

Receipt, Acceptance and Management of Petitions Policy

NHS Devon

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Policy Sponsor	Chief Communications and Corporate Affairs Officer
Policy Lead	Company Secretary
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Equality, diversity and inclusion statement

NHS Devon is committed to the promotion of equal opportunities, addressing health inequalities and fostering of good relations between people protected under the terms of the Equality Act 2010, the Health and Social Care Act 2012 and Human Rights legislation. We are equally committed to the elimination of unlawful discrimination, harassment and victimisation. To demonstrate this commitment, we develop, promote and maintain policies, strategies and operating procedures. Every effort is made to ensure that patients, employees, contractors or visitors do not experience discrimination; either directly or indirectly, because of their vulnerability; disadvantage; age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex (gender) or sexual orientation.

All staff must comply with this policy. Compliance must reflect our organisational commitment to and policy on, equality, diversity and inclusion. In addition, each manager and member of staff involved in implementing this policy must give due regard to the needs of those protected under law.

If you, or any other groups, believe you are discriminated against under the terms of the Equality Act, the Health and Social Care Act 2012 or Human Rights legislation by anything contained in this document; or you need this document in an alternative format, for example, large print, Braille, Easy read or other languages; please contact our Patient Advice and Complaints Team (PACT):

Tel: 0300 123 1672

Email: pals.devon@nhs.net

Contents		
Section	Title	Page
1	Introduction	
2	Purpose and objectives	
3	Scope	
4	Context	
4.1	Criteria for the consideration of petitions	
4.2	Acceptance of Petitions	
4.3	Management of Petitions	
4.4	Return of Petitions	
5	Accountabilities, duties and responsibilities	
6	Implementation	
7	Approval and review	
8	Monitoring compliance and effectiveness	
9	Quality and Equality Impact Assessment	
10	References	

1. Introduction

A petition represents the expression of the views of the people who sign it. For the NHS Devon Integrated Care Board (NHS Devon) petitions are an important mechanism for local people to have a voice on local health matters.

Petitions can be raised as a discrete statement by the signatories or as a response to a public consultation or proposal being made by NHS Devon. To ensure that voices are heard appropriately and to avoid only listening to active lobby groups, NHS Devon will not view petitions in isolation, but as one piece of evidence and information which contributes to an overall picture of public opinion.

2. Purpose and objectives

The aim of this policy is to outline how NHS Devon will handle any petitions received from the local community.

3. Scope

This policy applies to the receipt, acceptance and management of all petitions received by NHS Devon, whether a hard copy or an e-petition. It does not apply to petitions received in response to a formal consultation on a proposal to change an existing service. These petitions will be managed instead through that formal consultation process.

4. Context

Petitions may be proactive, e.g., unsolicited where there is public opinion that a new service may be required to fill a perceived gap in service provision; or reactive, e.g., in response to an NHS initiated proposal to change an existing service or clinical policy.

There is currently no legally binding guidance to the NHS on handling petitions.

When considering the receipt and management of petitions, NHS Devon wishes to ensure that it follows best practice and has drawn on published terms and conditions for submitting e-petitions, utilised by HM Government.

4.1 Criteria for the consideration of petitions

In order to be received by NHS Devon for consideration, petitions should meet the criteria outlined below:

- Petitions will relate directly to:

- services provided and decisions made by NHS Devon or one of its partner organisations (where the service has been commissioned by NHS Devon);
 - or where there is a perceived gap in service provision or clinical policy.
- Petitions may be received in paper or electronic (e.g., email, web based or social media) format.
 - Petitions should include a statement of petition which should include:
 - the organisation to which the petition is being addressed
 - the proposition which is being promoted by the petition
 - the timeframe over which the petition has been collected
 - the number of signatures collected
 - The following information about each petitioner should be included:
 - Name
 - Postcode
 - Signature (in the case of a written petition)
 - Email address (in the case of an electronic petition). If this data is not collected due to the data controller not sharing the data e.g., a social media (e.g., Facebook) or 38 degrees petition, the petition will only be acknowledged as an indicator of public sentiment.
 - The name and address of the petition organiser, who must be resident within the area to which the petition relates, should be provided on the first page of the petition.

A petition amounting to any number of signatures will be considered by NHS Devon. Only those with more than 1000 signatures will be presented to the NHS Devon Board. For those petitions with fewer than 1000 signatures, the petition will be forwarded to the most appropriate NHS Devon Chief Officer for consideration and response.

Where a petition, with significant support (with a minimum of 1000 signatures) has been received by NHS Devon and meets the criteria above, the Chief Executive shall consult with the Chair as to how best to address the receipt of the petition at the next meeting of the NHS Devon Board. This could be as a specific item for the agenda, as a reference in either the Chair or Chief Executive's Report to the Board. The purpose of the presentation of the petition is to enable the Board to be aware of the issues raised and proposed actions to be taken in response.

4.2 Acceptance of Petitions

An acknowledgement of receipt of the petition will be provided to the lead petitioner within 5 working days of receipt with a clear explanation about what will happen next.

Petitions will not be considered if they are repeated, focus on individual grievances, are in respect of a subject of persistent contact with NHS Devon, or if they concern issues which are outside NHS Devon's remit such as health issues of national

concern. Petitions will also not be considered if the information contained is confidential, libellous, false, defamatory or offensive.

A petition will be considered as a repeat petition if:

- a) it covers the same or substantially similar subject matter to another petition received within the previous six months;
- b) it is presented by the same or similar individuals or groups as another petition received within the previous six months.

A petition will be considered as the subject of persistent contact if:

- a) it focuses on individual grievances
- b) it focuses on the actions or decisions of an individual and not the organisation
- c) the subject matter or individual submitting the petitions meets any of the definitions contained within NHS Devon's "Dealing with Persistent and Unreasonable Members of the Public Policy".

A petition will be considered as outside NHS Devon's remit if:

- a) it focuses on a matter relevant to another organisation
- b) it focuses on a matter of national rather than local concern
- c) it requests information available via Freedom of Information legislation
- d) its aim is to correspond on personal issue(s) with an individual(s)
- e) signatories are not based in the UK

A petition will be considered as confidential, libellous, false or defamatory if:

- a) it contains information which may be protected by an injunction or court order
- b) it contains material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss

A petition will be considered as offensive if:

- a) it contains language that may cause offence, is provocative or extreme in its views

The petition's concerns will be assessed in relation to the aims being put forward, and the rationale and constraints behind it. For example, a petition that proposes a realistic alternative option will normally be given greater weight than a petition that simply opposes an option that has been put forward for valid reasons.

The petition's concerns will also be assessed in relation to the impact on other populations if these demands were accepted. This assessment could take into account views expressed in other petitions (which may conflict) or in more direct responses to the consultation.

Where a petition does not meet the requirements set out in the criteria above then NHS Devon will respond in writing within ten working days to confirm this and the reason for rejection will be given clearly and explicitly. Should a petition be related to an individual grievance or treatment received by an individual then it will be referred to the Patient Experience Team for review and, if required, action.

4.3 Management of Petitions

A register of petitions received will be maintained by the Corporate Governance Team and reported to annually to the Audit and Risk Committee.

Hard copy and electronic petitions will be stored in a secure place for 3 years and will then be destroyed as confidential waste (in the case of hard copies) or deleted (e-petitions)

4.4 Submission of Petitions

Hard copy petitions should be addressed to:

The Chief Executive
NHS Devon Integrated Care Board
Aperture
Pynes Hill
Exeter
EX2 5SP

If you wish to make an appointment in advance to have your petition formally received, you should contact the ICB's Chief Executive's office at d-icb.corporateservices@nhs.net.

Electronic petitions can be brought to the attention of the Executive by sending a link to d-icb.corporateservices@nhs.net.

5.Accountabilities, Duties and Responsibilities

Chief Executive Officer	The Chief Executive has ultimate accountability for the strategic direction and operational management of NHS Devon, including compliance with all legal, statutory and policy requirements. The Chief Executive is responsible for receiving petitions submitted to NHS Devon. Where petitions include over 1000 signatures, the Chief Executive has the responsibility of, together with the Chair, for consideration to discuss at a meeting of the NHS Devon Board to agree any appropriate actions. The Chief Executive is responsible for ensuring that appropriate correspondence is sent informing petitioners of any rejected petitions providing clear and explicit reasons for the rejection.
Chair	The Chair is responsible for reviewing petitions with over 1000 signatures together with the Chief Executive for consideration to discuss at a meeting of the NHS Devon Board to agree any appropriate actions.

Corporate Governance Team	The Corporate Governance Team is responsible for maintaining a register of petitions received and reporting on this annually to the Audit and Risk Committee. The Corporate Governance Team is responsible for the management of responses to petitions.
Policy Sponsor	The Policy Sponsor is responsible for: • ensuring that policy is appropriate for consideration for approval; • endorsing this policy ahead of submission for approval; • with the Policy Lead, maintaining and updating procedures/protocols and other supporting documents for this policy
Policy Lead / Author	It is the responsibility of the Policy Lead / author to: • ensure as far as possible that the policy is in line with Department of Health and Social Care guidance, legal requirements and advice from clinical bodies; • to complete a QEIA and Implementation Plan where required • undertake a fair and proportionate consultation period with the relevant stakeholders as part of the document's development • to ensure that the policy is in alignment with NHS Devon's strategy and values • ensure that the policy is developed, approved, disseminated and monitored as set out in the document; with Policy Sponsors, maintaining and updating procedures / protocols and other supporting documents for this policy.
All Staff	Employed or engaged staff have a duty to ensure that any petitions received are shared with the Corporate Governance Team within an appropriate timeframe to allow a response within the timescales set out within this policy.

6. Implementation

All staff will be informed of the approval of the Policy via the Staff Bulletin which will provide a link to the document on the NHS Devon Intranet.

NHS Devon Senior Managers, or their designated representatives, will implement this policy by:

- Notifying all staff of its existence. New staff will be informed of this policy as part of their induction.
- Destroying all superseded paper-based versions of the policy and electronic versions retained in their area.

- Having adequate knowledge of, and / or access to, all relevant legislation in order to ensure that compliance with such legislation is maintained.
- Discussing with staff as part of their regular one-to-ones how they seek to achieve their individual objectives around policy review and maintenance.

7. Approval and Review

The approval route for the Policy will be via the NHS Devon Board.

This policy will be reviewed annually, or sooner if required, in order to ensure that it is current, relevant and reflects the strategic aims, objectives, organisational structures and responsibilities of NHS Devon.

8. Monitoring compliance and effectiveness

The log of petitions received along with any breaches in relation to this policy will be reported to the Audit and Risk Committee on an annual basis.

9. Quality & Equality Impact Assessment (QEIA)

A QEIA has been completed in respect of the policy and has highlighted no areas of concern.

10. References

Legislation and statutory requirements

There is currently no clear, legally binding guidance to the NHS on handling petitions. NHS Devon has drawn upon published terms and conditions for submitting e-petitions, utilised by HM Government.