Committee on Procedures

Review of Public Petitions Procedures

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Ordered by the Committee on Procedures to be published 9 February 2016

Report: NIA 305/11-16 Committee on Procedures

REPORT EMBARGOED UNTIL COMMENCEMENT OF THE DEBATE IN PLENARY

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Powers

The Committee on Procedures is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Order 54.

The Committee has the power to:

■ Consider and review, on an ongoing basis, the Standing Orders and procedures of the Assembly;

■ Initiate inquiries and publish reports;

■ Republish Standing Orders annually; and

■ Call for persons and papers.

Membership

The Committee has eleven members including a Chairperson and Deputy Chairperson with a quorum of five. The membership of the Committee is as follows:

Mr Gerry Kelly (Chairperson)

Mr Trevor Clarke (Deputy Chairperson)

Mr Jim Allister

Mr Samuel Gardiner

Mr Paul Givan[1] [2]

Mr Kieran McCarthy

Mr Barry McElduff

Mr Oliver McMullan

Mr Adrian McQuillan[3]

Mr Alban Maginness

Mr George Robinson

[1] With effect from 8 December 2014 Mr Sammy Douglas replaced Ms Paula Bradley
[2] With effect from 18 May 2015 Mr Paul Givan replaced Mr Sammy Douglas
[3] With effect from 18 January 2016 Mr Adrian McQuillan replaced Lord Morrow

List of Abbreviations and Acronyms used in the Report

the Assembly	Northern Ireland Assembly
the Committee	Committee on Procedures
the Trust	Fermanagh Trust
AQW	Assembly Written Question
CRG	Committee Review Group
departments	Northern Ireland Government Departments
EANI	Evangelical Alliance Northern Ireland
e-petitions	electronic petitions
HOC	House of Commons
MLA	Member of the Legislative Assembly
NAW	National Assembly for Wales
SDLP	Social Democratic and Labour Party
SP	Scottish Parliament

Executive Summary

This report sets out the Committee on Procedures' review of the Public Petitions process of the Northern Ireland Assembly. The current process is described in Standing Order 22, which provides for Member sponsored public petitions to be presented in the Assembly.

The Committee examined the current process, as well as the potential to introduce an electronic petitions (e-petitions) process either to enhance or replace it. To inform its decision making the Committee took evidence from stakeholders and considered written submissions. It also examined the public petitions processes operating in other devolved legislatures as well as the House of Commons and the Houses of the Oireachtas.

The Committee found that the existing process was well understood and effective and that it should be retained. However, it also agreed that its impact would be broadened and enhanced by the introduction of an e-petitions process.

Given the time that will be required to build and roll out the bespoke e-petitions system, the Committee agreed it should only come into effect from September 2016.

Summary of Recommendations

Recommendation 1

The Committee agreed that the existing public petitions process remains fit for purpose and recommended that the current process be retained.

Recommendation 2

The Committee recommended that the existing public petitions process should be enhanced by the inclusion of an e-petitions facility to permit submission of petitions without requiring sponsorship of a political party.

Recommendation 3

The Committee recommended that Standing Orders are drafted to introduce an e-petitions model for the Assembly (as set out in Table 1) consisting of four distinct phases, namely: Initiation; Detailed Submission; Publication/Processing and Action and that these are automated as far as possible to ensure consistency and equality in processing.

Recommendation 4

The Committee recommended that e-petitions should be compared against the following admissibility criteria to determine whether the e-petition should be hosted on the Assembly website:

a. The e-petition must include the name, address and email address of the Petitioner (although not all of this is published);

b. The Petitioner must be 18 years of age or older and must be on the Northern Ireland Electoral Register;

c. The Petitioner must NOT be an MLA;

d. The e-petition must state clearly what the Petitioner wants;

e. It must contain a summary of the action taken by the Petitioner to date;

f. It must relate to a matter within the powers of the Assembly to act on;

g. It must comply with Standing Orders and be in the proper form;

h. It must NOT pertain to matters that are sub judice;

i. It must NOT seek to overturn the decision of another public body;

j. It must NOT relate to a matter which is under consideration by, or has been the subject of a decision by another regulatory public body (e.g. a subject committee or ombudsman);

k. It must NOT seek resolution of personal or commercial disputes;

l. It must NOT contain confidential, libellous or defamatory statements;

m. It must NOT be vexatious or malicious;

n. It must use temperate and respectful language;

o. It must be in English or, if not, it must be accompanied by a translation certified by an MLA;

p. It must NOT contain the names of individuals.

q. It must NOT be the same, or substantially the same, as another e-petition closed within the life time of that Assembly;

r. There is no limit to the number of e-petitions any one person can have open at a time, but they must be on different topics and comply with the admissibility criteria.

Recommendation 5

The Committee recommended that a threshold of **100** signatures be required before any admissible e-petition is taken forward for action by the Assembly and that the maximum time an admissible e-petition would remain on the website in order to try and gather the required threshold number of signatures is **one year, or until the end of the current mandate**, whichever was sooner.

Recommendation 6

The Committee recommended that an implementation date of no earlier than September 2016 would be appropriate.

Introduction

1. The Committee on Procedures (the Committee) initially considered including a Review of the Public Petitions process in its forward work programme in the 2012 to 2013 session. However, at that time it noted that the subject already formed part of the terms of reference for the Secretariat's Committee Review Group (CRG) "Review of the Committee System of the Northern Ireland Assembly" (the Assembly). It also noted it was listed for consideration in the Northern Ireland Assembly Secretariat's (the Secretariat) Outreach and Education "Engagement Strategy".

2. For these reasons the Committee agreed to await the report of the CRG[1] and, in the interim, sought agreement from the Head of Outreach and Education that the Committee would take the lead on any review of the Public Petitions process in the Assembly.

3. The CRG report was published in October 2013 and although it recommended greater use of online forums be made by committees to engage the public, it made no recommendations which negated the need for the full review of the Public Petitions process the Committee was considering.

4. The Committee therefore agreed to schedule an inquiry into this matter beginning as soon as workload permitted. It noted this would likely be once it completed its "Review of the Assembly Business Week", the "Review of Topical Questions" and its "Inquiry into the Extent to which Standing Orders

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[1] Report entitled "Review of the Committee System of the Northern Ireland Assembly, Report of the Committee Review Group, October 2013". (NIA 135/11-15)

should permit the Attorney General for Northern Ireland to participate in Proceedings of the Assembly".

5. In the interim, the Committee received correspondence from both the Northern Ireland Evangelical Alliance and the "Make it Happen Project" and subsequently agreed to take oral evidence from the "Make it Happen Project" to inform its future deliberations. Following this evidence session on 24 June 2014 the Committee also commissioned research[2] on how public petitions are dealt with in other legislatures.

6. Having considered this research at its meeting of 23 September 2014 the Committee agreed to initiate the inquiry and subsequently issued its call for evidence by placing a signposting advert in the media and writing to identified stakeholders. Terms of reference were agreed at the meeting of 21 October 2014 as follows:

The Review will:

(a) Consider the current Assembly procedures and processes relating to public petitions;

(b) Examine examples of petitions previously presented to the Assembly and determine any measurable outcomes;

(c) Consult with stakeholders and obtain views on a public petitions process including e-petitions;

(d) Carry out research to examine learning and examples of best practice from other legislatures;

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[2] NIAR 000-00 – 16 September 2014 - E-Petition Systems

(e) Consider options for enhancement of public petitions procedures; and

(f) Make recommendations for Standing Orders to reflect the Committee's findings.

Consideration of Key Issues

Current Assembly Procedures

7. The Northern Ireland Assembly (the Assembly) is currently the only devolved legislature, and the only legislature in the UK and Ireland, that relies solely on paper submissions of public petitions.

8. While public petitions can be received directly by the Business Office, i.e. through the post[3] or by hand, this is not commonplace and most rely on MLA sponsorship to heighten their profile through presentation in the Chamber. The mechanism by which this is achieved is set out in Standing Order 22[4], which details restrictions placed on the Member presenting the public petition in the Chamber[5] and how the matter is brought to the attention of the Business Committee for scheduling in plenary[6].

9. The only admissibility criteria currently imposed are:

   a) The petition must relate to matters within the legislative competence of the Assembly; and
   b) The petition must not contain matters in breach of the privileges of the Assembly.

10. The Committee noted that no minimum number of signatures is specified and no detail on action taken once it has been presented to the Speaker in the Chamber is provided in Standing Orders.

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[3] Extract of the Postal Service Act 2000 – For detail see 'Other Documents' in Links to Appendices
[4] Standing Order 22 – For detail see 'Other Documents' in Links to Appendices
[5] Standing Order 22(1)
[6] Standing Order 22(2)

11.   However, the Committee did note that an internal mechanism for management of public petitions is well established and currently set out as Business Office Guidance[7] even though it is not published in the wider public arena. This guidance sets out that, following presentation in the Chamber, the Speaker identifies the Minister whose remit most closely allies with the subject of the public petition. The Speaker then writes to that Minister advising that a public petition has been received, a copy is available in the Assembly Business Office for viewing and that the relevant subject committee has been advised of the same information. Similar correspondence issues simultaneously to the Chairperson of the relevant subject committee.

12.   It has become common practice that the original public petition with its signatures and personal information is passed to the department to which it stands referred once the purpose for which it was held by the Business Office is completed. This is in compliance with Assembly information management policies.

13.   Members of the Committee noted that while little formal feedback to the Petitioner is built in to the current system by the Assembly, it does appear to be fit for purpose. This supposition is borne out by responses from stakeholders in their submissions.

14.   All responding Stakeholders, except the Fermanagh Trust[8] (the Trust) report that the current facility is fit for purpose, but suggest that it could be greatly enhanced by the addition of an e-petitions facility.

15.   The Evangelical Alliance Northern Ireland (EANI) suggest inclusion of an e-petitions facility would help improve communication between

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[7] Extract from Business Office Guidance - Public Petitions - For detail see 'Other Documents' in Links to Appendices
[8] Written Submissions - See Links to Appendices

communities and the legislature, provide a voice to marginalised communities and help MLAs identify issues important to the people they represent. Professor Derek Birrell[9] adds that while it works, "the current system is limited, is not widely known or understood and could be considered as a descriptive or "accept and record" system rather than a substantive system such as they have in Scotland, Wales and Westminster. Including an e-petitions facility, if properly devised, would benefit the NI system, both in terms of raising media and public awareness, as well as in terms of engagement".

16.   Both the Social Democratic and Labour Party (SDLP) and Mairaid McMahon[10] are strongly in favour of a public petition process in general but believe the current process would be enhanced greatly by the inclusion of an e-petitions facility to permit submission of petitions without requiring sponsorship of a political party. They consider that the inclusion of an e-petitions facility would allow greater public involvement and awareness in the legislative process, enabling the public to influence political agendas and provide a facility for politicians to publicly demonstrate their responsiveness.

17.   In addition to five comprehensive stakeholder submissions received, 14 email responses[11] were received from individuals who simply state their name and their desire to register support for the introduction of an e-petitions facility. No details in respect of the mechanisms by which this might be achieved are given in any of these submissions.

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[9] Written Submissions - See Links to Appendices

[10] Mairaid McMahon provided input to the Review both as an individual and as project manager of the "Make it Happen Project". This quote is taken from her individual submission.

[11] Written submissions - See Links to Appendices

Measureable Outcomes of Previous Public Petitions

18. The Committee was pleased to note the positive feedback from stakeholders in respect of the existing Public Petitions process, but also agreed to examine whether any factual data existed to provide evidence of the suggested positive outcomes. In the absence of formal feedback records, the Committee noted with interest, the responses provided by Northern Ireland Government Departments (departments) to a number of Assembly Written Questions[12] (AQW) that had been asked on this topic.

19. Full responses have been included in the appendices to this report. However, in summary, a similar question was put to each of the departments in respect of whether they had received public petitions during the course of the current mandate and, if so, what action had been taken in respect of these.

20. Departmental responses indicated that, despite the lack of a formal process specification, considerable work had been done by departments. This included meeting with groups represented in the public petitions[13], commissioning further research into matters raised[14], feeding the views of petitioners into policy consultation processes[15], which, in certain cases, even resulted in changing policy as a result[16].

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[12] Assembly Written Questions (AQW 34849/11-15 to AQW 34853/11-15 and AQW 35061/11-15 to AQW 35065/11-15 and AQW 34973/11-15 and AQW 34988/11-15) – For detail see 'Other Documents' in Links to Appendices

[13] Car Parking Scheme in College Park presented by Conall McDevitt, MLA on 7 February 2012 and Development of a Strategic Plan for Athletics as a Priority Sport presented by Stephen Agnew, MLA on 13 November 2012.

[14] Closure of Crèche Facilities at the University of Ulster presented by Pat Ramsey, MLA in April 2013

[15] The Exploitation of Indigenous Fish Species presented by Robin Swann, MLA on 13 February 2012

[16] Reduction of Opening Hours of Community Libraries presented by Dominic Bradley, MLA on 28 November 2011 and Reduction in Opening Hours of the Bronte Library in Rathfriland presented by John McCallister, MLA on 29 November 2011

21.   Given the responses from stakeholders and supporting evidence provided in departments' responses to AQW's, the Committee **agreed that the existing Public Petitions process remains fit for purpose and recommended that the current process be retained.**

22.   The Committee also agreed with the view expressed in all submissions that the inclusion of an e-petitions facility would allow greater public involvement and awareness in the legislative process. It therefore **recommended that the existing Public Petitions process be enhanced by including an e-petition facility to permit submission of public petitions without requiring sponsorship of a political party.**

Consideration of Stakeholder Views and Examples of Best Practice in other Legislatures

23.   As outlined above, the Committee considered 19 stakeholder submissions (this does not include submissions from other legislatures) following its call for evidence. Of these, 14 were single item responses, which indicated their support for the introduction of an e-petitions facility but offered no further insight as to detail or mechanisms they envisage[17].

24.   The remaining five stakeholder submissions were more detailed, but these were also unanimous in their support of the introduction of an e-petitions facility to enhance the current paper based, MLA sponsored approach.

25.   Both Mairaid McMahon[18] and Professor Derek Birrell referred to the processes used in the Houses of the Oireachtas, the House of Commons (HOC) and other devolved legislatures, citing the Scottish Parliament (SP) as an example of best practice. These stakeholders highlighted that both the HOC and the National Assembly for Wales (NAW) have used the SP model to influence their own e-petitions procedures, adapting its broad principles to suit their individual requirements and own jurisdictional circumstances.

26.   Both Ms McMahon and Professor Birrell, as well as the SDLP, highlighted that other jurisdictions use Public Petitions Committees as an oversight mechanism. However, the Committee noted that although this might be an effective mechanism for managing public petitions, establishing such a committee was not feasible within the Assembly at this time. The Committee therefore agreed that such an option would be

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[17] Written Submissions – See Links to Appendices
[18] Written Submissions – See Links to Appendices

excluded from any model it proposed and the implications of this taken into consideration.

27.   After considering stakeholder responses, the Committee turned its attention to the responses from other legislatures, namely the HOC and other devolved legislatures, which it considered together with research provided to the Committee[19], to study the models these legislatures use. Although the Committee did not receive a formal response from the Houses of the Oireachtas, it agreed to include what details it could glean from the website and the research papers to ensure as complete a picture as possible was used to inform its deliberations.

28.   The Committee agreed that it would initially consider each submission in its entirety, determine how each model had come about and then focus in more detail on three key process areas within each model to help devise one suitable for the Assembly itself. The Committee identified the three key areas and the order in which they arise in the process as follows[20]:

    ° Admissibility;
    ° Threshold; and
    ° Action.

Models used in other legislatures

29.   *Houses of the Oireachtas* - The Committee noted that the latest e-petitions system was launched in September 2012. From this date

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[19] RaISe Briefing Notes - NIAR 805-11 - 17 November 2011 and NIAR 000-00 – 16 September 2014

[20] Table of Admissibility Criteria, Thresholds and Actions in Other legislatures – For detail see 'Other Documents' in Links to Appendices

e-petitions have been overseen by a joint sub-committee of the Joint Committee on Public Service Oversight and Petitions. It is made up of 15 deputies and 5 senators and chaired by a member of an opposition party.

30. The web pages and research indicate that the model used in this legislature is still fairly new and the impact it has had remains difficult to assess with any degree of accuracy given the limited data collected to date.

31. Details of the three key process areas in the Houses of the Oireachtas are as follows:

   ◦ **Admissibility Criteria** – The following admissibility criteria are applied before any e-petition can be considered valid:
   ◦ The public petition cannot be the same, or substantially the same as another public petition brought on behalf of the same person, body corporate or unincorporated association during the lifetime of that Dáil Sinead (the Dáil);
   ◦ It must not be frivolous, vexatious or an abuse the system;
   ◦ It must relate to a matter the Dáil has powers to act on;
   ◦ It must comply with Standing Orders and be in the proper form;
   ◦ It must not be sub judice;
   ◦ It must not contain the name(s) of individuals;
   ◦ It must contain no defamatory language;
   ◦ It must not require the Public Petitions Committee to consider anything which has been the subject of a decision by another regulatory public body, ombudsman etc.; and
   ◦ Petitioners must demonstrate that they have already taken steps to resolve the issue raised in their public petition e.g.

with the relevant ombudsman, public bodies or directly with the relevant Government Department.

- ° **Threshold** – The threshold applied before any action will be taken by the Dáil is one signature.

- ° **Action** – The Public Petitions Committee can invite the Petitioner to speak to it on the subject; seek additional written or oral evidence and has the power to invite Government Ministers to attend meetings and answer questions on the subject of a petition.

32. *National Assembly for Wales (NAW)* - The Committee noted that until 2007, arrangements for dealing with public petitions in the NAW were not dissimilar to those currently operating in the Assembly. This changed in 2008 when an e-petitions facility was established and was further refined in 2011 with the establishment of a new Petitions Committee.

33. Currently, public petitions can be submitted either in written or electronic format. The process applied consists of two stages of scrutiny, and is identical no matter how the public petition is submitted.

34. The first stage involves basic screening and contextualisation, which is carried out by the Clerk to the Petitions Committee. The Clerk usually contacts the Petitioner for further information and subsequently prepares briefing notes to provide policy and legal context for the Petitions Committee. Admissibility criteria are checked at this stage and if admissible, the public petition is published on the website.

35. The NAW system leaves it up to the Petitioner to decide how long they wish to have an online petition open for in order to collect signatures. Petitioners are advised that between 4 - 8 weeks is usually sufficient, but

Petitioners often wish to have their public petitions open for longer to gain public visibility. Deadlines for collecting signatures online can be extended if the Petitioner wishes to gather more signatures or if it has failed to reach the minimum number of signatures (in the NAW the minimum number of signatures required is 10, unless they are submitted by organisations or associations, in which case only one signature is required).

36. Once the threshold number of signatures is reached, the public petition and supporting information is progressed to the second phase, namely consideration by the Petitions Committee. Petitioners are offered the opportunity to present their public petition in person and it is only after such a presentation, or the offer of a presentation, that an appropriate course of action is decided.

37. The NAW reports that during the First and Second Assemblies (1999 to 2007), fewer than 60 petitions were received. However, this has risen since the introduction of the new system and higher profile given to public petitions and now, over 830, have been received from 2007 to 2014. More than 583 of these admissible petitions have been referred to the Petitions Committee during this time. These figures suggest that the system is popular, and the NAW response suggests this is no doubt due in part to the number of public petitions achieving the specific outcomes requested and, in several instances, being seen as instrumental in significant changes to public policy.

38. Details of the three key process areas in the NAW are as follows:

   ° **Admissibility Criteria** – The following admissibility criteria are applied before any e-petition can be considered valid:
   ° The public petition must comply with NAW Standing Orders and be in the proper form i.e. must provide the name and

address of the Petitioner (which cannot be a Member of the NAW);

° It should not contain language which is offensive;

° It must relate to a matter that the NAW has the powers to act on;

° It cannot be the same, or substantially the same as another public petition closed less than a year earlier;

° The deadline for closing an e-petition is for the Petitioner to decide;

° There are no age or residency restrictions on who can sign or submit a public petition;

° There is no limit on the number of public petitions a person can have under consideration at any time providing they are on different topics.

° **Threshold** - The threshold applied before any action will be taken is no fewer than ten signatures or by a single signature if it is supported by a corporate body.

° **Action** - The Petitions Committee can recommend that no further action be taken; can refer it to an appropriate subject committee for consideration; conduct its own inquiry and report to the NAW and, in this latter instance, this will prompt a response from the relevant Minister.

39. *The Scottish Parliament (SP)* - The Committee noted that the SP was the first of the UK legislatures to introduce an e-petitions system. After the success of an initial pilot, the online public petitions system was launched under the oversight of the Public Petitions Committee which is one of the mandatory committees of the SP.

40. Since the SP model requires only one signature as a threshold for activation, the only test any public petition has to meet is compliance with admissibility criteria. Once this compliance has been established by the Clerk of the Public Petitions Committee, Petitioners are given the option of having their public petitions hosted online by the SP for a period of up to six weeks or having them lodged and passed to the Public Petitions Committee immediately. The option to have a public petition hosted online enables Petitioners to gather signatures of support, generate media coverage and stimulate discussion (via the comments facility) in advance of the public petition being formally lodged and considered by the Public Petitions Committee.

41. The SP welcomes, and actively seeks feedback on the process from Petitioners and collation of such information indicates the SP system is perceived to be fair and efficient. Feedback also indicates Petitioners welcome the opportunity given to "ordinary members of the public" to engage with, and influence, policy development since a good number of the public petitions have resulted in tangible change. Details of the three key process areas in the SP are as follows:

   ○ **Admissibility Criteria** - The following admissibility criteria are applied before any e-petition can be considered valid:
   ○ It must comply with SP Standing Orders and be in the proper form i.e. must provide the name, address and email address of the Petitioner and state clearly what action they want the SP to take;
   ○ A summary of the action taken to resolve the issue to date should be provided;
   ○ It should not contain language which is offensive;
   ○ It must relate to a matter that the SP has the powers to act on;

- ° It cannot be the same, or substantially the same as another public petition closed less than a year earlier;
- ° The deadline for closing an online public petition is for the Petitioner to decide;
- ° There are no age or residency restrictions on who can sign or submit a public petition;
- ° There is no limit on the number of public petitions a person can have under consideration at any time providing they are on different topics.

- ° **Threshold** – The threshold applied before any action will be taken is one signature.

- ° **Action** – The Public Petitions Committee can recommend that no further action be taken, can refer the public petition to an appropriate subject committee for consideration or can conduct its own inquiry and bid for parliamentary time for a petition to be debated in Plenary.

42. *House of Commons (HOC)* – The HOC response summarised the long history it has in terms of the submission of public petitions, which started with a Committee for Motions of Griefs and Petitions that was first appointed in 1571.

43. The Committee was particularly interested in the process of modernisation, which began in 2004 and which is still undergoing review and refinement, with the latest report on the subject published as recently as October 2015[21].

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[21] Report on e-Petitions published on the HOC website on 20 October 2015

44.   The HOC has had a Clerk of Public Petitions for several decades now and since 2007 have communicated public petitions to relevant select committees who are required to place them on their agendas. Public petitions must also be recorded in Hansard and must have a response from the relevant Government Department within two months of it being presented. Although initially proposed in 2008, an e-petition procedure was only introduced in July 2011 following the general election and Coalition Agreement.

45.   The HOC e-petitions process has been complicated to some extent by the relationship between the Government and the HOC. The e-petition pages were initially hosted on the Government owned website, however, the HOC Procedure Committee was dissatisfied with Government ownership of the website, and the confusion it generated between the role of Government and the role of the HOC.

46.   It subsequently conducted a review of the Public Petitions process, and in its report, of December 2014[22], recommended the establishment of an e-petitions website jointly owned by Government and HOC and also that the process become a more formal part of the regular proceedings of the HOC.

47.   In addition, the report recommended the re-creation of a separate Petitions Committee for the HOC, which would receive and deal with both e-petitions and traditional paper petitions and determine whether a debate was appropriate. This was a departure from the previous method, whereby this role was carried out by the Back Bench Business Committee (BBBC). The report recommended that the BBBC would still be responsible for scheduling the business should this be required. Details of the three key process areas in the HOC are as follows:

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[22] Report on e-Petitions published on the HOC website in December 2014

- **Admissibility Criteria** - The following admissibility criteria are applied before any e-petition can be considered valid:
- The public petition must be submitted by, and can only be signed by, British citizens or persons normally resident in the UK;
- It must be in English, or if not in English, be accompanied by a translation certified by a Member of Parliament;
- The Petitioner must include their name, address (not published) and email address (not published) on their submission;
- The public petition must call for a specific action from the Government;
- It must name the Government Department to which it is addressed;
- It must identify the origin of the public petition and its signatories;
- It must make a clear request to the HOC which is within the House's power to grant;
- It must not include confidential, libellous or defamatory statements;
- It must use temperate and respectful language;
- It must not be malicious or vexatious;
- It must not relate to honours or appointments;
- It must not relate to matters which are not the responsibility of HM Government; and
- It can remain open (published on the website) for up to a year in order to attract signatures.

- **Threshold** – The thresholds applied before any action will be taken are incremental. More than 10,000 signatures

requires a response from Government, while more than 100,000 signatures requires the Petitions Committee to refer the public petition to the Back Bench Business Committee (BBBC) where it can be scheduled for debate in specially scheduled sittings in the HOC's second Chamber (Westminster Hall).

° **Action** – The public petition can generate a response from Government, it can be sent to the BBBC where it MAY be scheduled for debate in Westminster Hall, but a debate and subsequent vote is not binding on Government policy. Public petitions not reaching agreed thresholds may generate no further action, but are visible on the Government website for anyone to sign.

Options – Models for the Management of e-Petitions in the Northern Ireland Assembly

48.   After examining the models operating in other legislatures, the Committee turned its attention to formulating a model for managing e-petitions in the Assembly. In so doing, it recognised that while a number of similarities existed, particularly in relation to the other devolved legislatures, one significant difference remained. Namely, that although it might be an effective mechanism for managing public petitions, establishing a dedicated Petitions Committee to manage public petitions within the Assembly was not feasible or desirable at this time. The Committee therefore reiterated its decision that this option would be excluded from any model it proposed.

49.   Having considered the stages in the process for managing e-petitions in responding legislatures the Committee agreed that, as its value had been proven in other legislatures, a similar model should form the basis of the Assembly's new e-petitions process.

50.   It also agreed that, as the SP hosted the longest standing e-petitions process and that it was able to demonstrate the success it had achieved in terms of positive outcomes and Petitioner satisfaction, that this specific model would be appropriate as a baseline for the Assembly's model. This baseline could then be refined to meet the specific requirements of the Assembly.

51.   Having defined this broad outline, the Committee received a briefing on 28 April 2015[23], from representatives of the Assembly's Information

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[23] Briefing to the Committee from Communications and IS Offices – For detail see 'Other Documents' in Links to Appendices

Systems (IS) Office and Assembly Communications Office. This was designed to allow the Committee to examine in detail what the model would look like in practice and assure itself that such a model was workable, particularly in terms of the Assembly's IT infrastructure. Having assured itself that the Assembly website could effectively host such a system and no operational impediment existed, the Committee agreed to move on and consider the model in detail.

52.   The Committee **recommended that an e-petitions model for the Assembly should consist of four distinct phases, namely: Initiation; Detailed Submission; Publication/Processing and Action.**

53.   The Committee further recommended **that as far as possible these phases should be automated to ensure consistency and equality in processing and that they should be formulated as set out in Table 1. below.**

54.   Having devised a suitable framework the Committee turned its attention to the three key process areas where decisions were required to progress a Public Petition, namely the Admissibility Criteria, Threshold and Action. The Committee sought to establish what risks and benefits were attached to each in terms of adopting them for the Assembly model.

Table 1.

PHASE ONE - INITIATION [Part Automated]
START of phase ° Petitioner submits initial request for e-petition on appropriate web form; ° Email generated automatically to request validation of email address; ° Validation received from Petitioner ° Email generated automatically to Petitioner and Business Office acknowledging receipt; ° Business Office considers subject and if it is within competence of the Assembly; **If Yes**: ° Business Office contacts Petitioner asking for completion of full submission form; **If No:** ° Business Office advises Petitioner giving reason and offering options for successful submission. **END of phase**

PHASE TWO - DETAILED SUBMISSION [Part Automated]
START of phase ° Petitioner submits completed detailed submission form through website; ° Email generated automatically to Petitioner and Business Office acknowledging receipt; ° Business Office considers detailed form against full list of Admissibility Criteria; **If admissible:** ° Business Office notifies Petitioner and advises of next steps; ° E-Petition is published on the website; ° Email/Twitter feed notified that a new Public Petition has been published on the website **If NOT admissible:** ° Business Office notifies Petitioner giving reasons.   **END of phase**

PHASE THREE - PUBLICATION/PROCESSING [Automated]
START of phase ° E-Petition is published on website for a maximum of one year or end of mandate whichever is sooner; ° Automatic notification that new e-petition has been published is issued via social media; ° All new signatories to the e-petition are automatically requested to validate their signature; ° Once validated, signatures are automatically acknowledged; ° A counter on the e-petition page reports in real time how many signatures exist for each live petition; ° System automatically checks number of signatures against the threshold; ° One month before the cut-off date for the e-petition, the system automatically notifies Petitioner and signatories of time remaining. **If threshold is reached:** ° Petitioner and signatories automatically notified; ° Business Office is notified automatically and phase four actioned; **If threshold is NOT reached:** ° Petitioner is automatically notified with reasons; ° E-Petition is removed from website.   **END of phase**

PHASE FOUR - ACTION [Not Automated]
° Business Office identifies which subject committee remit it falls within; ° If cross cutting - Business Office liaises with appropriate committees to decide which will take lead; ° Business Office formally notifies Speaker, appropriate Minister and the appropriate committee of the e-petition and requests the committee to action as it deems appropriate; ° Business Office notifies Petitioner of action taken.

> **NB Actions taken at committee remain at the discretion of the committee itself and can include:**
>
> No further action; immediate referral to a department; inclusion in evidence of an existing inquiry; undertaking a specific inquiry followed by a report and scheduling of plenary time for debate.

55. **Admissibility Criteria** – This was the first key process area the Committee examined[24]. Even at a first glance it was obvious that much commonality existed in the admissibility criteria applied in the other legislatures. The Committee agreed, after examining each of the common criteria, that these would be equally applicable for any model proposed for the Assembly. The Committee therefore **recommended that these admissibility criteria be adopted for the Assembly e-petitions model**:

   - E-public petitions must comply with Assembly Standing Orders and be in the proper form;
   - They must relate to a matter within the powers of the Assembly to act on;
   - They must state clearly what the Petitioner wants;
   - They must contain a summary of the action taken by the Petitioner to date;
   - They must not be the same, or substantially the same as another e-petition closed within the life time of that Assembly;
   - They cannot be submitted by an Member of the Assembly (MLA);
   - There is no limit to the number of e-petitions any one person can have open at a time, but they must be on different topics and must comply with the admissibility criteria;

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[24] Table of Admissibility Criteria, Thresholds and Actions in Other legislatures – For detail see 'Other Documents' in Links to Appendices

- ° They must not relate to anything which is under consideration by, or has been the subject of a decision by, another regulatory public body (e.g. a subject committee or ombudsman);

- ° They must not seek to overturn the decision of another public body;

- ° They must not seek resolution of personal or commercial disputes;

- ° They should not contain confidential, libellous or defamatory statements;

- ° They must use temperate and respectful language;

- ° They must not be vexatious or malicious;

- ° They must be in English or, if not, must be accompanied by a translation certified by an MLA;

- ° They must include the name, address and email address of the Petitioner (although this is not all published);

- ° They must not pertain to matters that are sub judice; and

- ° They may not contain the names of individuals.

56. The Committee then agreed to give further consideration to those admissibility criteria that varied between other legislatures and to consider the risks and benefits of each option to establish which might best suit the Assembly e-petitions model.

57. Admissibility criteria that fell into this category related to the length of time a published e-petition was hosted on the website and whether any age and residency restrictions should be placed on Petitioners.

58. The Committees examination of the length of time an e-petition was published for in other jurisdictions suggested that a direct correlation to the threshold number of signatures required by the legislature to initiate action existed.

59.   It noted that the NAW[25] required a threshold of 10 signatures and advised a period of weeks for publication, despite permitting an extension to this timescale at the request of the Petitioner. In contrast, the HOC had far higher thresholds and had set a time limit of a year. Lastly, the SP, which had a threshold of one signature, did not require an e-petition to be published at all, unless the Petitioner requested this. While not wishing to set a threshold at this point, the Committee did form a view that a threshold higher that both the NAW and the SP would be beneficial in the Assembly and that adopting a time limit for publication similar to that adopted by the HOC was preferable. It therefore **recommended that:**

   ○   **A published e-petition would remain on the website for the period of one year, or until the end of the current mandate, whichever was sooner.**

60.   The Committee then considered whether, and if so what, age and residency restrictions should be applied to the Assembly model. A number of factors were taken into consideration when discussing this issue including the extent of the Assembly's jurisdiction, the soft border with the Republic of Ireland and the impact such restrictions might have on residents living abroad and their eligibility to be on the Northern Ireland Electoral Register. There was a mixture of opinion and following a vote the Committee agreed that:

   ○   The Petitioner must be 18 years of age; and
   ○   Must be on the Northern Ireland Electoral Register.

[25] Written submissions – See Links to Appendices

61.   **Threshold** – The Committee then returned to consider, in more detail, the issue of threshold, that is what number of signatures should be required before "Action" was taken by the Assembly.

62.   Its previous deliberations had already highlighted that not having a dedicated Petitions Committee might have an impact on some aspects of the Assembly model it sought to devise. The Committee recognised this was one such area, since without such a dedicated committee to manage them, the potentially high volume of e-petitions a threshold of only one signature might generate, seemed unrealistic.

63.   In conjunction, the Committee also recognised that its decision to retain the existing MLA-sponsored Public Petitions process, which had no threshold specified, meant that public petitions that were likely to attract smaller numbers of signatures were still able to be facilitated by the Assembly even if a threshold of greater than one signature was adopted for the e-petitions process.

64.   Finally, the Committee examined date from public petitions that had been received by the Assembly during the course of the current mandate[26]. It assured itself that these demonstrated sufficient numbers of signatures make the setting of a threshold of greater than one entirely reasonable for e-petitions. The Committee was also considering setting some restrictions on the age and residency status of Petitioners and examining data on existing public petitions allowed it to reassure itself such a decision would not have too great an impact in such a small jurisdiction when a threshold of more than one signature was applied. The Committee noted specifically public petitions such as "Save

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[26] Summary of Public Petitions received 2013-15 (Number of Signatures) – For detail see 'Other Documents' in Links to Appendices

Exploris"[27] (with more than 11,000 signatures) and "Campaign for Meningitis B Vaccine"[28] (with 22,100 signatures).

65. Taking this information into account the Committee **recommended that:**

   ° **A threshold of 100 signatures would apply.**

66. **Action** – The Committee then moved on to consider mechanisms for action which could be taken once the threshold number of signatures had been reached on a published e-petition.

67. The Committee was clear that the ultimate action of the e-petition process should be the referral of a valid e-petition to the relevant subject committee. However, it was clear that this should in no way prescribe the actions that such a subject committee may wish to take following such a referral. The Committee was content that while it could outline suggested actions subject committees may WISH to consider, ultimately the course of action decided, if any, was a matter for the subject committee itself.

68. The Committee considered three options for "Action" that could be followed once e-petitions had achieved the threshold number of signatures required[29], paying particular attention to the risks and benefits offered by each and the potential impact on Secretariat resources.

69. The third of the three options was quickly dismissed by the Committee, as it required the establishment of a dedicated Public Petitions Committee, which it had previously agreed to put aside.

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[27] Save Exploris public petition presented by Kieran McCarthy MLA on 5 November 2013
[28] Campaign for Meningitis B Vaccine presented by Jim Wells MLA on 11 June 2013
[29] Options for the Action key process area of the e-Petitions model

70. Of the remaining two, the Committee agreed that the first did not sit comfortably with the Committee's vision of an e-petitions process which offered more in terms of outcome within the Assembly than the existing MLA-sponsored, paper-based process. They agreed that as stakeholder submissions had highlighted the need for the existing Public Petitions process to be enhanced, there seemed little point in adopting this first option as it had a very similar outcome to the existing process.

71. This left the second option which is included in the flowchart in Figure 1. below. The Committee were content the process was appropriate, since it enhanced the scope of action by the Assembly, had no significant impact on existing Secretariat resources, acknowledged and made use of the remit of existing Assembly committees and seemed likely to improve engagement with Petitioners and the public.

72. The Committee noted that the model in no way limited the range of actions available to the relevant subject committee in dealing with a referred e-petition, which included taking no further action, referring it directly to an appropriate department, including it in an existing committee inquiry or initiating a bespoke inquiry into the subject of the e-petition and subsequently publishing a report or scheduling a debate in plenary.

73. The Committee was therefore content to **recommend that Standing Orders be drafted to facilitate the development of an e-petitions model for the Assembly structured according to its specifications above.**

Timescale for Introduction

74. The Committee then moved on to consider an appropriate timescale for the introduction of such a model. It reflected on the complexity of the IS

system developments required to host the system on the Assembly's website, Secretariat resourcing constraints and the timing of the upcoming Assembly election and start of the new mandate. Having considered all the information available to it the Committee **recommended that an implementation date of no earlier than September 2016 would be appropriate**.

Figure 1.
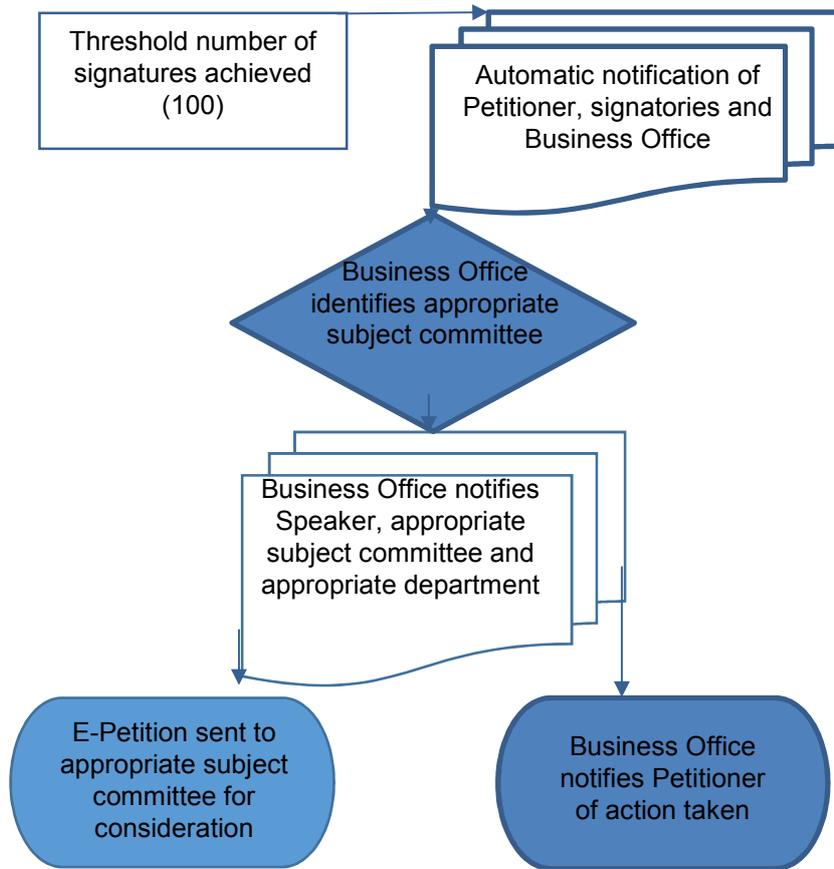
Links to Appendices

Printable version of Report can be accessed *here*

Minutes of Proceedings can be viewed *here*

Written submissions can be viewed *here*

Correspondence can be viewed *here*

Other Documents relating to the report can be viewed *here*

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