

Review of the petitions system

Summary of consultation responses:

This briefing provides a summary of the responses that the Committee received to its consultation on the future of the petitions system from former petitioners and stakeholders. A separate briefing will provide a summary of the online survey results. The online survey was open to the general public.

1. Responses from petitioners

The Committee received 24 responses from petitioners. Not all responses addressed all of the questions and not all of the responses to individual questions gave a clear answer. In some cases, the questions were not addressed directly at all. Moreover, in some instances, it was not always clear whether the petitioner was referring to the National Assembly or the Welsh Government.

A summary of the responses is presented below, along with the consultation questions.

- 1.1 The Petitions Committee currently only considers petitions on matters for which the Assembly is responsible. Should this continue or should the Committee consider petitions on matters for which the Assembly does not have direct responsibility? If so, how could the Committee approach dealing with petitions of that sort?

Twenty responses directly addressed this question. They provided mixed views. Seven responses were clear that they supported the current arrangements of only considering petitions on devolved matters. Some referred to the limited resources of the Committee, and one response said “it makes no sense to broaden its remit”. Another suggested that the devolved areas of responsibility were “a quite large enough area of responsibility”.

Ten responses advocated the Committee accepting petitions on non-devolved areas. A number of responses suggested the Committee could then raise this with the relevant UK body. Another response recommended accepting petitions where decisions in other parts of

the UK would affect Wales. The example given was the treatment of Welsh patients in English hospitals.

One petitioner felt that the Committee members should be taking decisions on admissibility rather than Committee staff. They suggested that the impression is given that staff act as “gatekeepers”.

Another response, which supported accepting petitions on non-devolved areas, suggested that this would provide “a forum for public opinion”. They felt that this would help those forming policy.

1.2 The Assembly doesn't accept petitions if they are about things that individual local authorities are responsible for deciding, or where there is already a legal procedure for decision making (e.g. planning decisions). Do you agree with this approach?

Twenty responses addressed this question. Eight did not agree with the current approach. One of those petitioners suggested that the fact that a petition has been raised with the Assembly could indicate a “failing of local democracy” and the petitions process could make local councils “more accountable”. Another suggested that where a local authority has been given the opportunity to resolve a matter, but has failed to do so, it should be possible to raise the matter with the Committee. It was also suggested that allowing petitions on matters within the control of local authorities could prevent “undemocratic decisions” being taken at a local level.

Of those responses that supported the current arrangements (eight), a number of reasons were given. Some of that support was qualified. One suggested it was more cost effective to focus on petitions which the Assembly has responsibility for. Another suggested that by accepting petitions over matters it had no powers over, the Committee could face criticism for a lack of positive outcomes. One response, while supporting the current approach of the Committee, did suggest that there should be some recourse to the Committee where there are concerns about “the correct, lawful and democratic functioning of local government”.

One response, which was unclear in whether or not it supported the current arrangements, suggested that flexibility for the Committee could be a good thing so that there was another “objective eye”.

Another response suggested it is not always clear what was the responsibility of local government, citing some planning issues as an example. They therefore called for all petitions to be carefully scrutinised “and only genuine local issues deferred to local authorities”. That response advocated petitions committees at a local level, something that already appears to happen and is highlighted in the stakeholder responses below.

1.3 The Assembly does accept petitions about things that other public bodies in Wales are responsible for deciding (e.g. Local Health Boards and the decisions they make about local health services). Do you agree with this approach?

A clear majority (16) supported the current arrangements. Petitioners gave a variety of reasons, but many referred to the overall responsibility the Assembly should have for public bodies in Wales, and the democratic legitimacy of the Assembly that gives it the authority to consider these matters.

One response, which was unclear in its view, suggested that petitioners could in some cases resolve matters by dialogue with the relevant body.

1.4 Ten signatures are needed for a petition to be admissible. However, petitions submitted by organisations, companies, associations or informal groups require only one signature. What is your view on the minimum number of signatures? Should the same number apply to all petitions?

There were mixed views on this question.

A number of petitioners suggested increasing the minimum number of signatures required, but this was a minority view. Of the four responses that clearly supported increasing the threshold, the highest number suggested was 300 for individuals, or 2,000 for organisations. Views against raising the minimum number of signatures included considering the importance of the petition, rather than the number of people who support it. One response queried how well informed some of the signatories of petitions are, particularly as it is easy to start an online petition and garner a large number of supporters. A point made by a number of respondents was the importance of being able to access the petitions system, rather than introducing more barriers.

Nine responses felt that the minimum number of signatures for organisations should be the same as for individual petitions.

1.5 Please give us your views on who should be able to submit and sign petitions. Should there be any residency or age restriction?

Petitioners were evenly divided as to whether there should be a residency restriction on submitting and signing petitions. A number of petitioners commented that issues that appear to affect only Wales, could in fact have a wider impact. For example, on those who visit Wales. Another response suggested that the Committee itself should decide on the merits of the petition and the quality of the arguments made by petitioners, rather than imposing further eligibility criteria.

Of those who proposed imposing restrictions, many suggested that only Welsh residents should be eligible, while others were content for it to be restricted to UK residents. One

petitioner suggested that, even though they supported restricting the right to submit a petition to Welsh residents, anyone should be able to sign a petition.

There was only minority support for imposing any age restrictions.

1.6 Assembly Members are not allowed to submit petitions. Should the same rule apply to staff who work directly for Assembly Members and to staff who work for the National Assembly for Wales?

A clear majority of those who expressed a view on this question felt that people who work for Assembly Members and staff of the National Assembly should be able to submit petitions.

Some of the reasons given by those who opposed this right for staff included staff having access to “inside knowledge” and potential conflicts of interest.

1.7 Political parties can currently organise and submit petitions. Do you have any views on this?

A clear majority supported maintaining the status quo. Many commented that political parties should have the same rights as other groups. One petitioner suggested that imposing restrictions on political parties could in fact lead to further restrictions on other groups.

There were a number of comments that political parties have alternative ways to influence the democratic process, with one petitioner suggesting that if petitions are still accepted from political parties, there could be special rules on admissibility – reference was drawn to how the Northern Ireland Assembly operates.

1.8 Petitions can be the first time that an issue has been raised with the Assembly or Welsh Government. In some other legislatures, petitioners have to show, that they have first tried to resolve a matter in another way before submitting a petition. What are your views on this?

While one petitioner commented that the Committee should be a “route of last resort”, a majority felt that there should not be further restrictions or “procedural blocks” on submitting petitions. One response commented that this issue would have to be considered on a case by case basis, potentially causing more bureaucracy. One response suggested that petitions should be “a first step to raising issues – it is a unique way of communicating with decision makers”. However, it was also suggested by a petitioner who was generally opposed to restrictions that petitioners could be advised to contact the relevant body to resolve their issue, where this is possible.

1.9 Although only one petition on the same topic can be under consideration at any time, there is no restriction on the same person submitting a number of different petitions at the same time. What are your views on this? Should there be any limit on the number of petitions that an individual can have under consideration at one time, particularly if this is being done for vexatious or trivial reasons?

There were mixed views on this question. Many had some sympathy with preventing/addressing vexatious petitions, but also felt it was important not to prevent otherwise admissible petitions from being discussed by the Committee.

One response highlighted the amount of time local authorities spend dealing with “a small number of unreasonable complainants whose actions consume a great deal of time and resources that would otherwise be directed toward services to other members of the public”.

Only a minority of the responses suggested limiting the number of active petitions that any one individual could submit.

1.10 Taking into account the constraints set out above, do you believe any changes are needed to the way the Committee deals with petitions? What changes would you like to see?

There were a wide range of comments in response to this question. Some repeated points made earlier, such as directing petitioners to more appropriate bodies, and filtering out vexatious or “trivial” petitions or even providing (or signposting) mediation services. One response suggested prioritising petitions in some way.

Many responses recognised the constraints placed on the Committee given its relatively small size, and the amount of administrative support it requires. One response suggested this could be improved by using an outside body to assess petitions, or even a “citizens panel”.

Many responses expressed frustration at the time that it takes to deal with petitions, but recognised that this is an issue linked to resources. Another commented on the importance of keeping petitioners informed about what is happening with their petition. On the theme of communication, one comment encouraged the use of BSL to aid petitioners in the process.

A number of petitioners felt that the Committee should have more power or “clout” to effect change and hold the Welsh Government to account. For one petitioner, the Committee was one of the “very few” ways of holding the Welsh government to account.

One petitioner called for a way for petitioners to appeal decisions to close or dismiss petitions.

There was some frustration expressed by petitioners at the responses the Committee receives from the Welsh Government to petitions.

1.11 Should the Assembly’s Petitions Committee be able to refer petitions to the Ombudsman, where they believe there are grounds for him/her to investigate?

There was near unanimity in supporting this proposal. One response suggested any work by the Committee could provide further evidence for the Ombudsman to consider. There was a note of caution however, with one petitioner suggesting this could lead to some confusion amongst the public in understanding which body is responsible and accountable.

1.12 Should the Petitions Committee be able to refer petitions to other organisations and offices such as the Children’s, Older People’s and Welsh Language Commissioners for them to investigate and report?

This proposal also received majority support, although there was some dissent. One petitioner felt this was beyond the Committee’s remit. Another felt it would depend “on the powers of these organisations and offices”.

1.13 As someone who has raised a petition, which has been or is being considered by the Petitions Committee, we would like to know more about your experience. Did you feel it was worthwhile? What worked well; what not so well? What changes would you like to see to how petitions are considered?

This question received a very wide range of responses. They were broadly positive with a number of areas highlighted for potential improvement.

One petitioner described their experience as “very worthwhile” and went on to say that they felt “that staff did an excellent job in helping me to submit the petition and keeping me up to date with the petitions status”. Another said that the process was a “simple, efficient and worthwhile exercise in raising awareness of a particular issue”. A petitioner described the Committee as “democracy in action in a way in which any citizen is able to engage”. There were many complementary comments about the Committee’s secretariat.

However, some responses were more critical, many of which reinforced comments made earlier in the consultation. For example, the powers of the Committee; the time taken to deal with petitions; the perceived bureaucracy of the process (including in particular admissibility decisions); and whether the petitions system is playing a role in holding the Welsh Government to account.

One petitioner was unaware of what was happening to their petition, something they put down to the resources of the Committee.

Another petitioner was critical of what they perceived as the Assembly’s “M4 corridor bias”, and called for more family friendly meeting times that took account of traveling from north and mid Wales.

A petitioner felt uncertain what their petition had achieved. Although there was a debate in plenary, few Members were actually in the Siambr. The same petitioner called for a higher profile for the Committee on social media.

It was suggested that petitioners should be able to address the Committee as a matter of course when their petition is submitted.

2. Responses from stakeholders

The Committee received 10 responses from stakeholders. The Older People's Commissioner and Children's Commissioner (The Commissioners) provided a joint response to the consultation.

2.1 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?

Three stakeholders directly addressed this question and there was broad support for having a Petitions Committee.

The Commissioners saw the Committee's work as "central to empowering Welsh citizens with a voice" and saw the Committee as the best platform for petitions to be considered. They suggested that an increase in membership could help the Committee deal with the "broad nature" of petitions.

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

Four stakeholders provided comments in relation to this question.

Blaenau Gwent County Borough Council highlighted the way it deals with local petitions submitted to it, and how the size of the petition determines the response. It also suggested that there should be step by step guidelines for petitioners. Flintshire County Council thought there should be clearer guidance on the form of petitions, including on what is and is not admissible. They felt this could resolve potential challenges to admissibility by petitioners.

The Commissioners saw the current arrangements providing a level of flexibility, and emphasised the importance of "petitioners setting out their causes in their own words". The WCVA saw the current arrangements as "adequate to ensure issues can be raised with little impediment".

The Welsh NHS Confederation said more could be done to raise awareness of the guidance and support available to petitioners, and the Committee's website could be more useful.

2.3 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?

Seven stakeholders commented on this question.

Two local authorities, and the WLGA, felt the current threshold was too low. Flintshire suggested that 1,000 signatures would be a more appropriate threshold and that should also apply to organisations. The WLGA highlighted thresholds for petitions at local authorities in Cardiff and Swansea, 50 and 30 respectively. In Norfolk, where the population is 850,000, the threshold for a petition to be debated in Council is 5,000. The WLGA suggests that the current system allows petitions to proceed even though they appear to lack public support and “are not always grounded in financial reality”. The Welsh NHS Confederation also felt the threshold was too low, suggesting 100 as a new minimum, although with the ability to consider petitions with less support on a case-by-case basis. They felt there was “no clear rationale” for treating organisations differently from individuals and suggested organisations should not include informal groups.

However, there were also alternative views. The Commissioners saw the current threshold (10) as a “reasonable minimum”. They suggested that a higher threshold could mean individuals, groups and communities not being able to bring issues of concern to the Assembly, even though they may not appear to have widespread or mass support. They therefore suggested there should be “consistency” in the threshold for both organisations and individuals.

The RSPCA saw the threshold as one of the system’s “notable strengths” as it allows a small number of people to have an issue aired, even where it is not high on the political agenda.

WCVA also supported the current thresholds, and warned against defining “organisation” too rigidly. They said, “while clarity in definition is often useful, we would see a potential danger in establishing too rigorous a definition that might inadvertently exclude some organisations from receiving equal treatment”.

- 2.4 Should the Assembly continue to consider petitions only on matters for which the Assembly or Welsh Government has responsibility?
- 2.5 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?
- 2.6 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).

Many of the stakeholders who responded to the consultation commented on questions 4, 5 and 6. These responses are considered collectively below.

There was strong support from local authorities and the WLGA for the Committee's existing policy of not considering matters that are the responsibility of local authorities. The WLGA made a point that was supported by some other stakeholders, including the WCVA, that local authorities are democratically accountable to their electorates. Conwy suggested such petitions could be directed to the appropriate local authority. However, this view was not universally supported. The Welsh NHS Confederation called for petitions that affect local authorities to be treated similarly to those affecting Local Health Boards, particularly where they affect "service redesign". They also felt "the opportunity for petitioners to raise concerns with the Assembly about functions the local authority is responsible for provides an opportunity for petitioners to express their views and is an important part of the democratic process".

While there was general support for the Committee to continue considering petitions for which other public bodies have responsibility, the Welsh NHS Confederation suggested the petition could be looked at in a more integrated way. For example, where a subject committee is considering matters related to the petition as part of a wider inquiry. They also suggested that petitioners could be referred to reports from inquiries that have already been completed.

The Welsh NHS Confederation suggested there may be some instances where a petition regarding matters not the responsibility of the Assembly or Welsh Government should still be considered. They gave an example of cross-border issues, such as a person receiving medical treatment in England, but residing in Wales.

The Commissioners saw overlaps and "a lack of clarity" around accountability of the different tiers of government, so felt that the Committee should give "due diligence" to every petition that may be of interest to the work of the Assembly.

The RSPCA saw a role for itself in educating its members where the legal responsibility lies in relation to animal welfare.

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

Five respondents had views on whether the Committee should be considering petitions similar to ones it has previously looked at. Four of the five said the Committee should not consider petitions similar to existing ones. The Welsh NHS Confederation saw the current approach as appropriate and preventing “unnecessary duplication”. They went on to suggest that 12 months should have elapsed before a similar petition is considered.

A dissenting view was put forward by the RSPCA. They felt that the current arrangements were too restrictive. They gave an example of a petition they were considering to end non-stun slaughter in Wales that was inadmissible because the Petitions Committee was already considering a petition on the same topic. They felt that after a petition has been raised “an event linked to that topic could occur, a shift in public opinion could take place or Welsh Government policy could change. However, the vehicle of the Petitions Committee to re-raise the issue is effectively blocked for at least twelve months”.

2.8 Should the Assembly continue to publish inadmissible petitions periodically?

The five stakeholders who responded to this question all supported publishing periodic lists of inadmissible petitions. The Commissioners and NHS Confederation both commented that this was the most open and transparent arrangement. The WCVA commented that the publication of inadmissible petitions was helpful to those considering submitting a petition, “as a useful indication of eligibility”.

2.9 Do the Assembly’s Standing Orders in respect of the Petitions Committee need to be changed?

There were mixed responses to this question.

The WLGA felt that the current procedures and processes appeared to be “broadly effective”. The Commissioners suggested that a revision to Standing Orders could prescribe when a debate should take place, for example where a threshold has been met. They highlighted the requirement for a debate at Westminster where an e-petition gathers 100,000 signatures.

The Welsh NHS Confederation felt that, overall, Standing Orders were appropriate, but some of the powers are very broad. For example, for the Committee to “take such action as they consider appropriate”. They suggest applying some limitations to the delegated powers and provide some actions that the Welsh Government or another National Assembly Committee should undertake to respond to the Petitions Committee.

2.10 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?

The Welsh NHS Confederation suggested that more oral evidence would help the committee consider petitions in more detail.

Chepstow Town Council was critical of the response of the Welsh Government to a petition it raised. It suggested the Committee needs more “bite” and a procedure by which it can “call to the Minister to account”. They suggest that there should be some sort of sanctions imposed on Ministers should the Committee be unsatisfied with their response.

Flintshire and the Commissioners both emphasised the importance of dealing with petitions in an open and transparent way. The Commissioners also suggested that this should include feedback to petitioners and also called for the Committee to continue to consider both on-line and paper petitions. Any move towards only accepting on-line petitions could impact negatively on older people, many of whom do not use the internet.

The RSPCA suggest that the Committee should consider a range of approaches when dealing with petitions, not simply writing to the Minister. They advocate more short inquiries, undertaking consultations and “even polling”.

The WLGA suggest undertaking a review of the impact and outcomes of petitions received in view of the capacity and resources of the Committee. It highlights the Scottish Parliament’s “Petition Outcomes” section on its website and suggests that the Committee should also consider case studies of “influential and successful” petitions to help promote the petitions process. WCVA emphasises the importance of making petitioners aware of the outcomes of their petition.

The Welsh NHS Confederation suggests petitioners should be able to demonstrate “what actions they have taken locally to try and resolve the issue being petitioned”. They discuss this particularly in relation to service change within the NHS and say that “it is important that petitioners are aware of the process that Local Health Boards have gone through before contacting the Petitions Committee”. This, they point out, will have included engagement work with affected communities.

They also suggest some method of “prioritising” petitions and the Committee working more closely with the Assembly’s Outreach team to engage with the public.

2.11 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?

Six stakeholders responded to this question. They all agreed that this would be a good idea. There were some concerns from the Older People's Commissioner and the Children's Commissioner that a referral could raise the expectations of petitioners. They suggested an "open dialogue" between the Committee and Commissioners. They also suggested that more could be done by the Committee to make petitioners aware of alternative ways to resolve their complaints such as signposting to the most appropriate regulatory body.

The Welsh Language Commissioner acknowledged that the Committee could refer matters to her that were relevant to her functions.

2.12 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?

Four responses addressed question 12.

Three responses suggested that petitions should be closed as soon as it becomes clear they cannot be resolved. The Welsh NHS Confederation recognise that there may be some benefit to maintaining a "watching brief" over a petition, but suggest it should be closed after a year in any case as some aspects of the petition are likely to have changed since it was submitted.

The Commissioners suggested maintaining the status quo.

2.13 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'.

Five responses addressed this question.

There were mixed views as to whether petitions on third party sites should be accepted. The Commissioners supported this approach, as did the RSPCA. The RSPCA gave an example of a current petition they are hosting on their website, and the practical difficulties in linking that to the Assembly's petitions system. The Welsh NHS Confederation and Flintshire suggested it should be restricted to the Assembly's own website. Blaenau Gwent suggested it should be acceptable if it meets the Assembly's own petitions criteria.

Many stakeholders suggested that 8 weeks was an appropriate period of time for a petition to remain open.

2.14 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?

Five stakeholders addressed this question.

There were mixed views on who should be able to submit petitions. Blaenau Gwent CBC felt petitioners should be resident in Wales, as did the Welsh NHS Confederation. The RSPCA also had some sympathy for this viewpoint. They highlighted a “perceived discrepancy” as the Committee only accepts petitions on devolved matters, “yet accepts signatures from those not living under the jurisdiction of the National Assembly for Wales”.

Flintshire felt petitions should only be from those who reside in the UK, while the Commissioners felt that the current arrangements were adequate.

The only comment on a possible age restriction came from the Commissioners who were opposed to any restrictions.

Blaenau Gwent felt that staff working for Assembly Members and the Assembly itself should not be able to submit or sign petitions. They also felt that political parties should be prevented from submitting or signing petitions. These views were echoed by Flintshire and the Welsh NHS Confederation.

2.15 Should there be a mechanism for preventing petitions that are considered an abuse of process?

Three stakeholders answered this question and all agreed that there should be some mechanism of dealing with these types of petitions.