

Cynulliad Cenedlaethol Cymru Y Pwyllgor Deisebau	National Assembly for Wales Petitions Committee
Adolygiad o'r System ddeisebau Cymru y Cynulliad Cenedlaethol	Review of the National Assembly for Wales Petitions System
Ymateb gan: Conffederasiwn GIG Cymru	Response from: The Welsh NHS Confederation

	The Welsh NHS Confederation's response to the Review of the National Assembly for Wales' Petitions Committee
<b>Contact:</b>	Nesta Lloyd – Jones, Policy and Public Affairs Officer, the Welsh NHS Confederation.
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### **Introduction**

The Welsh NHS Confederation, on behalf of its members, welcomes the opportunity to respond to the review of the National Assembly for Wales' Petitions Committee. We are committed to working with the Petitions Committee (the Committee) to ensure that the public's concerns and views are considered by the National Assembly.

By representing the seven Health Boards and three NHS Trusts in Wales, the Welsh NHS Confederation brings together the full range of organisations that make up the modern NHS in Wales. Our aim is to reflect the different perspectives as well as the common views of the organisations we represent.

The Welsh NHS Confederation supports our members to improve health and well-being by working with them to deliver high standards of care for patients and best value for taxpayers' money. We act as a driving force for positive change through strong representation and our policy, influencing and engagement work. Members' involvement underpins all our various activities and we are pleased to have all Local Health Boards and NHS Trusts in Wales as our members.

The Welsh NHS Confederation and its members are committed to working with the Welsh Government and its partners to ensure there is a strong NHS which delivers high quality services to the people of Wales.

Health is a key area of interest for the public. A recent survey conducted by ITV Wales before the General Election found that almost half (47%) of those who responded stated that health was the most important issue facing them and their families, with 52% saying it was the most important issue facing the country. With a high percentage of petitions considered by the Committee relating to health or social care, it is important that the Petitions Committee works closely with NHS Wales and the Health and Social Care Committee to ensure that the issues raised by the public can be considered in detail.

### Consultation Questions

#### **1) Is establishing a Petitions Committee the best way to ensure that petitions receive proper attention? Is the size and composition of the Committee appropriate for its role?**

We believe there is merit in the continuation of the Petitions Committee. The Committee is the best way to ensure that petitions receive proper attention. However, it would be useful for the Committee to receive more oral evidence than it presently takes to ensure that petitions are considered in more detail and that members of the Committee can ask questions of relevant parties or individuals. Oral evidence will hopefully ensure that petitions are not open as long as they are at present, with some having been open for more than a year before being completed by the Committee.

We agree that the present size and composition of the Committee is appropriate for its role. The membership of the Committee, including cross-party representation, has worked and is a good model for the future.

#### **2) Does there need to be more clarity about the proper form of petitions or are the current arrangements adequate?**

The process for submitting a petition is clear. However more could be done to raise awareness of the existence of the Petitions Committee and the guidance and support available for anyone wishing to set up a petition.

It would be useful to have a clear and easily accessible list of the petitions that the Committee has considered during the National Assembly term, since 2011, to ensure that the public are aware of what has and is being considered to prevent duplication.

Finally it would also be useful to have links from the Petitions Committee website to the inquiries that other National Assembly for Wales Committees are considering to ensure that the public is aware of other avenues that they can provide feedback and evidence to. This will hopefully prevent duplication.

#### **3) Is the current minimum number of signatures (10) for a petition too high, too low or about right? Should organisations also have to meet the minimum signature threshold (whatever level that may be)? If a different threshold continues to apply to organisations, does the definition of an organisation need to be more rigorously applied?**

The current level does seem too low - a minimum of 100 would seem more reasonable. There may be some instances where a petition of less signatures would be acceptable, such as a very small number of people being affected by a particular issue, but this should be dealt with on a case-by-case basis.

There is no clear rationale for treating petitions from organisations and individuals differently. Considering a petition from an organisation which may offer a single signature is not appropriate. An organisation may take the lead for submitting a petition but should be subject to the same minimum threshold of signatures as any individual petitioner. If organisations continue to only require one signature for it to be valid we would recommend that the definition of an organisation should be more rigorously applied and not include informal groups.

**4) Should the Assembly continue to consider petitions only on matters for which the Assembly or Welsh Government has responsibility?**

Yes the Assembly should continue to only consider petitions on matters for which the Assembly or Welsh Government has responsibility for.

However we would recommend that if a petition relates to a cross-border issue (for example, if someone has received healthcare in England but is resident in Wales) it should be considered because there may not be other avenues for them to raise an issue or a concern. Presently around 50,000 Welsh residents travel to England for secondary care treatment and a number of people resident in Wales receive tertiary care in England (tertiary care centres are mainly located in areas of higher population density and the relatively small population size of North and Mid-Wales means that there is simply not the critical mass of people needed to support more local specialist centres). It would be useful that any concerns or issues raised about the care they received in England be considered by the Petitions Committee.

**5) Should the Assembly consider petitions on matters for which individual local authorities have the main responsibility? Are there any responsibilities of local authorities on which petitions should be allowed?**

The Assembly should consider petitions on matters for which individual local authorities have the main responsibility. This change will align local authorities with the petitions that the Committee considers relating to other public bodies, including Local Health Boards. Presently the Committee considers operational decisions by individual Local Health Boards, especially around service redesign, therefore it is important that the Committee considers individual local authorities decisions to ensure consistency.

The opportunity for petitioners to raise concerns with the Assembly about functions the local authority is responsible for provides an opportunity for petitioners to express their views and is an important part of the democratic process. It is important that the Committee can consider petitions relating to local authorities' operational responsibilities because some of their decisions will have an impact both on the local community but also national (for example, planning applications relating to major developments could impact on the wider community).

**6) Should the Assembly continue to consider petitions on matters for which public bodies (other than local authorities) have day to day responsibility? Are there some public bodies that should be treated differently (e.g. Local Health Boards).**

Yes the Assembly should continue to consider petitions on matters for which public bodies have day-to-day responsibilities, including Local Health Boards. This provides an opportunity for petitioners to express their views and forms an important part of the democratic process.

As highlighted previously, when a petition relates to an area that another Assembly Committee is considering as part of a wider inquiry the Petitions Committee should inform the petitioner of this to ensure that they have an opportunity to provide more detailed evidence that can be considered by another Committee which receives more in-depth oral evidence. For example, if a petition relates to cancer services the petitioner should be informed that the Health and Social Care Committee has

recently conducted an inquiry into the Cancer Delivery Plan and inform the petitioner of the Committee's report on this subject.

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

The current format of 'grouping' similar petitions to avoid unnecessary duplication should continue and seems the most appropriate format. We do not believe that the Assembly should consider petitions that are similar to ones that are already being considered or have recently been considered. We recommend that a similar petition to one that has been previously submitted to the Committee should not be considered for 12 months since the previous similar petition.

It is important that the Committee informs a petitioner why their petition is not being considered and makes them aware of what is happening with the other similar petition that is being considered by the Committee and the subsequent outcomes.

**8) Should the Assembly continue to publish inadmissible petitions periodically?**

Yes that Assembly should continue to publish inadmissible petitions periodically. This will continue to demonstrate that the Assembly and other organisations are operating in an open and transparent manner.

**9) Do the Assembly's Standing Orders in respect of the Petitions Committee need to be changed?**

Overall the Standing Orders for the Petitions Committee seem to be appropriate for it to conduct its business effectively. However some of the powers within the Assembly's Standing Orders seem to be very broad (for example 'take such action as they consider appropriate'). While this can be useful in determining the outcomes of the petitions considered, it can also be too broad and allows the National Assembly Committee or the Government too much power to decide what action to take. It would therefore be advisable to apply some limitations to the delegated powers and provide some actions that the Welsh Government or another National Assembly Committee should undertake to respond to the Petitions Committee.

**10) What changes could be made to the way the Petitions Committee deals with petitions to ensure better outcomes for petitioners or more effective consideration of petitions?**

It would be beneficial to require petitioners to outline what actions they have taken locally to try and resolve the issue being petitioned. This will ensure that the Committee is not the first avenue that the petitioner has taken.

As highlighted previously, to ensure that the Committee has enough capacity to consider and complete its consideration on a particular petition it would be helpful to increase the minimum number of signatures required before a petition could be submitted.

Consideration should be given to prioritising the petitions that the Committee has received. This will hopefully result in earlier consideration by the Committee and could possibly be done through introducing some screening mechanism aligned perhaps to the Welsh Government's priorities.

It is vital that the Committee raises awareness of the work that they do and increases engagement with the public to ensure better outcomes for petitioners. The Committee could work more closely with the National Assembly outreach team and the other Committees to ensure that the public has an opportunity to feedback their views and concerns.

**11) Should the Petitions Committee be able to refer petitions to the Ombudsman or similar office holders, where they believe there are grounds for her/him to investigate?**

The Petitions Committee should be able to refer petitions to the Ombudsman or Commissioners as and when appropriate to be investigated in more detail.

**12) When should petitions be closed if they are not resolved? Should they remain open so long as the issue raised by the petition is unresolved or should they be closed as soon as it is clear that they cannot be resolved?**

The Committee should close a petition as soon as it becomes clear that the petition cannot be resolved or when it is clear little or no further progress can be made on a particular petition. While it is useful for the Committee to have a 'watching brief' approach to petitions, we would recommend that a petition is closed after being introduced for a year due to the fact that some aspects of the petition may have changed since the petition was originally submitted.

**13) Should petitions collected on third party websites (e.g. change.org or 38degrees.org) be considered in the same way as petitions collected on the Assembly's website or on paper? Should there be a set period of time for a petition to gather signatures after which it 'falls'.**

On balance, only petitions collected on the Assembly's website or on paper should be considered. It would be useful for the Committee to work with third party organisations that collect petitions to make them aware of the Committee process and to request that there is information about the Committee on third party websites. It would be useful for third party organisations to refer people to the National Assembly's website.

It would be useful to have a reasonable period of time for a petition to be open to enable signatures to be gathered. We believe that 8 weeks is a sufficient time for a petition to be open to gather signatures.

**14) Who should be able to submit and sign petitions? Should there be any residency or age restriction? Should staff who work for Assembly Members and the Assembly itself be able to submit petitions? Should political parties be prevented from submitting petitions?**

We recommend that only people resident in Wales should be able to submit a petition. The Assembly is responsible (in general) for services in Wales and from this perspective, it is logical that petitioners should be resident in Wales to submit a petition.

We agree that there should not be an age restriction on who can sign or submit a petition. Petitions provide an opportunity for children and young people to express their views to the Assembly and as there are limited opportunities to do this, it is an important part of engaging children and young people in democratic activities.

We agree that Assembly Members should be excluded from raising petitions and we believe this should be extended to staff who are employed by Assembly Members and the National Assembly itself alongside political parties. Assembly Members, staff employed by Assembly Members and the National Assembly have other mechanisms and opportunities to have their voices heard and it is appropriate they should not be able to submit petitions. Similarly, political parties have other mechanisms and opportunities to raise concerns and have their voices heard so they should be excluded from being able to submit a petition.

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

There should be a mechanism for dealing with vexatious petitions and petitioners. The Committee should have restrictions on people submitting or having under consideration more than one petition at the same time.

**Other comments**

**Service redesign**

A number of petitions that the Committee considers relate to Local Health Board service redesign and it is therefore vital, as highlighted above, that the Committee requests that the petitioner outlines what actions they have taken locally to try and resolve the issue being petitioned to ensure that the Committee is not the first avenue that the petitioner has taken.

Given the scale of the demands placed on the NHS – increasing numbers of older people who often have more than one illness or condition, new expensive drugs and technological advances – service change is an immediate priority and challenge for NHS Wales. This will inevitably mean that difficult choices have to be made on what services are provided where and when. Prioritising services and spending means that the people of Wales, NHS staff, partners and politicians must be prepared to accept and support new and different ways of delivering services, while taking more responsibility for how they use those services.

Part of the responsibility of the NHS in Wales, especially in these economically challenging times, is to be open about the difficult choices we face. Given the scale of the demands placed on the NHS, change is an immediate priority and challenge. On behalf of our members, the Welsh NHS Confederation feels very strongly that this change needs to be planned, resourced and supported, rather than allowed to happen on an ad-hoc basis. Service change is a complex and sometimes difficult process and it is

important that petitioners are aware of the process that Local Health Boards have gone through before contacting the Petitions Committee.

### **Engaging with the public**

We know that the NHS in Wales must do more to involve the public and patients, staff and partner services in explaining and working through the choices that need to be made. In the Welsh NHS Confederation's discussion document 'From Rhetoric to Reality - NHS Wales in 10 years' time'<sup>i</sup> we referred to the need to find a way of informing and building a new understanding of how the NHS should be used, embodied by an agreement with the public that would represent a shared understanding. We highlighted the importance of working with the public to co-produce services and reduce demand, therefore releasing capacity in the system.

Health Boards and Trusts are committed to improving arrangements for involving all these groups, explaining priorities and continuing the development of a modern, safe, quality, value-for-money health service. There are positive examples from NHS Wales of engaging with the public for the re-design of local services and to make savings, including:

- Through the local development of services that allow patient activity to be brought back to a local area;
- By developing new service responses to growing demand;
- By creating patient-focused alternatives;
- By shifting services and resources more appropriately to the community; and
- Simply by continuing to focus on more patient activity and efficiency.

It is vital that the public, but also Committee members, are fully aware of the engagement work that the NHS in Wales is doing, especially around redesign of local services, so that they have a better understanding of why decisions have been made.

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<sup>i</sup> The Welsh NHS Confederation, January 2014. From Rhetoric to Reality – NHS Wales in 10 years' time.