non-traditional' consultant lobbyists who are, for example, regulated by the Solicitors Regulation Authority and subscribe to the Solicitors Code of Conduct, have adopted the same approach.
8. In the light of the above we would argue that as our members must subscribe to the ICAEW Code of Ethics (or face disciplinary action) there is no need for them to comply with any other Code of Conduct designed for 'traditional consultant lobbyists.' We would therefore suggest that the Register considers each Code of Conduct on a case by case basis and that the use of the term 'relevant' to describe a Code of Conduct is re-considered.
9. We would be happy to discuss any of these points further.

APPENDIX: SPECIFIC QUESTIONS

Q1: At present the Register provides the facility to subscribe either to a code of conduct (APPC, CIPR, ICAEW, PRCA, The Solicitors Code of Conduct, Other) or None. Should further specific codes be added to this or any removed (e.g. Other)?

Q2: If the category of 'other' were to be retained, what would be the reasons for this?

Q3: Assuming that the category of 'other' were to be retained as an option, are there specific features of 'other' codes of Conduct that would preclude their inclusion in this category?

Q4: Is there merit ...in relevant representative bodies designing a voluntary code for registrants and if so, who should compile and arbitrate that code?

Q5: Are there any other issue in regard to the Code of Conduct which you feel the Registrar needs to consider?