



Review of the National Assembly for Wales' Petitions System

A joint response from the Children's Commissioner for Wales and the Older People's Commissioner for Wales

1. Is establishing a Petitions Committee the best way to ensure that petitions receive proper attention? Is the size and composition of the Committee appropriate for its role?

The UN Convention on the Rights of the Child and the UN Principles for Older Persons specifically refer to the participation of children, young people and older people in the decisions that affect their lives. They must also have access to relevant information to support their voices and allow them to be active citizens within civil society. The work of the Petitions Committee of the National Assembly for Wales is central to empowering Welsh citizens with a voice and we would say that a dedicated Committee would be best placed in continuing to provide the platform for petitions to be considered.

Under the current size of the National Assembly, we are acutely aware of the demands placed on Members time and capacity. Due to the broad nature of petitions, the Committee could benefit from an increase in membership however it is clear that the current membership and clerking team utilise its resources to great effect and skilfully navigate the networks surrounding the Assembly's Committee structures and Ministerial portfolios to support petitioners' causes.

2. Does there need to be more clarity about the proper form of petitions or are the current arrangements adequate?

As there has been no need for the Presiding Officer to determine the proper form of petitions, the current level of flexibility afforded to petitions seems adequate and we agree with the importance placed upon petitioners' setting out their causes in their own words.

3. Is the current minimum number of signatures (10) for a petition too high, too low or about right? Should organisations also have to meet the minimum signature threshold (whatever level that may be)? If a different threshold continues to apply to organisations, does the definition of an organisation need to be more rigorously applied?

The current number of signatures seems to be a reasonable minimum as we must recognise that whilst issues might not appear widespread or have mass support, they are clearly of concern to those petitioning and there may also be implications

for other individuals, groups and communities. It would seem reasonable for there to be a consistent minimum threshold for both organisations and a collective of individuals to meet.

4. Should the Assembly continue to consider petitions only on matters for which the Assembly or Welsh Government has responsibility?

As there is a petitions committee active in the UK Parliament, it seems superfluous for the Assembly to consider matters outside of its competency. However, the Committee should have a constructive relationship with its equivalent in Westminster and make clear to petitioners if their petition would be best served at a UK level.

5. Should the Assembly consider petitions on matters for which individual local authorities have the main responsibility? Are there any responsibilities of local authorities on which petitions should be allowed?

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6. Should the Assembly continue to consider petitions on matters for which public bodies (other than local authorities) have day to day responsibility? Are there some public bodies that should be treated differently (e.g. Local Health Boards).

The symbiotic relationship between UK Government, Welsh Government and Local Government will inevitably mean there is overlap and a lack of clarity around accountability. As such we would recommend that the Committee give due diligence to each and every petition that may be of interest to the work of the Assembly. It is apparent to us that there are a number of alternative avenues that a petitioner may be able to pursue, including complaints procedures and legal recourse. In the literature made available by the Committee, the focus is heavily placed on how citizens can take their petition forward, without also signposting other means which may be more appropriate. Petitioners may be able to avoid lengthy delays in cases being addressed if they are signposted to the most appropriate regulatory body.

7. Should the Assembly consider petitions that are substantially similar to ones that are already being considered or have recently been considered?

We are comfortable with the current approach pursued by the Committee.

8. Should the Assembly continue to publish inadmissible petitions periodically?

In the spirit of openness and transparency it would seem fitting for the Assembly to continue to publish inadmissible petitions periodically.

9. Do the Assembly's Standing Orders in respect of the Petitions Committee need to be changed?

Whilst we agree that the Standing Orders allow the Committee to work flexibly in dealing with the matters that are brought to their attention, a revision of the

standing orders might have the potential to prescript when an Assembly debate should take place, if a certain threshold has been reached. As the Committee will be aware, a debate is triggered in Westminster when an e-petition gains 100,000 signatures. There may be scope to explore a similar process in the Assembly.

10. What changes could be made to the way the Petitions Committee deals with petitions to ensure better outcomes for petitioners or more effective consideration of petitions?

It is essential that the Committee continues to work in an open and transparent manner, and that it keeps an open dialogue with petitioners throughout the whole process. This should include honest feedback to petitioners about the process which their petition has gone through and the reasons for the decisions made.

The Children's Commissioner for Wales would advocate for greater information to be provided on the Children's Rights Scheme to petitioners whose cases relate to the rights of children and young people. Sections 10 and 11 of the scheme set out what children and young people can do if they feel that Welsh Ministers have not paid due regard to the UNCRC. The Petitions Committee and the Children's Commissioner are referred to in the scheme and the Commissioner feels that it is incumbent upon us to make the scheme, and thus the convention, as widely available to children and young people to safeguard their rights.

The Older People's Commissioner for Wales believes that it is essential for the Committee to still consider both digital and non-digital petitions. Many older people do not regularly use the internet to access services and it is essential that the Committee accepts paper-based petitions and also actively informs communities about the petitioning process, including disseminating information through local authorities and public service delivery bodies.

11. Should the Petitions Committee be able to refer petitions to the Ombudsman or similar office holders, where they believe there are grounds for her/him to investigate?

We would welcome further discussions with the Committee to strengthen our working relationships to better inform the Committee about our remits, powers and the capacity we have as Commissioners.

We must also carefully manage the expectations of petitioners; if a Commissioner has no potential solution to their complaint, due to their remit or capacity, then the referral could unnecessarily prolong the process. An open dialogue between the Committee and the Commissioners can help ensure the best possible outcome for petitioners.

The Children's Commissioner for Wales is seeking to advance the way her office builds its evidence base in seeking to address systemic children's rights issues and she would fully support a regular dialogue with the Committee to work towards gleaning such data.

12. When should petitions be closed if they are not resolved? Should they remain open so long as the issue raised by the petition is unresolved or should they be closed as soon as it is clear that they cannot be resolved?

The current approach to closing petitions seems to be very fair and considerate to the interests of the petitioners.

13. Should petitions collected on third party websites (e.g. change.org or 38degrees.org) be considered in the same way as petitions collected on the Assembly's website or on paper? Should there be a set period of time for a petition to gather signatures after which it 'falls'.

In order for the petitions process to be as open and accessible as possible, there should be a provision for third party petitions to be heard by the Assembly's Committee. There are a number of active petitions on third-party websites which relate to the work of the National Assembly for Wales and the Welsh Government. Considering these petitions would open an additional avenue for petitioners who are unfamiliar with the petitioning process of the National Assembly to have their voices heard.

14. Who should be able to submit and sign petitions? Should there be any residency or age restriction? Should staff who work for Assembly Members and the Assembly itself be able to submit petitions? Should political parties be prevented from submitting petitions?

The current restrictions on petitioners are adequate and we would certainly not wish to see a restriction placed on the age of a petitioner or signatory.