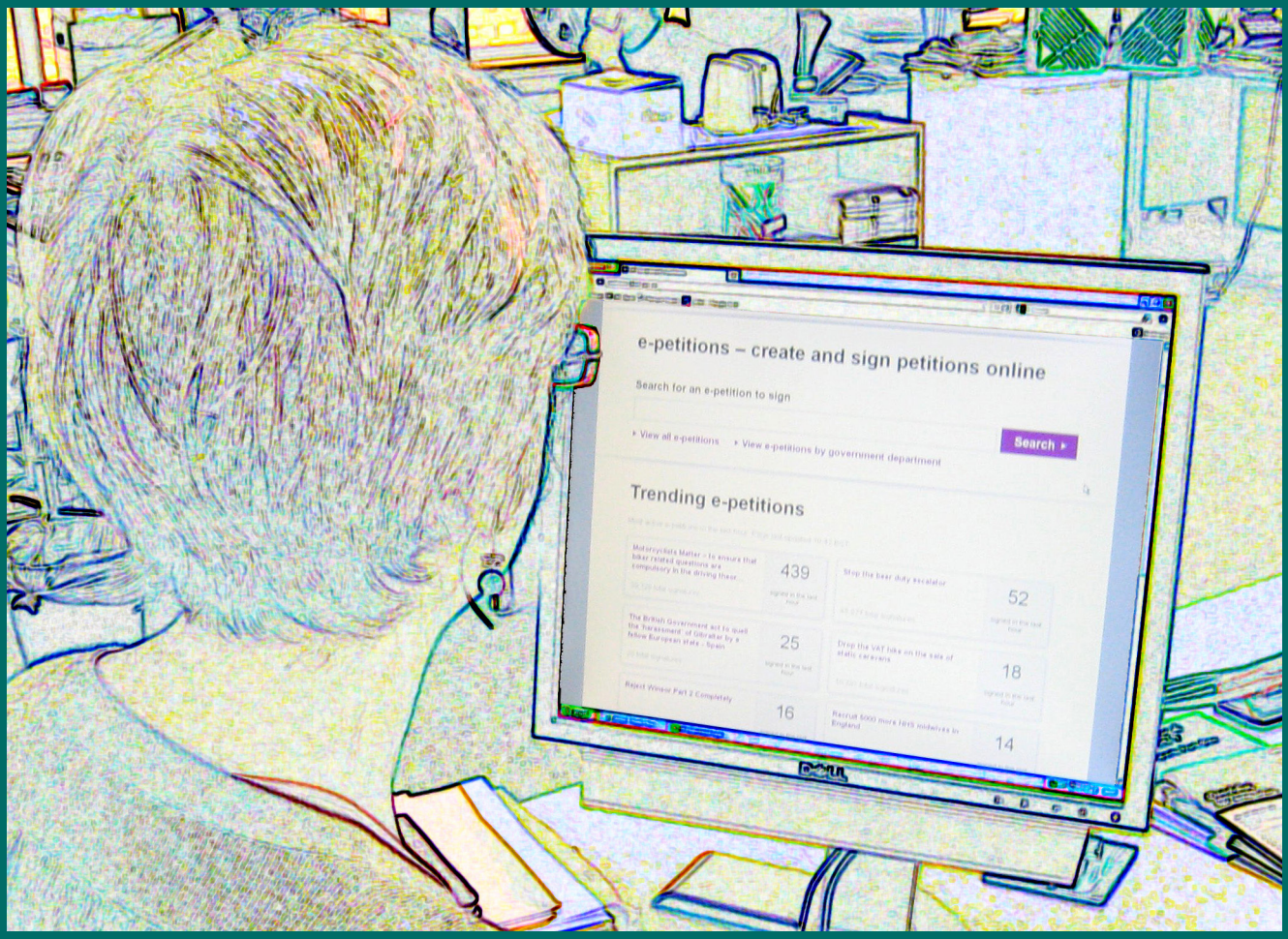
# What next for e-petitions?

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Hansard Society, 40-43 Chancery Lane, London WC2A 1JA
Tel: 020 7438 1222. Fax: 020 7438 1229.
Email: contact@hansardsociety.org.uk

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# What next for e-petitions?

## INTRODUCTION

Since the epetitions.direct.gov.uk site was launched in August 2011, 14,092 e-petitions have been accepted and there have been three million unique signatures on the site.[1] The first petition to hit the 100,000 signature threshold did so in just five days and in the first 100 days of operation an average of 18 people signed an e-petition every minute.[2] There is clearly a public appetite for this form of political engagement.

> *On 10 August 2011 – after days of rioting in London and other English cities – the site had 1.4 million page views and was receiving 333,000 hits per hour, at which point the capacity of the site was reached. At its lowest point – on Christmas Day in 2011 – the site still received 8,100 visitors. In total there have been 14.3 million site visits and 58.3 million page views since the system was launched, and average traffic to the site per day is 52,000 visitors and 213,000 page views.*[3]



However, the introduction of e-petitions has not been an unalloyed success. A number of problems have emerged that threaten to undermine its effectiveness and which, if not addressed, risk reputational damage to the House of Commons in particular, and an exacerbation of public disillusionment with the political system in the long-term.

> *'Parliament is currently experiencing a mild version of the internet-enabled disruption that sectors of the economy such as publishing and music have already experienced. The e-Petitions website is asking questions about the ways in which the UK political system works, and how responsive to the pubic it is prepared to be.'*[4]
> *(Richard Parsons, eDemocracy blog)*

The Hansard Society has long argued that petitions – both paper and electronic – should be made a much more significant feature of the work of Parliament in order to better engage the public and be more responsive to matters of topical public concern. Our *Audit of Political Engagement* shows that the public is generally more likely to sign a petition than they are to engage in most other forms of democratic activity apart from voting.[5] As such, a petitions system should have symbolic as well as practical value in better linking Parliament and the public. However, procedural and engagement flaws at the heart of the e-petitions system need to be addressed if this goal is to be realised.

1 Information provided by the Office of the Leader of the House of Commons. Data accurate as at 1:00pm on 14 May 2012.
2 Peter Herlihy, 'e-petitions: the first 100 days', *Government Digital Service Blog*, 15 November 2011, http://digital.cabinetoffice.gov.uk/2011/11/15/e-petitions-the-first-100-days
3 Information provided by the Office of the Leader of the House of Commons. Data accurate as at 1:00pm on 14 May 2012.
4 Richard Parsons, *eDemocracyBlog.com*, written evidence submitted to the Backbench Business Committee, para.17.
5 Hansard Society (2004-12), *Audit of Political Engagement 1-9* (London: Hansard Society).

## Impact and outcomes

A number of e-petitions that have passed the threshold to be considered for a debate in the House of Commons have already had an impact on government policy. For example:

- A petition requesting 'full disclosure of all government documents relating to the 1989 Hillsborough disaster' has attracted 155,979 signatures and forced the government to clarify its position on the release of the documents.* Thirty seven MPs participated in the debate on this e-petition on 17 October 2011** and the BBC Parliament Channel's reach that day was 330,000 viewers (compared to an approximate daily average of 120,000) with a further 119,000 page views registered on the Commons section of the BBC's Democracy Live website.† This again demonstrates the level of public interest in the petitioning system and, as the Leader of the House noted, the debate 'was a powerful and poignant example of how effectively the House of Commons can respond to public concerns'.‡

- The Attorney General agreed to look at whether there was a case for a new inquest into the death of Kevin Williams at Hillsborough even before the petition, 'Give Kevin Williams his inquest under section 13 of the Coroners Act', was debated in the House of Commons.§

- In contrast, the government's response fell short of what the petitioners were hoping for in the 'Cheaper Petrol and Diesel' e-petition promoted by Harlow MP, Robert Halfon, and Fairfuel UK, but it nonetheless played at least some part in the campaign to persuade the government to announce, during last year's Autumn Statement, that it was deferring a planned increase in fuel duty.¤

* http://epetitions.direct.gov.uk/petitions/2199
** House of Commons Backbench Business Committee (2012), *Work of the Committee in Session 2010-12*, HC 1926, p.37.
† Information supplied by BBC Parliament.
‡ House of Commons Procedure Committee (2012), *Debates on Government e-Petitions: Government Response to the Committee's Seventh Report of Session 2010-12*, HC 1902, p.1.
§ http://epetitions.direct.gov.uk/petitions/19149
¤ http://epetitions.direct.gov.uk/petitions/347



On 6 March 2012, the Hansard Society co-hosted a seminar with the Backbench Business Committee to discuss how the e-petitions system could be reformed in order to enhance public engagement and better link the system to parliamentary processes. The seminar drew together Committee members and clerks, officials from the Office of the Leader of the House of Commons and the Government Digital Service, as well as academics and campaigners with experience and expertise in digital engagement. The ideas and recommendations set out here draw on some of the views discussed at the seminar. However, this briefing paper reflects additional issues and ideas derived from our own research and that provided by some of the participants and, as such, is not a record of the seminar itself.

This paper seeks to illuminate some of the complex issues regarding parliamentary procedure that currently bedevil the e-petitions system and makes a number of recommendations for reform predicated on the principle that the system should be a parliamentary not a government petitions system, and that it should provide for a deeper, more comprehensive model of public engagement than the current system offers.

## PROBLEMS WITH THE CURRENT SYSTEM

It was clear during our seminar that there are very different views about the underlying purpose of the e-petitions system and what role it can play in public engagement with the political system.

### a) Ownership and responsibility

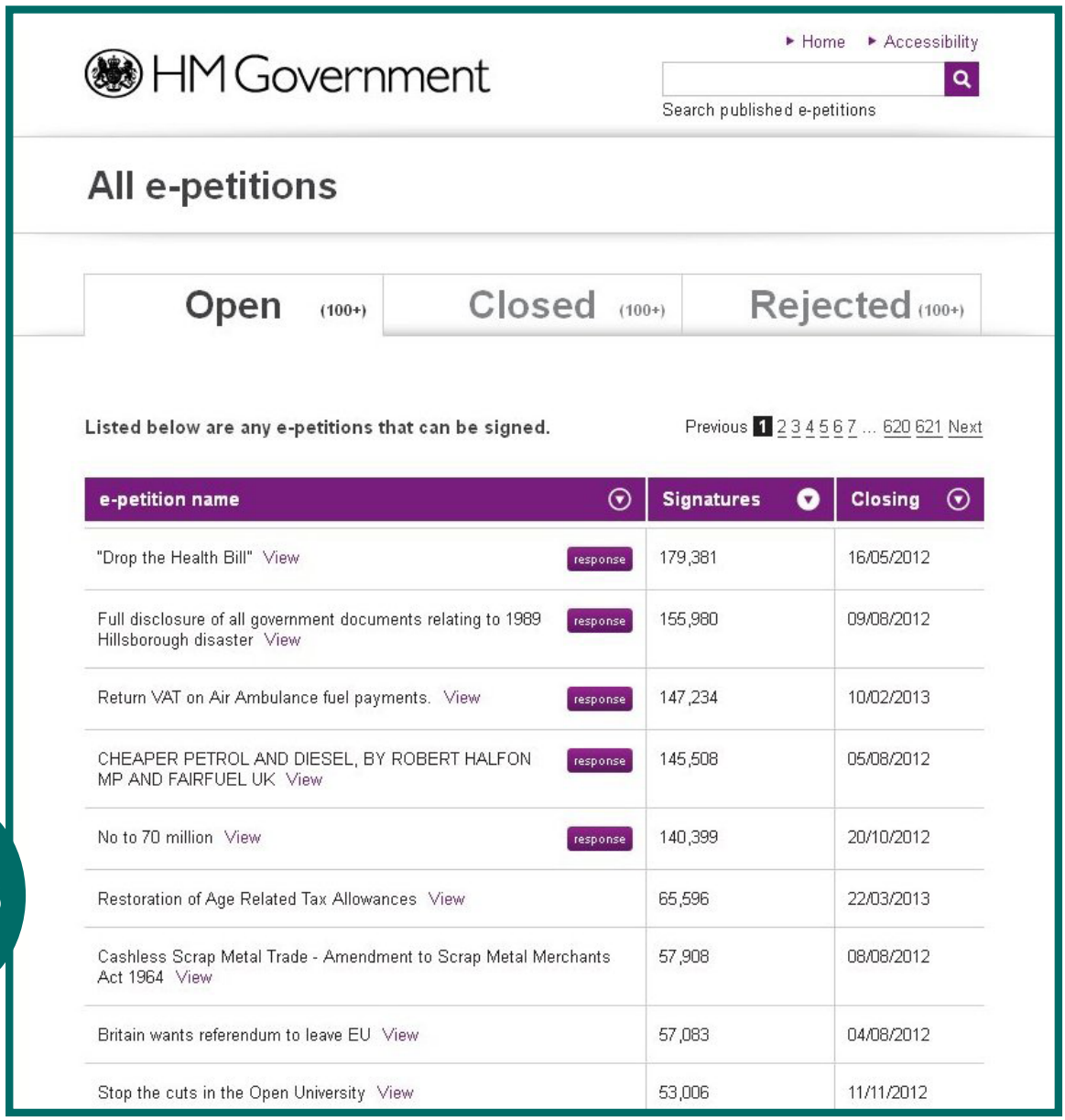
The system, as it stands, is an unusual hybrid, straddling a constitutional no-man's land: it is neither fully a parliamentary nor a government system. Because it was established and launched by government there was no formal process of consultation with the House of Commons about it. The website advertises that e-petitions are an 'easy way' to influence government policy and all petitions must call for a specific action from the government. Indeed, there is no provision to petition Parliament or the House of Commons specifically; all such petitions are simply directed to the Office of the Leader of the House of Commons, emphasising executive control of the legislature. Yet the onus is placed on the House of Commons, through the Backbench Business Committee, to respond to the most popular petitions that reach the 100,000 signature threshold, though it is entirely dependent on the government allocating time to it (often, in practice, at short notice) for debate. Furthermore, only the government has direct access to the data identifying who the petitioners are and it is therefore only government that can communicate with them and provide a substantive, individual response to their concerns. The system was also designed in such a way that it is a stand-alone process, separate to that provided for paper petitions that are submitted to Parliament. In contrast, most legislatures develop a single petitions system with alternative routes for submission, in paper form or electronically. But this new system, by creating an entirely separate parliamentary process for electronic petitions, may disadvantage those who do not have internet access.



### b) Heightened public expectations

The e-petition system was heralded as a critical aspect of the coalition's strategy for public engagement and the restoration of faith in politics. In his 'Fixing Broken Politics' speech on 26 May 2008, David Cameron spoke of creating 'a right of initiative nationally, where if you collect enough signatures you can get your proposals debated in the House of Commons and become law'.[6] The Conservative Party Manifesto spoke of people having been shut out of Westminster politics for too long and needing to 'give people real control over how they are governed'. Thus 'any petition that secures 100,000 signatures will be eligible for formal

6 David Cameron, 'Fixing Broken Politics', 26 May 2008.



HM Government

Home Accessibility

Search published e-petitions

All e-petitions

Open (100+) Closed (100+) Rejected (100+)

Listed below are any e-petitions that can be signed.

Previous 1 2 3 4 5 6 7 ... 620 621 Next

| e-petition name | Signatures | Closing |
|---|---|---|
| "Drop the Health Bill" View response | 179,381 | 16/05/2012 |
| Full disclosure of all government documents relating to 1989 Hillsborough disaster View response | 155,980 | 09/08/2012 |
| Return VAT on Air Ambulance fuel payments. View response | 147,234 | 10/02/2013 |
| CHEAPER PETROL AND DIESEL, BY ROBERT HALFON MP AND FAIRFUEL UK View response | 145,508 | 05/08/2012 |
| No to 70 million View response | 140,399 | 20/10/2012 |
| Restoration of Age Related Tax Allowances View | 65,596 | 22/03/2013 |
| Cashless Scrap Metal Trade - Amendment to Scrap Metal Merchants Act 1964 View | 57,908 | 08/08/2012 |
| Britain wants referendum to leave EU View | 57,083 | 04/08/2012 |
| Stop the cuts in the Open University View | 53,006 | 11/11/2012 |

*E-petitions website, http://epetitions.direct.gov.uk (Crown copyright)*



debate in Parliament. The petition with the most signatures will enable members of the public to table a bill eligible to be voted on in Parliament.'[7]

The e-petitions system that has been created falls some way short of these assertions, particularly in relation to the public initiation of legislation. But it is these assertions, reiterated over several years prior to the general election, that have helped to fuel the public and media misunderstandings and misconceptions about what would happen to e-petitions once they secured 100,000 signatures. It is not, and never has been, automatic that an e-petition will be debated in the House of Commons: yet this is the widely-held public impression. Thus, when an e-petition that has passed the threshold has not been championed by an MP, or when the Backbench Business Committee has not been able to schedule a debate, this has led to widespread criticism from petitioners and the media. This problem is exacerbated by the fact that the system that has been established has almost no means or process built in to it to manage public expectations.

7 Conservative Party (2010), *Invitation to Join the Government of Britain*, p.66.

Unfortunately, it has not been possible to do an assessment of petitioner attitudes to the e-petitions system to inform this briefing paper. Working with an academic colleague we had hoped to to get at least a snapshot of petitioners' views of it. However, only the government holds the contact data for petitioners and officials have, for resource reasons, thus far been unable to facilitate researchers interested in this area of study. The views of those whose petitions have attracted greatest support, as reported in the media (with all the caveats that should apply here), suggests however, that attitudes are mixed and tend to the negative. The quantity and tone of emails that members of the Backbench Business Committee report receiving would also appear to support this impression.

## c) Where's the engagement?

> *'..for the majority of participants the new e-petitions system looks likely to afford citizens the opportunity to air their views, but with little or no 'real' participation or empowerment.'*[8] *(Catherine Bochel).*

An e-petition is certainly a way to get an issue on to or higher up on the political agenda; it is a means to attract public and media attention to the issue and can serve a useful 'fire-alarm' function, providing citizens with an opportunity to air their views on a national platform. If all that is sought is a 'finger in the wind' exercise to determine the depth of public feeling on a range of issues then the system meets this test. But it is not, in its current form, a means to empower them through greater engagement in the political and specifically parliamentary process and it affords only limited opportunity for deliberation on the issues raised.



In the first few months after launch, communication between officials managing the system and petitioners was rather poor. Until quite recently petitioners whose proposal successfully crossed the signature threshold were not clearly informed that they would still need an MP to champion their petition before the Backbench Business Committee and were given little advice about how to contact Members. This has been partially rectified but communication with petitioners could still be made much clearer. Perhaps more worryingly, if 99,999 people sign an e-petition there is no guarantee of any kind of response from either government or Parliament. It is a very thin form of public engagement – predicated solely on quantity not quality – and is almost entirely one-directional.

The government claims that the website 'has connected with a remarkable number and range of people – for many of whom, this may have been their first experience of engaging with Parliament and Government.'[9] But the way the system currently works means that the engagement that takes place is primarily with the webite rather than with government and Parliament. Consequently petitioners do not learn anything about how Parliament works.

8 C. Bochel (2012), 'Petitions systems, contributing to representative democracy?', *Parliamentary Affairs* (forthcoming).
9 House of Commons Procedure Committee (2012), *Debates on Government e-Petitions: Government Response to the Committee's Seventh Report of Session 2010-12*, HC 1902, p.1.

## The right to petition*

The right to petition the House of Commons is an historic one stretching back to the reign of Richard II in the late Middle Ages. Originally a mechanism for the redress of personal grievances, it became, by the 17th century, a means to request broader change in respect of government legislation or policy and by the 18th century it was being widely used as a means to promote national campaigns for reform. Indeed, by the early 19th century, petitions were a key mechanism in the campaign for parliamentary reform that led to the Great Reform Act of 1832. It was not unusual for Parliament to receive 20-30,000 petitions in any one session in these years and many MPs became concerned at the degree to which petitions were obstructing the normal business of the House. The Standing Orders of the House of Commons were consequently reformed in 1842 in order to curtail future debate on the presentation of petitions and in subsequent decades the number of petitions fell dramatically.

Throughout the 20th century the story was one of continued decline. After the First World War, the figure of a thousand petitions in one session was reached only once, in 1988-89, linked to debate about abortion policy. In 1974 the Petitions Committee was abolished and it was decided that all petitions should henceforth be printed in the Votes and Proceedings of the House following presentation. The Procedure Committee decided in 2007 to publish petitions in Hansard rather than the Votes and Proceedings in order to make them more widely available. Paper petitions are thus recorded for posterity, they may attract some, albeit usually limited, media attention when the Member presents them on the floor of the House, and a response is provided from the relevant government department in the form of an 'observation'. But these are often limited in scope and provide little by way of response or assistance if the matter is the responsibility of another public body such as a local authority.

*The petitions bag*
*© UK Parliament*

By and large, paper petitions disappear into the petitions bag behind the Speaker's Chair in the Chamber without attracting much comment or notice.

In 2007 the Procedure Committee expressed support in principle for the introduction of an electronic petitioning system, noting that Members had increasingly started to gather online as well as written signatures on their petitions but that there was no system to facilitate the presentation of online signatures.** The 10 Downing Street e-petitions system, introduced in November 2006, also demonstrated the public appetite for an online system; it received 5.5 million signatures on 29,000 petitions in its first year of operation alone. In July 2007 the government's Governance of Britain Green Paper welcomed the proposal for an e-petitions system, stating that 'people should be able to petition the House of Commons with as much ease as they are able to petition the Prime Minister.'† In April 2008, after a six-month inquiry, the Procedure Committee published its proposals for such a system, at the heart of which was the retention of the link between petitioners and their constituency MP.‡ The government subsequently endorsed the proposed system in a written ministerial statement and promised a debate on the proposals. However, no such debate was scheduled, prompting the Procedure Committee to revisit the proposals in May 2009 in a report entitled 'e-Petitions: Call for Government action'. It became clear that although the government supported the principle of an e-petitions system they were very concerned about the proposed cost of the Procedure Committee's preferred model. It wanted the House to consider the role that 'a simpler, cheaper form of on-line communication might take, whether in the form of an e-Petitions system or something slightly different'.§



In the aftermath of the parliamentary expenses crisis, and widespread concern about the need to reinvigorate the House of Commons and look afresh at the relationship between MPs and the public, the issue was passed to the newly created Select Committee on House of Commons Reform chaired by Tony Wright MP. It recommended that urgent discussions take place between the Procedure Committee, the Finance and Services Committee and the House of Commons Commission with a view to bringing a fully costed system forward for consideration.¤ By the end of the last parliamentary session, those discussions had taken place and new proposals were anticipated. However, the new coalition government acted with alacrity to introduce the e-petitions system – epetitions.direct.gov.uk – that had been promised in their manifestos and in the coalition agreement.

* House of Commons Information Office, *Public Petitions, Factsheet P7*, August 2010.
** For a full account of the history of e-petitions and the House of Commons see, L. Maer (May 2010), *Proposals for an e-petitions system for the House of Commons*, House of Commons Library Standard Note, SN/PC/4725.
† Ministry of Justice (July 2007), *The Governance of Britain*, Cm 7170, para. 616.
‡ House of Commons Procedure Committee (2008), *e-Petitions*, HC 136.
§ House of Commons Procedure Committee (2008–09), *e-Petitions: Call for Government Action: Government Response to the Committee's Second Report of Session 2008–09*, HC 952.
¤ House of Commons Reform Committee (2009), *Rebuilding the House*, HC 1117.

## d) Should a debate be the only response?

Beyond the possibility of a debate for those that pass the signature threshold, little or nothing currently happens with e-petitions. Any MP can take up the subject of an e-petition, regardless of how much support it has secured, and seek to raise the issue through, for example, oral and written questions, an Early Day Motion, a Private Members' Bill or an adjournment debate. However, in practice very few have done so, largely because the e-petitions system is not an integrated part of the parliamentary process. Individual MPs are also bound by convention to take up issues related only to their own constituents but the e-petitions system does not provide a mechanism to inform MPs when one of their constituents has registered a petition. Inevitably, some e-petitions will be registered on the site and gather substantial support that concern topical issues before Parliament. But if, for example, a debate is all that might result from an e-petition, what should the response be if the issue is already being debated in the House of Commons? This of course was the fate of the 'Drop the NHS Bill' e-petition[11] which secured 100,000 signatures at the time the proposed legislation was being scrutinised – and therefore heavily debated – in the House. In this instance the Backbench Business Committee did not allocate time for a further debate – for which they were roundly criticised by petitioners and many in the media – and the e-petition was instead referenced in a debate in Opposition time. But a broader range of parliamentary options, beyond just a debate, might allow such e-petitions to be considered in future and the signatories to feel that their concerns have been responded to in a more efficacious manner.

> *'...engagement to me is a two-way process...when constituents come and see us in surgeries, we do not automatically just take on and do exactly what they say. We take them through how the system works and then discuss with them the best way of pursuing or dealing with their issue. It is a dialogue, but this is not a dialogue.'*[10] *(Natascha Engel MP, Chair, Backbench Business Committee)*



## e) An easy route to influence?

The government variously speaks of e-petitions as 'an easy way' to influence policy, 'an easy, personal way to influence government and Parliament',[12] and 'an easy way for you to engage with politics in this country'.[13] The Procedure Committee recommended in January 2012 that the wording on the e-petitions website should be amended to read that 'e-petitions are an easy way for you to make sure your concerns are heard by Government and Parliament'[14] but the government rejected this and opted for an 'easy personal way to influence government and Parliament' instead.[15] We are concerned that this wording, with

10 House of Commons Procedure Committee (2012), *Debates on Government e-Petitions*, HC 1706, Ev5, Q29.
11 http://epetitions.direct.gov.uk/petitions/22670
12 http://epetitions.direct.gov.uk
13 http://epetitions.direct.gov.uk/terms-and-conditions
14 House of Commons Procedure Committee (2012), *Debates on Government e-Petitions*, HC 1706, para. 25, p.11.
15 House of Commons Procedure Committee (2012), *Debates on Government e-Petitions: Government Response to the Committee's Seventh Report of Session 2010-12*, HC 1902, p.4.

the emphasis on 'easy' and 'influence', remains misleading.

Questions have been raised about whether MPs should be allowed to register and promote petitions – as with the 'Cheaper Petrol and Diesel' e-petition – when they already have so many other avenues to make their case in the House of Commons. Should e-petitions therefore be reserved for members of the public? A number of campaigning newspapers have also backed and helped to promote certain e-petitions: for example, one proposing to 'Make financial education a compulsory part of the school curriculum'[16] was backed by Money Mail, a sister paper of the Daily Mail. Those proposing that 'Convicted London rioters should loose(sic) all benefits'[17] and the 'No to 70 million'[18] population increase as a result of immigration have also been widely supported by a number of newspapers. In itself this is not a negative thing, but if consideration of e-petitions is based solely on the quantity of signatures, and all that is likely to happen to an e-petition is that the subject is allocated for debate, it does mean that influence over the use of time on the floor of the House of Commons is opened up more readily to the media and campaigning organisations whose lobbying resources are so much greater than that of the ordinary citizen when seeking support for their e-petitions.

## f) A fair process?

A fair and effective process is vital to the success of e-petition systems. As Chris Carman notes, research on procedural justice and public perceptions of political processes, 'provides unmitigated evidence that individual-level evaluations of how 'fair' (or 'unfair') a political process is have a very strong influence on the willingness to accept the outcomes of these processes' and thus 'individuals are often willing to accept outcomes they do not prefer if they believe the outcomes were derived through a fair process'.[19] If petitioners consider their petition was handled in an 'unfair' manner then 'they may well use this assessment of parliamentary procedure to update any beliefs about the parliament, thus resulting in relatively low levels of support for the institution'.[20]



It is worth noting, that in Wales the review of their petitioning system found that for its Petitions Committee a debate on a petition was often seen as an outcome in itself, an approach that, according to feedback, was sometimes at odds with the petitioners' vision. In Wales the petitions system is perceived to act as a 'front door' to the National Assembly and it is recognised that a negative experience could therefore affect the confidence of petitioners in the political system as a whole. The petitioners' journey through the process is therefore deemed almost as crucial as the issue raised in their petition.[21]

16 http://epetitions.direct.gov.uk/petitions/8903
17 http://epetitions.direct.gov.uk/petitions/7337
18 http://epetitions.direct.gov.uk/petitions/19658
19 C. Carman, 'The Process is the Reality: Perceptions of Procedural Fairness and Participatory Democracy', *Political Studies*, 58 (4), October 2010, pp.731-751.
20 *Ibid.*
21 Information provided by Abigail Phillips, Clerk to the Petitions Committee, National Assembly for Wales.

# HOW THE SYSTEM WORKS

## a) Set up and cost

The e-petitions site was built by the Cabinet Office's 'skunkworks' team (a small, in-house group of staff dedicated to developing low cost IT applications), in just eight weeks at a cost of £80,700.[22] In the government's own words, the system 'exemplifies the new, agile approach to the delivery of public sector IT projects'.[23] Ongoing resources are provided by government and it is maintained by Directgov and the Government Digital Service. The annual staff running costs are currently estimated to be around £67,500.[24] In comparison, cost estimates for the system proposed by the House of Commons Procedure Committee in 2008 were set at around £500,000 to build the system and £750,000 in annual running costs.

The House of Commons spent much time discussing proposals for an e-petitions system between 2008-10 but was unable to progress them to implementation, with negotiations with the government largely breaking down because of the gold-plated nature of the system they proposed. Despite the procedural problems that have arisen, the government nonetheless deserves considerable credit for getting a system up and running, quickly and cost-effectively. As the Leader of the House, Sir George Young MP, said before the Procedure Committee in December 2011, 'What we have done is make progress with an idea that was hatched in this Committee and never came to fruition.'[25]



## b) Verification

When creating a new petition on the website, three verification stages have to be completed before a request is processed.

I) Users must affirm that they are a UK resident or citizen, and enter a valid address and postcode which is then checked against a Royal Mail database.

II) They must then enter a pair of randomly generated words, designed to block automated systems from fraudulently signing e-petitions.

III) Finally, a valid email address must be entered, generating a confirmation email that contains a link for petitioners to follow to verify their petition or signature. For those signing an existing e-petition the email address is also checked against the list of existing signatures to that e-petition, and will not allow the user to proceed if it has already been used.[26]

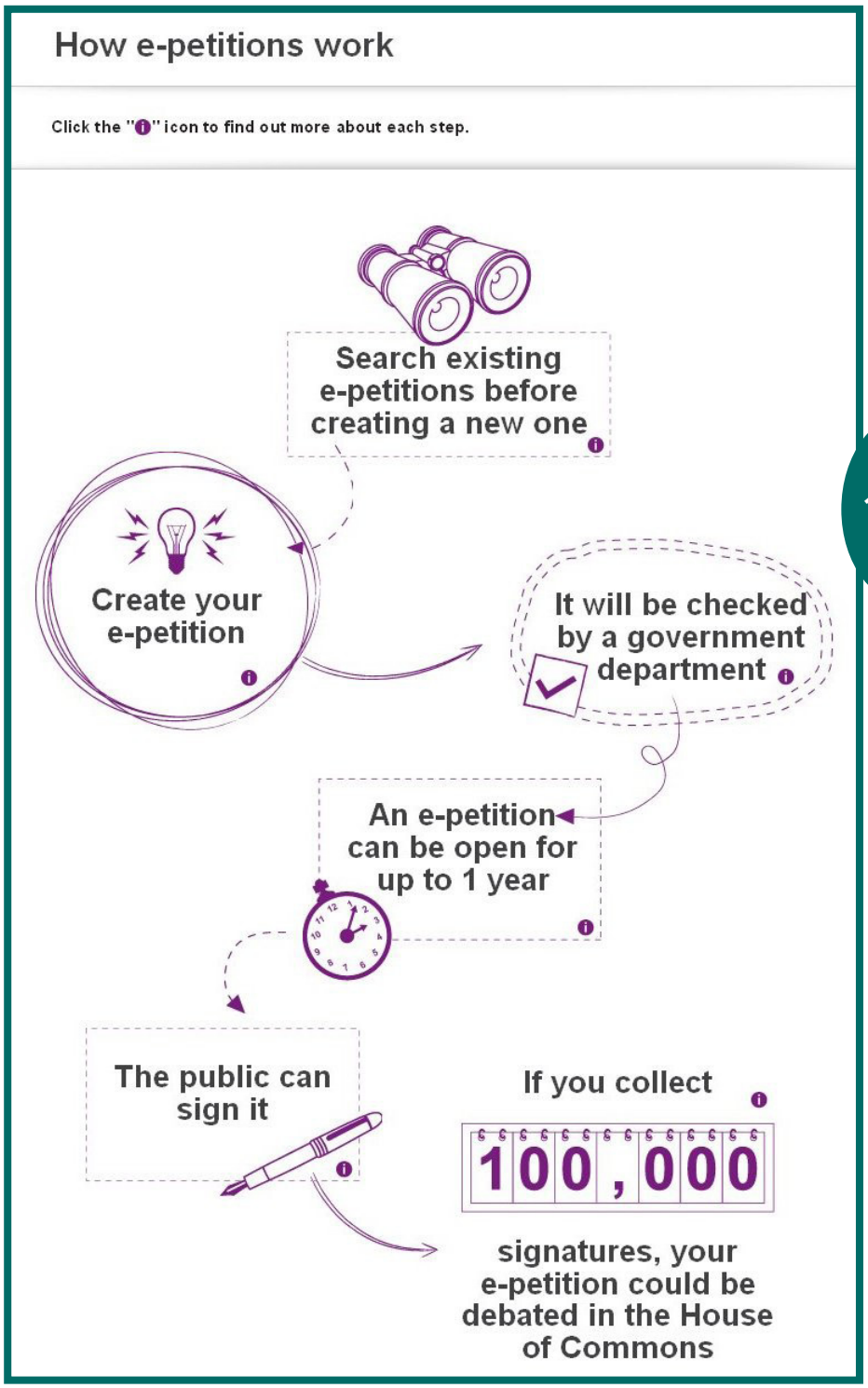
22 Information supplied by the Office of the Leader of the House of Commons, May 2012.
23 House of Commons Procedure Committee (2012), *Debates on Government e-Petitions: Government Response to the Committees Seventh Report of Session 2010-12*, HC 1902, p.1.
24 Information supplied by the Office of the Leader of the House of Commons, May 2012.
25 House of Commons Procedure Committee (2012), *Debates on Government e-Petitions*, HC 1706, EV3, Q15.
26 House of Commons Procedure Committee (2012), *Debates on Government e-Petitions*, HC 1706, EV8 (written evidence supplied to the Committee by Sir George Young MP, December 2011).

## c) Moderation and communication with petitioners

Moderation of the system is overseen by staff in the Office of the Leader of the House of Commons, with each individual petition allocated to the relevant government department for consideration. An official in each department checks each newly-created petition against the required criteria (see Appendix 4) and makes a decision to accept or reject the petition within a few days. As of 14 May 2012, 15,931 e-petitions had been rejected of which 3,070 are 'hidden' on the website because they contain offensive, nonsense or potentially illegal content.[27] In some cases, however, officials can and often do contact petitioners to offer guidance on the wording and resubmission of petitions if they fall foul of the rules.

When an e-petition is accepted the petitioner receives an email confirming the registration of the petition and providing them with a link to it which they can use to promote their campaign, for example through social media links. Beyond this however, the majority of petitioners receive no further formal contact from government unless and until their petition reaches 100,000 signatures.

However, there is evidence of some informal communication between officials and petitioners even in cases where petitions do not reach the required threshold. Where, for example, there is clear evidence of a petition garnering substantial support, ministers are often briefed on the content of the petition and its progress, and




*How e-petitions work, http://epetitions.direct.gov.uk/how-it-works (Crown copyright)*



27 Information provided by the Office of the Leader of the House of Commons. Data accurate as at 1:00pm on 14 May 2012.

some petitioners are contacted by officials to discuss it. However, this is informal, behind the scenes and therefore largely hidden from public view, and being *ad hoc* the approach is highly variable from department to department. It is a useful and valuable part of the process but it is not a substitute for formal, transparent engagement with petitioners.

## d) The Backbench Business Committee

Once a petition reaches the 100,00 signatures threshold the Leader of the House of Commons writes to the Chair of the Backbench Business Committee to request that the petition be considered for debate.

The Backbench Business Committee was created at the start of the last parliamentary session to organise the allocation of the newly-created category of 'backbench business' in the House of Commons, as recommended by the Wright Committee. Thirty five days per session (at least 27 of which should be held in the Commons Chamber) are allocated to the Committee for backbench business as set out in the Standing Orders of the House of Commons. However, it is the government that decides which dates should be allocated to the Backbench Business Committee for use; and in its first two years of operation these dates have been allocated neither regularly nor often with much advance notice. Demand for backbench business debates has greatly outstripped supply and the pressures have been exacerbated because new forms of 'backbench business', including e-petitions, have been created since the Committee was established.



When the Leader of the House announced the creation of the e-petitions system and the referral of the most popular e-petitions to the Backbench Business Committee, he did so without having first consulted the Committee, the Procedure Committee or indeed the House of Commons at all. The Backbench Business Committee had indicated when it first began its work that it would consider petitions (in either paper or electronic form – on the Downing Street website which was still in operation at the time – if brought forward by a Member) as one of a range of possible 'sources of inspiration' for backbench business debates.[28] However, the e-petitions process was subsequently imposed on the Committee without any increase in its time allocation to facilitate their consideration in a way that did not detrimentally reduce the time available to the Committee for other backbench business. As the Procedure Committee stated in its report into the allocation of debating time for e-petitions in January 2012, 'it is not appropriate for a project derived by the Executive, and on which the House has never decided to take a decision, to eat into time allocated for debates requested by backbenchers on behalf of their constituents'.[29] As it happens, the number of successful e-petitions reaching the signature threshold has not overwhelmed the Committee. Ten petitions have thus far passed the threshold of which seven have been debated in backbench time. But this may not always prove to be the case in the future.

28 House of Commons Backbench Business Committee (2012), *Work of the Committee in Session 2010-12*, HC 1926, para. 15, p.8.
29 House of Commons Procedure Committee (2012), *Debates on Government e-Petitions*, HC 1706, para. 12, p.8.

When an e-petition is passed to the Committee it can only consider the issue for debate if an MP makes representations to the Committee in support of a debate on it. If no MP appears before the Committee to request a debate then the Committee mechanism does not allow it to schedule one of its own volition. It would after all be odd for the Committee to schedule a debate on an issue in which no backbencher had expressed an interest. Thus, when the first petition passed 100,000 signatures and no MP came forward to champion it and no debate was consequently held, the process was widely derided in the media as a 'farce' and a 'shambles', an early indicator of the reputational risks being run.[30] If an MP does champion the e-petition then the Committee considers it alongside the merits of other backbench debates that are suggested by Members. The Committee considers the topicality of the e-petition proposal, why holding a debate on the subject is important, the number of MPs who are likely to take part in the debate, and whether a debate has already or is likely to be arranged through other parliamentary business. If it decides that the e-petition should be debated then it will schedule a date as and when time for backbench business is made available by the government.[31]

## e) Trial of ring-fenced time in Westminster Hall

In an effort to resolve the time allocation problem, the Procedure Committee has decided to ring-fence time in Westminster Hall on Monday afternoons, between 4:30pm and 7:30pm for debates on e-petitions as and when required. This process will be trialled for a year after which the Committee will undertake a cost/benefit review. Whilst we welcome the decision to ring-fence time, this proposal raises new questions for the future. Firstly, like it or not, in the public mind – and indeed in the mind of many MPs – Westminster Hall is regarded as a second-class option compared to a debate in the main Chamber. There is a risk that petitioners will therefore regard themselves as having been shunted off away from the main arena, as was the case with the supporters of the 'Put Babar Ahmad on trial in the UK' e-petition.[32]



Votes do not take place in Westminster Hall and therefore debates on e-petitions will be held on non-votable 'take note' motions: 'That this House has considered the e-petition from <<petitioner>> relating to <<petition subject>>.' In many instances this may be sufficient, but e-petitions specifically require a demand for action by government to be included in them when they are registered. It is therefore counter-intuitive to require MPs only to take note of that demand and not to have an opportunity to expressly reach a view on it themselves. For example, in one of the best attended e-petition debates so far – regarding the Hillsborough disaster – the motion specifically called 'for the full disclosure of all Government related documents'. The absence of a votable motion may thus come to be regarded as a watering down of the process still further; again, a risk that must be guarded against. Furthermore, because of the very narrow range of parliamentary

30 See, for example, *The Daily Mail*, 8 September 2011, p.11.
31 See Appendix 3 for a flowchart setting out the Backbench Business Committee's decision-making process for e-petitions.
32 http://epetitions.direct.gov.uk/petitions/885

## Petitions in the devolved legislatures

The Scottish and Welsh petitioning systems are often held up as exemplars that Westminster should imitate. However, the models are not entirely transferable due to the significant difference in the volume of petitions that Westminster faces compared to Cardiff and Holyrood. The devolved institutions deploy admissibility criteria but do not have signature thresholds: quality is favoured over quantity. However, in the third Welsh Assembly between 2007-11, only 262 petitions met the admissibility criteria and were presented and in Scotland, just over 1,400 petitions have been submitted to the Petitions Committee in total.* In contrast, at Westminster, in less than a year, over 15,000 eligible e-petitions have been registered. The House of Commons can therefore learn much about how to use e-petitions to enhance public engagement from the devolved legislatures, but it needs its own model for managing petitioner expectations and the engagement process.

## National Assembly for Wales

In Wales petitioners are given the option of presenting their petition in person to the Petitions Committee. In some instances this has led to some unusual presentations which have attracted public and media attention. For example, when a petition on the abandonment of horses and ponies was presented, a miniature horse was brought on to the Assembly estate, and dogs appeared on the steps of the Senedd when a petition on the microchipping of dogs was presented. More low-key presentations in front of the Committee have allowed members of the public to relate their own personal experiences about the petition issue. The Petitions Committee can investigate the subject of a petition itself, and in some cases it has held oral evidence sessions, issued consultations, held roundtable discussions and carried out site visits. Alternatively, after initial consideration, some petitions are referred to scrutiny committees or cross-party groups for more detailed examination.

Above all, the system emphasises a flexible approach to the treatment of eligible petitions and, where possible, the delivery of tangible outcomes. For example, the introduction in October 2011 of a five pence charge for single use plastic bags had its roots in an e-petition first received in July 2007 calling for disposable bags to be banned. The Petitions Committee took oral evidence from the petitioners, considered research and reports on this issue from elsewhere, and subsequently referred it to the Assembly's Sustainability Committee. Following consideration by this Committee and the relevant Minister, the decision to introduce the charge was made. Similarly, in November 2009 young people in Fishguard petitioned the Assembly calling for additional train services to the town. As a result of the Petitions Committee's inquiry, the Deputy First Minister agreed to fund an additional five daily return train services.**

### Scottish Parliament

At Holyrood the Public Petitions Committee actively seeks to work with people who might not normally be heard in the political process, communicating with otherwise hard-to-reach groups. So when teenagers in Glasgow submitted a petition calling for an investigation into the public health implications of cheaply available alcohol, the Committee held an inquiry at their school in Glasgow.† A petition on knife-crime in 2008 led to a one-day conference in the Parliament chamber involving petitioners, Members, relevant public bodies and civil society groups. The Committee has a range of parliamentary options available to it to facilitate consideration of petitions and can refer them to other committees if desired.

Both systems facilitate welcome opportunities for direct engagement between petitioners and Members, and in some cases with Ministers. Neither system relies solely on the allocation of time for debates to respond to a petition; indeed debates in the chambers are quite rare.

* Information provided at the seminar by John Wilson MSP, Member of the Public Petitions Committee, Scottish Parliament.
** Information provided by Abigail Phillips, Clerk to the Petitions Committee, National Assembly for Wales.
† C. Bochel, 'Petitions: Different dimensions of voice and influence in the Scottish Parliament and the National Assembly for Wales', *Social Policy and Administration*, 46 (2), April 2012, pp.142-160.



options available for consideration of e-petitions that reach the signature threshold, the comparison between a debate in the Chamber and in Westminster Hall will be magnified in an unhelpful way.

## RECOMMENDATIONS

Ownership of and responsibility for the e-petitions system must be resolved. If it is intended to link to Parliament – as the government clearly wishes – then **ownership of and responsibility for the system should rest with the House of Commons** and not the executive. At present, the system uncomfortably straddles the constitutional divide. In evidence to the Procedure Committee and again during our seminar, ministers expressed a willingness to pass the system over to the House of Commons if desired. In our view – subject to the House of Commons confirming that it can integrate the website technology and properly resource the petitioning process – it should take over the e-petitions system.

**The House of Commons should create a Petitions Committee, supported by staff in a Petitions Office**, to engage with petitioners, moderate the process and provide a single route for consideration of both paper and online petitions. The objective should be to provide greater interaction with petitioners and facilitate multiple possible outcomes for petitions. To this end, in addition to a number of committee clerks the Petitions Office should seek to integrate relevant support from Parliament's public engagement, education

and outreach teams who would bring additional, useful skills and experience to bear.

**Members of the Petitions Committee should be elected in accordance with the rules governing other select committees and like them it should have the power to 'send for persons, papers and records'**. Unlike the Backbench Business Committee it should be empowered to commission inquiries into specific petitions, to question ministers on the issues, and to hold public evidence sessions as it deems fit.

The Committee need not be overwhelmed by the sheer volume of e-petitions. Government officials accept that moderation of e-petitions in the early months of the site's operation was not as good as it could have been and therefore a high number of duplicate petitions were registered that are still in the system. Once these e-petitions have expired, the numbers may reduce naturally as moderation continues to develop. **Significant improvements to the website search functionality would also help reduce the number of duplicate or similar e-petitions being registered**. It will have a negligible impact on the number of petitions submitted, but given that **MPs have plenty of mechanisms through which to make their views known, they should no longer be permitted to register petitions** on a parliamentary petitions system.



Given the volume of e-petitions submitted each week it is not reasonable to believe that staff at Westminster could replicate the dedicated, personal engagement with individual petitioners undertaken in the devolved legislatures at the beginning of each petitioning process. However, **a dedicated team of staff in a new Petitions Office could certainly help to enhance the approach to moderation, improve the communication with petitioners, and signpost petitions that are not eligible for consideration by the House of Commons elsewhere (e.g. to the National Assembly for Wales, the Scottish Parliament, local government or another public body).** At present, e-petitions whose subject matter is not the responsibility of a government department are simply rejected; officials do not provide any advice or information to the petitioners to help them direct their concerns to the relevant institution. A Petitions Office could offer such enhanced support.

**The Petitions Committee and its staff should respond ambitiously and flexibly to petitions, embracing the full range of parliamentary processes for consideration of them.** Here, it could learn from the example of how the Scottish Parliament and the National Assembly for Wales respond to petitions.

At present 97.7% of e-petitions receive less than 1,000 signatures (i.e. less than 100$^{th}$ of the threshold required for consideration for a debate) and most e-petitions that reach the 100,000 threshold tend to attract support quite quickly. In order to improve public engagement, better manage public expectations and consider a broader range of petitions, a more flexible approach to their consideration could be taken without overwhelming the

Committee. Only those petitions that secure, for example, over 10,000 signatures in say a three or six month period might be submitted directly to the Petitions Committee for consideration. It would then decide what to do with them. Options might include meeting with the petitioners, holding its own inquiry, referring it to a relevant departmental select committee, seeking a response from the relevant Minister in person or in writing, holding a seminar on the issue or commissioning further research. But a petition securing 100,000 signatures in the same time period might be more likely to be considered for a Westminster Hall debate under the Procedure Committee's ring-fencing of time on Monday afternoons or indeed for a full debate in the Chamber.

In principle **we do not support any action being linked automatically to a threshold of support; this leaves such action – such as debating time in the Chamber – open to excessive influence from well-organised professional lobby groups**. However, the Committee might, over time, determine its own threshold ladder of actions linked to the level of support a petition attracts and the number of petition demands it faces at any one time.

**Staff in the Petitions Office should be tasked with sifting petitions that secure lower levels of support to ensure that, where appropriate, relevant petitions are, for example, still tagged to debates, that MPs are made aware of their existence, and petitioners receive some form of feedback**. Given the number of petitions that attract only modest support, an inevitable grouping of petitions might be required and the level of communication with petitioners will be less personal and focused than will be the case for the more popular petitions. However, a protocol could be developed by the Petitions Committee to guide staff in that sifting and communications process.



The Petitions Committee will provide a forum for dialogue between the public and elected Members. If a Petitions Committee (made up of Members elected to it by their colleagues) is to consider petitions we are not convinced that building in a direct link to individual Members, in order for any petition to progress, is required. Many Members – for example Ministers – might find it difficult to facilitate a petition – and an individual MP may simply not agree with his or her constituent's views and wish to champion the petition. This should not be a barrier, however, to the petition being considered. By their nature, petitions will often attract support from many parts of the country and the nature of the issue may be of interest to a wide range of other Members.

Again, a protocol could be developed to ensure that staff in the Petitions Office inform the relevant Member when a petition by one of their constituents is to be considered by the Committee and, when communicating with the petitioner, to encourage them to contact their Member direct. For petitions that are to be considered by the Committee, a flexible case-by-case approach might be adopted to ensure that as many MPs as might be

interested in the petition are made aware of it (for example, if a Member has registered a relevant Early Day Motion or a Private Members Bill). But providing an automatic link to each Member for every petition registered, regardless of the level of support it generates, would seem unnecessary unless the required technical changes to the website can be achieved cost effectively.[33]

We are also attracted to the idea, proposed by Richard Parsons in his evidence to the Backbench Business Committee, of using **petitioner postcode registration data to develop heat maps on the website.** These would enable each individual MP, and indeed members of the public, to see which petitions are attracting most support in their constituency. They would also enable the Petitions Committee to see which petitions are attracting local, regional or national support, which in turn might inform their decision-making process about how to respond to those petitions.[34]

These proposed reforms are not without cost implications. However, when only 30% of the public believe that Parliament encourages public involvement in politics, we believe it is a cost that must be borne and one that should be prioritised.[35]



33 Officials in the Office of the Leader of the House of Commons indicated in a letter to the Chairman of the Procedure Committee, subsequent to the appearance of the Leader of the House before the Committee in December 2011, that 'the one-off cost of alteringthe e-petitions site to allow for an automated process that requires a member to agree to facilitate an e-petition would be in the region of £15,000.' However, there would be additional staffing costs associated with this 'facilitating member' process dependent upon which stage in the process it is undertaken.

34 Richard Parsons, *eDemocracyBlog.com*, written evidence submitted to the Backbench Business Committee, para.17.

35 Hansard Society (2012), *Audit of Political Engagement 9, The 2012 Report: Part One* (London: Hansard Society), p.52.

# APPENDIX 1

## Seminar Participants, 6 March 2012, House of Commons

| | |
|---|---|
| David Babbs | Director, 38 Degrees |
| Joel Blackwell | Researcher, Hansard Society |
| Dr Andrew Blick | Senior Research Fellow, Democratic Audit |
| Dr Catherine Bochel | University of Lincoln |
| Dr Christopher Carman | University of Strathclyde |
| Dr Jonathan Drori | Chair, Speakers Advisory Group on Public Engagement |
| Jane Ellison MP | Member, Backbench Business Committee |
| Natascha Engel MP | Chair, Backbench Business Committee |
| Paul Evans | Clerk, Backbench Business Committee |
| Dr Ruth Fox (Chair) | Director of Research, Hansard Society |
| Virginia Gibbons | Head of Communications, Hansard Society |
| David Heath MP | Deputy Leader of the House of Commons |
| John Hemming MP | Member, Backbench Business Committee |
| Philip Hollobone MP | Member, Backbench Business Committee |
| Matt Korris | Research Fellow, Hansard Society |
| Dr Cristina Leston-Bandeira | University of Hull |
| David Natzler | Clerk Assistant, House of Commons |
| Ashley Palmer | Research intern, Hansard Society |
| Anne Peat | Clerk, Public Petitions Committee, Scottish Parliament |
| Abbie Phillips | Clerk, Petitions Committee, National Assembly for Wales |
| Trish Quinn | Product Manager, Government Digital Service |
| Ben Sneddon | Assistant Private Secretary, Office of the Leader of the House of Commons |
| John Wilson MSP | Member, Public Petitions Committee, Scottish Parliament |
| Michael Winter | Private Secretary, Office of the Leader of the House of Commons |

A number of House of Commons and Government officials also observed the seminar but did not participate directly in the discussions and are therefore not listed above.

# APPENDIX 2

## E-petitions accepted or rejected per responsible government department, as at 1pm, 14 May 2012[36]

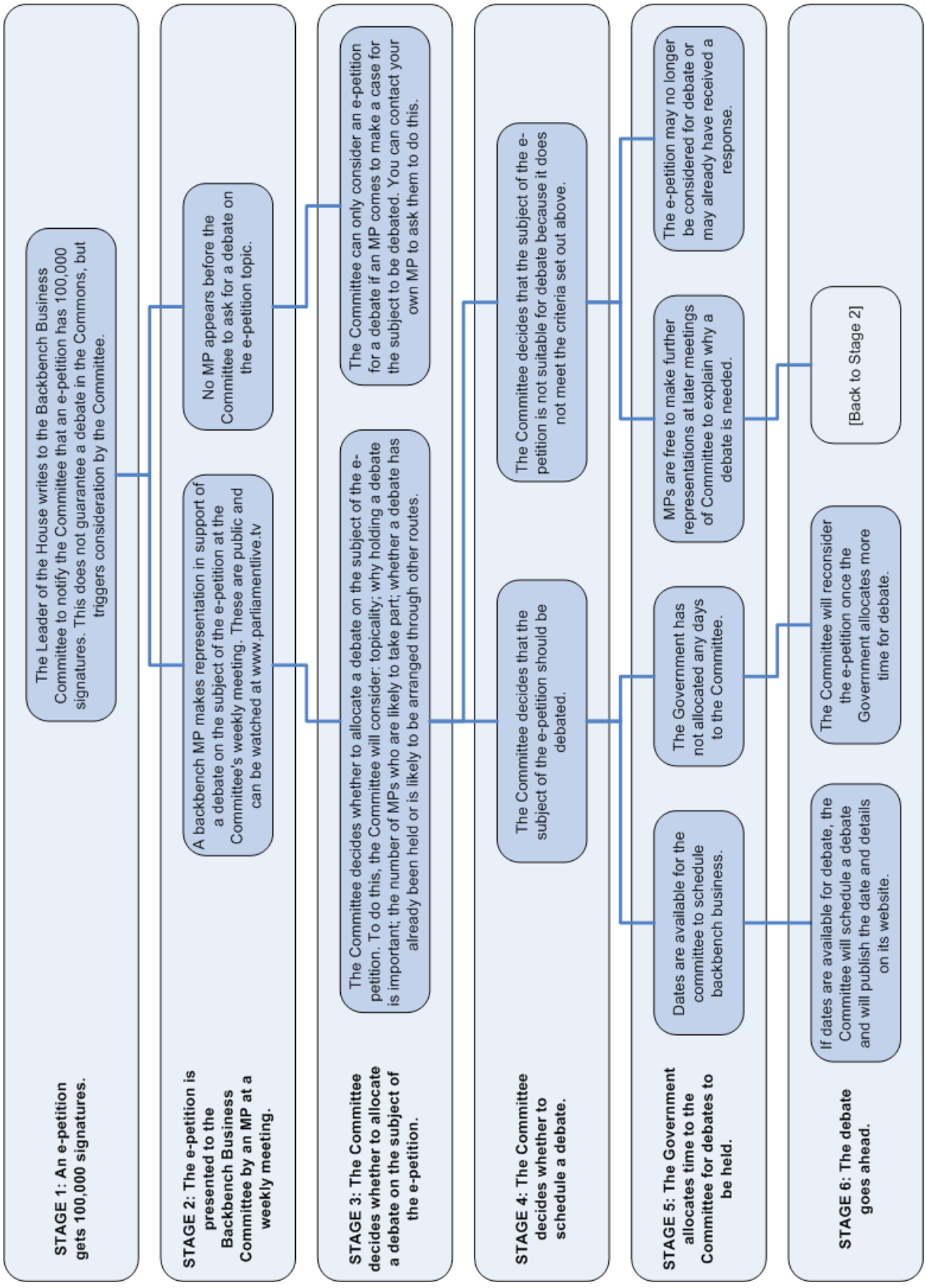
| Department | Accepted | Rejected | Total |
|---|---|---|---|
| Ministry of Justice | 1,218 | 2,090 | 3,308 |
| HM Treasury | 2,428 | 573 | 3,001 |
| Home Office | 1226 | 1,663 | 2,889 |
| Department for Culture, Media and Sport | 936 | 1,479 | 2,415 |
| Department for Transport | 1,426 | 861 | 2,287 |
| Cabinet Office | 782 | 1,319 | 2,101 |
| Department for Work and Pensions | 821 | 1,091 | 1,912 |
| Department of Health | 964 | 872 | 1,836 |
| Department for Business, Innovation and Skills | 858 | 821 | 1,679 |
| Office of the Leader of the House of Commons | 475 | 1,087 | 1,562 |
| Department for Education | 649 | 725 | 1,374 |
| Ministry of Defence | 129 | 1,017 | 1,146 |
| Foreign and Commonwealth Office | 345 | 773 | 1,118 |
| Department for Environment, Food and Rural Affairs | 656 | 335 | 991 |
| Department for Communities and Local Government. | 700 | 272 | 972 |
| Department for Energy and Climate Change | 306 | 317 | 623 |
| Department for International Development | 124 | 195 | 319 |
| Scotland Office | 12 | 250 | 262 |
| Northern Ireland Office | 19 | 74 | 93 |
| Attorney General's Office | 6 | 76 | 82 |
| Wales Office | 12 | 41 | 53 |
| **Total** | 14,092 | 15,931 | 30,023 |



36 Information provided by the Office of the Leader of the House of Commons. Data accurate as at 1:00pm on 14 May 2012.

# APPENDIX 3

## The Backbench Business Committee decision-making flowchart[37]






37 http://www.parliament.uk/documents/commons-committees/backbench-business/Backbench-Business-Committee-and-e-Petitions.pdf

# APPENDIX 4

## E-Petitions Terms and Conditions[38]

'The purpose of e-petitions is to provide an easy way for the public to engage with politics in this country. All e-petitions will be accepted and published on this website providing they:

- call on the government for a specific action
- do not substantially duplicate an existing open e-petition
- meet the further criteria below

## Submission Conditions

An e-petition may freely disagree with the government or call for changes of policy. There will be no attempt to exclude critical views. Decisions to accept or reject will be made on an impartial basis.

However, to protect this service from abuse, e-petitions must satisfy some basic conditions. To create or sign an e-petition, you must be either:

- a British citizen
- a resident in the UK (you normally live in the UK)



To submit an e-petition, you must use the online form to provide:

- the title or subject of the e-petition
- a clear statement that covers the subject of the e-petition and what action you want the government to take
- the government department to which the e-petition is addressed
- the name of the person submitting the e-petition (the 'petitioner') – names of organisations cannot be accepted
- the petitioner's email address (this will not be published on the website)
- the petitioner's home address (this will not be published on the website)
- the length of time you want the e-petition to be open for signatures

## E-petition guidelines

All e-petitions must call for a specific action from the government. If an e-petition does not include a clear statement explaining what action you want the government to take, it will be rejected.

When submitting an e-petition, you may not include the following:

Confidential, libellous, false or defamatory statements

- Information which may be protected by an injunction or court order

38 http://epetitions.direct.gov.uk/terms-and-conditions (Crown Copyright)

- Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss
- Names of individuals if they have been accused of a crime or information that may identify them
- Names of individual officials of public bodies, unless they are part of the senior management of those organisations
- Names of family members of elected representatives, eg MPs, or officials of public bodies

Offensive, joke or nonsense e-petitions

- Language that may cause offence, is provocative or extreme in its views
- Wording that is impossible to understand
- Statements that amount to advertisements
- Joke or nonsense content

Matters which are not the responsibility of HM Government

- Party political material
- Commercial endorsements including the promotion of any product, service or publication
- Issues that are dealt with by devolved bodies, eg The Scottish Parliament
- Correspondence on personal issues
- Freedom of Information requests

Matters relating to honours or appointments

- Nominations for honours. Find out how to submit nominations for honours at: www.direct.gov.uk/honours

E-petitions that do not follow these guidelines cannot be accepted. In these cases, you will be informed by email of the reason(s) your e-petition has been refused.

We will publish the full text of rejected e-petitions, unless the content is illegal or offensive.

It is not possible to alter a rejected e-petition, and no correspondence will be entered into regarding rejected e-petitions. Rejection of an e-petition does not stop you from submitting a new e-petition which meets the terms and conditions of the site.

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