



The Scottish Parliament
Pàrlamaid na h-Alba

Mr. Ross Vasta MP
Chair
Standing Committee on Petitions
House of Representatives
Parliament of Australia
petitions.committee.reps@aph.gov.au

Public Petitions Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

Phone: 0131 348 5254

Email: petitions@parliament.scot

Dear Mr. Vasta MP,

Thank you for your invitation to the Scottish Parliament to respond to your inquiry into the e-petitions system of the Parliament of Australia's House of Representatives. I understand the Standing Committee on Petitions will give consideration to the experiences of other jurisdictions that use electronic petitioning systems as part of its inquiry.

Introduction

The Scottish Parliament has had a public petitions process since it was established in 1999. In advance of the re-establishment of the Parliament, consideration was given by a Consultative Steering Group (CSG) as to the procedures and processes that should be a feature of the Parliament. In relation to a petitions process, the [report of the CSG](#) considered it "important to enable groups and individuals to influence the Parliament's agenda. We looked at a number of models in other Parliaments for handling petitions and concluded that the best of these encouraged petitions; had clear and simple rules as to form and content; and specified clear expectations of how petitions would be handled."

The CSG went on to recommend that—

“Against the background of our key principles of openness and accessibility, equal opportunities, accountability and sharing the power, we believe that any system adopted for public petitions should satisfy the following criteria:

- public petitions should be encouraged by the Parliament;
- any member of the public should be able to petition the Parliament;

- there should be clear and simple rules as to form and content;
- it should be clear to petitioners how and to whom petitions should be submitted;
- there should be clear expectations of how petitions will be handled, the form of response which can be expected and the time in which such a response can be expected; and
- all petitions and responses should be in the public domain.”

The Public Petitions system

As a new institution, the Parliament was keen to be innovative in its engagement with the public and the first e-petition was accepted in December 1999 via the e-petitioner system developed by International Teledemocracy Centre at Napier University (the ITC is now part of the Centre for Social Informatics). The e-petitioner system enabled the collection of signatures and addresses of people wishing to support a petition. The Parliament operated an e-petitions system in conjunction with the ITC from 2002-2008, during which time e-petitions moved from a pilot project to a business as usual offering. Key points in the development of e-petitions came in 2003 when the e-petitioner site was re-branded and integrated into the Public Petitions Committee website and in 2008 when the system was entirely handed over to the Scottish Parliament. The current e-petitions system is part of the Scottish Parliament’s website rather than a standalone but, from the perspective of the user, integrated system.

The current e-petitions system enables the collection of signatures and comments on petitions, should the petitioner wish to do so (and the majority of petitioners do). The collection of signatures and comments is not mandatory because the Parliament does not have a threshold for the number of signatures that must be reached before a petition is considered by the Public Petitions Committee. The petitions system is not an option of first resort and the need to collect only one signature is balanced by the requirement for petitioners to demonstrate they have taken previous action to raise the issue with, for example, one of their MSPs or the Scottish Government directly. However, all admissible petitions are considered by the Public Petitions Committee which will decide what action it wishes to take on a petition. Almost invariably, this includes seeking a response to a petition from the Scottish Government.

Another feature of the petitions system is that it is specifically a *public* petitions system and petitions cannot be lodged by members of the Scottish Parliament.

Admissibility of petitions

The operation of the petitions process, including rules on admissibility, is explained in [Chapter 15 of the Standing Orders of the Scottish Parliament](#). The Public Petitions Committee has also published a [determination on the proper form of petitions](#) under rule 15.4.3, which is to be read alongside Standing Orders. [Guidance](#) is also provided online, which explains how to submit a petition and what the process involves.

The rules and guidance explain that, amongst other things, petitions should raise an issue of national policy or practice and must call for action that is within the Scottish Parliament's powers.

The Public Petitions Committee

The Scottish Parliament's petitions process is based on having a dedicated Public Petitions Committee which is one of the mandatory committees required under Standing Orders. The role of the Public Petitions Committee has evolved since 1999, particularly in relation to the mechanism for reviewing the admissibility of petitions (which is now delegated to clerks in the first instance) and the amount of inquiry that the Committee carries out into individual petitions. A dedicated Petitions Committee was another recommendation made by the CSG on the basis that it was "important to establish a strong system for handling petitions from the outset."

Some evaluations of petitions systems, both here and in other legislatures, point towards the role that the process for consideration of a petition once lodged can have in the overall perceptions of the value of the process to the public. For example, in 'The Process is the Reality: Perceptions of Procedural Fairness and Participatory Democracy' (Political Studies, Volume 58, pp. 731-751) Professor Christopher Carman of the University of Strathclyde noted "process evaluations far exceed outcome evaluations in influencing petitioner trust in political institutions." In a similar vein, Dr Catherine Bochel, a reader in policy studies at the University of Lincoln, has [published an article](#) considering the concept of procedural justice in an analysis of UK legislative petitions systems.

Consideration of petitions

The Public Petitions Committee has broad powers under Rule 15.6 to decide what action should be taken on admissible petitions. This includes writing to relevant stakeholders for their views, undertaking a formal inquiry, holding a plenary debate or referring the petition to Scottish Ministers, another committee of the Parliament or any other person or body. In practice, most petitions follow a mini-inquiry model with information being sought in written and, sometimes, oral evidence over a number of meetings before the Committee concludes consideration of a petition.

The Committee also has the power to close petitions under Rule 15.7.

Standing Orders are designed to ensure that, at each stage, petitioners are kept informed about consideration of their petition. In relation to closing petitions, this includes providing notification that the petition has been closed and an explanation of the reasons for doing so.

Meeting the expectations of the public and members

The petitions process is now firmly embedded into the business of the Parliament and is regularly used to bring forward issues that would otherwise be unlikely to reach the agenda of the Parliament. It is a valuable part of ensuring that members of the public

are provided with accessible ways in which to engage with the Scottish Parliament and influence its work.

The Scottish Parliament and public engagement

The Parliament's [Public Engagement Strategy](#) sets out its objectives for the current Session in relation to promoting engagement and participation supporting and strengthening the work of the Parliament. Having an e-petitions system is an important part of being able to achieve the Parliament's aims of communicating in ways that make it as easy as possible to interact with the Parliament and supporting and encouraging participation in the work of the Parliament.

On the question of meaningful engagement, regular reviews have enabled the Parliament to understand how the system is viewed by the people who use it. The [most recent review](#) asked whether people felt more engaged with the Parliament as a result of their experience with the petitions process. The responses to this question (p53 of the review) included the following comments—

- “Certainly! Yes, that’s one of the best things about the Scottish Parliament – its openness. It’s closer to the community. The petitions process is an example of [MSPs] willingness to engage with the public.”
- “Without a doubt it has changed my experience. I feel far less intimidated by Parliament now. This is a building that I feel I can comfortably walk into and I would have no hesitation bringing another petition to the attention of the Petitions Committee...”
- “I have always been very engaged with Parliament, but I definitely felt more enthused by Parliament ... I haven’t written to my MSPs on any issues for a while, but I definitely feel more confident about writing to parliamentarians.”

There are also some indicators as to the scale of engagement with the petitions process. In the first year of the current session of the Parliament, around 26,000 signatures have been received on petitions, the majority of them received through the petitions system on the Parliament website.

Petition outcomes

To date, 1,668 petitions have been lodged with the Parliament since 1999. The policy areas raised in petitions have been very broad and cover issues relating to health, justice, education, the environment, transport and many more.

All admissible petitions result in an individual or organisation having the opportunity to raise an issue of national policy or practice in the Scottish Parliament. Petitions can and have resulted in changes to Scottish Government policy and practice, including legislative change.

Examples of petition outcomes were highlighted in the Public Petitions Committee's most recent annual report:

“For example, PE1581 on Save Scotland's School Libraries, recently secured a commitment from the Deputy First Minister to establish a national strategy for school libraries. PE1600 on speed awareness courses (which was not opened to collect signatures) has resulted in the Lord Advocate asking Police Scotland to carry out a scoping exercise to establish the merits of such courses. Other notable outcomes arising from petitions include—

- School bus safety (PE1223) – Gillian Martin MSP's Seat Belts on School Transport (Scotland) Bill has been introduced and considered at Stage 1.
- Inquests for all deaths by suicide in Scotland (PE1604) – the Scottish Government has agreed to extend the remit of section 37 of the Mental Health (Scotland) Act 2015 to include the deaths of patients who were receiving care in the community under compulsory treatment orders, as called for by the petition.
- Moratorium on shared space schemes (PE1595) – the Scottish Government agreed to convene a seminar to bring together a range of interested stakeholders to discuss the issue of shared space road schemes and the impact these schemes can have on different users.”

Member engagement

We have not conducted any recent work specifically asking members of the Scottish Parliament for their views of the petitions process. However, members who do not sit on the Public Petitions Committee do regularly engage with the petitions process and participate in its proceedings. In the first year of the current Session of the Parliament, 15 non-committee MSPs have participated in meetings of the Public Petitions Committee. Given that the Parliament has a total of 129 members, and removing a certain number of that total who would not be expected to participate in committee proceedings¹, this equates to 15% of members participating in consideration of public petitions. That degree of participation can be seen as an indication of member support for the petitions process.

Future enhancements

Any future enhancements to the petitions process will be for the Public Petitions Committee to consider under its remit of keeping the operation of the system under review.

Notwithstanding this, there are a number of issues that can be identified as likely to be included in any such consideration, including taking account of the Scottish Parliament's

¹ For the purposes of this calculation Ministers, the Presiding Officer and the members of the Public Petitions Committee have been subtracted from the total number of MSPs.

response to the recommendations made in the recent [report of the Commission on Parliamentary Reform](#). Allied to this, the powers of the Scottish Parliament have grown, particularly with devolution of fiscal powers, and it may be that petitions in relation to these newly devolved powers will result in new approaches to consideration of petitions being developed.

In response to the most recent review of the petitions process, a number of actions are being taken to ensure the opportunity to petition the Scottish Parliament is accessible to as many people as possible. Enhancements that are expected to be taken forward are efforts to ensure that the Parliament has accurate demographic information to understand whether any particular groups are under-represented as petitioners and to promote the petitions system more widely.

In a broader context, it may be anticipated that consideration will be given to the purpose and operation of the petitions systems from the perspective of increasing and enhancing public engagement and of keeping up to date with the development of digital technologies and platforms. This could include making sure the petitions website is optimised for mobile devices and for social media.

Recent years have seen the rise of online petitioning platforms such as change.org and 38 degrees. These platforms may have an impact in terms of enabling people to use petitions as a tool for campaigning and directly driving change without engaging with institutional petitions systems such as those run by legislatures. Conversely, it may transpire that an expectation grows that petitions started on sites such as these should be considered as admissible for institutional petitions systems.

Conclusion

I hope this has been an informative submission that will aid the Committee in its inquiry.

I would be happy to assist if your Committee would like any additional information or clarification.

Yours sincerely,

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Catherine Fergusson
Clerk to the Public Petitions Committee