



House of Commons
Procedure Committee

**Proxy voting and
parental absence**

Fifth Report of Session 2017–19

*Report, together with formal minutes relating
to the report*

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Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

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Committee reports are published on the Committee's website at www.parliament.uk/proccom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

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Summary

On 1 February 2018, the House passed the following resolution:

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.

The Procedure Committee has considered how the House's decision in principle might operate in practice.

The resolution was brought to the House by Harriet Harman MP and was supported by members of the Commons Reference Group on Representation and Inclusion, which has been considering recommendations in *The Good Parliament*, an independent report making recommendations on how to make Parliament more representative and inclusive. The Representation Group has made proposals in line with *The Good Parliament's* recommendations to allow Members absent from the House by reason of maternity, paternity or adoption to vote by proxy in House proceedings.

Current arrangements between the parties allow Members to be absent from attending the House through 'pairing', whereby a Member is matched with a Member from the opposite side of the House, with both Members agreeing not to attend particular votes. The Committee heard from a number of witnesses that these arrangements are considered inadequate for new parents, because there is no transparency about the reason for a Member's absence. As a result, new parents who do not attend votes in the House because they are on maternity or paternity absence have been subject to unfair and unjust criticism.

The Committee has heard that representation of women in the House has consistently failed to reflect the gender balance in the population. In evidence, the current arrangements for voting in the House have been cited among the reasons women have been deterred from standing for election to Parliament and from pursuing political careers. It was put to the Committee that a guarantee of a recorded proxy vote would send "a strong symbolic message" to those of childbearing age that support is available to those combining the work of a Member of the House of Commons with early parental responsibility.

The Committee now makes recommendations on how a non-compulsory scheme for proxy voting might operate in the House, as foreseen in the House's resolution of 1 February, and proposes consequent changes to the House's Standing Orders. Its proposals recommend that the scheme shall operate under the authority of the Speaker, who will certify the appointment of a proxy.

The Committee has proposed a scheme for consideration by the House which, if adopted, and subject to the restrictions set out below, will be available for use in divisions on all public and private business in the Chamber as well as in deferred divisions and in ballots for the election of the Speaker, Deputy Speakers and select committee chairs.

The scheme is capable of being varied: the House may decide that a proxy voting scheme should only apply to business on Mondays to Thursdays (that is, not to divisions on private Members' bills on Fridays), or that it should apply to Government business only.

The Committee has determined that proxy voting would be incompatible with the following:

- voting on a motion 'That there shall be an early parliamentary general election' pursuant to section 2(1) of the Fixed-term Parliaments Act 2011 (where a two-thirds majority of the seats in the House is required), and
- ascertaining, under Standing Order No.41(1), whether fewer than forty Members have taken part in a division (the mechanism the House uses to determine whether a quorum is present).

The Committee considers that participation in a proxy voting scheme should not be compulsory, and that eligible parents are entitled to vote in person or to be paired under existing arrangements if they wish.

The House is often called upon to decide matters which have serious consequences for others. The Committee is confident that those entitled to a proxy vote will bear the reputation of the House in mind in choosing whether to take up their entitlement or to vote in person in highly significant divisions, such as on whether to commit troops to armed conflict.

Should the House agree to the introduction of provisions for proxy voting, the Committee intends to review proxy voting arrangements within 12 months.

1 This inquiry

The resolution of the House of 1 February 2018

1. On 1 February 2018 the House of Commons adopted the following resolution:

“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”.¹

The resolution was adopted without a vote, following a debate on a motion, taken in backbench time, proposed by Rt Hon Harriet Harman QC MP.

2. No opposition to the proposal was voiced in the debate, in which 32 Members participated. The absence of recorded opposition in the Chamber indicates that there was general support across the House for the proposition outlined in the resolution of 1 February, although we understand that support in the House is not unanimous. We have examined how the House’s decision in principle might work in practice, and report below our recommendations on how a form of proxy voting might be implemented by the House.

3. The issue of whether proxy voting should be made available to Members who are new parents was raised in “The Good Parliament” report, published in July 2016.² This report made a number of recommendations which it was claimed had “the potential to make the membership of the House more representative; enable Members to be more effective in their parliamentary work, both individually and collectively; and to enhance the representational relationship between the British public, Members, and the House of Commons as an institution”.³ The report stated that “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” rather than relying on informal arrangements made within political parties.⁴ It recommended that the matter should be remitted to the Commons Reference Group on Representation and Inclusion, a body the Speaker had agreed to convene to consider the recommendations in the report.⁵ Members of the Reference Group both sponsored and participated in the debate on baby leave on 1 February.⁶

1 Votes and Proceedings, [1 February 2018](#), item 5

2 Professor Sarah Childs, [The Good Parliament](#) (July 2016)

3 *Ibid*, p 6

4 *Ibid*, p 20 (Recommendation 12)

5 The Commons Reference Group on Representation and Inclusion, chaired by the Speaker, was first convened in November 2016. Further information on the work of the Group is available at www.parliament.uk/business/committees/committees-a-z/other-committees/reference-group-representation-inclusion, accessed on 8 May 2018.

6 The current membership of the Commons Reference Group on Representation and Inclusion, is listed at www.parliament.uk/business/committees/committees-a-z/other-committees/reference-group-representation-inclusion/membership, accessed on 8 May 2018.

The inquiry

4. The Leader of the House wrote to the Chair on 30 November 2017 to indicate that the matter had been discussed in the Reference Group, which had determined that proposals for what is termed ‘baby leave’ ought to be given effect through a resolution of the House.⁷ She considered that any decision to implement the proposals “should be based on a sound argument”, and invited the Committee’s views.

5. The remit of this Committee is to advise the House on its practices and procedures in its public business. Once the motion proposed by Harriet Harman had been scheduled for debate by the Backbench Business Committee we decided that, should it pass in the affirmative, we would launch an inquiry into a means of implementing the House’s decision on the merits of proxy voting and ‘baby leave’.

6. The inquiry was announced on 1 February, the same day that the House adopted the resolution. The stated purpose of the inquiry was to examine:-

- i) whether a formal system of voting by proxy is required to implement the House’s resolution, and
- ii) if so, how such a system should operate.

7. We requested written evidence on the following terms of reference:

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;
 - 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, and
 - What effect such a system might have on present informal arrangements such as ‘pairing’.
2. What the practical requirements of appointing a proxy would be:—
 - Whether the appointment of a proxy would require any form of prior approval;
 - Which MPs ought to be eligible to act as proxies;
 - How the appointment of a proxy might be (a) registered and (b) transparently communicated to the House and the public, and
 - Whether proxy appointments ought to be time limited, and whether they ought to be capable of cancellation and later resumption.

⁷ Procedure Committee, [Letter from the Leader of the House on Proxy voting and Baby Leave for Members of Parliament, 30 November 2017](#), para 5, published 20 March 2018

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, and
 - How a vote by proxy ought to be (a) cast and (b) recorded.
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.

8. We received 12 written submissions to the inquiry, including a paper on more general issues around absent voting, prepared by the Clerk of the House at the request of the Committee in the last Parliament and resubmitted to this Committee. We held four oral evidence sessions, at consecutive Committee meetings between 7 and 28 March, with the following panels: Rt Hon Harriet Harman QC MP, sponsor of the 1 February motion, and Rt Hon Maria Miller MP, Chair of the Women and Equalities Committee; Rt Hon David Lammy MP, Chair of the All-Party Parliamentary Group on Fatherhood, and Hannah Bardell MP; David Natzler, Clerk of the House of Commons; Jo Swinson MP, Deputy Leader of the Liberal Democrats; Pete Wishart MP, SNP Shadow Leader of the House; Valerie Vaz MP, Shadow Leader of the House; and Rt Hon Andrea Leadsom MP, Lord President of the Council and Leader of the House. We also held informal discussions with past and present members of Whips' offices from the three largest parties. We would like to thank all individuals and organisations that contributed to this inquiry.

2 Is proxy voting required for ‘baby leave’?

Present arrangements for absence from divisions in the House

9. A formal means of voting by proxy in divisions when away from the House is not at present recognised by the House of Commons in any of its proceedings. Votes—whether in the lobbies adjacent to the Chamber, in select or general committees, or by written ballots—must be given in person. By arrangement between the parties, votes in divisions in the Chamber may be given on behalf of a Member if he or she is present on the precincts but physically unable to reach the lobbies.

10. Following the decision of the House on 1 February that it is desirable for a system of proxy voting to be introduced, we examine how such a system of voting by proxy can be introduced, so as to implement the House’s resolution.

Participation in divisions

11. Members who accept a party whip are requested by their whips to attend and vote in accordance with instructions. They are free not to attend, and not to follow instructions, although such decisions may have consequences. Members under a party whip who are unable to be present in the House for a division therefore generally obtain leave from their whips to be absent.

12. It is worth noting that absences from divisions are a fact of Parliamentary life. No recorded division in the House has ever secured the participation of 100 per cent of the Members eligible to vote.⁸

‘Pairing’

13. Agreed absences between the Government and Opposition parties are often arranged through ‘pairing’ of Members, which takes two forms:

- Members may be authorised by their party whips to make arrangements with a Member on the other side of the Chamber that both shall be absent from the same divisions; or
- Whips reach an agreement with their opposite numbers on a certain number of Members from each side of the House who will be authorised to be absent from divisions, and will then authorise the absence of members of their party from divisions (a practice known as ‘slipping’).

⁸ In this Parliament to date the divisions with the largest number of participating Members (622) took place on 28 June 2017 (Opposition amendment to Humble Address in response to the Queen’s Speech, 309 ayes, 323 noes) and 29 June 2017 (Main Question on Humble Address, 323 ayes, 309 noes). 17 of the House’s 650 Members were unable or ineligible to vote: the Speaker; the three Deputy Speakers elected on 28 June; the two temporary Deputy Speakers appointed on 21 June pending the election of Deputy Speakers, and who were in the Chair during the Queen’s Speech debate; the four tellers in the division, and the seven Members who had not taken their seats. The largest number of Members participating in any division in the House was recorded on 11 August 1892, when a Liberal amendment to the motion on the Queen’s Speech proposed by the Salisbury administration was carried by 350 votes to 310. Of a House of 670 seats, five Members (the Speaker and four tellers) were ineligible to vote, two seats were vacant and three Members were absent.

Such ‘pairing’ operates on the basis of reciprocal absence from votes which does not affect the overall balance of voting strength on either side. Absences of ‘paired’ Members from voting are not recorded.

14. We understand that ‘pairing’ can be used by whips to allow for absences from Westminster in a range of circumstances: for instance, in case of prolonged hospital treatment for serious illness; to allow for care of a child or other family member; in recognition of distressing personal circumstances; to allow for a select committee visit away from Westminster; to allow Members to participate in the UK’s delegations to international parliamentary assemblies; or to allow for absences on Ministerial business.

15. Not all parties participate in pairing arrangements: the Scottish National Party does not pair, and makes alternative arrangements to authorise its members to be absent.⁹ Pairing arrangements are not available to independent Members.

‘Nodding through’

16. At present, in exceptional circumstances, such as serious illness which makes it impractical for a Member to pass through the lobbies in person, an informal arrangement known as ‘nodding through’ is operated between party whips. Where a Member is recognised as being present on the precincts but unable to enter the lobbies a Whip will, by agreement, give the Member’s name to division clerks in a lobby. The Member concerned will be ‘nodded through’ that lobby by the tellers as if he or she were casting a vote in person. The use of this informal means of voting by proxy is not recorded, and no mark is made on the division list to indicate that the member concerned was ‘nodded through’: to all intents and purposes the Member was present in the lobby.¹⁰

Provision for proxy voting in other Parliaments

17. Two chambers which operate on the Westminster model make provision for voting by proxy: the Australian House of Representatives and the New Zealand House of Representatives. Both Houses make specific allowances for mothers with young infants.

18. The Clerk of the Australian House of Representatives told us that “significant use” has been made of proxy voting provisions in the House, which are solely available to mothers nursing infants. All proxy votes are cast by the Chief Whip of the relevant party.¹¹

19. The New Zealand House of Representatives operates a system where whips cast proxy votes in the Chamber *en bloc* on manifesto business. In casting the block vote for a party, a whip warrants that 75% or more of the members of the party group included in the vote are present on the estate. No more than 25% of the total cast may represent Members who are away from the estate. The casting of block votes reflects the multi-member constituency proportional representation electoral system in operation in New

9 Q133 (Pete Wishart)

10 [House of Commons Service](#) (PVG 0001) para 6. The Clerk of the House noted that ‘nodding through’ arrangements were not infallible: misunderstandings had been known to occur. On one occasion in July 1974, during a period of minority government, two Opposition amendments to a Bill on Report were defeated on tied votes when the Speaker used his casting vote in accordance with precedent. It was discovered that a Minister had been ‘nodded through’ to vote against the amendments when he was in fact not on the precincts, and consequently the amendments ought to have been carried. The Bill had to be recalled from the Lords and the anomaly corrected. HC Deb, 16 July 1974, [cols 248-265](#) [Commons Chamber].

11 [Clerk of the House of Representatives, Parliament of Australia](#) (PVG 0006)

Zealand: it can be claimed with justification that Members are elected to Parliament on the basis of a vote for a party and not a personal vote. Under this system, Members on maternity absence are automatically deemed to be on the estate: their votes are therefore not scored against the maximum 25 per cent of group members absent from the estate but represented by a proxy vote.¹²

20. We note that the basis for the New Zealand system, where proportional representation operates, is substantively different from the UK's electoral system. In the UK's first-past-the-post system, a candidate is elected to represent a constituency, and not simply as a party delegate.

Maternity and paternity absences under existing arrangements

21. In the House of Commons, the pairing arrangements described in paragraphs 13 to 16 above are typically used to ensure that a party's voting strength is not affected by the absence of a Member who is an expectant or a nursing mother. Pairing is similarly used where new fathers take a period of absence following the birth of a child.

Are the existing arrangements adequate?

22. Some have put to us the view that these existing pairing arrangements work well for maternity and paternity absences and require no change.

23. In particular we have heard about the flexibility of the pairing system and how its balancing of relative party strengths enables Members to be excused from attendance in divisions, sometimes at short notice. To make arrangements for a new mother to vote by proxy for a period of time, it was argued, would be to deprive another Member of an opportunity to be paired or 'slipped' from a vote.

24. 'Pairing' and 'slipping' operate informally and in an opaque way. There are instances where this is desirable. A Member will on occasion, and for perfectly legitimate reasons, not wish a temporary absence from the House to be a matter of public knowledge or comment: for instance, when medical treatment is being received or when a Member is caring for a relative. In these circumstances we recognise that whips are able to facilitate absences discreetly. It was put to us that absences for maternity and paternity are entirely capable of being catered for under these arrangements.

25. There is evidently some support in the House for the status quo. However, none of these arguments was put to the House during the debate on the principle held on 1 February. There will be a further debate at the point the proposals we make in this report are put to the House.

Paired absences and voting records

26. One general criticism made of the current informal systems of ‘pairing’ and nodding through is their overall lack of transparency. Harriet Harman pointed out that: “the trouble is that, even when an MP is paired, people outside the House do not understand pairing. They just see that their MP has not voted”.¹³ In the debate on 1 February Luciana Berger told the House that:

The website TheyWorkForYou.com currently registers the fact that I have voted in just 16.51% of votes in the past year. I have, though, been in Parliament, but have just gone home to look after my child at the end of the day.¹⁴

In the same debate Rachel Reeves stated:

When my first child was born almost five years ago, one of the campaigning organisations that email constituents about votes emailed my constituents to say that I had not bothered to turn up to a vote.¹⁵

27. The lack of transparency in current pairing arrangements means that female Members absent from divisions through maternity, but otherwise active as Members of Parliament, have been subject to unfair and unjust criticism.

28. One of the major re-users of division data, the organisation mySociety (which operates the TheyWorkForYou website), told us that a system of proxy voting for maternity absence could “bring consistency to the voting activity of MPs during significant life events such as becoming a parent, and minimise confusion in the public perception around members’ leaves of absence.”¹⁶

29. We have heard that whips of all parties seek to facilitate parental absence from divisions through pairing. Harriet Harman told us that she considered it inappropriate to have to request absence from divisions in this way, even if requests were routinely granted:

... [W]e do not want to just have people asking for a request: we want the constituents’ voices to be heard in every division and not be lost just because the MP is having a baby.¹⁷

The Commons Reference Group on Representation and Inclusion similarly criticised the existing informal arrangements: they considered that “the status quo, whereby MPs are required to seek permission to take leave [...] infantilizes MPs, and leaves them beholden to the Whips.”¹⁸

13 HC Deb, 1 February 2018, [col 1018](#) [Commons Chamber]

14 HC Deb, 1 February 2018, [col 1017](#) [Commons Chamber]

15 HC Deb, 1 February 2018, [col 1018](#) [Commons Chamber]

16 [mySociety](#) (PVG 0004), para 1

17 Q2

18 [Commons Reference Group on Representation and Inclusion](#) (PVG 0002), para 7

Childcare facilities available in the House

30. The House of Commons Nursery in 1 Parliament Street offers day care facilities for infants from the age of 3 months between 8am and 6pm, and will provide a service to look after children after 6pm on sitting days if booked in advance.¹⁹ The House Service has also begun a pilot with a provider of backup childcare services which can arrange one-off and emergency childcare provision for Members.²⁰

31. Nevertheless, the House does not provide childcare arrangements to support Members who are nursing mothers very late at night, when divisions may be expected. Luciana Berger recounted an occasion attending the House for a whipped vote with her infant:

In September, I was in the Tea Room with my baby until after 10 o'clock at night. I can see Members bobbing their heads—arguably, that was not the right place for her at that time of night. As a breastfeeding mum, on all those occasions my baby came into the House with me.²¹

Arrangements to cater for maternity absence

32. Maternity (through birth or infant adoption) and paternity are life events for which new mothers and new fathers are legally entitled to claim adjustments from employers (in the form of leave) for a defined period. The House decided in principle on 1 February that in these clearly defined and foreseeable circumstances it is the responsibility of the House to provide a system which allows the absent Member to cast a proxy vote, rather than the matter being addressed by private arrangement between parties.

33. The Fawcett Society told us that “Parliament continues to struggle to get women in as MPs, and the lack of baby leave is a part of that overall un-modernised environment that makes it less welcoming to women.”²² Representation of women in the House has consistently failed to reflect the gender balance in the population. The environment described earlier in this report, in which Members may not be able to see their families while at Westminster during the week, where divisions may take place unpredictably and late at night, and where partial understanding of how a Member discharges his or her responsibilities may give rise to unjust criticism, has deterred women from standing for election to Parliament and from pursuing political careers. More mothers and prospective mothers are now entering politics, and the House is becoming more representative as a result. The Commons Reference Group argued that a guarantee of a recorded proxy vote would send “a strong symbolic message” to those of childbearing age that support is available to those combining the work of a Member with early parental responsibility, and to party selection panels that being represented by a Member of child-bearing age would not risk diminishing the voice of the constituency in the House.²³ On 1 February the House accepted these arguments and decided that it was desirable to address this potential barrier to participation.²⁴

19 Details of nursery opening hours and facilities are published on the Parliament website at <https://www.parliament.uk/about/working/nursery/> (accessed 8 May 2018).

20 The pilot arrangement with www.myfamilycare.co.uk began in October 2017 and will run until December 2018.

21 HC Deb, 1 February 2018, [col 1028](#) [Commons Chamber]

22 [Fawcett Society](#) (PVG 0008), para 4

23 [Commons Reference Group on Representation and Inclusion](#) (PVG 0002), paras 8 and 9

24 HC Deb, 1 February 2018, [col 1049](#) [Commons Chamber]

Members' experience of maternity absence

34. Jo Swinson MP explained to us the practical issues faced by a Member in the later stages of pregnancy and in the first months after birth. Airlines will not accept women on flights in the later stages of a pregnancy.²⁵ This presents challenges for Members who typically travel by air between their constituencies and Westminster: the alternatives of road, rail or ferry transport are more time-consuming or in some cases unavailable in practice. Even though a new mother might be absent from Westminster in the period after a birth, she does not take leave from her role as a Member: constituency engagements and casework continue. Ms Swinson explained that while she was able to take six months' leave from her role as a Minister after the birth of her first child, her first constituency engagement after the birth took place after six weeks.²⁶

35. Ms Swinson observed that the challenges of combining parenthood with membership of the House had the potential to deter a significant section of the population from standing for election:

[E]xperience in my own party has found that it is more likely for women to be elected either before they have children or when their children are much more significantly grown up. That points to a particular pattern of challenge of doing the job of Member of Parliament with small children, particularly but not exclusively if you have a constituency that is some distance from Parliament.²⁷

While she pointed out that there were other challenging occupations with demands which were difficult to reconcile with family life, she argued that this was no reason not to address the particular difficulties which membership of the House presented to those with young families:

The key should always be to try to minimise those difficulties, not to just shrug and say, "Well, tough, that is the way it is". We should always try to make it more possible to combine family life with work.²⁸

The difficulty for Members arises out of the substantial distance between the constituency home and Westminster, and certain of the demands arising from the sitting patterns and activities of the House, which makes it less easy for new mothers to participate in some of the activities expected of a Member.

36. On 1 February the House determined that the present system of pairing does not properly cater for the specific circumstance where a Member, while otherwise able to undertake the functions of a Member of Parliament, has to be absent from divisions for a defined period of time by reason of maternity or paternity (whether by birth or adoption). It resolved that this is an issue to be addressed through procedural change, rather than by private arrangements between Members. Many consider that it is not appropriate for absences on such grounds to be dependent on a positive response to a request for a pair, no matter how accommodating the whips are prepared to be to such requests.

25 Q116: airline policies vary on the latest point in a pregnancy that a woman is permitted to board a flight.

26 Q119

27 Q114

28 *Ibid.*

37. The introduction of a formalised means of registering the votes of women, absent by reason of maternity, would remove some of the barriers which discourage women from considering a career as a Member of Parliament: it is argued that that introducing these provisions would be a step forward for the House of Commons.

38. Members are office-holders and cannot take leave from the responsibilities of their offices in the same way as those in paid employment can take statutory maternity leave. The House has resolved to adjust its procedures and practices so as to provide that presence in the House to vote is not necessary for a defined period, and absence in consequence of birth or adoption is not dependent on securing leave. *If the House is to enable such an adjustment, we recommend that its scope should be broadly equivalent to statutory provision for maternity and paternity leave.*

Should proxy voting be available to others?

39. During the debate on 1 February, and in discussions with us, Members raised the issue of the availability of proxy voting in other circumstances where Members are unavoidably absent from the House or required to be absent on parliamentary or Ministerial business.²⁹ However, the House did not decide on 1 February to extend its requirement beyond parental absence, and so the Committee did not pursue these representations.

40. For a proxy voting system to operate transparently, the House must formally give Members leave to be absent from divisions. Publishing this information could place Members in a position where they may be pressured to disclose private personal or family information. We do not think that this is an acceptable position.

41. We note that where proxy voting procedures have been made available to Members in the Australian House of Representatives, those provisions to vote by proxy have not been extended to circumstances beyond mothers nursing infants.³⁰

42. In order to implement the decision in principle which it took on 1 February, the House will have to establish proxy voting arrangements to allow Members absent from the House by reason of maternity, paternity or adoption, to cast a vote in a division by proxy for a defined period.

29 For instance Q15 (Harriet Harman); see also HC Deb, 1 February 2018, [col 1022](#) [Commons Chamber]

30 [Clerk of the House of Representatives, Parliament of Australia](#) (PVG 0006)

3 Operation of a proxy voting scheme

43. We set out below how a proxy voting scheme could operate should the House decide to implement the proposal. A proposed standing order to implement such a scheme, and a proposed scheme on how it should operate, are annexed to this Report.³¹

Eligibility for the scheme

44. *We recommend that proxy voting ought to be available to new mothers, new fathers and adoptive parents.*

Certification

45. The Commons Reference Group on Representation and Inclusion, in its written evidence to us, proposed that a Member would demonstrate eligibility for the scheme by producing the following documents to the Speaker:

- A certificate of pregnancy from a registered practitioner, midwife or health visitor, or
- A ‘matching certificate’ from a registered adoption agency.³²

We concur. The production of such a certificate ought to be a sufficient requirement to register for the scheme. No further validation should be required.

Duration

46. The Reference Group proposed that the maximum duration of the dispensation to vote by proxy should be as follows:

- 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.³³

We endorse these proposals.

Starting and ending the scheme

47. The Reference Group did not specify a date from which the leave should start. We consider that any period of absence taken by the mother or primary adopter should start at or before the due date or adoption date and should be taken as a continuous period of up to six months, including periods when the House is adjourned, prorogued or dissolved. Similarly, the absence claimed by the father, partner or second adopter should be taken in one continuous period of two weeks.

31 Annex 1 contains a proposed new Standing Order. Annex 2 summarises the proposals in this report to be included in a proxy voting scheme. Annex 3 contains a draft resolution of the House to give effect to a scheme drawn up by the Speaker and agreed by the leaders of the three largest parties.

32 [Commons Reference Group on Representation and Inclusion](#) (PVG 0002), para 11

33 [Commons Reference Group on Representation and Inclusion](#) (PVG 0002), para 11

48. Having demonstrated eligibility for the scheme, the Member should specify in writing to the Speaker the dates on which the absence shall begin and end, subject to the maximum durations set out above. During that period the Member would be entitled to cast a vote by proxy. If the specified start (or end) date was not a sitting day, the period of entitlement would begin (or end) when the Speaker took the Chair on the next sitting day. The Member should also name the Member who has agreed to carry her or his proxy vote, thereby vouching that an agreement has been entered into.

49. On receipt of the information specified above the Speaker should issue a certificate setting it out in full, and cause it to be entered in the Votes and Proceedings.

50. There may be circumstances where an extension of the maximum period is sought: for instance, when an expectant mother is unable to travel to Westminster for some weeks before her anticipated due date because air travel is the only practicable means of transport and her pregnancy has advanced to a stage where a carrier will not accept her as a passenger. In such circumstances the period of dispensation to vote by proxy may have to start some weeks before her due date. Where it is certified that a Member is unable, because of pregnancy, to travel to Westminster by air, the maximum period may be extended by four weeks, to include the period before the due date where travel to Westminster is not possible.³⁴

Members eligible to act as a proxy

51. In the Australian House of Representatives the Chief Whip of a Member's party will cast every proxy vote on the new mother's behalf.³⁵ The Members we consulted generally did not think that at Westminster there should be a requirement, or a presumption, that a proxy vote should be given to a whip, although Valerie Vaz MP, Shadow Leader of the House, argued that a system in which the whips held proxy votes would be easier to administer.³⁶

52. Jo Swinson MP stated that the appointment of a proxy "should be up to Members to decide. It should not be up to the House to get overly involved in deciding what it should be".³⁷ The Leader of the House agreed, and noted the difficulties that carrying a proxy vote would pose for party whips:

"Even if [the absent Member] did choose to vote with the Government on every single vote, they should still retain the right to not have to do that. Therefore, if the proxy was only ever given via the Whip, it would put the Whip in a difficult position, if you decided to vote against the Government in one vote and they had to implement that for you".³⁸

53. 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.³⁹ That Member will be named in the certificate issued by the Speaker.

34 Q116

35 [Clerk of the House of Representatives, Parliament of Australia](#) (PVG 0006)

36 Q152

37 Q125

38 Q187

39 The Speaker and the three Deputy Speakers do not vote in divisions. Chairs of Committees on Bills (whether in Committee of the whole House or a Public Bill Committee) do not vote on the remaining stages of the Bills where they have chaired proceedings in Committee.

54. Members from all sides of the House will, of course, be expected to act as proxies in strict accordance with the instruction given by the absent Member. This may mean that a Member, in certain circumstances, casts their own vote in one lobby and the proxy vote in the other; they may indeed cast a proxy vote without casting their own vote at all. We nevertheless expect that an absent Member will generally choose a Member likely to vote in the same lobby.

55. Members eligible to vote by proxy must establish a robust understanding with the Member nominated as their proxy as to when the proxy vote will be cast and how it will be exercised.

Varying the arrangement

56. A Member who wishes to vote in person at any time during the period of dispensation ought to be able to do so, provided that the Speaker has been notified no later than the scheduled end of the previous sitting day that the proxy arrangement is being suspended.

57. A Member who wishes to change the Member who is their proxy, to end their period of proxy voting earlier than originally notified, or to cast a vote in person on a specific item of business, should give written notice to the Speaker as early as possible, and at the very latest by the scheduled rise of the House on the sitting day before the change is to take effect. The Speaker should then issue a new certificate, which should appear in the Votes and Proceedings on the day that it is issued. Changes of proxy made for a specified period ought to take effect when the Speaker takes the Chair on the first sitting day specified, and end when the House rises on the last sitting day specified.

Recording a proxy vote

58. A Member casting a proxy vote in a division ought to inform the Division Clerk at the appropriate desk, and the tellers at the doors of the lobby, and ought at the same time to make it clear whether that Member is casting his or her own vote in the same lobby.

59. Where a proxy vote is cast, it must to be recorded in a transparent way. When listing the result of divisions, both online and in its printed edition, the Official Report (Hansard) must note votes which were cast by proxy, by marking a symbol adjacent to the name of the absent Member and identifying the Member who cast the proxy vote. It should be the aim that this record should be treated as an integral part of the digital record of Commons divisions and should be shared as open data in a format compatible with Parliament's Open Data output, both as part of the dataset for each division and as a standalone output.

60. Detailed arrangements for implementation of the scheme insofar as it relates to the recording of votes may be made by the Clerk of Divisions. We recognise that in the initial phase of any implementation the recording of proxy votes is likely to be done manually, alongside the tablet devices now used to record the names of Members voting. The experience of an initial trial period will inform development of the tablet software.

When a proxy vote ought to be available

61. The practices of the House in debate and decision expect Members to be present in or proximate to the Chamber for debates, to follow proceedings and to make up their own minds on the arguments expressed. Since Members are elected as representatives, rather than party delegates, to make their own judgment on the matters before them in debate, constituents generally expect them to be present in the Chamber and to vote in person, especially on matters of great moment.

62. Proxy voting has not generally been compatible with the House's practices. **The resolution of the House of 1 February 2018 expressly recognised that if proxy voting were available to new parents it should not be compulsory. We strongly agree.**

63. **Voting is in every case a personal decision for a Member, who is responsible to constituents for the exercise of a vote. Similarly, the entitlement to a proxy vote, and to its use, will be personal. There will be circumstances where eligible Members consider it is not appropriate to use proxies. In such cases they are free to be 'paired' or to vote in person.**

Categories of business

64. We have heard a range of views on the question of when a proxy vote ought to be available for use. Harriet Harman considered that in principle a proxy vote should be available to be used in all divisions in the House, so that a constituency could at all times consider itself fully represented.⁴⁰ The Leader of the House saw a case for proxy voting to be used on some items of business, but not others:

There are some Private Members' Bills that are very likely to be enacted and there are other that are not. As we know, few Ten-Minute Rule Bills are enacted. Where legislation has a reasonable chance of becoming law would probably be where I would draw the line, in fairness to the individual who is having to delve into these matters and form a view, as well as to Parliament where their vote should be able to count.⁴¹

65. A Member with a proxy vote will be able to be absent from the House for divisions without having to seek authorisation from a whip in respect of whipped votes. The Member could also benefit from an ability to arrange to cast a vote in all divisions, not just those on whipped business: a vote might be cast in any division as long as the proxy is prepared to be present for it.

66. This raises issues which the House will have to consider carefully in any decisions it takes on implementation. Ought Members with proxy votes be entitled to vote by proxy on unwhipped business where they might otherwise have a choice of being absent? Members come under increasing pressure to be present in the House on those Fridays when private Members' bills are debated and voted on, and have to balance these demands against their commitments in the constituency and elsewhere. Members with proxy votes will not be subject to these pressures, but may increase the pressure on their proxy to be present at Westminster to vote on legislation.

40 Qq2-3

41 Q185

67. Subject to the specific exceptions below, we consider that the House ought to determine the categories of business where a proxy vote will be available. The draft Standing Order contained in Annex 1 to this Report provides for proxy voting to be available on all items of business, with certain specific exceptions which we discuss below. A motion to make a new Standing Order in these terms ought to be amendable.

68. *We recommend that the House consider three options for the categories of business where proxy voting may be used:*

- a) *Decisions on all items of public and private business;*
- b) *Decisions on all items of public and private business taken on Mondays, Tuesdays, Wednesdays and Thursdays; or*
- c) *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).*

Procedural incompatibilities

69. The Australian House of Representatives restricts the procedures on which proxy votes are available. A proxy vote is not permitted on the third reading of a Bill which proposes an alteration of the Constitution, since in such cases the Constitution requires an absolute majority of the House to vote in favour of third reading for the Bill to pass.⁴²

70. We have examined whether similar restrictions ought to apply to proxy voting in the House of Commons, and have identified two categories of proceeding where we consider proxy votes ought not to be available.

Decisions on an early general election

71. Under the Fixed-term Parliaments Act 2011 a motion to authorise an early general election must be passed with a majority voting in favour equal to or greater than two-thirds of the number of seats in the House of Commons.⁴³ The passage of such a resolution by the stipulated majority triggers the dissolution of Parliament.

72. The Clerk of the House of Commons observed that the two-thirds majority was a statutory provision. A decision taken on the basis of proxy votes

[...] would be open to judicial review, potentially, if there was any doubt about it. I would not want to expose the House to any greater risk of that, so there would need to be no doubt about what had happened.⁴⁴

We recommend that no vote shall be cast by proxy in any division on a motion ‘That there shall be an early parliamentary general election’ pursuant to section 2(1) of the Fixed-term Parliaments Act 2011.

73. We do not consider that a similar risk of challenge arises to decisions with statutory effect which are taken in the House by simple majority.

42 [Clerk of the House of Representatives, Parliament of Australia \(PVG 0006\)](#)

43 [Fixed-term Parliaments Act 2011, section 2\(1\)](#)

44 Q91

Quorum

74. While the House shall not be counted at any time,⁴⁵ the presence of a quorum of Members sufficient to transact business can be determined by dividing the House. If fewer than forty Members participate in a division (fewer than thirty-five Members voting, plus the occupant of the Chair and four tellers), then the business under consideration automatically stands over and the House moves to the next item of business.⁴⁶

75. The Clerk of the House observed that: “It would be odd if absent people constituted what is effectively a quorum”.⁴⁷ We agree. ***We recommend that votes cast by proxy shall not be reckoned for the purposes of ascertaining, under Standing Order No. 41(1), whether fewer than forty Members have taken part in a division.***

Majority for closure

76. Standing Order No. 37 provides that for any decision on a question to close debate⁴⁸ or to propose the question⁴⁹ the question shall not be decided in the affirmative unless not fewer than 100 Members voted in support of the motion. The House therefore requires a certain majority to be present and voting for such closure motions to pass.

77. ***The House ought to determine, when deciding on a standing order to implement any scheme for proxy voting, whether it considers that proxy votes ought to be counted in reckoning the majority for any closure motion on categories of business where proxies may be used.***

English Votes for English Laws

78. Divisions in legislative grand committees (LGCs) established to give consent to provisions of Bills certified under the Standing Orders relating to English votes for English laws (EVEL) are held in the division lobbies. Only Members from the qualifying constituencies for each LGC (England, England and Wales or England, Wales and Northern Ireland) may vote in such divisions.⁵⁰

79. We have considered whether there is any procedural incompatibility in allowing a Member not from a qualifying constituency to enter a lobby to cast a proxy vote for a Member from a qualifying constituency. Since we have already established that it is possible for a Member to cast a proxy vote in a division lobby without casting his or her own vote, we consider that there is not.

80. Divisions on certified items of delegated legislation, or certified Lords Amendments, are taken by double majority voting: the whole House votes once, and the division results for the whole House and for qualifying constituencies are determined and announced to the House. There is no inherent difficulty in a Member who does not represent a qualifying constituency casting a proxy vote in such a division.

45 Standing Order No. 41(2)

46 Standing Order No. 41(1)

47 Q91

48 Standing Order No. 36

49 Standing Order No. 29

50 Standing Order No. 83W and Standing Order No. 83X

When a proxy vote ought not to be used

81. We have examined whether there are any decisions of the House, other than those where a procedural incompatibility exists, where proxy voting ought not to be used.

82. 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. Pressed on this matter, David Lammy MP noted that “life and death” might be an instance where he would not use a proxy vote: “there are moments [...], where we make fundamental decisions of life and death on behalf of others, so I do think that votes to commit people to war might be that exception”.⁵¹

83. **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.**

Use of proxy votes outside the Chamber

Paper ballots

84. The Clerk of the House indicated, in his memorandum, that procedures akin to ‘nodding through’ have already been used, by agreement with whips, for the casting of paper ballots in deferred divisions and in paper ballots cast in the election of officeholders: the Speaker and Deputies, and chairs of certain select committee chairs.⁵²

85. *We consider that a proxy ought to be able to cast a vote for an absent Member in deferred divisions and in elections for the Speaker, Deputy Speakers and select committee chairs.*

Committees

General committees

86. *We strongly recommend that the Selection Committee shall not appoint a Member registered for a parental absence proxy to a general committee on a Bill or on delegated legislation.*

87. We expect that a Member nominated to a public bill committee who then takes a period of paternity absence will in the normal course of events be replaced on the committee, either temporarily or permanently.

51 Q58

52 [House of Commons Service](#) (PVG 0001) para 7

88. We do not think it necessary to make specific arrangements for proxy voting in the territorial Grand Committees,⁵³ where it is not the practice to schedule substantive business which might be divided on.

Select committees

89. Divisions in select committees, when they occur, take place when the Committee is meeting in private and deliberating, typically on a draft report. We do not think it appropriate in these circumstances for a committee member absent from such a deliberative meeting, and by definition unable to participate in the deliberation, to be able to cast a vote on any question by proxy.

53 The Scottish Grand Committee (Standing Order No. 93), the Welsh Grand Committee (Standing Order No. 102), the Northern Ireland Grand Committee (Standing Order No. 109) and the Regional Affairs Committee (Standing Order No. 117).

4 Implementation and review

90. The implementation of proxy voting will require a number of Standing Order changes. Our recommended draft of these changes is annexed.⁵⁴ *We recommend that changes to Standing Orders be put to the House for decision at the same time as this report is debated.*

91. A proposed scheme for the detailed operation of the proxy voting system is annexed to this report.⁵⁵ *Should the House agree with our Report, and agree to make the necessary changes to Standing Orders, we recommend that the scheme be brought into force with immediate effect, to operate under the Speaker's authority.*⁵⁶ *Changes to the scheme ought to be agreed by the House.*

92. We recognise that there is pressure in the House for an early decision. We therefore intend to review any arrangements introduced and to report on them within 12 months of their introduction.

54 Annex 1

55 Annex 2

56 A draft resolution to achieve this is set out in Annex 3

Conclusions and recommendations

Is proxy voting required for 'baby leave'?

1. On 1 February the House determined that the present system of pairing does not properly cater for the specific circumstance where a Member, while otherwise able to undertake the functions of a Member of Parliament, has to be absent from divisions for a defined period of time by reason of maternity or paternity (whether by birth or adoption). It resolved that this is an issue to be addressed through procedural change, rather than by private arrangements between Members. Many consider that it is not appropriate for absences on such grounds to be dependent on a positive response to a request for a pair, no matter how accommodating the whips are prepared to be to such requests. (Paragraph 36)
2. Members are office-holders and cannot take leave from the responsibilities of their offices in the same way as those in paid employment can take statutory maternity leave. The House has resolved to adjust its procedures and practices so as to provide that presence in the House to vote is not necessary for a defined period, and absence in consequence of birth or adoption is not dependent on securing leave. (Paragraph 38)
3. *If the House is to enable such an adjustment, we recommend that its scope should be broadly equivalent to statutory provision for maternity and paternity leave.* (Paragraph 38)
4. In order to implement the decision in principle which it took on 1 February, the House will have to establish proxy voting arrangements to allow Members absent from the House by reason of maternity, paternity or adoption, to cast a vote in a division by proxy for a defined period. (Paragraph 42)

Operation of a proxy voting scheme

5. *We recommend that proxy voting ought to be available to new mothers, new fathers and adoptive parents.* (Paragraph 44)
6. The resolution of the House of 1 February 2018 expressly recognised that if proxy voting were available to new parents it should not be compulsory. We strongly agree. (Paragraph 62)
7. Voting is in every case a personal decision for a Member, who is responsible to constituents for the exercise of a vote. Similarly, the entitlement to a proxy vote, and to its use, will be personal. There will be circumstances where eligible Members consider it is not appropriate to use proxies. In such cases they are free to be 'paired' or to vote in person. (Paragraph 63)
8. *We recommend that the House consider three options for the categories of business where proxy voting may be used:*
 - a) *Decisions on all items of public and private business;*

- b) *Decisions on all items of public and private business taken on Mondays, Tuesdays, Wednesdays and Thursdays; or*
 - c) *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). (Paragraph 68)*
4. *We recommend that no vote shall be cast by proxy in any division on a motion 'That there shall be an early parliamentary general election' pursuant to section 2(1) of the Fixed-term Parliaments Act 2011. (Paragraph 72)*
 5. *We recommend that votes cast by proxy shall not be reckoned for the purposes of ascertaining, under Standing Order No. 41(1), whether fewer than forty Members have taken part in a division (Paragraph 75)*
 6. *The House ought to determine, when deciding on a standing order to implement any scheme for proxy voting, whether it considers that proxy votes ought to be counted in reckoning the majority for any closure motion on categories of business where proxies may be used (Paragraph 77)*
 7. *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. (Paragraph 83)*
 8. *We consider that a proxy ought to be able to cast a vote for an absent Member in deferred divisions and in elections for the Speaker, Deputy Speakers and select committee chairs. (Paragraph 85)*
 9. *We strongly recommend that the Selection Committee shall not appoint a Member registered for a parental absence proxy to a general committee on a Bill or on delegated legislation. (Paragraph 86)*

Implementation and review

10. *We recommend that changes to Standing Orders be put to the House for decision at the same time as this report is debated. (Paragraph 90)*
11. *Should the House agree with our Report, and agree to make the necessary changes to Standing Orders, we recommend that the scheme be brought into force with immediate effect, to operate under the Speaker's authority. Changes to the scheme ought to be agreed by the House. (Paragraph 91)*
12. *We recognise that there is pressure in the House for an early decision. We therefore intend to review any arrangements introduced and to report on them within 12 months of their introduction (Paragraph 92)*

Annex 1: proposed Standing Order changes to provide for proxy voting

Draft Standing Order (Voting by proxy for parental absence)

(1) A Member may, by reason of absence from the precincts of the House for childbirth or care of an infant or newly-adopted child, arrange for their vote to be cast in accordance with this order by another Member acting as a proxy (a proxy vote).

(2) A proxy vote may be cast:

- a) in a division in the House, in Committee of the whole House, or in any legislative grand committee, in relation to the business specified in paragraph (3) below;
- b) on business specified in paragraph (3) below recorded in a division under Standing Order No. 41A (Deferred divisions), and
- c) in a ballot cast in an election under Standing Order No. 1B (Election of Speaker by secret ballot), Standing Order No. 2A (Election of the Deputy Speakers) and Standing Order No. 122B (Election of select committee chairs)

(3) Subject to paragraph (4) below, a proxy vote may be cast on [all public and private business of the House].

[Possible amendments:]

[all public and private business of the House on Mondays, Tuesdays, Wednesdays and Thursdays]

[all business of the House related to

- a) orders of the day on Government bills and
- b) motions moved by a Minister of the Crown]

(4) No proxy vote shall be cast in a division on any motion in the form specified in section 2(2) of the Fixed-term Parliaments Act 2011.

(5) No proxy vote shall be reckoned in the numbers participating in a division for the purposes of [(a)] Standing Order No. 41(1) (Quorum).

[Possible amendment:]

- a) [, and (b) Standing Order No. 37 (Majority for closure or for proposal of question.)]

(6) A proxy vote may be cast only if the Speaker has certified that the Member for whom the vote is to be cast is eligible under the terms of this order and the Resolution of the House of [date] and if that certificate, including the name of the Member nominated as a proxy, has been published in the Votes and Proceedings.

(7) A vote cast by a proxy shall be clearly indicated as such in the division lists published under the authority of the House.

(8) The Speaker may make provision for the exercise of a proxy vote insofar as it is not provided for in this Order.

Annex 2: proposed provisions of a proxy voting scheme

For ease of reference, the relevant recommendations of this report relating to the provisions of a proxy voting scheme are set out below as they would take effect in any such scheme.

Eligibility

Proxy voting shall be available to new mothers, new fathers and adoptive parents. (Paragraph 44)

A Member shall demonstrate eligibility for the scheme by producing the following documents to the Speaker:

- A certificate of pregnancy from a registered practitioner, midwife or health visitor, or
- A 'matching certificate' from a registered adoption agency.

The production of such a certificate shall be a sufficient requirement to register for the scheme, and no further validation shall be required. (Paragraph 45)

It shall not be compulsory to take up eligibility for the scheme. (Paragraph 62)

The entitlement to a proxy vote, and to its use, is personal to the Member eligible. (Paragraph 62)

Duration

The maximum duration of the dispensation to vote by proxy shall be as follows:

- 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. (Paragraph 46)

Any period of absence taken by a mother or primary adopter shall start at or before the due date or adoption date and should be taken as a continuous period of up to six months, including periods when the House is adjourned, prorogued or dissolved. (Paragraph 47)

The absence claimed by the father, partner or second adopter shall be taken in one continuous period of two weeks. (Paragraph 47)

A Member eligible for the scheme shall specify in writing to the Speaker the dates on which the absence shall begin and end, subject to the maximum durations set out in the scheme. During that period the Member shall be entitled to cast a vote by proxy. (Paragraph 48)

If the specified start (or end) date of absence given is not a sitting day, the period of entitlement shall begin (or end) when the Speaker takes the Chair on the next sitting day. (Paragraph 48)

Where it is certified that a Member is unable, because of pregnancy, to travel to Westminster by air, the maximum period may be extended by no more than four weeks, to include the period before the due date where travel to Westminster is not possible. (Paragraph 50)

Designation of proxy

When specifying the dates of absence, the Member eligible for proxy voting shall name the Member who has agreed to carry her or his proxy vote, thereby vouching that an agreement has been entered into. (Paragraph 48)

A Member shall to be free to choose any other Member of the House who is eligible to vote in divisions to act as a proxy. (Paragraph 53)

Publishing the arrangement

On receipt of the specified information the Speaker shall issue a certificate setting it out in full, and cause it to be entered in the Votes and Proceedings. (Paragraph 49)

Varying the arrangement

A Member who wishes to change the Member who is their proxy, to end their period of proxy voting earlier than originally notified, or to cast a vote in person on a specific item of business, shall give written notice to the Speaker as early as possible, and at the very latest by the scheduled rise of the House on the sitting day before the change is to take effect. (Paragraph 57)

The Speaker shall issue a new certificate, which shall appear in the Votes and Proceedings on the day that it is issued. (Paragraph 57)

Changes of proxy made for a specified period shall take effect when the Speaker takes the Chair on the first sitting day specified, and shall end when the House rises on the last sitting day specified. (Paragraph 57)

Exercising the proxy vote

A Member eligible to vote by proxy must agree with the Member nominated as their proxy when the proxy vote will be cast and how it will be exercised. (Paragraph 55)

A proxy vote may be cast according to the provisions of Standing Order No. [] (Voting by proxy for parental absence). (Paragraph 85)

A proxy vote shall not be cast in any division in a general committee. (Paragraphs 86 to 88)

A proxy vote shall not be cast in any division in a select committee. (Paragraph 89)

A Member designated as a proxy will be expected to act in strict accordance with the instruction given by the absent Member. (Paragraph 54)

A Member designated as a proxy may cast their own vote in one lobby and the proxy vote in the other, and may cast a proxy vote without casting their own vote at all. (Paragraph 54)

A Member registered as voting by proxy who wishes to vote in person shall be entitled to do so, provided that the Speaker has been notified by the end of the previous sitting day that the proxy arrangement is to be suspended. (Paragraph 56)

In divisions in legislative grand committees, a Member who is not a member of the committee shall be entitled to enter a division lobby to cast a proxy vote for a committee member. (Paragraph 79)

Recording a proxy vote in a division in the House or Committee of the whole House

A Member casting a proxy vote in a division shall inform the Division Clerk at the appropriate desk, and the tellers at the doors of the lobby. (Paragraph 58)

At the same time the Member casting the proxy vote shall make it clear whether that Member is casting his or her own vote in the same lobby. (Paragraph 58)

When listing the result of divisions, both online and in its printed edition, the Official Report (Hansard) shall note votes cast by proxy, by (a) marking a symbol adjacent to the name of the absent Member and (b) identifying the Member who cast the proxy vote. (Paragraph 59)

The record of a proxy vote shall be treated as an integral part of the digital record of Commons divisions and shall be shared as open data in a format compatible with Parliament's Open Data output, both as part of the dataset for each division and as a standalone output. (Paragraph 59)

Detailed arrangements for implementation of this scheme insofar as it relates to the recording of votes may be made by the Clerk of Divisions. (Paragraph 60)

Annex 3: proposed resolution governing the operation of proxy voting

That this House:—

- (1) reaffirms its resolution of 1 February 2018 on baby leave for Members of Parliament;
- (2) endorses the Fifth Report from the Procedure Committee, HC 825, on Proxy voting and parental absence;
- (3) accordingly directs the Speaker to prepare a scheme governing the operation of proxy voting for Members absent from the House by reason of childbirth or care of an infant or newly-adopted child, pursuant to the recommendations in the Committee's report;
- (4) directs that a scheme prepared in accordance with this resolution and the Standing Order (Voting by proxy for parental absence) shall be signed by the Speaker and the leaders of the three largest parties in the House before it is published, and that it shall enter into effect when the Speaker takes the chair on the sitting day after the day of publication, and
- (5) directs that any amendment of a scheme in effect by virtue of paragraph (4) above shall take effect when the Speaker takes the Chair on the sitting day after a proposal signed by the Speaker and the leaders of the three largest parties in the House is published.

Formal minutes

Wednesday 9 May 2018

Mr Charles Walker, in the Chair

Bob Blackman	Sir Edward Leigh
Dan Carden	David Linden
Bambos Charalambous	Melanie Onn
Nic Dakin	Alison Thewliss
David Evennett	Mr William Wragg

The Committee deliberated.

Draft Report (*Proxy voting and parental absence*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 92 read and agreed to.

Summary agreed to.

Annexes 1 to 3 agreed to.

Resolved, That the Report be the Fifth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 16 May at 2.30 pm.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 7 March 2018

Question number

Rt Hon Ms Harriet Harman QC MP, and Rt Hon Mrs Maria Miller MP

[Q1–43](#)

Wednesday 14 March 2018

Rt Hon Mr David Lammy MP, Chair of the APPG on Fatherhood, and Hannah Bardell MP

[Q44–60](#)

Wednesday 21 March 2018

David Natzler, Clerk of the House of Commons

[Q61–112](#)

Jo Swinson MP, Deputy Leader, Liberal Democrats

[Q113–126](#)

Wednesday 28 March 2018

Pete Wishart MP, SNP Shadow Leader of the House of Commons

[Q127–150](#)

Valerie Vaz MP, Shadow Leader of the House of Commons

[Q151–173](#)

Rt Hon Andrea Leadsom MP, Leader of the House of Commons

[Q174–204](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

PVG numbers are generated by the evidence processing system and so may not be complete.

- 1 38 Degrees ([PVG0009](#))
- 2 Clerk of the House of Representatives (New Zealand) ([PVG0012](#))
- 3 Clerk of the House of Representatives, Parliament of Australia ([PVG0006](#))
- 4 Commons Reference Group on Representation and Inclusion ([PVG0002](#))
- 5 Fawcett Society ([PVG0008](#))
- 6 House of Commons Service ([PVG0001](#))
- 7 mySociety ([PVG0004](#))
- 8 Rt Hon David Lammy MP ([PVG0005](#))
- 9 Rt Hon Harriet Harman QC MP ([PVG0011](#))
- 10 Scottish National Party ([PVG0013](#))
- 11 The Trades Union Congress (TUC) ([PVG0010](#))
- 12 Women's PLP ([PVG0003](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2017–19

First Report	Scrutiny of delegated legislation under the European Union (Withdrawal) Bill: interim report	HC 386
Second Report	Written Parliamentary questions: progress report for Session 2016–17, monitoring in the 2017 Parliament, and electronic tabling	HC 661
Third Report	Debates on Estimates days: piloting new arrangements	HC 739
Fourth Report	Term limits for select committee chairs in the 2017 Parliament	HC 816