

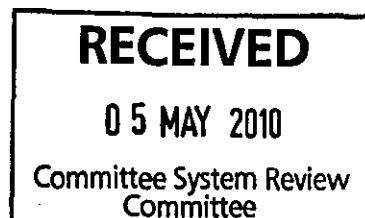


Sub # 5

The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITIONS COMMITTEE

The Hon. Judy Spence MP
Chair of the Committee System Review Committee
Queensland Parliament
Parliament House
Cnr of George and Alice Streets
Brisbane
Queensland 4000
Australia
csrc@parliament.qld.gov.au



11.1

4 May 2010

Dear Ms. Spence,

I am writing on behalf of the Scottish Parliament's Public Petitions Committee with regards the inquiry, recently launched, on the review of the committee system in the Queensland Parliament. We are particularly interested in this inquiry and hope that this contribution to it will be helpful to your committee.

I will focus my contribution on the function and experience of the Public Petitions Committee (PPC). While some of this will be bespoke to how we work there will of course be aspects of what we do which can be applied to any committee. Obviously a lot of what I am setting out is within the context of how this parliament operates which is perhaps the appropriate point to start with.

The Scottish Parliament was re-established in 1999 on four founding principles—

- sharing power: the Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Government. A strong committee structure, the programming of parliamentary business, the role of the Presiding Officer, the role of civic society and public petitions are all emphasised as key factors in sharing power
- access and participation: the Scottish Parliament should be accessible, open, responsive and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation. We recognise that it is important that the Scottish Parliament, and the committees therein, develop a culture of genuine consultation and

**Public Petitions Committee, TG.01, The Scottish Parliament,
Edinburgh, EH99 1SP**

Tel: 0131 348 5186, Fax: 0131 348 5088, Text Relay: 18001 0131 348 5186

fergus.cochrane@scottish.parliament.uk

www.scottish.parliament.uk/s3/committees/petitions/index.htm

<http://scottishparliamentpetitions.blogspot.com/>

<http://audioboo.fm/petitionsclerk>

participation if people in Scotland, particularly those who do not currently engage in the political process, are to be encouraged to participate

- accountability: the Scottish Government should be accountable to the Scottish Parliament and both should be accountable to the people of Scotland
- equal opportunities: the Scottish Parliament in its operation and its appointment should recognise the need to promote equal opportunities for all

and they underpin all aspects of the work of the Parliament. We continually assess whether and how what we do is compliant with founding principles.

The PPC is a public facing committee. Our workload does not come from the Scottish Government in the form of legislation or budget scrutiny but from the public. While we operate under the Standing Orders (Rules 6.10 and 15.4-15.8) and procedures of the Parliament, we are mindful of this public input into setting our agenda and which influences the approach to what we do. The petitions process provides a direct route into the policy scrutiny and development arena for citizens. Petitioners form by far the majority of the witnesses who come before us at our fortnightly meetings (while the majority of witnesses appearing before the other committees are more likely to be policy makers (government Ministers and officials) or representatives of key public bodies from across Scotland).

There was recognition in 1999 of the importance of having a dedicated petitions committee and a petitions system which departed from the Westminster petitioning system. To us there are two elements to public petitioning: how we increase awareness of the public petitions process here in the Parliament and navigate people to it, and what we do with petitions when we receive them. The second element is the crucial one but I would first of all like to set out what we have done in relation to increasing awareness.

On the back of a petition from Young Scot about engagement and e-democracy we took forward an inquiry in 2008 into the public petitions process. We wanted to look at what works well, what not so well, where improvements were needed, how to increase awareness of the petitions process amongst marginalised groups, encourage and improve participation in the process. Most importantly, consider our role in the scrutiny of petitions.

We reported in June 2009, the 10th anniversary of the Parliament's re-establishment, and the report set out a number of ways in which we can better publicise that we are here and what we do. As part of our inquiry we held external meetings in the north, south, east and west of the country and in places where no other committee of the Parliament had visited. The response and feedback from everyone who came along was fantastic and a lot of the ideas they put forward at these meetings were subsequently adopted and acted on through the inquiry report. Since we reported we have—

- ❖ created a dedicated public petitions blog to provide an alternative source for sharing information about what we do. This has proved to be particularly

- useful and flexible for hosting video and photographic content submitted by petitioners. We recognised that a website was not enough and that many people are using social media tools as a way to source and share information
- ❖ produced a new video under the theme *Petitioning the Scottish Parliament: Making your voice heard*. This sets out how to bring a petition forward and how the process works. We were pleased that a number of former and current petitioners took part in this and spoke very favourably of their experiences
 - ❖ published a new Q&A leaflet again to set out in simple terms what a petition is, how the process works, where to get more information. We have produced this in a number of different languages
 - ❖ produced this leaflet in pod cast format in a range of languages: Arabic, Bengali, Gaelic, Polish, Punjabi, Simplified Chinese/Mandarin, Traditional Chinese/Cantonese and Urdu
 - ❖ launched on audioboo which allows users to post and share sound files ('boos'). We see this as a useful tool for the committee to provide quick updates after its meetings on the outcomes of individual petitions so individuals will be able to hear quickly and easily what happened
 - ❖ provided a facility which allows people to text support to an e-petition.

We see these as simple measures which provide information about the PPC in different 'outlets' rather than simply having a page on the Parliament website. Feedback has been very positive. The ideas put forward were supported by research we commissioned and which indicated a need to look at other, more creative, forms of publicity and engagement.

An issue we have taken forward since then is to continue to hold external meetings around Scotland, again in places where no other parliamentary committee has met. Recent meetings have been held in the high school in each of the towns we have visited and we have had a good turnout with the school pupils bringing forward, and presenting to us, their own petitions. It has also provided us with an opportunity to engage directly with one of the groups (young people) we are keen to work with. Later this year we will be holding a 'young petitioners' meeting at which we will consider only petitions brought forward by young people from across Scotland. We are working in conjunction with the Scottish Youth Parliament, Young Scot and our own Community Partnership team here in the Parliament to make this happen.

So, as a committee we are seeking to be pro-active in getting information out about what we do. However, if increasing awareness and widening access to the petitions system, for example through ICT, and increasing the volume of petitions from citizens (in particular marginalised groups) results in reduced scrutiny by us then clearly something has gone wrong. This scrutiny issue is pivotal to what we do and why we exist as a committee. It goes to the heart, I believe, of an effective public petitions process. People must feel that the petitions process and the PPC has a relevance, that it can lead to change and make a difference. There must be an outlet for each petition lodged – we are that outlet.

Our clerks play a key role as the first point of contact for petitioners. This ranges from simply giving general advice on the petitions process to working with, and

assisting, them on the wording of their petition. Petitions do not come before us until this dialogue between clerks and petitioner has taken place. We believe that this results in well balanced and informed petitions coming forward. Our researchers in the Scottish Parliament Information Centre also produce a research briefing on every petition lodged which is published.

We do not attract the thousands of e-petitions that the 10 Downing Street may attract. That does not concern us. But there is an important point to make here. You must consider what you do with a petition (whether an e-petition or not) once it has been submitted. The scrutiny function of the PPC is pivotal and of more importance than how many petitions you attract. Something legitimate must happen to it and that is why having a dedicated committee is vital to convincing petitioners that there is a point to submitting their petition, that something will happen to it, that it will go before a committee of the parliament which will ask questions and take the petition forward on their behalf in the best way it can.

To refer this back to our founding principles, petitions are seen as providing an 'open', 'accessible' and 'participatory' form of engagement. However, the overall petitions process must demonstrate our commitment to 'sharing of power' as we provide a dedicated forum for people to enter into the policy development arena.

The system, and the role of the PPC, has evolved since 1999. For example, in session 1 (1999-2003), the PPC referred the majority of petitions received to the subject committees of the Parliament. Now we only refer where there is a clear case to do so (e.g. where a subject committee is taking forward an inquiry into an issue of direct relevance to the petition and where the petition could be considered as part of that inquiry) or where it is clearly of benefit to the petitioner that the relevant subject committee takes the petition forward. But, overall, we retain 'ownership' of every petition. To give an idea of what this relates to, we currently have around 115 'live' petitions under consideration. All but around 15 of these are still with the PPC. (For your information, as a rough guide, of the remaining 100 petitions, 20 are 1-2 years old, 10 are 2-3 years old, 3 are over 3 years old (the oldest petition is now over 8 years old) and the rest are up to 1 year old.)

In September 2006, the Conveners Group agreed the following good practice recommendations in relation to the referral of petitions—

- ❖ the PPC is kept informed of the work programmes of committees by informal liaison between the committee clerks. The PPC has regard to these work programmes when referring petitions
- ❖ subject committees should advise the PPC of specific procedures adopted by them for the consideration of public petitions and any subsequent amendments to those procedures
- ❖ the PPC, in considering whether to refer a petition, should include information arising from the two above recommendations in its deliberations
- ❖ subject committees may consider closing a petition but including issues raised by the petition in further work programmes, including legacy papers at the end of the parliamentary session

- ❖ subject committees which consider that a public petition would be better dealt with by another subject committee seek a fresh referral on those lines by the PPC. In doing so, the subject committees concerned should discuss the matter informally between themselves and make the PPC aware of those discussions in seeking the new referral.

These recommendations recognise that it is entirely a matter for subject committees to decide upon what action to take in relation to petitions when they have been formally referred. There is therefore communication between respective clerks when there is scope to refer a petition and how useful to the petitioner that would be.

Our role is to ensure appropriate action is taken in respect of each admissible petition for which the Scottish Parliament has devolved responsibilities. We take responsibility for the initial consideration of the petition, perhaps through hearing oral evidence from the petitioner, conduct background research and seek comments from appropriate bodies on the petition. We meet fortnightly and will normally consider around 7-8 new and 12-15 current petitions at each meeting. The average life of a petition is probably 12 months before it is closed by us (in closing, Rule 15.7.2 of our Standing Orders requires that we give the petitioner a reason for this).

We have sought to take the petitions process forward in a positive and beneficial way. For example, we conducted a major inquiry, on the back of a petition, into the availability on the national public health system of cancer treatment drugs. This has led to some fundamental improvements to the systems in place to assess and make available such drugs. It led to the issuing, by the Scottish Government, of revised guidelines to health boards. It led to a debate in the full Parliament at which the Deputy First Minister and Cabinet Secretary for Health and Wellbeing took part (who also gave oral evidence to the committee on two occasions). A major achievement by the petitioner but, I believe, aided by a committee whose role is to consider and take action on petitions and support the petitioner.

From the outset, there has been enthusiastic political buy in to the process, particularly as it is seen as a means by which the Parliament can engage directly and meaningfully with people. Elected representatives have been willing to innovate in methods of public involvement and this has been matched by the enthusiasm and expertise of officials. As an aside, MSPs are prevented from lodging petitions themselves and their support is not required for lodging. It is a public petitions process.

This innovation was demonstrated by our adoption of e-petitioning in 2000. You will of course be familiar with e-petitioning in your own Parliament. Our commitment to e-petitioning continues and our Clerk is taking forward a project to redevelop our e-petition site. We are aiming to launch the new system later this year which will have improved functionality, layout and have ease of use at its core.

However, e-petitioning is simply a stage in a process. It is an option available to a petitioner prior to their petition going before the PPC when it can be hosted online for an agreed period, attracting e-signatures and comments through the discussion

forum. As I said earlier, it is what we then do with that petition when it comes before us for consideration that is important. Not so much how it got here, but where it goes and what we do.

We regularly invite Scottish Government Ministers to attend meetings and give oral evidence. We have put petitioners at the same table with Ministers, putting them at the heart of the discussion. Although not all petitioners achieve the outcome they are looking for, most recognise the importance of simply being given the opportunity to present their case at the heart of the political process and of being listened to. The 2006 research by Glasgow University into the petitions process reported—

'the ability of common folk to bring their concerns to the Parliament through the petitions system is democracy in action. You aren't always going to get what you want but at least the Scottish Parliament has to look at your petition.'

This fits in with the founding principle of 'sharing power'. The policy agenda is not dictated and controlled by government and/or us. The public can highlight and initiate policy development. The petitions system provides a platform for individuals to air their grievances, initiate and contribute to policy development and participate at the heart of the political process. The PPC supports the petitioner throughout by asking questions on their behalf of key policymakers. The authority of the PPC is such that it can, and does, raise issue directly with Ministers in both the Scottish and UK governments, and with key organisations at home and in other countries (e.g. the Australian Haemochromatosis Society in relation to a petition about the introduction of national screening for Haemochromatosis Iron Overload) and to extract information from them which is then shared with policy and decision makers here. I think this is a key aspect of a petitions committee, being able to facilitate the sharing of experience, knowledge and information in a constructive, and I must say, non-partisan manner.

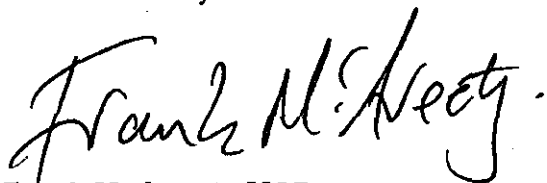
To give an idea of the volume of information we seek, in 2009 we considered 79 new petitions and 277 current petitions. I estimate this to be around 2,000 individual letters and e-mails issued requesting information on these petitions. Every letter we receive on each petition is published on that petition's dedicated page on our website. This allows everyone following the petition to know quickly and easily what we are doing and what people are saying. We also publish the questions we ask of each organisation.

If there are any issues which you wish to follow-up, discuss further, clarify, please do get in touch. We are always happy to discuss experiences on such issues. We have held videoconferences with the Petitions Committee of the House of Representatives as part of its inquiry into e-petitioning (and I read its report with much interest). We would be more than happy to make the arrangements for a videoconference with you and your colleagues if you thought that would be beneficial.

In the meantime, we will follow your inquiry with interest and look forward to the conclusions which emerge from it.

The PPC is happy for this contribution to be made public.

Yours sincerely

A handwritten signature in black ink that reads "Frank McAveety". The signature is written in a cursive style with a large initial 'F' and a long, sweeping tail on the 'y'.

Frank McAveety MSP
Convener of the Public Petitions Committee