

Research Briefing

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Proxy voting in divisions in the House of Commons



Summary

- 1 Proxy voting scheme (Resolution of 23 September 2020)
- 2 Pilot proxy voting scheme (Resolution of 28 January 2019)
- 3 Background to the introduction of the pilot scheme: overview
- 4 Procedure Committee recommendations for the pilot scheme
- 5 Proxy voting or pairing?
- 6 Debate on Baby leave in the House of Commons (1 February 2018)
- 7 Pre-pilot arrangements; calls for change; and recent developments
- 8 Extending the proxy voting arrangements during the

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Contents

Summary	5
Voting by proxy	5
Should eligibility be widened?	5
Proxy voting and the pandemic	6
1 Proxy voting scheme (Resolution of 23 September 2020)	8
1.1 The debate on making the arrangements permanent	9
1.2 Widening eligibility for proxy voting	9
2 Pilot proxy voting scheme (Resolution of 28 January 2019)	11
2.1 The debate	12
2.2 Review of the Pilot Scheme	13
Recommendations of the review	14
3 Background to the introduction of the pilot scheme: overview	16
4 Procedure Committee recommendations for the pilot scheme	19
4.1 Committee report	19
Eligibility for and duration of the availability of proxy voting	19
Appointment of a proxy	20
Recording the proxy vote	20
When could a proxy vote be exercised?	20
4.2 Andrea Leadsom’s response	22
Letter to the Procedure Committee	22
Debate announced	22
4.3 General debate on proxy voting, September 2018	23
4.4 Urgent Question on the obstacles to introducing proxy voting (22 January 2019)	24
5 Proxy voting or pairing?	25
5.1 Pairing – a short background	25

5.2	Pairing and proxy voting	27
	Urgent Question on proxy voting (18 July 2018)	27
	Urgent Question on pairing (23 July 2018)	28
6	Debate on Baby leave in the House of Commons (1 February 2018)	30
7	Pre-pilot arrangements; calls for change; and recent developments	32
7.1	Pre-pilot arrangements for MPs who become parents	32
	Maternity and paternity leave	32
	Voting in divisions	32
7.2	The Good Parliament (2016) - recommendations	33
7.3	Speaker’s Conference on Parliamentary Representation (2010) – recommendations	35
7.4	MP parental leave cover fund	36
8	Extending the proxy voting arrangements during the coronavirus pandemic	37
8.1	Initial proxy arrangements for the clinically vulnerable	37
	Eligibility expanded	38
	Requirement to be away from Westminster removed	39
	Further extensions of the pandemic arrangements	40

Summary

Proxy voting was first introduced for new parents in January 2019 under a year-long pilot scheme developed by the Procedure Committee. The original pilot scheme was extended twice in 2020. Also in 2020, during the coronavirus pandemic, eligibility was widened to allow MPs affected by the pandemic to use a proxy vote.

Voting by proxy

On 23 September 2020, the House [agreed](#) to make permanent arrangements for proxy voting, for MPs who are away from Westminster because of childbirth or care of an infant or newly adopted child or where there have been complications relating to childbirth. The decision followed a review, by the Procedure Committee, of a pilot scheme it had developed.

The [Proxy Voting Scheme](#) has been published on the parliamentary website. It allows a proxy vote to be cast in any division in the House or in any legislative grand committee, except for the purposes of counting a quorum or for allowing the closure. Proxy votes can also be exercised in secret ballots for electing a Speaker, Deputy Speaker, select committee chair or chair of the Backbench Business Committee.

Proxy votes can only be cast if the Speaker has issued a certificate confirming that the MP is eligible.

Proxy votes are indicated in division lists published by the House.

Should eligibility be widened?

Even before the pilot arrangement was put in place, some MPs suggested that proxy voting be allowed in other situation, such as serious illness or bereavement.

The permanent scheme, when it was introduced, did not change the criteria.

In September 2021, the Procedure Committee [launched an inquiry to consider whether eligibility should be broadened](#).

In June 2022, the Procedure Committee [reported](#) [PDF]. It found widespread support, from those who gave evidence to the Committee, to include serious long-term injury or illness within the scheme. However, the Committee

concluded that before any changes were proposed, the House should be asked to express its opinion on the principle of whether the scheme should be extended.

A debate was scheduled to take place on 15 September 2022 but parliamentary business was suspended following the death of HM Queen Elizabeth II.

Proxy voting and the pandemic

Temporary arrangements were made for MPs to vote remotely during May 2020. But from the beginning of June, the Government encouraged all Members to participate in proceedings in the House. Initially no provisions were made for MPs who were shielding, isolating or caring for someone else as a result of the coronavirus pandemic to participate in proceedings from 2 June. On 2 June 2020, the House [agreed](#) that Members had to be on the Parliamentary estate to participate in divisions.

Disquiet was expressed about these provisions and the Leader of the House said that he had not ruled out extending proxy voting to those who were shielding.

On 4 June 2020, the House [agreed](#) to a Government proposal that proxy voting should be available to Members who were “at high risk from coronavirus for reasons that they are either ‘clinically extremely vulnerable’ or ‘clinically vulnerable’”.

Members had expressed concern that this did not go far enough and an Emergency Debate, [granted](#) on 4 June, was [held](#) on 8 June 2020.

On 10 June, the House [altered the eligibility for proxy votes](#) to those Members who were “unable to attend at Westminster for medical or public health reasons related to the pandemic”.

On 16 June 2020, the Speaker made a [short statement](#) on these arrangements. He confirmed that MPs with proxy votes should not be participating in physical proceedings while they had a proxy vote in operation.

The arrangements for proxy voting during the pandemic initially piggy-backed on the pilot scheme, meaning they would expire on 28 July 2020. In line with the extension of the pilot scheme, this expiry date was extended to 28 September 2020.

When the proxy voting scheme was made permanent, on 23 September 2020, the House agreed that proxy votes should be available to MPs who were not at Westminster for medical or public health reasons related to the pandemic. Thereby extending temporary arrangements that had been in place since June 2020, until 3 November 2020.

These temporary arrangements were [further extended](#) in October 2020, to continue until 30 March 2021. From 3 November 2020, MPs who were [present in Westminster](#) were allowed to have a proxy vote. These arrangements were [extended to 21 June 2021](#), on 25 March 2021; and then [extended for a final time to 22 July 2021](#), on 16 June 2021.

1 Proxy voting scheme (Resolution of 23 September 2020)

On 23 September 2020, the House agreed to make permanent arrangements for proxy voting, for MPs who are away from Westminster because of childbirth or care of an infant or newly adopted child or where there have been complications relating to childbirth.¹ The decision followed a review, by the Procedure Committee, of a pilot scheme it had developed (see section 2.2).

The [Proxy Voting Scheme](#) has been published on the parliamentary website. It allows a proxy vote to be cast in any division in the House or in any legislative grand committee, except for the purposes of counting a quorum or for allowing the closure. Proxy votes can also be exercised in secret ballots for electing a Speaker, Deputy Speaker, select committee chair or chair of the Backbench Business Committee.

Proxy votes can only be cast if the Speaker has issued a certificate confirming that the MP is eligible.

Proxy votes are indicated in division lists published by the House.

When the House made the arrangements permanent, parliamentary proceedings were affected by the coronavirus pandemic. The pilot scheme for proxy voting had been adapted to allow proxies for MPs affected by the pandemic. These arrangements were originally introduced by piggy-backing on the pilot arrangements and then by time limited alterations to the permanent Standing Order. So when the arrangements for proxy leave for parental reasons were made permanent, the House also made arrangements to continue to allow proxy voting for medical or public health reasons related to the pandemic. The arrangements for proxy voting related to the pandemic are described in section 8.

Questions about extending the scheme to allow proxy votes on health, caring or compassionate grounds were raised throughout the development of the pilot, the pilot period and the review of the pilot period. The Procedure Committee noted that such extensions might require disclosing private, personal or family information. It said it would consider this once proxy voting is no longer required as a result of the pandemic.²

¹ [HC Deb 23 September 2020 cc1057-1075](#)

² Procedure Committee, [Proxy voting: review of the pilot arrangements](#), 10 September 2020, HC 10 2019-21, paras 33-37

1.1

The debate on making the arrangements permanent

In opening the debate, on 23 September 2020, Jacob Rees-Mogg, the Leader of the House of Commons, thanked the Procedure Committee for its review of the proxy voting pilot and commented that the Committee's recommendations had formed the basis for the motions being considered.³

Valerie Vaz, the shadow Leader of the House, also thanked the Procedure Committee for its review and outlined the changes proposed to the pilot scheme before it was implemented permanently.⁴

Andrea Leadsom welcomed the changes proposed by the Procedure Committee but expressed disappointment that the scheme would not be expanded at this stage to allow proxy votes for other reasons.⁵

Members also discussed the plans to extend proxy voting due to the pandemic. There were calls to go back to remote voting and also concerns that the proxy voting was being misused. Karen Bradley, the Chair of the Procedure Committee, said that the majority of members of her Committee was concerned about proxy voting. They felt that the system was “substandard”; that it was “a very unwieldy system and is possibly open to abuse”; and that “it is simply unreliable and not robust”. She continued that the majority of the Committee believed that the remote voting system had been robust.⁶

Maria Miller asked the Leader of the House “whether making the use of proxy voting permanent for those with family obligations will be coupled with further consideration of other support for people in that position, particularly the support that they might get from the Independent Parliamentary Standards Authority”.⁷ The Leader of the House said that he would ensure that the issue was taken up with the interim chief executive of IPSA.⁸

1.2

Widening eligibility for proxy voting

As noted above, even before the pilot arrangement was put in place, some MPs suggested that proxy voting be allowed in other situation, such as serious illness or bereavement.

³ [HC Deb 23 September 2020 c1075](#)

⁴ As above, [c1062](#)

⁵ As above, [c1065](#)

⁶ As above, [cc1067-1068](#)

⁷ As above, [c1071](#)

⁸ As above, [c1074](#)

The permanent scheme, when it was introduced, did not change the criteria.

In September 2021, once the temporary arrangements for the pandemic ceased to operate, the Procedure Committee launched an inquiry to consider whether eligibility should be broadened.⁹

In June 2022, the Procedure Committee reported.¹⁰ It found widespread support, from those who gave evidence to the Committee, to include serious long-term injury or illness within the scheme. It reported MPs felt pressure to participate in votes when they should be recovering. It also reported Tracey Crouch's view that MPs who were absent often received abuse on social media. She argued that proxy votes could reduce that.

However, the Committee also heard from MPs who considered that pairing did not require MPs to publicly divulge private information about the family life or their own illnesses. Under a proxy voting scheme, reasons for having a proxy vote would be required. Some MPs might be comfortable doing so but others might not be.

The Committee indicated that privacy could be protected:

From a transparency perspective, if the proxy voting scheme were extended, only the fact of (rather than detail of the need for) a proxy arrangement is essential.¹¹

It also confirmed it had no intention of making changes to the practices of pairing (see section 5) or 'nodding through'.¹²

The Committee concluded that before any changes were proposed, the House should be asked to express its opinion on the principle of whether the scheme should be extended.¹³ If the House decided to extend the scheme, it should initially be piloted and reviewed by the Procedure Committee.

A debate was scheduled to take place on 15 September 2022 but parliamentary business was suspended following the death of HM Queen Elizabeth II.

⁹ Procedure Committee, [Procedure Committee considers the broadening of eligibility for proxy voting](#), 23 September 2021

¹⁰ Procedure Committee, [Proxy voting and the presence of babies in the Chamber and Westminster Hall](#) [PDF], 30 June 2022, HC 383 2022-23

¹¹ As above, para 20

¹² The Procedure Committee gave the following description of nodding through: "If the tellers from both sides agree, an MP who is within the precincts of the Palace of Westminster but not well enough to vote in person, may be 'nodded through'. This means their name is added to the list of those voting even though they have not gone through the lobby in person"

¹³ Procedure Committee, [Proxy voting and the presence of babies in the Chamber and Westminster Hall](#) [PDF], 30 June 2022, HC 383 2022-23, para 26

2 Pilot proxy voting scheme (Resolution of 28 January 2019)

On 28 January 2019, the House agreed to implement a one-year pilot scheme to allow new parents and those adopting children to have a proxy vote in divisions in the House. Additionally, as a result of an amendment, the Speaker was also able to “make provision for the exercise of a proxy vote for Members who have suffered a miscarriage”.¹⁴ The pilot scheme came into effect on 29 January 2019,¹⁵ and the first proxy vote was cast later that day:

Division 307

[Siddiq, Tulip \(Proxy vote cast by Vicky Foxcroft\)](#)¹⁶

On 16 January 2020, the House extended the pilot scheme by six months.¹⁷ Then on 20 July 2020, the duration of the pilot scheme was extended by a further two months to 20 months in total, ending on 28 September 2020.¹⁸

Before the debate, the pilot scheme was made available (excluding miscarriage, as in the original motions before the amendment was agreed). The Speaker confirmed that if the provisions relating to miscarriage were adopted, they would be incorporated as soon as possible but would not delay the implementation of the scheme that had already been made available.¹⁹

After the debate, he confirmed that the pilot scheme had been signed by the Speaker, the Prime Minister, the Leader of the Opposition and the parliamentary leader of the Scottish National party. He also confirmed that the scheme would be published that evening and would have effect from the following day.²⁰

After the House’s decision, the Speaker certified the first proxy vote for Tulip Siddiq.²¹ A list of certificates issued under the pilot scheme is given in the Appendix (available from the [landing page](#) for this briefing).

¹⁴ [HC Deb 28 January 2019 cc596-614](#)

¹⁵ House of Commons, [Scheme on proxy voting for use under para \(4\) of Resolution of 28 January 2019](#)

¹⁶ The division on the amendment (a) to the motion that the House had considered two written statements made under the European Union (Withdrawal) Act 2018. [[HC Deb 29 January 2019 cc757-761](#)]

¹⁷ [HC Deb 16 January 2020 c1266](#)

¹⁸ [HC Deb 20 July 2020 c1964](#)

¹⁹ [HC Deb 28 January 2019 c596](#)

²⁰ [HC Deb 28 January 2019 c614](#)

²¹ House of Commons, [Votes and Proceedings](#), 28 January 2019

2.1

The debate

On 28 January 2019, the House debated a motion that would provide for the provision of a pilot scheme to take effect from the beginning of the sitting day after it was signed by the Speaker and the leaders of the three largest parties in the House of Commons. The motion also provided that the pilot scheme should last for 12 months. A separate motion set out a temporary Standing Order, and the Speaker selected an amendment that would allow him to extend the Scheme to Members who have suffered a miscarriage.²²

In opening the debate, Andrea Leadsom welcomed the work that the Procedure Committee had done on preparing a scheme for proxy voting. She also paid tribute to Members who campaigned for and supported the scheme. She said that she was sympathetic to the amendment but noted that “those suffering such distress may well prefer to do so in private”. She was again asked about extending the scheme. (Other similar requests were made in the debate.²³) Andrea Leadsom replied that towards the end of the pilot, “we can look again at whether the issue should be restricted to baby leave or expanded”.²⁴

For the official Opposition, Valerie Vaz thanked the Leader of the House for bringing the motions forward. She reiterated the Labour Party’s support for the principle of proxy voting. She outlined how the scheme would work.²⁵ The SNP too welcomed the motions.²⁶

While she welcomed the introduction of proxy voting, Maria Miller described the steps being taken as a “piecemeal approach”. She highlighted the need “to be better at shaping our vision for the future of what this place should be in totality”.²⁷

In contrast David Davis described himself as an “incremental reformer” but described proxy voting as “overdue”. He expected further reform to the scheme.²⁸

Philip Davies, who tabled the amendment, explained why he was sceptical about proxy voting – noting that Members should be able to be persuaded by debate. He considered how the scheme could be extended and noted some differences between the pilot scheme and the Procedure Committee’s proposals. He hoped that all these issues would feature in the Procedure Committee’s review of the pilot.²⁹

²² [HC Deb 28 January 2019 cc596-614](#)

²³ For example, [HC Deb 28 January 2019 cc605-606](#); [c606](#)

²⁴ [HC Deb 28 January 2019 cc596-598](#)

²⁵ [HC Deb 28 January 2019 cc598-600](#)

²⁶ [HC Deb 28 January 2019 c601](#)

²⁷ [HC Deb 28 January 2019 c600](#)

²⁸ [HC Deb 28 January 2019 cc608-609](#)

²⁹ [HC Deb 28 January 2019 cc602-604](#)

When Mark Harper highlighted the need for privacy in some cases of absence, which the pairing system provided, Rachel Reeves noted that proxy voting would be voluntary and pairing could continue.³⁰

The motion to approve the introduction of the scheme, the amendment to the proposed Temporary Standing Order and the amended Temporary Standing Order were all agreed to without a division.³¹

2.2 Review of the Pilot Scheme

The Procedure Committee was directed to review the pilot arrangements within 12 months of the scheme coming into effect.³²

The decisions on 16 January 2020 and 20 July 2020, to extend the pilot also extended the time the Procedure Committee had to conduct its review.³³

The Committee began a review in the 2017 Parliament but had not completed it at dissolution.³⁴ The Committee held one oral evidence session, with Luciana Berger and Tulip Siddiq, both of whom had proxy votes under the pilot scheme.³⁵

The Government, in written evidence, commented that “the scheme and temporary standing order on which it is based have operated well”. The Government suggested that the Committee listened to the views of Members who had used the scheme. It asked the Committee for its view on excluding votes on any motion under the Fixed-term Parliaments Act 2011 from the scheme. The Government also noted discussions about widening the scheme for health or caring reasons, or for select committee business. However, it said that it was “not supportive of extending proxy voting beyond the remit established in the pilot scheme”.³⁶

The Clerk of the House of Commons also concluded that “the system of proxy voting in the Lobbies has worked well”.³⁷

Both the Clerk and Members who had used the scheme suggested some amendments to the way it operated. But its users supported its permanent adoption. Ellie Reeves said that the scheme “should be adopted in full without

³⁰ [HC Deb 28 January 2019 cc610-611](#)

³¹ [HC Deb 28 January 2019 cc612-614](#)

³² [HC Deb 28 January 2019 c613](#)

³³ [HC Deb 16 January 2020 c1266](#); [HC Deb 20 July 2020 c1964](#)

³⁴ Procedure Committee, [Proxy voting: review of pilot arrangements inquiry](#) [2017 Parliament]

³⁵ Procedure Committee, [Proxy Voting: Review of Pilot Arrangements: Oral Evidence](#), 30 October 2019, HC 134 2017-19, Qq1-25

³⁶ Procedure Committee, [Proxy Voting: Review of Pilot Arrangements: Written Evidence submitted by HM Government](#), [PVC 03]

³⁷ Procedure Committee, [Proxy Voting: Review of Pilot Arrangements: Written Evidence from the Clerk of the House of Commons](#), [PVR 05]

further delay”. She called for proxy votes to be allowed for 12 months.³⁸ Kemi Badenoch welcomed the scheme.³⁹ Chloe Smith was strongly in favour of the scheme and found it to work positively.⁴⁰

On 4 March 2020, at its first meeting in the 2019 Parliament, the new Procedure Committee revived the review. It would assess the practical operation of the scheme, consider the duration and scope for eligibility of proxy votes under the pilot and the administrative arrangements.⁴¹

Recommendations of the review

The Procedure Committee’s review of the pilot arrangements was published on 10 September 2020. The Committee considered both the arrangements for parental leave and those relating to the pandemic.⁴²

The Procedure Committee recommended that the proxy voting for parental absence scheme should be made permanent – in Standing Orders, with some technical modifications (allowing proxy votes to be counted in motions under the Fixed-term Parliaments Act 2011 and for the election of all committee chairs).⁴³ It found that experience of the scheme had been “broadly positive”; no issues of principle or major flaws were identified; and that its use was accepted across the House. It also observed that “The use of proxy voting as a means of accommodating parental absence appears to us to have been more transparent than the use of pairing”.⁴⁴

The Committee recommended that it should no longer be a requirement to produce a certificate of pregnancy or a matching certificate to qualify for a proxy vote. But certification for eligibility could be undertaken by any of the Deputy Speakers as well as the Speaker.⁴⁵

The Committee committed to examining whether there should be other grounds for qualifying for a proxy vote once arrangements for proxy voting for public health reasons had ended. It noted that the issue had been considered extensively, observing that it might require disclosing private personal or family information.⁴⁶

The Committee noted the importance of knowing at the beginning of a sitting day who was eligible for a proxy vote but it recommended that it should be possible

³⁸ Procedure Committee, [Proxy Voting: Review of Pilot Arrangements: Written Evidence submitted by Ellie Reeves](#), [PVR 10]

³⁹ Procedure Committee, [Proxy Voting: Review of Pilot Arrangements: Written Evidence submitted by Kemi Badenoch](#), [PVR 09]

⁴⁰ Procedure Committee, [Proxy Voting: Review of Pilot Arrangements: Written Evidence submitted by Chloe Smith](#), [PVR 11]

⁴¹ Procedure Committee news article, [Committee revive review into proxy voting pilot](#), 5 March 2020

⁴² Procedure Committee; [Proxy voting: review of the pilot arrangements](#), 10 September 2020, HC 10 2019-21

⁴³ As above, paras 25 and 115-123

⁴⁴ As above, paras 23-24

⁴⁵ As above, paras 29 and 32

⁴⁶ As above, paras 33-37

to issue a certificate on a non-sitting day and treat it as if it were issued on the previous sitting day.⁴⁷

It recommended that eligibility for a proxy vote should begin four weeks before due date and end six months after the later of the due date or date of birth. Fathers or second adopters should be eligible for the two weeks of proxy voting in the first six months.⁴⁸

The Committee also recommended that under a permanent scheme, the information contained in every proxy voting certificate should be made available on a dedicated page on the parliamentary website.⁴⁹

On the arrangements for proxy voting due to the pandemic, the Committee called for arrangements for self-certifying for proxy voting and participating in virtual proceedings to be aligned.⁵⁰ It recommended that the arrangements should continue “for as long as public health guidance or statutory provisions in any part of the UK has the effect of restricting the ability of Members to travel to Westminster”.⁵¹

The Committee expressed concern that the “present infrastructure supporting the pass-reader division system is barely adequate, especially in respect of proxy voting”. It called for an alternative to be found.⁵²

It considered that the remote voting system using while Members could participate remotely in both scrutiny and substantive business was more effective. It recommended that remote voting be reinstated.⁵³

⁴⁷ As above, para 42

⁴⁸ As above, paras 46 and 48

⁴⁹ As above, para 64

⁵⁰ As above, para 88

⁵¹ As above, para 94

⁵² As above, paras 108-111

⁵³ As above, para 113

3

Background to the introduction of the pilot scheme: overview

On 1 February 2018, at the conclusion of a Backbench Business debate, initiated by Harriet Harman, the House resolved that:

That this House believes that it would be to the benefit of the functioning of parliamentary democracy that honourable Members who have had a baby or adopted a child should for a period of time be entitled, but not required, to discharge their responsibilities to vote in this House by proxy.⁵⁴

Following that debate, the Procedure Committee conducted an inquiry to consider how the House's decision in principle might operate in practice.

The Procedure Committee's report, [Proxy voting and parental absence](#) [PDF], was published on 15 May 2018.⁵⁵ The Committee brought forward proposals for a non-compulsory scheme for proxy voting that would require some changes to Standing Orders. It recommended that the scheme should operate under the authority of the Speaker, who would certify the appointment of a proxy. The Committee's proposals are described in section 4.

Before this, the Leader of the House of Commons, Andrea Leadsom had written to Charles Walker, the Chair of the Procedure Committee, in November 2017. She noted that the issue had become "increasingly prominent".⁵⁶ It had been raised in The Good Parliament report, which addressed diversity insensitivities in the House of Commons. The Commons Reference Group on Representation and Inclusion, convened to consider The Good Parliament, had "agreed that the solution to this issue would be to provide Baby Leave for MPs and adequate representation of their constituents in Parliament (proxy votes), through a resolution of the House".⁵⁷

Following the publication of the Procedure Committee's report, in May 2018, there were calls for it to be considered quickly as a number of MPs were expecting babies.

The Government scheduled a general debate on the principle of proxy voting on 5 July 2018. However, because statements earlier in the day ate into the

⁵⁴ [HC Deb 1 February 2018 c1051](#) A debate pack was published in advance of this debate: [Baby Leave for Members of Parliament](#), CDP 2018-0023, 30 January 2018

⁵⁵ Procedure Committee, [Proxy voting and parental absence](#) [PDF], 15 May 2018, HC 825 2017-19

⁵⁶ Procedure Committee, [Letter from the Leader of the House of Commons on Proxy voting and Baby Leave for Members of Parliament, 30 November 2017](#), published on 20 March 2018

⁵⁷ Procedure Committee, [Letter from the Leader of the House of Commons on Proxy voting and Baby Leave for Members of Parliament, 30 November 2017](#), published on 20 March 2018

time for the debate, it did not take place.⁵⁸ At Business Questions on 21 June, Andrea Leadsom, the Leader of the House, noted that the Government was scheduled to reply to the Procedure Committee's report by 15 July. She explained she had provided time for the debate before the Government responded to the Procedure Committee so that "the constitutional implications of proxy voting, as opposed to other forms of formalised pairing" and the operation of proxy voting could be "properly aired" in the Chamber.⁵⁹

In the House Magazine, 28 June 2018, Harriet Harman, Maria Miller and Hannah Bardell argued that the time had come to introduce proxy voting in the House of Commons. They commented that:

Seeing an eight months pregnant Jo Swinson carefully navigate her way through the division lobby last week has given added impetus to cross party calls for MPs to be able to vote by proxy when they are having a baby or adopting a child.⁶⁰

Andrea Leadsom wrote to the Procedure Committee, on 12 July 2018.⁶¹ She told the Committee that wider issues around proxy voting needed to be considered before the House could take a decision.

The breaking of a pair, involving Jo Swinson, a new mother, on 17 July 2018 also focused attention on the question of introducing proxy voting for maternity, paternity and adoption leave.

On 19 July 2018, Andrea Leadsom announced that "there will be a debate on proxy voting in the second week of September".⁶²

On 6 September, Ms Leadsom confirmed that a general debate would take place on Thursday 13 September. She also told that the House that a debate on a substantive motion would follow as soon as practicably possible.⁶³

In the debate on 13 September 2018, Andrea Leadsom confirmed that she intended "to bring forward a substantive motion as soon as possible".⁶⁴

On 14 January 2019, Harriet Harman raised a point of order to express concern that proxy voting had not yet been introduced. She noted that Tulip Siddiq was due to have a caesarean the following day – the day of the votes on the Government's EU withdrawal agreement and the framework for the future relations (the "meaningful vote") – and commented that "She should not have to choose between going through the Division Lobby in a wheelchair while nine months pregnant, having postponed her caesarean, and losing her

⁵⁸ [HC Deb 5 July 2018 cc547-552](#)

⁵⁹ [HC Deb 21 June 2018 c481](#)

⁶⁰ Harriet Harman, Maria Miller and Hannah Bardell, "[Cross-party call for proxy voting: it's time to move into the 21st century](#)", House Magazine, 28 June 2018

⁶¹ Procedure Committee, [Letter from the Leader of the House of Commons on proxy voting](#), 12 July 2018 [published 18 July 2018]

⁶² [HC Deb 19 July 2018 c597](#)

⁶³ [HC Deb 6 September 2018 c325](#)

⁶⁴ [HC Deb 13 September 2018 c965](#)

right to vote”. She asked the Speaker whether he could arrange a proxy vote for Tulip Siddiq.⁶⁵

The Speaker replied that proxy voting could not be arranged for the following day. He said that “Personally, I think it preferable that the hon. Lady should have a proxy vote, but that seems to me to depend on cross-party agreement”. He noted when the House had previously taken decisions on and debated proxy voting and said that it was “extremely regrettable that almost a year after the first debate, and more than four months after the second debate, the change has not been made”.⁶⁶

He re-iterated his disappointment in response to a further point of order on 15 January 2019.⁶⁷

On 21 January 2019, the Times reported that the Government Chief Whip was trying to obstruct the introduction of proxy voting while he was trying to “steer Theresa May’s Brexit deal through the Commons”.⁶⁸

On 22 January 2019, in response to an Urgent Question, Andrea Leadsom, the Leader of the House of Commons, announced that the House would be asked to approve a motion and a temporary Standing Order to implement a year-long pilot to facilitate baby leave for Members of Parliament.⁶⁹

On 24 January 2019, at Business Questions, the Leader said the motions would be debated on 28 January.⁷⁰

As noted in section 2, the pilot scheme was agreed to by the House on 28 January 2019, and implemented the following day.

⁶⁵ [HC Deb 14 January 2019 c809](#)

⁶⁶ [HC Deb 14 January 2019 cc809-810](#)

⁶⁷ [HC Deb 15 January 2019 cc1128-1129](#)

⁶⁸ Esther Webber, “Chief Whip blamed for delaying proxy vote for MPs on maternity leave”, Times, 21 January 2019

⁶⁹ [HC Deb 22 January 2019 c144](#)

⁷⁰ [HC Deb 24 January 2019 c353](#)

4 Procedure Committee recommendations for the pilot scheme

4.1 Committee report

After the House decided on 1 February 2018 that it believed that Members who have had a baby or adopted a child should be entitled but not required to vote by proxy in the House, the Procedure Committee considered the matter.

The Procedure Committee's report, [Proxy voting and parental absence](#) [PDF], was published on 15 May 2018.⁷¹ The Committee brought forward proposals for a non-compulsory scheme for proxy voting that would require some changes to Standing Orders. It recommended that the scheme should operate under the authority of the Speaker, who would certify the appointment of a proxy.

Eligibility for and duration of the availability of proxy voting

The Procedure Committee recommended that “proxy voting ought to be available to new mothers, new fathers and adoptive parents”.⁷²

In line with proposals from the Commons Reference Group on Representation and Inclusion⁷³:

- Eligibility would be confirmed by producing either a certificate of pregnancy or a ‘matching certificate’ from a registered adoption agency to the Speaker.
- The dispensation to vote by proxy would be:
 - “Six months for the biological mother of a baby, or for the primary or single adopter of a baby or child;
 - “Two weeks for the biological father of a baby, the partner of the person giving birth or the second adopter of a baby or child”.⁷⁴

⁷¹ Procedure Committee, [Proxy voting and parental absence](#) [PDF], 15 May 2018, HC 825 2017-19

⁷² As above, para 44

⁷³ The [Commons Reference Group on Representation and Inclusion](#) was convened Speaker Bercow to consider [The Good Parliament](#) (2016) report and take forward its recommendations

⁷⁴ Procedure Committee, [Proxy voting and parental absence](#) [PDF], 15 May 2018, HC 825 2017-19, paras 45-46

The Committee recommended that any period of absence should be continuous. For a mother or primary adopter that period should be six months and for a father, partner or second adopter it should be two weeks. The Member would specify the start and end dates to the Speaker who would issue a certificate. The certificate would be recorded in the Votes and Proceedings.⁷⁵

The Committee proposed that an extension to the period should be permitted. It cited the example of an expectant mother being unable to travel to Westminster by air, and proposed that the period in which the proxy vote was valid be extended by four weeks.⁷⁶

Appointment of a proxy

The Committee concluded that “Members ought to be free to choose any other Member of the House who is eligible to vote in divisions to act as a proxy. That Member will be named in the certificate issued by the Speaker”.⁷⁷

The Committee also suggested that if the Member wished to vote in person at any time, they should be able to but would need to give notice to the Speaker on the previous sitting day. This would allow a new certificate to be recorded in the Votes and Proceedings.⁷⁸

Recording the proxy vote

Although the Committee said that detailed arrangements for recording votes would be arranged by officials, it said that “Where a proxy vote is cast, it must be recorded in a transparent way”.⁷⁹

When could a proxy vote be exercised?

The Committee heard a range of views on when a proxy vote ought to be available for use. The Committee recommended that the House consider three options for the categories of business where proxy voting may be used:

- Decisions on all items of public and private business;
- Decisions on all items of public and private business taken on Mondays, Tuesdays, Wednesdays and Thursdays; or
- Decisions on all items of Government business (that is, all orders of the day on Government bills and all motions moved by a Minister of the Crown).⁸⁰

⁷⁵ As above, paras 47-49

⁷⁶ As above, para 50

⁷⁷ As above, para 53

⁷⁸ As above, paras 56-57

⁷⁹ As above, paras 58-60

⁸⁰ As above, para 68

The Committee identified two occasions when a proxy vote should not be used and also discussed when a proxy vote ought not be used.

It considered that a proxy vote should not be used on a vote for an early general election, when a majority voting in favour of the motion has to be equal to or greater than two-thirds of the number of seats in the House. It echoed the Clerk of the House's concern that because the two-thirds majority was a statutory provision, a decision taken on the basis of proxy votes would be open to judicial review. The Committee did not consider that "a similar risk of challenge arises to decisions with statutory effect which are taken in the House by simple majority".⁸¹

In relation to calculating a quorum in the House, the Committee agreed with the Clerk's comment that "It would be odd if absent people constituted what is effectively a quorum". It recommended that proxy votes should not be counted when checking a quorum was present.⁸²

The Committee concluded that the House ought to determine whether proxy votes ought to be counted in reckoning the majority for a closure.

In addition to these procedural questions, the Committee reported that:

Some witnesses considered that certain types of decision ought not to be taken on the strength of proxy votes. In particular there were strong reservations about the use of proxy votes on decisions to commit troops to combat, particularly where a motion might pass or fail on the strength of proxies.⁸³

It concluded that:

There is an inherent risk to the House's reputation of Members away from the House casting votes as if they are present in the Chamber and actively following debates. For example, it would be unthinkable, in our view, for a motion on committing military personnel to armed conflict to be carried on the basis of proxy votes. We are confident that Members will bear the reputation of the House in mind when choosing whether to use a proxy vote, and weigh this factor in their decision making.⁸⁴

The Committee undertook to review any arrangements introduced and report on them within 12 months of their introduction.⁸⁵

⁸¹ As above, paras 71-73

⁸² As above, para 75

⁸³ As above, para 82

⁸⁴ As above, para 83

⁸⁵ As above, para 92

4.2

Andrea Leadsom's response

Letter to the Procedure Committee

Andrea Leadsom wrote to Charles Walker, the Chair of the Procedure Committee, on 12 July 2018. She thanked the Committee for its report and expressed her disappointment that the 5 July debate did not go ahead.⁸⁶

She stated that “The integrity of the voting system in the House of Commons must be above reproach”. Consequently, changes should only be made after careful consideration. She believed that some outstanding issues remained.

Ms Leadsom noted that because it had been given the specific objective of devising a proxy voting system for parental leave, the Committee had not considered alternative approaches – such as formalised pairing. She raised the question of extending proxy voting to those suffering long-term illness or bereavement. She noted that the Committee had posed questions about the types of business that proxy voting should be used for. Leaving decisions about the circumstances in which a proxy vote was used to the discretion of Members could lead to unwanted criticism.

She stressed the importance of considering these issues to ensure that the House was aware of “all the implications of any potential changes”.

Debate announced

At Business Questions on 19 July 2018, Andrea Leadsom announced that “there will be a debate on proxy voting in the second week of the September sitting”.⁸⁷ On 6 September, she confirmed that a general debate on proxy voting would be held on Thursday 13 September.⁸⁸

Subsequently, it was reported that the Government would table a motion on proxy voting for debate in September. The Sunday Times reported that “Under the proposals, new parents, or MPs who are seriously ill, could appoint a stand-in from their own party to vote on their behalf, according to a senior Whitehall source”.⁸⁹ However, when he responded to an Urgent Question on pairing on 23 July 2018, David Lidington, the Minister for the Cabinet Office, said that debate in September would be a general debate,⁹⁰ meaning no decisions on implementing a system of proxy voting would be taken at that point. As noted above, Andrea Leadsom confirmed that the September

⁸⁶ Procedure Committee, [Letter from the Leader of the House of Commons on proxy voting](#), 12 July 2018 [published 18 July 2018]

⁸⁷ [HC Deb 19 July 2018 c597](#)

⁸⁸ [HC Deb 6 September 2018 c325](#)

⁸⁹ Caroline Wheeler, “MPs to get proxy vote after Julian Smith pairing row”, Sunday Times, 22 July 2018,

⁹⁰ [HC Deb 23 July 2018 c738; cc745-746](#)

debate would be a general debate. She also announced that a debate on a substantive motion would follow as soon as practicably possible.

This development followed apologies from the Government after Brandon Lewis voted in divisions on 17 July 2018, despite being paired with Jo Swinson, whose second child was born on 29 June 2018.

4.3

General debate on proxy voting, September 2018

In the debate on proxy voting on 13 September 2018, Andrea Leadsom said that it was an opportunity for all views to be heard. She wanted to explore “all the options to ensure that new mothers and fathers can effectively represent their constituents, while at the same time allowing them to secure that vital early bond with their babies”.

She set out the issues she would like to hear views on:

- Whether proxy voting should be limited to new parents;
- What support should be offered to those who lost a child;
- For what types of business proxy voting should be available; and
- The merits of the existing system – pairing and nodding through.⁹¹

Andrea Leadsom summarised the comments of those who spoken and confirmed that she would bring forward a “substantive motion as soon as possible”.⁹² She drew a number of conclusions from the debate:

- Limiting proxy voting to baby leave for privacy reasons resonated;
- Being paired was not good enough – votes need to be recorded;
- There was broad support for a pilot scheme, which she suggested should be time-limited so that it could be evaluated.⁹³

She said that she was “minded to accept the majority of the recommendations of the Procedure Committee’s report, which provides a good basis for a pilot scheme”.⁹⁴

⁹¹ [HC Deb 13 September 2018 cc915-916](#)

⁹² [HC Deb 13 September 2018 c965](#)

⁹³ [HC Deb 13 September 2018 cc961-964](#)

⁹⁴ [HC Deb 13 September 2018 c964](#)

4.4

Urgent Question on the obstacles to introducing proxy voting (22 January 2019)

On 22 January 2019, in response to an Urgent Question from Jo Swinson, Andrea Leadsom announced that the House would be asked to approve a motion and a temporary Standing Order to implement a year-long pilot to facilitate baby leave for Members of Parliament. The intention was that the question on the motions would be put without debate, on Monday 28 January.⁹⁵

As noted above (in section 3), this Urgent Question followed complaints on in the previous week about the delay in bringing forward a decision proxy voting and press reports that the decision was being delayed whilst decisions on Brexit were still to be taken.

Andrea Leadsom's announcement was widely welcomed.⁹⁶ However, some Members expressed concern that the motion be taken on the nod,⁹⁷ and there were requests for a debate.⁹⁸

Andrea Leadsom said that "in the event that somebody regrettably decides to object on Monday, I will table a substantive motion as soon as possible".⁹⁹ Subsequently at Business Questions on 24 January 2019, she announced that the motions would be debated on 28 January.¹⁰⁰

Some Members continued to press for the retention of pairing¹⁰¹ and for proxy voting to be available in other circumstances, such as illness.¹⁰²

The debate on 28 January 2019 is reviewed in section 2.

⁹⁵ [HC Deb 22 January 2019 c144](#); c150; c157 [response to Rachel Reeves]

⁹⁶ For example, HC Deb 22 January 2019 [c149](#), [c150](#), [c153](#); and Jo Swinson congratulated on the announcement [[c145](#)]

⁹⁷ HC Deb 22 January 2019 [c157](#), [c158](#), [c162](#)

⁹⁸ HC Deb 22 January 2019 [cc160-161](#), [c161](#)

⁹⁹ HC Deb 22 January 2019 [c160](#)

¹⁰⁰ [HC Deb 24 January 2019 c353](#)

¹⁰¹ HC Deb 22 January 2019 [c154](#)

¹⁰² HC Deb 22 January 2019 [cc156-157](#), [cc159-160](#)

5

Proxy voting or pairing?

An alternative to proxy voting is to continue the practice of pairing either as currently, on an informal basis (overseen by whips), or in a more formalised way. Erskine May's description of pairing is set out in Box 1.

Box 1: Pairing

A system known as 'pairing' enables a Member to be absent, and to agree with another Member to be absent at the same time. By this mutual agreement, a vote is neutralised on each side of a question, and the actual size of the majority is not affected. The practice of pairing is not officially recognised in the procedures of the House; it is therefore conducted privately by individual Members, or arranged by the Whips of the respective parties. The Speaker has ruled that agreements to pair are private arrangements between Members and in no sense matters in which either he or the House can intervene.¹⁰³

5.1

Pairing – a short background

Use of pairing

Evidence from the last 70 years suggests that systematic use of pairing depends upon the political arithmetic in Parliament. For instance, Rush says it did not operate between 1997 and 2005, due to Labour's large majority at that time.¹⁰⁴ It was also barely used in the 1950 Parliament, the three-line whip being resorted to routinely, as Labour had a majority of five.¹⁰⁵ In evidence to a Procedure Committee inquiry in 1958, the then Clerk of the House imagined that "pairs' are more easily obtainable when Government majorities are large". He had the impression that "the result of the small

¹⁰³ Erskine May, *Parliamentary Practice*, 25th edition, 2019, [para 20.87](#)

¹⁰⁴ Michael Rush (ed.), *Parliament Today*, MUP, Manchester, 2005, p.147

¹⁰⁵ Peter G Richards, *Honourable Members*, Faber and Faber, London, 1959, p.84

majorities, in the 1950 and 1951 Parliaments has been to increase the number of occasions on which ‘pairing’ is not permitted”.¹⁰⁶

Pairing has also been suspended at times of political disagreement. Radice, Vallance and Willis say that Labour did not allow pairing in the 1983-87 Parliament.¹⁰⁷ Harrison also mentions Labour instituting a ban on pairing in 1954, which followed inter-party disagreement over increases in Members’ pay.¹⁰⁸ Gyles Brandreth refers in his memoirs to an occasion in November 1996, when the Conservative whip paired three members with colleagues from both the Labour and Liberal Democrat parties – losing six votes for the opposition compared with three for the Government. This caused a cessation of co-operation from the Opposition parties for the rest of the 1992 Parliament.¹⁰⁹

Pairing whips

There are records of ‘pairing whips’ in existence since at least 1951, and of formal records being kept since 1964.¹¹⁰ Rush and Ettinghausen note that arrangements between Government and opposition whips occurred unsystematically through the 19th century, with the ‘usual channels’ becoming known as the route for these arrangements in the early 20th century (the phrase ‘the usual channels’ is first recorded in 1905).¹¹¹

The system is also used to ensure overseas visits do not lead to an imbalance in voting outcomes – for instance, by ensuring that pairs, or at least equal numbers from either side, make a visit together.

Pairing books

The 1958 Procedure Committee enquiry also produced evidence that there was a ‘pairing book’ in existence until the Second World War, in which Members seeking a pair would write their names:

There used to be a book kept in the ‘No’ Division Lobby, in which a person who wanted a pair entered his name and stated the time at which he wanted it, and then if there was a Member on the other side who was willing to accommodate him he put his name in it too. ... I think that book remained in existence until the war of 1939... until the beginning of the war and then when the Coalition Government was formed pairing, except on one fateful evening, did not matter.¹¹²

¹⁰⁶ Memo from the Clerk of the House of Commons, Report from the Select Committee on Procedure, HC 92-I 1958-59, evidence p.17

¹⁰⁷ Lianne Radice, Elizabeth Vallance and Virginia Willis, Member of Parliament, 1987, p.82

¹⁰⁸ Wilfrid Harrison, “The British Constitution in 1954”, Parliamentary Affairs 8:3, 303-317, 1954, p.312

¹⁰⁹ Gyles Brandreth, *Breaking the Code*, Weidenfeld and Nicolson, London, p.426.

¹¹⁰ Robert J. Jackson, *Rebels and Whips*, Macmillan, London, 1968, p.42

¹¹¹ Michael Rush and Clare Ettinghausen, *Opening up the Usual Channels*, Hansard Society, 2000, p.7

¹¹² House of Commons Procedure Committee, Report from the Select Committee on Procedure, HC 92-I 1958-59, para 571.

5.2

Pairing and proxy voting

The issue of pairing was highlighted in the summer of 2018 when Brandon Lewis apologised to Jo Swinson for breaking their pair in two divisions at Report Stage of the Trade Bill 2017-19, on 17 July 2018.¹¹³

Following that apology, Alistair Carmichael, the Liberal Democrat Chief Whip, successfully applied for Urgent Questions on proxy voting and on pairing, on 18 and 23 July 2018 respectively.

Urgent Question on proxy voting (18 July 2018)

On 18 July, Mr Carmichael argued that it was not right to rely on pairing to provide maternity, paternity and adoption leave for Members and asked the Leader of the House to reconvene talks between the parties “with a view to devising a sensible and workable solution to this problem”.¹¹⁴

In her initial response, Andrea Leadsom confirmed that the “Government Whips Office has undertaken always to pair Opposition MPs on maternity leave from the start to the end of their leave, without applying any conditions”.¹¹⁵ She restated the comments that she made in her letter in response to the Procedure Committee, saying that it had:

... raised a number of questions on which it will be important for us to consult in this Chamber before we make a final decision. Let me remind colleagues of some of them: when should a proxy be used; should it be used for every type of vote, including those on going to war or a closure motion, when, as we know, colleagues should be present in the Chamber; and should it apply to all business, private as well as public, or only to Government business. There is also the contested question of whether it should apply only to baby leave or to other circumstances. That is why I am so keen to have a debate in this place before we come to conclusions.¹¹⁶

Valerie Vaz called for “proxy voting for those on baby leave” to be introduced “urgently”.¹¹⁷ But Andrea Leadsom again warned that “There are unintended consequences and implications of any solution we choose, and it is important that the House has the opportunity to debate the issue”.¹¹⁸

In the subsequent exchanges, Members suggested that if proxy voting were introduced, it should cover sickness,¹¹⁹ and compassionate leave.¹²⁰ Others pressed for the decision to be taken as soon as possible.¹²¹ Others noted that

¹¹³ [HC Deb 18 July 2018 cc427-428](#)

¹¹⁴ HC Deb 18 July 2018 c428

¹¹⁵ HC Deb 18 July 2018 c427

¹¹⁶ HC Deb 18 July 2018 c429

¹¹⁷ HC Deb 18 July 2018 c430

¹¹⁸ HC Deb 18 July 2018 c431

¹¹⁹ HC Deb 18 July 2018 c429

¹²⁰ HC Deb 18 July 2018 cc432-433

¹²¹ HC Deb 18 July 2018 c437

pairing usually worked successfully,¹²² and that it could be made to be more transparent.¹²³

Pete Wishart described the current voting arrangements as “the absurd waste of time of a headcount in cramped voting Lobbies”. He argued that “to be disenfranchised for having a baby in 2018 demonstrates just how out of touch this archaic place is and how these arrangements should embarrass and shame this House”. He said that the system should be reformed now and that he supported the Procedure Committee’s proposals, saying, “All we have to do is agree and accept it. Surely now the Leader of the House can bring this forward at the earliest opportunity”.¹²⁴ Patrick Grady called for “not only proxy voting but fixed decision times and electronic voting”.¹²⁵

During the course of the Urgent Question, the Speaker noted that he had given evidence to the Procedure Committee. He told the House that he would be happy to play his part in operating a baby leave system, and that he hoped a decision would be taken quickly.¹²⁶

Urgent Question on pairing (23 July 2018)

On 23 July, David Lidington, the Minister for the Cabinet Office, replied to Mr Carmichael’s Urgent Question requesting “a statement in relation to Government policy and practice with regard to pairing arrangements, especially as they relate to Members on maternity, paternity or adoption leave”.

Mr Lidington reiterated the apology made to Jo Swinson and said that “The Government’s policy on pairing remains that these are long-standing informal arrangements between business managers in different political parties in this House, co-ordinated through the usual channels”. He also confirmed that “this Government have no plans to change those underlying arrangements”.¹²⁷

He said that the debate on proxy voting that would take place in September “will give Members the opportunity to consider the various questions arising from the recent report of the Procedure Committee into proxy voting”. He outlined the questions that had already been raised about the report.¹²⁸

In response to calls for a votable motion in September, Mr Lidington noted that “the Leader of the House is eager to talk to Members from all parties in the House about the way forward”.¹²⁹

¹²² HC Deb 18 July 2018 c433

¹²³ HC Deb 18 July 2018 c437

¹²⁴ HC Deb 18 July 2018 c431

¹²⁵ HC Deb 18 July 2018 c435. The Library Briefing Paper on [Electronic recording of divisions](#) (CBP 7504, 12 February 2016) provides some background on calls for electronic voting to be introduced in the House of Commons

¹²⁶ HC Deb 18 July 2018 cc429-430

¹²⁷ [HC Deb 23 July 2018 c738](#)

¹²⁸ Ibid

¹²⁹ HC Deb 23 July 2018 c747

He also confirmed that “the Chief Whip has undertaken to use the summer recess to carry out a review of the internal arrangements within the Government Whips Office to try to make certain that this type of error, which should not have occurred, can be prevented in the future”.¹³⁰

A number of Conservative backbenchers noted that pairing was an informal arrangement¹³¹ that generally worked well.¹³² When Peter Bone called for transparency in pairing arrangements, Mr Lidington noted the “pastoral role” played by the Whips Offices and said that when Members were suffering ill health or family or personal stress it was not right for pairing arrangements to be made public.¹³³ Rachel Maclean noted the flexibility of the current arrangements, saying “there is no time limit for new mums”, and called for it to continue.¹³⁴ In response to Andrew Jones, Mr Lidington agreed that the current system should be maintained.¹³⁵

Pete Wishart for the SNP argued again for “a total review of all our broken voting arrangements in this House”.¹³⁶

¹³⁰ HC Deb 23 July 2018 c743

¹³¹ HC Deb 23 July 2018 c742

¹³² HC Deb 23 July 2018 c746

¹³³ HC Deb 23 July 2018 c743; c750. For more on the pastoral role of whips, see: Andrew Defty, “[The pastoral role of the party whips](#)”, PSA Parliaments Group Blog, 7 November 2018

¹³⁴ HC Deb 23 July 2018 c748

¹³⁵ HC Deb 23 July 2018 c749

¹³⁶ HC Deb 23 July 2018 c742

6

Debate on Baby leave in the House of Commons (1 February 2018)

A Backbench Business debate on baby leave for Members of Parliament took place on 1 February 2018,¹³⁷ following an application from Harriet Harman, on 5 December 2017.¹³⁸ The motion for the debate was:

That this House believes that it would be to the benefit of the functioning of parliamentary democracy that hon. Members who have had a baby or adopted a child should for a period of time be entitled, but not required, to discharge their responsibilities to vote in this House by proxy.

Harriet Harman opened the debate. She noted the widespread support she had received in applying for the debate. She then outlined why she had applied to the Backbench Business Committee for the debate:

This motion asks the House for its in-principle agreement to make arrangements for when a Member has a baby or adopts a child. At the moment, we have no such arrangements. In this House, we set the rules for parents outside the House having babies or adopting a child, and we do so because we think that it is important for the child and for the parents. We do it because we want new parents not to have to ask for favours, but to be clear about where they stand. But there is no such system for Members of this House.¹³⁹

During the course of the debate, Cat Smith, who was “one of those Members with a growing bump” highlighted the urgency of the issue.¹⁴⁰ Harriet Harman reported that “There have already been 17 babies born to women Members since 2010”.¹⁴¹

Andrea Leadsom highlighted some of the issues that would need to be considered by the Procedure Committee in the course of its inquiry:

The motion before the House presents two issues for consideration. The first is the need for Members of Parliament to take baby leave. I think we can all agree that new parents must spend time with their babies and be enabled to do that. The second issue concerns how we reconcile that with the question of

¹³⁷ [HC Deb 1 February 2018 cc1013-1051](#)

¹³⁸ Backbench Business Committee, [Representations, 5 December 2017](#), Qq1-6

¹³⁹ [HC Deb 1 February 2018 c1013](#)

¹⁴⁰ Andrea Leadsom welcomed Cat Smith back to the House, after her maternity leave, during exchanges after the Urgent Question on proxy voting on 22 January 2019 [[HC Deb 22 January 2019 cc154-155](#)]

¹⁴¹ [HC Deb 1 February 2018 c1013](#); [HC Deb 1 February 2018 c1016](#)

how and whether Members should be able to vote in the House of Commons during any such leave.¹⁴²

She said that giving Members the right to baby leave raised the following potential questions about the duties of Members:

- “Introducing baby leave might lead some to suggest that MPs should be treated as employees, which could of course have wider implications”.
- “The introduction of proxy voting would also mark a departure from conventional voting practices in the House in several ways. For example, when Members vote in a Division, it is expected that they do so having had the opportunity to attend the Chamber”.
- “It is important to note that Members of Parliament are elected by their constituencies as individuals, so it is implied upon their election that their votes cannot be transferred to another MP. The appointment of a proxy voter could be perceived as a reduction of personal accountability. Any changes will therefore need to ensure that personal accountability is maintained”.

She also noted that alternative approaches to meeting the needs of new parents were available.¹⁴³

An alternative approach suggested on many occasions was to strengthen the pairing arrangements. However, concerns were expressed that pairing lacks transparency, although on some occasions this is deliberate to protect private personal or family information.

At the end of the debate, the motion was agreed to without a debate.¹⁴⁴

Background information

A debate pack was published in advance of this debate: [Baby leave for Members of Parliament](#), CDP 2018-0023, 30 January 2018.

At that time, arrangements regarding maternity, paternity, parental, adoption, and caring leave for Members were entirely informal and arranged by political parties.

¹⁴² [HC Deb 1 February 2018 c1048](#)

¹⁴³ [HC Deb 1 February 2018 cc1049-1050](#)

¹⁴⁴ [HC Deb 1 February 2018 c1051](#)

7 Pre-pilot arrangements; calls for change; and recent developments

7.1 Pre-pilot arrangements for MPs who become parents

Maternity and paternity leave

Members, as office holders, do not qualify for maternity or paternity leave. They continue to receive their parliamentary salary unless they are suspended from the service of the House.¹⁴⁵

Arrangements regarding maternity, paternity, parental, adoption, and caring leave for Members were informal and operated at the party level.¹⁴⁶ The 2010 report of the Speaker's Conference on Parliamentary Representation noted that:

Such arrangements as there are to support Members who have caring responsibilities are in the hands of the party whips (the business managers), who have to ensure sufficient Members are present in the House for decisions to be made, and arrange for their parties to be properly represented on all official groups and committees.¹⁴⁷

Voting in divisions

In the past Members, with young children, who wished to vote, had been “nodded through” the division lobbies. This procedure has been used by Members within the Parliamentary precincts who were not physically able to go through the division lobbies. These procedures are described by Erskine May:

If any Members who are disabled by infirmity from passing through the lobby are present on the parliamentary estate and wish to vote, their names are

¹⁴⁵ Under Standing Order No 45A, “The salary of a Member suspended from the service of the House shall be withheld for the duration of his suspension”

¹⁴⁶ Sarah Childs, *The Good Parliament*, July 2016, p20

¹⁴⁷ Speaker's Conference (on Parliamentary Representation), *Final Report*, 11 January 2010, HC 239-I 2009-10, para 257. The Speaker's Conference was appointed to “Consider, and make recommendations for rectifying, the disparity between the representation of women, ethnic minorities and disabled people in the House of Commons and their representation in the UK population at large”

communicated by a Whip to the Clerks and to the tellers, and are included in the numbers counted.¹⁴⁸

In a footnote at the end of this extract, Erskine May indicates that “nodding through” was a practice of the House, not a rule.

However, practice has changed and the press has reported occasions when Members have carried babies through the division lobbies.¹⁴⁹ At its meeting on 28 March 2017, the Commons Reference Group on Representation and Inclusion¹⁵⁰ endorsed Mr Speaker’s approach to allowing children up to the age of five in the Division Lobbies and into and through the Chamber whilst a vote was underway.¹⁵¹

On 20 June 2018, Labour MPs complained that the “usual convention” of allowing seriously sick MPs to be nodded through the divisions lobbies was being broken.¹⁵² At Business Questions, the following day, Andrea Leadsom told the House that “the first notice the Government were given was just before midday. [The Labour] party should have sorted out an arrangement in much better time” and that “communication clearly needs to improve, and that should be resolved privately”.¹⁵³

7.2

The Good Parliament (2016) - recommendations

The Good Parliament report was prepared by Professor Sarah Childs following a secondment to the House of Commons. The Report offered “a ‘menu’ of practical solutions – 43 recommendations – to address the diversity insensitivities that remain in the UK House of Commons”.¹⁵⁴

It recommended that the Commons Reference Group on Representation and Inclusion should:

Produce a House Statement on maternity, paternity, parental, adoption and caring leave. All parties represented in the Commons would be expected to sign up to this.

¹⁴⁸ Erskine May, *Parliamentary Practice*, 25th edition, 2019, [para 20.62](#)

¹⁴⁹ Mikey Smith, “[Labour MP posts adorable picture as he takes baby son to vote against Tory immigration bill](#)”, *Mirror*, 15 October 2015 [on Jonathan Reynolds]; and Rosamund Urwin, “[Lib Dem MP makes history by bringing his baby into Commons for vote](#)”, *Evening Standard*, 17 July 2014 [on Duncan Hames]

¹⁵⁰ The Commons Reference Group on Representation and Inclusion was established following the publication of Professor Sarah Childs’ report, [The Good Parliament](#), July 2016

¹⁵¹ Commons Reference Group on Representation and Inclusion, [Decisions](#), November 2016 onwards

¹⁵² [HC Deb 20 June 2018 c351](#); [HC Deb 21 June 2018 cc475-476](#)

¹⁵³ [HC Deb 21 June 2018 c477](#); BBC News, [Naz Shah’s wheelchair vote prompts call for Commons reform](#), 21 June 2018

¹⁵⁴ Sarah Childs, [The Good Parliament](#), July 2016, p9

In her report, Professor Childs noted that:

Arrangements regarding maternity, paternity, parental, adoption, and caring leave for Members are informal and operate at the party level. This no doubt results from the historic maleness of the House. Yet, to become a truly inclusive institution the House of Commons must accommodate and facilitate both the pregnant woman Member and co-parenting and caring MP.

She suggested three approaches to voting whilst MPs were on maternity, paternity, parental, adoption and caring leave:

For the period of leave, the MP might choose to:

- i. Vote remotely (i.e. off the Parliamentary Estate)
- ii. Appoint a proxy from amongst fellow party MPs to vote and otherwise act for them in respect of tabling questions, amendments, etc. in Parliament
- iii. Be formally and transparently 'paired' so that any absence from Parliament does not affect the balance of party representation in divisions.¹⁵⁵

Sarah Childs reported data from a 2011 Inter-Parliamentary Union report showing that maternity provision for MPs followed provisions in national law in 62% of parliaments. For paternity leave, the equivalent figure was 45% and for parental leave it was 39%.¹⁵⁶

In August 2018, Professor Childs reviewed progress in implementing the report's recommendations. She argued that the breaking of a pair, earlier in the summer, had "demonstrated precisely why The Good Parliament report recommended a 'House statement on maternity and paternity leave'". She continued that:

This reform would end the reliance on the informal and opaque practice of pairing, which was always dependent upon the willingness of the Whips to grant leave and was always at the mercy of the pair behaving appropriately.

She thought that the pairing episode could help diversity sensitive reform at Westminster as "it highlights just how out of date some of the House's rules are and reveals the limitations of informal parliamentary practices that critics suggest render new formal rules unnecessary".¹⁵⁷

¹⁵⁵ Sarah Childs, [The Good Parliament](#), July 2016, pp20-21

¹⁵⁶ Sarah Childs, [The Good Parliament](#), July 2016, pp20-21, citing Inter-Parliamentary Union, [Gender Sensitive Parliaments: A Global Review of Good Practice](#), 2011,

¹⁵⁷ Sarah Childs, "[A Better, But Not as Yet, Good Parliament: The UK House of Commons 2016-2018](#)", PSA Parliaments Group Blog, 16 August 2018

7.3

Speaker's Conference on Parliamentary Representation (2010) – recommendations

The Speaker's Conference was convened on 12 November 2008 to consider the disparity between the representation of women, ethnic minorities and disabled people in the House of Commons and their representation in the UK population at large. It worked through 2009 collecting evidence and published its final report in January 2010.

The Speaker's Conference asked the whips of the Labour, Conservative and Liberal Democrat parties to outline the arrangements they had made to support parents and other carers. After hearing comments from them, the Speaker's Conference noted that “we believe that maternity, paternity and caring leave is an issue which all three main parliamentary parties have as yet failed to take fully seriously”. And it recommended that:

Each Parliamentary party should draw up a formal statement of policy on maternity, paternity and caring leave. This should set out clearly the minimum level of support which an individual requesting leave may expect from his or her party, and the steps which the individual should take to arrange a period of leave. Such statements should be agreed by party leaders, and published on party websites and in the party whip, by the end of 2010.¹⁵⁸

The Speaker's Conference also considered the question of statutory maternity cover for MPs. The Conference noted that because MPs are held to be self-employed they are not entitled to statutory maternity cover. In addition, anyone “taking statutory maternity leave and claiming statutory maternity pay may not also work during the period of formal leave, except on ten days allowed for ‘keeping in touch’ and career development”. This would cause difficulties if Members were required to attend the House of Commons to vote. The Conference invited the Independent Parliamentary Standards Authority (IPSA), which is responsible for determining the salary of Members, to “consider the development of formal maternity, paternity and caring leave arrangements for MPs which are as closely equivalent to the general public sector provision as possible”.¹⁵⁹

In October 2017, it was reported that IPSA had given its backing to proposals for six months paid maternity leave for MPs, “in principle”.¹⁶⁰

IPSA's chair made a statement in June 2019, on maternity cover:

¹⁵⁸ Speaker's Conference (on Parliamentary Representation), [Final Report](#), 11 January 2010, HC 239-I 2009-10, paras 263-264

¹⁵⁹ Speaker's Conference (on Parliamentary Representation), [Final Report](#), 11 January 2010, HC 239-I 2009-10, paras 265-268

¹⁶⁰ Richard Vaughan, “[MPs may be given six months maternity leave to promote more women entering politics](#)”, i Newspaper, 18 October 2017

“Members of Parliament are paid in full whilst on maternity, paternity or adoption leave. They receive a full salary from the day they are elected until the day they leave Parliament.

“IPSA provides additional funding for all MPs’ offices to cover absences. To provide MPs with extra money, IPSA asks for an explanation to be provided of how the additional money would be spent.

“We support proposals to allow maternity cover for MPs, and this would be for the House of Commons to take forward. We will work closely with Parliament on any changes they wish to introduce and on providing the funding to support this. The IPSA Board will be discussing these issues next week, and meeting the Speaker’s Committee in July, to support any move by Parliament to assist MPs.

“In the last few years, we have more than doubled the funding available for MPs’ dependants to support family life and will continue to strive to modernise our rules.”¹⁶¹

7.4 MP parental leave cover fund

In 2021-22, IPSA introduced the MP parental leave cover fund:

10.12 MPs who wish to take time off after the birth or adoption of a child are eligible for funding to provide cover for their office during their absence. This will be paid from the MP parental leave cover fund.

10.13 Such funding for cover will normally be provided for a maximum period of seven months for the biological mother or primary adopter, and two weeks for the biological father, partner or second adopter. Longer periods and/or alternative arrangements may be agreed on a case-by-case basis.¹⁶²

IPSA noted that the time periods align with those of the House’s proxy voting scheme.

In IPSA’s 2022-23, the cover fund was expanded to cover parental leave and absence. It normally covers absence where “this is longer than three months”.¹⁶³

¹⁶¹ Independent Parliamentary Standards Authority, [Maternity Pay and Cover for MPs](#), 18 June 2019

¹⁶² Independent Parliamentary Standards Authority, [The Scheme of MPs’ Staffing and Business Costs 2021-22](#) [PDF], 18 March 2021, HC 1262 2019-21, paras 10.12-10.13

¹⁶³ Independent Parliamentary Standards Authority, [The Scheme of MPs’ Staffing and Business Costs 2022-23](#) [PDF], 17 March 2022, HC 1111 2021-22, para 10.14

8 Extending the proxy voting arrangements during the coronavirus pandemic

During the pandemic various procedural changes were adopted to allow MPs to participate in parliamentary proceedings. Changes were first introduced in March 2020. All temporary arrangements expired on 22 July 2021.

Arrangements were made for Members to vote remotely during late April and May 2020, while hybrid proceedings operated in the House of Commons.¹⁶⁴ But from the beginning of June, the Government encouraged all Members to participate in proceedings in the House. On 2 June 2020, the House agreed that Members had to be on the Parliamentary estate to participate in divisions.¹⁶⁵ Initially no provisions were made for MPs who were shielding, isolating or caring for someone else as a result of the coronavirus pandemic to participate in proceedings from 2 June.

Disquiet was expressed about these provisions and the Leader of the House said that he had not ruled out extending proxy voting to those who were shielding.¹⁶⁶

8.1 Initial proxy arrangements for the clinically vulnerable

At Prime Minister's Questions on 3 June 2020, the Prime Minister was asked about MPs not being able to vote in the previous day's proceedings because of coronavirus restrictions. He said that it was not unreasonable to expect MPs to be in Westminster and continued, "I apologise to colleagues for the inconvenience. I apologise to all those who have particular difficulties with it because they are shielded or because they are elderly, and it is vital that, through the change we are making today, they should be able to vote by proxy".¹⁶⁷ A motion to allow proxy votes for certain Members affected by coronavirus restrictions themselves was tabled that evening.

¹⁶⁴ Under hybrid proceedings, MPs were able to participate via video link in parliamentary proceedings or from the floor of the Chamber

¹⁶⁵ [HC Deb 2 June 2020 cc725-760](#)

¹⁶⁶ [HC Deb 2 June 2020 cc733-734](#)

¹⁶⁷ [HC Deb 3 June 2020 c839](#)

On 4 June 2020, the House agreed to a Government proposal that proxy voting should be available to Members who were “at high risk from coronavirus for reasons that they are either ‘clinically extremely vulnerable’ or ‘clinically vulnerable’”. This was done by extending the scope of the pilot proxy voting scheme.¹⁶⁸ A different group of Members, those who had “self-certified that they are unable to attend at Westminster for medical or public health reasons related to the pandemic” were allowed to “participate in proceedings on Questions, Urgent Questions and Statements virtually, by electronic means approved by the Speaker”, until 7 July 2020.¹⁶⁹

Members had expressed concern that the arrangements for proxy voting did not go far enough and an Emergency Debate, granted on 4 June,¹⁷⁰ was held on 8 June 2020.¹⁷¹ In that debate, the Leader of the House confirmed that the Government was “giving thought to bringing forward a motion that extends proxy voting beyond what has already been agreed by the House, to include Members who are more widely affected by the pandemic”.¹⁷²

Eligibility expanded

On 10 June, the House altered the eligibility for proxy votes to those Members who were “unable to attend at Westminster for medical or public health reasons related to the pandemic”. These provisions for proxy voting during the pandemic were also included in the pilot scheme and so would then expire at the same time as the pilot scheme expired.¹⁷³

On 11 June 2020, the Speaker issued 135 certificates to Members under the Proxy Voting (Medical or public health reasons related to the pandemic provisions).¹⁷⁴

On 16 June 2020, the Speaker made a short statement on the new division procedure and proxy voting on health grounds because of the pandemic. He reminded MPs that the expanded proxy voting scheme applied only to those “who are unable to attend Westminster for medical or public health reasons relating to the pandemic”. He continued:

If an hon. Member applies for a proxy vote, this means that they have given me and the House a commitment that they are not able to attend Westminster. It is therefore important that colleagues with proxies do not take part in any physical proceedings or come on to the Estate while they have a proxy vote in operation.¹⁷⁵

¹⁶⁸ [HC Deb 4 June 2020 c1103](#)

¹⁶⁹ [HC Deb 4 June 2020 c1102](#)

¹⁷⁰ [HC Deb 4 June 2020 cc1058-1059](#)

¹⁷¹ [HC Deb 8 June 2020 cc59-94](#)

¹⁷² [HC Deb 8 June 2020 c74](#)

¹⁷³ [HC Deb 10 June 2020 c361](#)

¹⁷⁴ House of Commons, [Votes and Proceedings](#), 11 June 2020

¹⁷⁵ [HC Deb 16 June 2020 c645](#)

When the duration of the pilot scheme was extended, on 20 July 2020, to 20 months, the arrangements for proxy voting during the pandemic were included.¹⁷⁶

On 23 September 2020, when the permanent proxy voting scheme for childbirth or care of an infant or newly adopted child was agreed, the House also agreed to rescind the arrangements made for proxy voting during the pandemic on 4 and 10 June. The House did, however, continue to make provisions for the pandemic by adding “or for medical or public health reasons related to the pandemic” to the new permanent scheme.¹⁷⁷ The arrangements for proxy voting for reasons related to the pandemic were to expire on 3 November 2020.

On 22 October 2020, the arrangements for proxy voting during the pandemic were further extended to 31 March 2021.¹⁷⁸

Requirement to be away from Westminster removed

On 3 November 2020, the House made further changes to the temporary arrangements during pandemic. Consequently, Members with a proxy vote, as a result of the pandemic, were able to be in the precincts of the House but they were not allowed to participate in divisions or deferred divisions; proxy votes could not be cast in elections for the Speaker or committee chairs; but proxy votes could be counted in determining a quorum.¹⁷⁹

Earlier in the day, the Speaker had made a statement about how the change would be implemented:

Motion No. 9 on today’s Order Paper extends the proxy voting scheme to allow proxies for hon. Members present on the precincts of the Palace. If the motion is passed, I intend to introduce the new scheme with effect from tomorrow, including hon. Members who make their designation before 9.30 am tomorrow. To apply for a proxy, Members must email proxypvote@parliament.uk with the name of their nominated proxy. On subsequent days, notice will be given before the House rises on the preceding sitting day, or 3 o’clock on a non-sitting Friday.¹⁸⁰

Valerie Vaz, the Shadow Leader of the House, raised questions about the way that the division system was working on 22 October, including questioning whether proxy votes could count in determining the quorum¹⁸¹. On 5 November, she thanked the Leader for extending proxy voting but pressed for a distinction to be made between Members on the Estate with proxy votes and those with proxy votes who were not on the Estate.¹⁸²

¹⁷⁶ [HC Deb 20 July 2020 c1964](#)

¹⁷⁷ [HC Deb 23 September 2020 cc1057-1075](#)

¹⁷⁸ [HC Deb 22 October 2020 c1338](#)

¹⁷⁹ [HC Deb 3 November 2020 c284](#)

¹⁸⁰ [HC Deb 3 November 2020 c161](#)

¹⁸¹ [HC Deb 22 October 2020 c1229](#)

¹⁸² [HC Deb 5 November 2020 cc483-484](#)

On 9 November 2020, the Speaker told the House that at least 370 proxy votes were in operation (via [@PARLYapp](#)).

In a report on virtual participation in debate, published shortly after these decisions were taken, the Procedure Committee expressed some disquiet about the ease with which MPs could participate in divisions compared with the difficulties in participating in debates:

Where divisions are concerned, the Leader has sponsored motions which now facilitate a number of colleagues to participate in scrutiny proceedings, and a very large number of colleagues to cast their votes by proxy, without applying a similarly strict test of eligibility. We consider that voting in divisions is as fundamental a part of the role of a Member of Parliament as attendance in the Chamber to participate. It appears to us that the Government is keen to facilitate the participation of its supporters in divisions, but rather less keen to facilitate contributions to debate from colleagues across the back benches.¹⁸³

Further extensions of the pandemic arrangements

These revised arrangements were extended on two more occasions.

First on 25 March 2021, they were extended to 21 June 2021; and then, on 16 June 2021, they were extended for a final time to 22 July 2021.¹⁸⁴

¹⁸³ Procedure Committee, [Procedure under coronavirus restrictions: virtual participation in debate](#) [PDF], 18 November 2020, HC 905 2019-21, para 61

¹⁸⁴ [HC Deb 25 March 2021 cc1109-1170](#); [HC Deb 16 June 2021 cc327-398](#)

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