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Commons**

**Evidence to the Procedure Committee:  
On the subject of 'Proxy Voting in the House  
of Commons' for babyleave.**

2<sup>nd</sup> March 2018

Pursuant to the motion of the House agreed on 1<sup>st</sup> February 2018



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## **On Thursday, 1 February the House of Commons resolved that:**

"It would be to the benefit of the functioning of parliamentary democracy that MPs 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".

I welcome the Procedure Committee's inquiry into proxy voting in the House of Commons and the opportunity to submit evidence.

## **Introduction**

There are now more than 200 women on all sides of the Commons. Many of them are younger women who are having babies. 17 babies have been born to women MPs since 2010 and there are at least 3 more on the way later this year, as Laura Pidcock, Jo Swinson and Cat Smith are expecting.

I don't know how many men Members have had babies over the same period but it will likely be a large number and no doubt many more are expecting babies this year. That has always been the case but what has changed is attitudes to fatherhood. There is a growing, and welcome, expectation amongst men that they will share in the early hours and weeks of their new baby. And as set out by Members in the debate on 1 February 2018 this is clearly the case for the men MPs on all sides of the House who are having babies.

Parliament sets the rules for people outside the House to take maternity, paternity and shared parental leave and yet we ourselves have no system.

The way things work currently women MPs who are giving birth, or men MPs who want time with their baby, ask the Whips for a pair, and their Whips then make an arrangement with the Whips on the other side of the House. The situation in relation to the Whips is nothing like it was when I was having my children 30 years ago, I know that attitudes in the Whips Office are now completely different, but each Member still has to make a request. We would not agree to that happening in any other workplace. Furthermore, it is in the discretion of not just one Whips Office but two, because both Whips Offices have to agree, and the SNP aren't currently involved in pairing so 34 of Parliament's MPs are not covered by the current informal system.

Public confidence in parliamentary requires transparency. A formal and transparent system of proxy voting would provide this and would guarantee the right of MPs' constituents to have their voice and vote recorded in Parliament, rather than an abstention, if their MP is giving birth or on leave.

The system which we introduce should be an uncomplicated and transparent system.

### **1. How a system of proxy voting might operate in the House of Commons:**

- **Under what circumstances an MP ought to be entitled to appoint a proxy; and who ought to determine whether an MP wishing to appoint a proxy meets the criteria**

The criteria should be clearly defined – appointing a proxy would be for a Member who has had a baby or adopted a child. Whether you've had a baby or adopted a child is easily certified as it is a matter of fact and not something which could lead to abuse or ambiguity or require the exercise of discretion.

A Member wishing to appoint a proxy should (like that which we have prescribed for the public) give the Speaker a certificate of pregnancy from a registered practitioner, midwife or health visitor, or a 'matching certificate' from a registered adoption agency and a written notice signed by both the MP and their chosen proxy.

- **Whether proxy voting should be confined to the Chamber or whether it should be available for use in other House bodies (such as general committees or select committees) and/or for House elections via written ballot**

I think we should initially limit proxy voting to votes in the Chamber or Deferred Divisions, and the votes for select committee chairs and for the Speaker and Deputy Speakers. I do not propose not extend it to other bodies such as general committee or select committees because extending it to select committees and general committees would be more problematic. There is, currently, no pairing system for committees which is equivalent to the pairing system when an MP is absent from votes in the chamber.

- **What effect such a system might have on present informal arrangements such as 'pairing'**

There should be no requirement for an MP who has had a baby or adopted a child to nominate a proxy but they should be able to do so if they choose.

Those who want to continue under the current system and ask for a pair, should be able to do so. This would provide for those who don't want to vote by proxy or who need longer than the proxy arrangements provide for

## **2. What the practical requirements of appointing a proxy would be:**

- **Whether the appointment of a proxy would require any form of prior approval**

The appointment of a proxy should not require any prior approval. The whole point is that it's the Member's vote, being recorded in a different way. So while there should be notification of the appointment of a proxy there should be no application for it and no discretion about allowing it. It should be as of right, as is the vote of a Member when they are elected. It is about the MP using their own vote in a different way – i.e. by proxy rather than in person and this proposal is all about the MP being able to continue to exercise their vote despite having a baby.

The appointment of a proxy could be in the form of a written notice signed by the Member and countersigned by the Member appointed as a proxy, to the Speaker of the House of Commons or the Clerk of the House. I don't think it much matters to who in the House the notification is made. But it should be to House authorities, not to the parties. I don't think the appointment of a proxy should be notified to the public by the House authorities to the public. Though it would be open to the Member to report it. What the public need to know and what should be transparent is who has voted and how (i.e. in person or by proxy). So there should be a recording in Hansard if the vote of a member is by proxy rather than in person.

- **Which MPs ought to be eligible to act as proxies**

Any MP ought to be eligible to act as a proxy. The point is to give the MP on babyleave the choice on who would exercise their proxy just as the MP decides, when they are in the

House, on how they vote.

- **How the appointment of a proxy might be (a) registered and (b) transparently communicated to the House and the public**

I suggest that the vote of the Member on baby leave should be registered with the Division Clerks by the Proxy as he or she passes through the division lobby and should be recorded in Hansard as the name of the Member on leave and then there be added “vote cast by x MP acting as proxy”. And the Member would need to tell the teller “2 votes” when he or she leaves the Division lobby. This will allow the vote from that constituency to be recorded, make the situation completely transparent to the public and allow the tellers accurately to report the numbers to the House.

- **Whether proxy appointments ought to be time limited, and whether they ought to be capable of cancellation and later resumption**

The resolution of the House on 1 February 2018 prescribed that proxy voting arrangements should time limited.

I propose the maximum period for a proxy should reflect the time laid down in statute for paid maternity and paternity leave i.e.:

- Up to 39 weeks for the mother of a baby; or for the primary or single adopter of a baby or child
- Up to 2 weeks for the father of a baby, or the partner of the person giving birth; or for the second adopter of a baby or child.

I personally don't think that's long enough but I think it would open the House to criticism if the House “gave ourselves” longer time off than we have seen fit to prescribe for our constituents.

If the period of leave the Member chooses is less than the maximum the Member should subsequently be able to notify the Speaker in writing that they are extending it.

If a member wants to cancel their proxy vote and return to the House sooner than planned this should also be by notifying the Speaker in writing. If they subsequently want to reappoint the proxy then they should be able to do so if it is within the period. They should be able to re-register the proxy in the same way as an initial registration of a proxy.

### **3. How a proxy vote would operate:**

- **Whether, and how, a proxy might be bound to vote in the way mandated by the MP appointing the proxy**

The essence of a proxy is that the MP chooses the MP who will act as their proxy and then the MP whose vote it is will be accountable to their constituents for the way the proxy has cast that vote in exactly the same way as if they had cast that vote themselves. There should be no requirement for a written agreement or instructions from the MP on leave to the proxy. That would make it too complicated and cumbersome. It will be based on trust. If the Member doesn't trust any of their colleagues to vote in a way they would wish

them to, then the best course for them is not to have a proxy. I don't think it would be fruitful to try and devise rules about the relationship between the Member voting and their proxy.

A Member wishing to appoint another Member as their proxy or change the Member who is their proxy, or end their period of proxy voting earlier than originally notified, should give notice to the proxy and to the Speaker the day before it is to be effective.

- **How a vote by proxy ought to be (a) cast and (b) recorded:**

A Member casting a proxy vote in a Division should inform the Division Clerk and the tellers. The Division lists will show next to the name of the absent Member that the vote has been cast by proxy. This should also apply to deferred divisions.

#### **4. How proxy voting is managed in other legislatures (a) in the UK (b) in other Westminster-based systems and (c) under other parliamentary systems:**

[Appendix 6 in the \*Good Parliament\* report, by Professor Sarah Childs, 2016](#), lists some of the other Parliaments around the world that have formal House baby leave arrangements. Table 7 sets out the arrangements in Australia, Denmark, Finland, Germany, New Zealand, Spain and Sweden which are all formally recorded baby leave arrangements. Out of those Australia and New Zealand are Westminster-based systems.

The UK Parliament is unique in many respects so we will need to find our own proxy voting system. If other countries have found ways of implementing formal systems of baby leave, so can we.