The National Assembly for Wales's Petitions Process

Introduction
The National Assembly for Wales’s petitions system plays a vital role in increasing the accessibility of the National Assembly for Wales to the public. This paper responds to the Scottish Parliament’s Public Petitions Committee’s inquiry into the public petitions process. It provides some background information on the Assembly’s petitions system, and responds the main points identified within the remit of the inquiry.

Background

A new committee structure was established in the Third Assembly, following the changes brought about by the Government of Wales Act 2006 (the ‘2006 Act’). This included, for the first time, a Petitions Committee to provide the public with a direct and easily accessible route to engage with democracy in Wales.

Standing Orders, under the 2006 Act, provide basic rules for the National Assembly for Wales (NAfW) to consider petitions. Specifically, the admissibility of petitions requires that petitions:

- Ask the Assembly to do something that it has the power to do.
- Have at least 10 signatures (or be supported by a corporate body).
- Are not offensive or defamatory.
- Are not the same as or substantially similar to a petition presented less than a year ago

Since the establishment of the Petitions Committee, approximately 120 petitions have been submitted for consideration. Initially the Committee had limited publicity, receiving only 24 petitions in the first six months as compared with 61 petitions in the last six months. This increase can in part be attributed to the introduction of the online e-petitions system.

Of the total number of petitions submitted, since the establishment of the Committee:

- 10 have been inadmissible.
- Seven are awaiting determination for admissibility.
- 32 have been closed.
- 70 are currently open and progressing through the system

Standing Orders state that admissibility of petitions is determined by the Presiding Officer. In practice, the general admissibility of petitions was delegated by the Presiding Officer to the Petitions Clerk on the understanding that the admissibility criteria in Standing Orders were not to be used bureaucratically to limit the number and scope of petitions considered.

Clear patterns have emerged regarding petition subjects. Early observations highlighted that around a third of petitions received were to oppose local authority actions and decisions. Health, transport, environmental and education issues feature prominently. Many petitions call for a change in legislation, generally using the new powers conferred by the 2006 Act.
**Point 1: Awareness, access and participation in the public petitions process**

When the Petitions Committee was established it was not clear how the public would react and what the outcomes of the new process might be. It has become apparent that there is a general lack of public understanding of the role and remit of the Committee, displayed by:

- Confusion between the roles of the Welsh Assembly Government (WAG), and the legislature, NAfW
- The proportion of petitions we have received seeking to redress local authority decisions.
- Confusion over devolution and where lines are drawn between the WAG and the UK Government, and between the NAfW and the UK Parliament.

There is a lot of work to do together with the Assembly Government in improving engagement with citizens and increasing public awareness and understanding of our respective roles, and how they relate to the UK Government and Parliament. Work is underway to enhance the Petitions Committee website and further clarify the role of the Committee.

More work is needed to increase awareness and encourage participation amongst hard to reach groups in Wales. The NAfW will be conducting research into who these groups are and how to reach them as an organisation.

However, some advocacy groups have embraced the new system. For example, Mencap Cymru has facilitated seven petitions through their ‘Partners in Politics’ programme. As a consequence, the Committee has taken the opportunity to take evidence from young people with special needs. Mencap Cymru, and their petitioners, have provided positive feedback about the accessibility of the process.

**Point 2: The role of ICT (e-petitions)**

In developing an e-Petitions system, current best practice was recognised, as was the importance of making the petitions system as interactive as possible. It is an important part of ensuring that the petitions system is accessible and transparent. An information campaign is being developed to communicate how the petitions system can be used.

Since launching the e-petitions in the spring 2008, there has been an increase in the number of petitions received. The system helps the secretariat manage expectations by working with the petitioners from an early stage in the process (i.e. before signatures are collected).

An enhanced version of the e-petitions system is due to be launched in October 2008. This system will allow every signatory to an e-petition to be emailed with updates on the progress of the petition they signed.

**Point 3: Methods of Scrutiny**

The Petitions Committee takes a number of approaches to scrutinising an issue raised by a petition. The Committee:
• Commissions briefing from the Members’ Research Service (roughly comparable to SPICe) and the Assembly’s Legal Service to inform its consideration
• Obtains the Assembly Government’s policy position via correspondence between the Chair and relevant Welsh Minister.
• Requests written or oral submissions from other relevant persons or bodies

In taking oral evidence, there is a clear procedure for witnesses. Each panel is limited to fifteen minutes for providing evidence. Time is limited to enable scrutiny to be focused, and to ensure that each petitioner has the same amount of time before the Committee.

Other approaches to evidence gathering (to inform scrutiny) have included conducting site visits and gathering evidence from petitioners in their communities. The Petitions Committee is also committed to holding one meeting per term outside Cardiff.

The Committee also utilises the expertise of the Assembly’s other scrutiny committees. This is explained in more detail below.

**Relationships with other Assembly Committees**

There are two main ways in which other Assembly Committees become involved in the consideration of petitions. The Petitions Committee may ask for contributions to their consideration of a petition i.e. to provide an update on a relevant inquiry or to use their scrutiny expertise to investigate a specific aspect of a petition. The second is a formal referral of a petition. These two approaches are explained in more detail below.

(i) **Aiding the Petitions Committee**

Members of the Petitions Committee and the secretariat are aware of the work that other Assembly Committees are undertaking and, where appropriate, seek to link petitions in with this work. This may include:

• Asking a committee for an update on progress with a particular inquiry, or piece of legislation, that may relate to a particular petition.
• Asking a committee to take a petition into account as part of an inquiry
• Asking a committee to consider the possibility of investigating an aspect of the petition, or a broader policy issued raised by a petition, in more detail

(ii) **Referring a Petition to another Committee**

Standing Order 28.9 (i) allows the Petitions Committee to refer a petition to ‘any other committee of the Assembly’.

This is a formal referral and transfers ownership of the petition from the Petitions Committee to another committee.

This is not a common approach, and it is only really anticipated that this will be done in instances where Assembly legislation is required to meet the request of a petition. This is because, under Standing Order 22.43 and 23.91, the Petitions Committee does not have a remit to introduce committee proposed Legislative Competence Orders or Assembly Measures.
The implications of this are that the committee the petition has been referred to is then responsible for keeping petitioners informed of progress, and the eventual closure of the petition.

Though, previously, some petitions have been referred to other committees on other grounds, it is not anticipated, at this stage, that a petition would be formally referred to another committee in the future, unless it relates to the introduction of Assembly legislation.

**Relationships with external bodies: Subsidiarity and public complaints processes**

The principle of subsidiarity is a key concern to the Committee. There is little scope for direct action in handling petitions relating to local authority decisions but the Committee can ask WAG to justify its policies governing local authorities. Similarly the scope is limited in handling petitions relating to matters that are reserved. For the NAfW petitions system to be effective and efficient understanding our position within the democratic system is essential.

Meetings have been held with both the Welsh Local Government Association and the Public Service Ombudsman for Wales to establish clear boundaries between the service provided by the petitions process and the Ombudsman and Local Authorities’ responsibilities. Protocols outlining the relationship between the NAfW and these organisations are in the process of being drafted.

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National Assembly for Wales  
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