HOUSE OF COMMONS

# Procedure Committee

## Oral evidence: Voting by proxy, HC 722

Wednesday 1 December 2021

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Watch the meeting

Members present: Chris Elmore (Chair); Aaron Bell; Kirsty Blackman; Nigel Mills; Gary Sambrook; James Sunderland; Owen Thompson; Suzanne Webb; Mr William Wragg.

Questions 33-85

### Witnesses

[I]: Dame Diana Johnson MP, Sir Charles Walker MP.

# Examination of witnesses

Witnesses: [Dame Diana Johnson and Sir Charles Walker.]

Q33 **Chair:** Good afternoon. Welcome to this sitting of the Procedure Committee, looking at the extension of proxy votes. I am pleased that Dame Diana Johnson and Sir Charles Walker have been able to join us today to give their perspectives. We have a series of questions. As we go through, it will be good to get input from both of you. We appreciate that Sir Charles is a former, long-serving and distinguished Chair of this Committee. The Chair, Karen Bradley, sends her apologies for today—I am chairing the sitting with the Committee's consent.

Will you both give opening statements on the process—how you see it, your personal circumstances, whatever you wish to share of your views? I will start with Dame Diana.

***Dame Diana Johnson:*** Thank you for giving me the opportunity to say a few words. I wanted to talk about my personal experience. I have been an MP for 16 years. In 2016, I was diagnosed with cancer. Until that point, I had no time off really from being an MP—on the occasional day, I had been paired.

When I was diagnosed, however, I did not make it public. I know some Members of Parliament choose to do that, but I decided that I was not going to. The Whips were great and paired me when I had to have surgery, but what made me think very much about a proxy vote and how useful that would have been is that—the period that affected me was from the September through to the following Easter—although I had finished treatment by Christmas, as anyone who has had cancer knows, it takes months afterwards to get back to full health.

I, like many people who have illness, wanted to do as much as I could in my job. It meant quite a lot to me to come into the House of Commons, but I could not manage full days, especially if we were voting late into the evening—I really struggled with that. Then I was paired.

What happened at that time, however, was that on social media I started to get comments on why my name was not appearing on the list for certain votes. Because I had not publicly said why that was happening, it got quite nasty, actually. At that stage, I thought that if I had been able to have a proxy vote, to have my vote registered using someone else, another colleague, that would have helped me at that time. I would have been able to have that choice.

I remember supporting Members when they were fighting to get proxies introduced for maternity cover—I absolutely supported that. At the time, I raised it for people with illness and long-term caring responsibilities—

whatever it is, it would be nice to look at that option. So, for me, it was about having some choice.

**Chair:** Thank you. Sir Charles?

***Sir Charles Walker:*** You will remember, Chair, because you were on the Committee, that we looked at maternity and paternity leave. It was called baby leave. It was a very narrow inquiry; we were not looking at the wider issues. We took the view that baby leave was highly desirable, because in the main we wanted to encourage more women into politics—of course, there was paternity leave, but I do not think that I am breaking confidences by saying that the main thrust of what we were doing was looking at maternity leave.

It is the case, and I hope that it does not remain the case, that a lot of women felt that it was either politics or a family, but that they could not have both. Other women felt that it was very difficult, once they were here, to have children or more children. Obviously, questions were asked about extending it. A number of us took the view that the pairing system provides for anonymity. So, when you have a baby, it is normally a really good news story—in almost all cases, you want to share it with people and it is a time of great excitement—whereas there would be occasions, perhaps as Diana said if someone was suffering from a severe illness or was caring for someone they loved greatly with a severe illness, when you would want the anonymity of pairing. Our concern was that if we extended proxy voting to cover illnesses and caring for someone who was ill, in a sense you would remove that veil of anonymity and people would almost feel obliged to have a proxy vote and, of course, when you have a proxy vote, you must share the reason why you have it.

I am not wedded to that. I will not die in a ditch over it in any way, but we felt that it was—I still think it is—a legitimate concern. I think that we need to tread carefully around this. As Dame Diana said, it is a really sad reflection of modern politics that you get trolled and get people saying nasty things about you, but I think that if you had proxy voting, no one would be allowed then to fall back on the anonymity of pairing at a time of crisis or illness in their life. We just need to be very careful about how we do this.

**Chair:** That is fair enough. Will, do you want to come in to expand on that?

Q34 **Mr Wragg:** Given your experience of chairing this Committee through the inquiry into baby leave, Sir Charles, is there anything in addition to those opening remarks that you would like to talk us through on the previous Committee's work in this area?

***Sir Charles Walker:*** That is a very good question. I am not sure that there is. I have almost said everything that I want to say. I am happy to be interrogated further, but one of our fundamental concerns was with removing the veil of anonymity that is attached to pairing. Pairing allows people to step quietly away from the frontline for a period of weeks or

months, without having to expose themselves to scrutiny on the reason why they are not taking part in proceedings. I accept Diana's point of view that that becomes harder and harder now, as we obsessives trawl through voting registers and social media, which is why it is a complex and difficult issue to get right. I do not think that there is a perfect answer.

Q35 **Mr Wragg:** Is pairing one of those mysteries of Westminster that is not readily understood? Could it be better understood and explained in that humanitarian way in which you described it?

***Dame Diana Johnson:*** I certainly think it is one of the great mysteries. There are many mysteries in this place, aren't there? That is one of them. People look at you blankly when you talk about pairing. As a concept, it is very straightforward and simple to understand, but it means that—with the obsessives and the people who want to cause trouble—if your name does not appear in a vote on a particular issue, people are very exercised about and it can be distressing.

I want to make the point about choice. I do not see why it has to be an either/or with pairing or proxies. Could we not have a hybrid system, so that pairing works, but there are options for proxies as well, if a Member feels that that is the most appropriate thing for them?

Q36 **Chair:** I am not prejudging anything with the Committee, but that is something we will have to look at when we start coming towards a report, because there has certainly been some evidence from other witnesses, written and oral, that asks whether there is that possibility, depending on what the issue is. We need to go down that path at some point.

***Sir Charles Walker:*** Diana makes a very good point, and our interrogators—your interrogators, Chair—make a good point about pairing. I think that we have to have a much more honest conversation with the electorate, to say, "Members of Parliament are human beings. They can fall severely ill, they can have members of their close family who fall severely ill, and sometimes they will not be able to execute their duties 365 days of the year."

We have had a big debate about what is expected from a Member of Parliament over the past three weeks, and most of our constituents expect us to be available for 365 days of the year. But I suspect that the majority of our reasonable constituents would accept that over the course of a 16-year career, as we have had, there might be a period of time where, through illness or family illness, a Member of Parliament has to step back. Let's be much more honest about that and much more honest about pairing and the fact that the reasons why your MP may not be appearing for a period of time in votes is because either your Member of Parliament is unwell or somebody to whom they are very close is unwell and they are caring for that individual. A little bit of humanity is required, as is human understanding.

**Chair:** I would not disagree with any of that.

Q37 **James Sunderland:** Dame Diana, I was going to ask you a loaded question, but having already heard your input, it may be redundant. The full-time Chair, Karen Bradley, talks about the time when Nick Boles was being wheeled through the voting Lobbies in a wheelchair while suffering from cancer, which sticks in my mind as quite unpleasant. In this day and age, when we are a civilised society with good HR mechanisms in most companies, it seems rather perverse that we have to subject our MPs to that unnecessarily. The question for you—I think you have answered it already—is whether you feel that access to a proxy vote would have been beneficial to you while you were undergoing medical treatment. With the benefit of hindsight, would you have wanted a proxy vote at that time?

***Dame Diana Johnson:*** Yes, I would have liked a proxy vote. I hear the argument about what you have to disclose in order to get a proxy vote. We are all grown-ups, so if you say as a Member of Parliament, "I am seriously ill, and I am undergoing medical treatment," is that enough? Do you need to bring a note from the doctor? What do you need to provide? But I would certainly have liked to have used a proxy vote.

I was talking to another MP who has undergone cancer treatment this year, and she has returned to being in the House of Commons full time despite her doctors saying to her, "It would be better if you didn't work full time, to aid your recovery." But because the proxy vote system that we had during covid is no longer available, she is back—against medical advice. We all want to do the best for our constituents, and sometimes we perhaps do not put our health at the forefront of our concerns. Going back to your question, yes, I would have liked the option. I would have liked the choice. That is how I feel about it.

Q38 **Chair:** May I ask you both about the challenges, if you see any, around extending the proxy system? Dame Diana, you touched on it briefly when you asked whether you would have to provide a medical certificate. What would be the challenges of extending it? Is it about breaking your leg and being off for six weeks? I vividly remember Nick Boles being wheeled through the Lobby by Government Whips during the Brexit votes, which was relatively distressing at points. Equally, I remember that he wanted to be there—that was part of the conversation. I wonder where either of you see the line, if there is a line. I also wonder about some of the more practical challenges, particularly going back to your opening remarks, Sir Charles, when we were looking at the baby proxy voting issues. I mentioned before we started that I remember there being a conversation at one point in which we were looking at the role of the inquiry and thinking that it also needs to include adoption leave. I am just thinking about the practical basis, so I wonder particularly about the challenges that you see.

***Sir Charles Walker:*** Once you extend proxy voting into any area, you almost definitely remove or severely limit the ability for pairing to have an impact. Many Members will just feel that it is incumbent on them to have a proxy vote, but the choice of pairing will almost be removed de facto because their constituents will say, "Look, you could have a proxy vote. Why are you choosing not to take it?" Does that make sense? I don't think

there is an easy answer to this. Ultimately, this Committee will not decide it. It will be decided on the Floor of the House at the end of the day, but I just hope that it is thought through and that a really clever solution can be found, because I am sure there will be some people who would still quite like the anonymity of pairing. I have not had a child myself while I have been a Member of Parliament, but maybe some people would not want to have a proxy vote for some reason while they were on maternity leave.

***Dame Diana Johnson:*** Perhaps there is a very clever way of doing this. Perhaps somebody could think of that.

**Chair:** It is an issue for the Chair rather than the acting Chair.

***Dame Diana Johnson:*** I am not so convinced by this argument that if you introduce proxy voting for a wider group of MPs, pairing would become redundant. Pairing could still have a role to play. If it is the odd day, a pair is a perfectly sensible and reasonable thing to do, but if it is three months, a proxy seems a more sensible approach. That is why I think that there might be a middle way through all of this, which would satisfy people.

I want to make the case for MPs again, the MPs we have been talking about—former MP, Nick Boles, and other MPs who have had long illnesses and fought very bravely. I remember—I don't know if Sir Charles remembers—when we were new MPs, there was an MP who was wheeled into the Chamber in a wheelchair to swear in as an MP. I remember that and being quite shocked by it at the beginning of my time as an MP.

What probably unites us all is that we fight hard to get here, and we want to be here, to do our job and to represent our constituents. Despite illness and caring responsibilities, people will do their very best to be here and to be voting, but I think it would be helpful, humane and sensible to have a system that is a bit more relevant to 2021. We always seem to be a bit behind what the rest of the country has done.

Q39 **Aaron Bell:** At the risk of slightly exceeding our terms of reference, what opinion do you have about remote voting—which we have now proved can work—vis-à-vis a proxy, given that people who have given proxies might not want to vote the way that they end up being voted for, especially if they are out of action for a little time? What would your opinion be about extending remote voting to the same class of people, rather than proxy voting?

***Dame Diana Johnson:*** I am quite a traditionalist—I love Parliament, I like voting in the Lobbies, I like a lot of what we do—but I also think that we could use some modern technology to help us do our jobs better, so I would not be opposed to remote voting in certain circumstances for certain groups of MPs. I do not have a problem with that. I just think that we should use the best of the new technology, but retain some of the very good bits of being in the Lobbies. I like that as well.

***Sir Charles Walker:*** I am trying to think. Say my wife was ill or one of my children was severely ill, would I want a proxy vote? I don't think I

would. Nor would I want remote voting. What I want is to be away from this place, entirely focusing on that member of my family who was ill. I would not want to feel the burden of instructing a proxy or having any communication with colleagues, because Parliament tends to get the best of us, and actually there are times occasionally in our life when our family needs the best of us. Proxy voting still requires us to provide instruction, as remote voting requires us to think about the issue of the day.

I agree with Diana, I am quite a traditionalist as well. Once we look at proxy voting, yes, we could instruct a proxy, but if we are going to accept the premise of proxy voting, we might as well ask the Member of Parliament, "What would work better for you? Would you prefer to have a proxy vote or to do this from home?" That could be an option to extend to people on parental leave—paternal or maternal leave.

Q40 **Owen Thompson:** I am keen to pick up on the point that Sir Charles was making about the anonymity of pairing. I am wondering what you would think of a situation when someone was paired for a significant period, given that we have people looking through our voting records. Is there really anonymity in pairing if over an extended period? Does that not just raise the same number of questions about why the Member has been paired for a long time, as opposed to having a proxy?

***Sir Charles Walker:*** That is a very good question. To some extent, it does. Of course, when you took a proxy, at the point of taking a proxy, you have to declare why it is that you are requesting a proxy—I think you have to do that, for transparency.

But no, you are right, and all MPs are subject to greater scrutiny. I would argue that it is perfectly legitimate for a Member of Parliament to have a few months off either to look after themselves because they are suffering from cancer or major illness, or because they are looking after a very close member of their family who is going through a traumatic time or illness. There is no easy solution. As I say, I am not going to die in a ditch over any of this; I just think it is complex and fraught with difficulties—mostly for Members of Parliament, to be honest.

Q41 **Mr Wragg:** I just wonder how much of this comes from our experience of the Brexit years—the breaking of pairs, and Members deciding that, rather than be paired, they would come in and that, rather than being nodded through, they would heroically struggle, unnecessarily perhaps; and all the conventions that governed good relations across parties breaking down—and how much we are seeking to repair that apparent situation, when it was very much focused on that intense period. That is something that I would ask you maybe briefly to reflect on.

***Sir Charles Walker:*** It becomes much more difficult when there is no majority or a very close majority, doesn't it? Those of us who were here are all scarred by that. I am actually beginning now to warm to the idea—probably the clear thinking of the totally uninformed—that if we accept that people on maternity or paternity leave should be allowed to vote, and we extend that to people with caring responsibilities, either for themselves

or a family member, then actually maybe remote voting is better than proxy voting, because if you are voting remotely with the permission of the House and the Speaker, it might not be necessary to say that you have instructed a proxy and why you have instructed a proxy. If we felt confident enough that the House could make the right decision and a compassionate decision, I am now, all of a sudden—again, I will probably regret this when I wake up in the morning, like that extra glass of wine—thinking that maybe remote voting would be a better alternative than proxy voting.

***Dame Diana Johnson:*** I think that is a very good idea, Sir Charles.

***Sir Charles Walker:*** I think we might have an outbreak of harmony at this end of the table.

**Chair:** It sounds like Mr Bell has planted some seeds that his Government Whips will be delighted with.

**Mr Wragg:** All I would say, Mr Chairman, is that that is not the inquiry we're running. *[Laughter.]*

***Dame Diana Johnson:*** But you could push the boundaries.

***Sir Charles Walker:*** Am I right in thinking that reports of the Procedure Committee brought to the House are amendable?

**Chair:** Very true.

**Mr Wragg:** There are always amendments.

**Chair:** The Great Reformer Charles Walker, as he is famously known.

With a lot more sense than any of that, Mr Mills.

Q42 **Nigel Mills:** I am tempted to wonder how hybrid voting could work. I can support electronic voting and I can support physical voting; I am not sure how you have a hybrid vote, where somebody has to magically add in a few electronic votes before you declare the result. I do not think that's entirely straightforward, but I guess the great powers—

***Sir Charles Walker:*** We have got some smart people here.

***Dame Diana Johnson:*** We did manage to put a man on the Moon, and if we were able to do that, I think we can probably—

**Nigel Mills:** Fifty-odd years ago and we haven't been back.

***Dame Diana Johnson:*** Yes, but we did it, so you know—

**Nigel Mills:** Was it the Moon or was it the Nevada desert?

***Dame Diana Johnson:*** I am sure we could work that out.

Q43 **Nigel Mills:** Diana, you said you thought that with an absence of three months it made more sense to have a proxy, but not a couple of days.

Where do we draw the line? I think having a cold or the flu and missing a week is probably not worth a proxy vote, but being off for six months with cancer probably is. Where would you propose drawing the line to set the scope of this?

***Dame Diana Johnson:*** I think you are right: you would have to think through that carefully. I have been here 16 years and I have had colds, the flu and various bits and pieces over the years and had a few days off, and I found that the pairing system worked for me. That was not a problem, but when I had this period of illness, it just felt like, "Is this the best system?" I do not know whether you would define it as having a serious illness or, as Sir Charles was saying, caring responsibilities for a close relative who was seriously ill. I don't know; perhaps there would be categories and you would have to say, "I'm in this category." I said at the beginning that I did not make my illness public when I was diagnosed, so I am a little nervous about forcing MPs to disclose things that they might not feel comfortable and confident about disclosing. Having broad categories that you could sign up for might be a way—

Q44 **Nigel Mills:** You could have a rule that if you expect to be off for medical reasons for more than a month, you are entitled to a proxy vote. I don't know where you would draw the line, but you would not necessarily have to list a condition. It would be an extended absence rather than a short one.

***Dame Diana Johnson:*** In the real world, and in employment practice, people get sick, have time off with long-term illness and do not always declare exactly what is happening to them, and it is perfectly acceptable. As Sir Charles was saying, reasonable constituents would understand that people get ill, sadly, and need to take time off.

Q45 **Nigel Mills:** How would you handle an unplanned absence—for example, if you had a stroke, heart attack or something that you did not know you were going to have until you had it? Is that a case for a proxy vote? How do you get the Member to request one or go and sign up for one in that situation?

***Sir Charles Walker:*** I think you have to be compos mentis. I don't think that if somebody has a stroke and is in hospital, you can assign them a proxy vote, because you do not know what their wishes and you would not know what their wishes are during the process. There has to be an element of discretion, and one has to be sensible.

I am now really warming to the idea of anonymity and, actually, I am now very cold on proxy voting. I am very much in favour of people on maternity and paternity leave having the chance to participate in proceedings, just as I am growing increasingly warm to people who are ill, or caring for someone who is ill, having a chance to participate in proceedings. If you can do that anonymously, because we now have new technologies in place in the House of Commons as a result of the covid-19 pandemic, I am feeling a lot more comfortable about this.

**Chair:** I am glad.

***Sir Charles Walker:*** Thank you very much. I am having a good day. I don't know about you lot, but I think we are pushing in the right direction. It is a shame that I cannot take credit for this report, as I am no longer the Chair.

**Chair:** This is not how I thought the session would go today, I have to confess. Nigel, do you want to keep going?

Q46 **Nigel Mills:** Sure. If I am at home recovering and I am well, but maybe I have to isolate, so I cannot do a full day, I can see how being there with my phone, waiting to vote, is acceptable. If I am actually ill and undergoing treatment, I probably do not want to be sat there thinking that a vote might come at 3.30, 4, 4.30, 5 and 5.30. In that case, a proxy vote is probably better. I could probably give instructions once a day rather than have to vote today. We could vote eight times today over four hours. That is not very attractive, to be honest.

***Sir Charles Walker:*** It would not be attractive to everyone, but it is an option, isn't it? If you allow people to vote remotely, if that is what they want to do, they could retain their anonymity. I think it is important to allow people to retain their anonymity in this, so there should be the option of that anonymity.

***Dame Diana Johnson:*** I wanted some choice. I guess I did not really have a choice; I was paired or I wasn't paired. I would like to look at some other options.

Q47 **Nigel Mills:** Sir Charles, are you now warming to e-voting and proxy voting?

***Sir Charles Walker:*** I am warming to the idea that what I thought was impossible now could be possible. This august Committee has to wrestle with these really difficult issues and come forward with a set of really sensible proposals that the House can embrace and rally around. I was reticent about coming here today. I am worried about this, but I am less worried than I was.

**Chair:** A voice from Birmingham: Mr Sambrook.

Q48 **Gary Sambrook:** On the remote stuff, if someone came to a surgery and said, "My employer is making me work while I am at home, is constantly calling me at home about issues that are going on, and is asking me to make decisions about what is going on in the workplace," we MPs would say, "That is terrible, and we'll take this case up for you." As MPs, we are always conscious of the public opinion of us all. If we were ill or sat at home caring for a loved one, would we really make a proper decision for our own welfare and that of our family, knowing that the option was available to us for remote voting? Would we really make a proper decision on that? We want to vote. We want to sit at home and vote, and we would feel the pressure to want to vote. Would we look in a very balanced way at the very well-meaning suggestions? Is that the best thing for us? Are our constituents going to get the best value out of us by someone ringing us up all the time? Diana, you said something earlier

about how, during your period of illness, you felt pressure or did not feel so keen on it because you were being paired for so long. We would all be the first one wanting to come back to work, wanting to participate and wanting to be here, but is that really the best thing for us and our family members? Having options is very good, but is having that extra layer of pressure on us all necessarily the right thing for us?

***Dame Diana Johnson:*** I can only speak for myself and what happened to me, and I wanted to come and try to get some normality back. I wanted to be here, but I just could not manage a full day. I wanted to be in the Chamber bobbing during oral questions, but by 5 o'clock that was it; I needed to go home. For me, it was part of my recovery, but I can only speak personally. That worked for me, and I got through it. I think it is about treating MPs as grown-ups. We can make choices for ourselves about what suits our families and ourselves. It just feels at the moment that the way that we operate in this place is a very blunt instrument. As I said, I would have just liked to have had some options open to me that would have suited me. I think it is down to individuals to decide what they are going to do and what is best for them.

***Sir Charles Walker:*** Good point, Gary. Let's think about this. I am regarded as a fairly rebellious Conservative MP, but 24 times out of 25, and 96 times out of 100—probably more—I am in a Conservative Lobby, to be perfectly honest. Looking again at technology, it really would not be beyond the wit of man or woman to preprogramme your remote voting to say, "On most occasions this week I'll be in my party's Lobby."

As Dame Diana said, we are cogent and competent, and even when there are times when you are caring, or you are ill yourself, you want to engage with issues. You do not stop reading the newspapers or wanting to participate. On those rare occasions when you felt that you couldn't be in your party's Lobby, you could perhaps make an exception to your remote voting system. It is not as if you would have to log on every single time. You could say, at the start of the week: "For the Divisions this week, I want to be in my party's Lobby." In essence, that is what you are doing with your proxy voter. You are saying, "Right—this week, I'll be in my party's Lobby, and if I'm not going to be there, I'll let you know."

Q49 **Suzanne Webb:** You may have answered this question already, Dame Diana. If illness were to be included as a qualifying criterion, how specific should the level of detail be? I think you answered by saying that there should probably be broad categories. I do not know whether you want to expand on that.

***Dame Diana Johnson:*** I understand that people may not wish to disclose what is wrong with them. If there was a requirement that you had to be very specific about what your problem was, I am not sure that I would support that. Sadly, one in three of us is likely to get cancer during our lifetime, so we perhaps as Parliament have to accept that serious illness and long-term conditions could be badged in such a way that you would be able to apply for proxy or remote voting. I suppose I was trying to think through whether that would just be automatically accepted, or whether

someone could veto it and say, "No—sorry, you're not having that." What would happen then? Would there be an appeal to the Speaker? You would have to work through this process, but this is on the basis that we are all honourable Members, and we are all going to tell the truth and do the best that we can for ourselves and our constituents. I think that broad categories would be what I would probably go for.

Q50 **Suzanne Webb:** I guess the truth is that the fit note, effectively, from the doctor, basically saying why you are not able to be around, should not be disclosed because of the confidentiality aspect of it, unless you particularly wanted it to be. Sir Charles?

***Sir Charles Walker:*** I know our Whips have a pastoral role. Whatever the fanciful version of whippery is, most Whips are decent, compassionate people, and the Whips Offices want to help their flocks. You would have these discussions with your Whips. Your Whips would be helpful with the House of Commons officials and the Speaker's Office. I think it is also important to remember equality of esteem. It is not just physical illness; it could be a mental illness that kept you away from Parliament. I know that that is very important to all of us. Again, no hard and fast rules, but I think we know what a serious illness is when we see it and experience it. There is that sense that we collectively know what it is. As Dame Diana says, we are all honourable and right honourable Ladies and Gentlemen, so understand our duties. This whole discussion is being conducted around our duties to our constituents, and how we best deliver on those duties, while of course maintaining our right, and it is a right, to be ill and to have time off for being ill. This is a very constructive conversation.

Q51 **Suzanne Webb:** Should we attempt to distinguish between different types of duration and severity of ill health? I have my own caveat, but I will listen to your answers first.

***Dame Diana Johnson:*** Sorry, I do not understand the question. Do you mean, in order to be successful to get a proxy, you would have to fulfil certain criteria?

Q52 **Suzanne Webb:** Yes. My caveat would be the fact that that is not for the House to decide; it is for a doctor, who is effectively signing you off. But it is a question that has been raised: at what point do we start to put them in categories and define the longevity and severity—

***Sir Charles Walker:*** An extended period of illness—I think the medical profession could probably come up with a view of what an extended period of illness is. I imagine that to be, though not exclusively, around heart disease, cancers, stroke, mental illness for an extended period—if you are expecting an extended period of illness. You don't want to get into too tight definitions, do you?

***Dame Diana Johnson:*** I would not want to do that, no.

Q53 **Suzanne Webb:** I was probably answering anyway, and I am not here to answer the questions, but it is the fit note from the doctor that basically signs you off, so they determine how long and the severity of the illness.

That is my understanding.

***Sir Charles Walker:*** I suppose it is not just an extended period of illness, but an extended period of treatment—that is what Dame Diana underwent, an extended period of treatment as well. That would help define it in a way that reasonable people could make a decision around.

**Suzanne Webb:** After seven days—if you have self-certified—you have to go to a doctor to get a note. That is what I used to have to do. If you were not able to go, you would have to have the phone call with the doctor and they would put what is called a fit note in, with a duration, and you keep getting it reviewed. Effectively, to me, it is the gov.uk terms of reference anywhere online that encourage you to do that. I have answered that one, Chair.

Q54 **Kirsty Blackman:** Obviously, I am not going to say anything negative about the Whips Office, and not because my wonderful Chief Whip is here. Apologies to the panel for being late; I was in a DL Committee before now.

The previous panel spoke about the possibility of having a panel of medical experts, or something like that, which could be another thing instead of a fit note, if that is the way that MPs felt they could go down. On anonymity and how that might work, if the House were to say, "Such and Such is granted a medical proxy", or, "Such and Such is granted a proxy", even, for a period, surely it would be up to the MP whether they then said, "I have been granted this because I have cancer", or said nothing of that kind, does that sort some of anonymity stuff you are suggesting, Charles, or does it still leave you with a list of—

***Sir Charles Walker:*** As far as the scope of this inquiry is concerned, there are two reasons for why you would have a proxy vote or the chance to have a remote vote, and that is either maternity/paternity leave or illness. Clearly, or almost clearly, in my case, it would not be maternity or paternity leave—it certainly wouldn't be maternity or paternity leave—but I am getting lost in my own metaphors. What I am saying is that it would clearly be through illness. I do not think that there is any way of getting away from that. I go back to the idea that allowing remote voting for someone would I think provide that cover, if that is what the individual wanted.

**James Sunderland:** We live in a democracy: our electors elect us to be here. Therefore, they defer judgment to us on how we might vote. We have free will, even with Whips. My view is that that free will should determine how we vote, in terms of what we are voting for, and the mechanism by which we vote. That is a free will that should be entrusted to MPs. Do you agree that, intuitively, it feels as if there should be a list of criteria by which you would be eligible for an alternative form of voting? There should be a list of reasons or criteria and then, once that has been agreed—perhaps by a Committee, perhaps by the Speaker; whatever the mechanism is—you should have a range of options in terms of how you exercise that vote. Do you agree that that free will is really important in how we exercise our responsibility to our constituents?

***Dame Diana Johnson:*** I agree with you on that. MPs all operate in slightly different ways; we all run our offices in slightly different ways. What suits one may not suit another. If there had been options, in my circumstances, I would have liked to exercise some choice in how I was able to carry on voting. I agree with you: it would be sensible for this Parliament to consider having criteria and, if you fulfil those criteria, there being options as to how you could vote—through proxy or remotely, or whatever.

***Sir Charles Walker:*** Yes, you could have pairing, proxy or remote—you could have two, or a combination of three during the course of a significant illness or a significant period of treatment. The challenge is defining what a significant illness is and what a significant period of treatment is. That is the challenge. We do not want to be too prescriptive about that and about the types of illness covered.

Q55 **James Sunderland:** I am being very crude but, if you are dead, you cannot vote. If, however, you are alive and able to vote—given that you fulfil those criteria—the choice on how you vote must surely sit with you, as an elected Member of Parliament.

***Sir Charles Walker:*** Have we disagreed with that?

***Dame Diana Johnson:*** No. Are you saying that we shouldn't have the whipping system?

***Sir Charles Walker:*** Or the pairing system?

**James Sunderland:** I think we are agreeing on the same issue. Ultimately, the more I think about it, the more I feel that, as an elected Member of Parliament, I should have the ability and the free will to decide how I vote, as long as I meet certain criteria for being able to exercise that vote. I want to see MPs being given the full range of options.

Q56 **Chair:** We can look at that as part of this, being fed, via the Clerks, to the Chair when she returns. This is definitely above my pay grade. A whipping system has always been part of our democratic process in this country, certainly since 1780 or so; undoubtedly someone watching this is a technocratic historian and will correct me. Even when there was a sort of collective—when there were Whigs and Tories serving in Parliament, rather than, say, Liberals and Conservatives and Labour—there has always been a sort of structured whipping system. Even when there was the old caucusing system, there was some sort of whipping system. For the record, I am not suggesting that Whips remove free will; however, whipping does give a sense of direction. When you are elected for a particular party, you generally form views through the whipping process. That is all I am saying.

***Sir Charles Walker:*** I am just agreeing with Colonel Sunderland that if we could come up with a system where, if we need to look after people with illness, we could offer them remote, proxy or pairing—one of the three, or a combination of the three over time—that would be a mature

approach to take. It would answer a lot of their concerns and, perhaps, a lot of my concerns about their welfare.

***Dame Diana Johnson:*** I absolutely agree with Sir Charles, which I am rather surprised by.

**Chair:** Suzanne, and then Kirsty, but briefly, because we have two sections to get through. I am conscious of both our witnesses' time.

Q57 **Suzanne Webb:** Following on from what you have both said, and certainly what James has said, is there not a grey area here? There is a difference between saying, "I'll use my fit note"—if you're sick, you're sick; you've been signed off, you know that you physically cannot do anything, and you do not want to—and the recovery time. That is what we need to determine: we can say, "That is recovery," but you have every right to say, "Hang on a minute, I can only come back to work two or three days a week," or, "I can only work a few hours a day." Is that something that we need to explore more? That would lead us down the route of proxy or pairing; I am not going to say remote voting at all.

***Dame Diana Johnson:*** You are absolutely right. As MPs, it is quite difficult for us to think that we are going to work part time because it is such a full-time, full-on job, but there are occasions when you do need to just step back. As I was explaining, I would come in and leave at 5 o'clock. We need to get better, as a Parliament, at looking after MPs. I do not think much thought is being given to our wellbeing in the sense of recovery time after illness. I know that we are all very conscious of our staff and the need to support them if they are ill, ensuring that adjustments are made, but although we talk the talk, I am not sure that we, as a Parliament, are very good at promoting the wellbeing of MPs.

***Sir Charles Walker:*** I would agree with Dame Diana again. Recovery would come under my heading of "treatment". One would not want to rush someone who had just got over their cancer treatment but was still recovering from the consequences of that treatment. Likewise, one could argue that getting covid is, to most people, something that lays them low for 10 days, but then we hear of long covid, which causes significant medical problems and creates secondary issues. That would need to be taken into account. Do I see this coming into play for people with flu, a cold or, dare I say, covid? Probably not, but if there are complications attached to those illnesses, perhaps yes.

**Suzanne Webb:** Very briefly, may I draw you back to the fit note, which covers exactly that? The doctor can specify in the fit note exactly what their expectations are of that person going back to work. They can specify that that person should work only between 9 and 2 o'clock, and that they are unable to complete the full day. I think we perhaps have the tools and the vehicles to be able to do this in a more specific and medical way.

**Chair:** Thank you. Our last question in this section is from Kirsty, and then we will move on to transparency.

Q58 **Kirsty Blackman:** Further to Gary Sambrook's question about having

time to recover, in your personal experience, or the experiences of others, how do you think MPs feel about not being able to represent their constituents by speaking or voting here in the House, or not being able to go to constituency events, because of ill health?

***Sir Charles Walker:*** All Members of Parliament are different. The problem with Members of Parliament is that, in answer to your question, Kirsty, most would feel obligated to say, "I'm devastated; even when I'm almost on my deathbed, I want to be at the opening of the local youth centre," because that is what we are meant to say. In reality, no.

Look, I love being a Member of Parliament, but quite frankly, I love my family a great deal more, and if my family needed my time, I would give it willingly. To be honest, my constituents can cope without me for a period; they really can. Actually, they might quite enjoy it, to be honest. We can all get doe-eyed and teary about what it means to us but, at the end of the day, I adore my constituents greatly but not as much as the people close to me. Really, I think my constituents could probably live without me for a few weeks or months.

***Dame Diana Johnson:*** The longer I have been an MP, the more I have realised that you need to look after yourself and take time off when you need it. You obviously want to do the best you can for your constituents, but that does not mean that you have to work 24 hours a day, seven days a week. It is important to recognise that—as we know from industry and other jobs—wellbeing is really important, and keeping ourselves healthy and well in the longer term is much better for us as MPs. I agree with Charles.

**Chair:** Mr Sambrook is appealing to my better nature.

Q59 **Gary Sambrook:** Thank you, Chair. We all talk about wellbeing in ourselves, but the answers to my previous question were, "We have to trust ourselves," and, "MPs can manage their own stuff." The reality is that the divorce rate would not be so high in this place if we were all better at managing our diaries

***Dame Diana Johnson:*** I am not sure it is just that.

**Gary Sambrook:** But that is the problem, isn't it? It is not just that; there are so many different time pressures. When we talk about our wellbeing, the flexibility of proxy votes and remote voting sounds wonderful—it really does—but it would add pressure when you are supposed to be at home looking after loved ones or yourself. The worst thing for our wellbeing would be the pressure we would put on ourselves by doing, just as people around this table are suggesting, proxy voting and remote voting, because we are our own worst enemies when it comes to this sort of stuff. Allowing proxy or remote voting to happen will probably mean that some of us are much worse off from a wellbeing point of view. There is no question about that.

Q60 **Chair:** Before I bring our witnesses in, can I make a point for Diana and Charles perhaps to think about? As Diana said in her opening remarks,

there is now this very real issue of social media and the abuse that politicians receive. Some of us talk about it in a very public way and some of us don't mention it at all. When it comes to not having proxies or not having the option of voting, I accept the argument you are putting forward, Gary, but I recall very vividly—this is on the public record—that when Thangam Debbonaire was diagnosed with cancer, because TheyWorkForYou takes down all Members of Parliament's voting records, she was receiving a deluge of abuse because she wasn't voting and at the time wasn't ready to disclose her cancer diagnosis, having been elected as the new Member of Parliament for Bristol West only about three or four months before, in 2015. The problem is that there are pressures across the piece. I am not disagreeing; I am just saying that there is a context both ways about the problems that Members now face because of the dreaded social media.

**Gary Sambrook:** There is, but one point I would make is that under the present system it is possible to turn your phone off and turn social media off, so you can blank those elements of pressure out of your life. However, the pressure will still be there for you to do it. If we go down the route of proxy voting or remote voting, that pressure still remains, because you are still going to have your daily phone call from your Whip or whoever your proxy is, to make you think about these issues. The pressures of social media will always be there, but in the present system it is possible, for your wellbeing, to turn off your phone and turn off social media. That is much better for the individual than keeping your phone on and making yourself think about these sorts of things, because sometimes the best thing for your wellbeing is just having some time off and not having to worry about these things.

**Chair:** I am going to bring in Sir Charles and Dame Diana, then we will move on to transparency, because we have got nearly an hour.

***Sir Charles Walker:*** It is an interesting thing. I don't want to sound glib; most of the constituents who write to me are not writing about my voting record or what I did in the Division Lobby. They are writing about problems very personal to themselves. So even if I was not voting here but I was paired or proxied or doing remote voting, most Members of Parliament have very capable staff around them who allow those issues to be resolved, so I don't think we should get too hung up on voting. It is very important, voting. But again, even I, as a rebellious Conservative Member of Parliament, can pretty much say 96% of the time, "I will be in my party's Lobby." So I could either instruct a proxy to do that for me or pre-programme a system to do it for me, allowing me to break in occasionally—for example on covid regulations, when I disagreed with my Government.

***Dame Diana Johnson:*** You raise an interesting point, Gary. Sir Charles just mentioned how important our staff are—the people who work with us and support us through those times when it's difficult, for whatever reason. I agree that voting is not the be-all and end-all, but if you are having to take time away from this place, I just think that some options for how best to vote, or have a proxy or be paired, helps with the pressure

on you, so that you are not forced into doing something you don't want to do—that is, just be paired because that's the only game in town—but have some options. I think the pressure can be relieved as well by having choice. It's when you haven't got any choice, that's the problem.

***Sir Charles Walker:*** Just one final thing, following on from what my colleague has said: as soon as we introduced proxy voting for maternity and paternity leave, these sort of debates were going to happen. We knew that when we did it, and I don't think we can shy away from having these discussions, as Dame Diana has indicated. We knew this was going to happen; the question is, where do you draw the line?

I have heard some people in the Tea Room saying, "Let's have proxy voting while we're on Select Committee trips." I would be entirely against that. You have choices to make: "Do I go on a Select Committee trip, or do I stay here to vote on important legislation?" You balance your diary. That would be entirely wrong: you cannot be in two places at once because it suits you. We are talking about this in relation to having a child or being very ill, and that is probably the outer limits, or the limits, of where we should be having this discussion.

***Dame Diana Johnson:*** I agree totally with that.

**Chair:** I am going to bring in Aaron to lead us through the transparency section.

Q61 **Aaron Bell:** I will try to fly through it. Very briefly, because of what Sir Charles has just said, you have spoken a lot about caring today, but you did not mention it just then. Are caring responsibilities for somebody else who is ill something you would clearly expect to be within the ambit of whatever we propose?

***Sir Charles Walker:*** I absolutely do, and then I suppose you get into the question—because you are looking for definitions—of where that caring responsibility ends. Does it end with a spouse, a partner or a child? Does it extend to an elderly parent? Again, it throws up new challenges in coming up with a definition.

Q62 **Aaron Bell:** And you agree, Dame Diana?

***Dame Diana Johnson:*** I agree, yes.

Q63 **Aaron Bell:** Let us go through the transparency questions. When we looked at maternity—not "we", because I was not on the Committee then—this Committee decided that proof of maternity was not required. It is quite insulting to ask, really, isn't it? Do you think evidence of illness, a fit note or whatever, should be required if we changed the Standing Orders, or should we rely on the word of hon. Members?

***Dame Diana Johnson:*** When I was ill, I just went and told the Whip. I said, "This is what is wrong with me. This is what is going to happen", and that was accepted.

Q64 **Aaron Bell:** That was for a pair, not for—

***Dame Diana Johnson:*** That was for a pair. Again, I go back to the fact that we are hon. and right hon. Members. I would be very doubtful that anybody would want to come forward and say that they were suffering from a serious illness if they were not, to be honest.

Q65 **Aaron Bell:** There is a separate question about whether you publish anything, but on whether you need to provide any evidence in the first place, you think we should be able to trust that people will look at the criteria that James talked about earlier and say, "Yes, I fit those criteria. I would like to apply to the Speaker," or to whoever. Is that how you would envisage it working?

***Dame Diana Johnson:*** I guess that if I was in normal employment, I would be getting myself a sick note, wouldn't I? I would have had to present evidence to my employer. Now, obviously, we are not employees: as we have been hearing in the last few weeks, we have a very special status. We are responsible for ourselves and to our constituents, so I am not opposed to providing medical evidence, if that is what is required.

***Sir Charles Walker:*** I do not think that anybody would voluntarily choose to be away from this place for an illness. I am always quite hostile to the Whips in a fairly broad, vaudeville way—a playhouse, end-of-the-pier way—because they are not all bad, to be honest. I do think there is a role for the Whips Office here: you go and talk to your Whips. With all seriousness, you do go and talk to your Whips, and there is pastoral care and interest. I would get nervous about having to start producing sick notes for this, that and the other.

**Aaron Bell:** Following on from what you have both said, I presume that neither of you would think that it is appropriate for something to be published as to why you have the proxy.

***Dame Diana Johnson:*** No.

Q66 **Aaron Bell:** What might then happen, of course, is that some Members might say why, and others might not. What do you think the consequences might be there, Dame Diana?

***Dame Diana Johnson:*** I decided that I was not going to go public with the fact that I was ill. Thangam did, and she was a very new MP, and that is, I think, quite different. I have been around for a while, so I had been here, I had been voting, I had been doing various things, and again, I think it is down to the individual to decide what is best for them. I am very nervous about forcing people to have to declare things that are very personal. In normal employment situations, you would not have to disclose to anybody outside your direct employer what was wrong with you, so I am very nervous about that.

***Sir Charles Walker:*** As I said, there are two reasons why you would have a proxy: maternity or paternity, or illness.

Q67 **Aaron Bell:** And caring.

***Sir Charles Walker:*** And caring, yes—illness and caring. You would not have to go into detail: you would just say "illness" or "caring". You would not have to be specific. Now, that would not stop people asking questions and speculating on social media and potentially making your life difficult.

***Dame Diana Johnson:*** And you could choose what you wanted to disclose, couldn't you? You could make a choice at that point.

Q68 **Aaron Bell:** A final question from me, just to follow up on something that Nigel Mills mentioned about capacity. If people are seriously ill or dying, and they are on a proxy—for example, if they are in a coma—I don't think they should be being voted for here. How do we check that? How do we make sure that isn't happening with the proxy system? It probably happens at the moment with pairing, but how do we ensure that the Member who is absent has capacity for the votes that they are voting on?

***Sir Charles Walker:*** That is for you to work out. It really is. It is a very legitimate question, and I haven't got an answer. It is something that you will need to wrestle with.

***Dame Diana Johnson:*** I think you should speak to the Clerk of the House about that. I think determining capacity is a legal issue.

Q69 **Aaron Bell:** One argument is that if you knew you were going to be out cold for an operation for a day, is it reasonable to then vote if you don't know exactly what the vote is going to be or what amendment is going to be selected? Is it reasonable to hand over your vote for that day when you know you are not going to be fully educated?

***Sir Charles Walker:*** There is a danger of getting too granular with this. You have to go with the spirit of it. If you are unconscious for three or four hours, or even six or 12 hours, for an operation, that is one thing. If you have slipped into a coma and nobody knows if or when you are going to come out of it, then you are getting into the territory that is causing you concern, Mr Bell.

Q70 **Aaron Bell:** There is also the concern with mental illness in that area, if people are not of sound mind for a period of time.

***Sir Charles Walker:*** No, we changed the law on that in the Mental Health (Discrimination) Act 2013. Again, one has to be really careful about this. I understand why the question is being asked, but it used to be that if a Member of Parliament was sectioned, they would automatically lose their seat. We have stopped that now. Mental illness comes in many forms. Even if you are sectioned, it doesn't necessarily mean you have lost the capability to think and act rationally at times, just that there is a period in your life or some issues that are causing you great distress. We would have to be very careful about that.

Q71 **Aaron Bell:** I think we are in a much better place than we were when a Member would have lost their seat, but there may be some mental illnesses that do bring into question the ability of a Member to make an informed judgment about a vote. That would be something for a doctor, the Member themself or maybe their Whips to think about. Diana, did you

want to say anything on that?

***Dame Diana Johnson:*** I agree with Sir Charles. I would worry about getting into that territory. You need legal advice, I think.

***Sir Charles Walker:*** The reason I think you should worry about it is because say you have a physical illness, such as cancer—I don't know what your personal circumstances were—then there could be a significant period of time, perhaps a week, when you are heavily dosed up on morphine, for example. Would we then start saying, "Well, while you are heavily dosed up on morphine"—I understand you can hallucinate while you are on morphine— "then during that period of time you shouldn't be allowed to vote"? Again, we can get too granular on this. You are not going to find perfection.

**Aaron Bell:** No, that's fine. The morphine example is a good one. I worry about Members voting—it is not them voting, but a proxy—on issues that they cannot possibly have considered. That will happen because we don't know what every vote next week is going to be. Anyway, thank you both very much.

Q72 **Mr Wragg:** May I ask our witnesses if their votes have ever been swayed by anything said by anybody in the House of Commons?

***Sir Charles Walker:*** I think they have, and occasionally I have regretted having my vote swayed by what has been said in the House of Commons. Not often, but it has happened.

***Dame Diana Johnson:*** Yes, it has.

Q73 **Mr Wragg:** So if you had a proxy and you had instructed your proxy to vote a certain way, then whatever the strength of the argument in the Chamber, your vote wouldn't be swayed, would it?

***Sir Charles Walker:*** No, and that is what happens now with maternity and paternity leave. It is not a perfect system. You accept this. You are ultimately separating the Member of Parliament from his or her vote to some extent, because even if we were to do remote voting along the lines of pre-programming your system, you are separating—

Q74 **Mr Wragg:** It is the Burkean principle of being a representative rather than a delegate, whether that is a delegate of your constituency or—more relevant these days—of your party through the whipping system, which we all enjoy so thoroughly. Isn't part of the issue that we are reacting to the ignorance that comes with overly simplistic social media and the tyranny of misrepresentation that can be construed from TheyWorkForYou? Therefore, we think that we have to do something in reaction to that.

***Dame Diana Johnson:*** You make a fair point; however, I think that this place still needs to modernise and to recognise that the way we work is not always ideal, and that we could make improvements to it. When I came in, we did not have proxy voting for baby leave. Now I think, "Why didn't we do that?" It seems a very obvious and clear thing that we should

do. In any modern workplace, you would want to support new parents. I am swayed by what you say about the oversimplistic use of social media to have a go at MPs, and all of that, but I think we could make some improvements, and this could be one of them.

Q75 **Mr Wragg:** We could certainly do that, but in the constituencies, who goes out and attacks the incumbent Member of Parliament? I am not making any great party point, but it is normally the Opposition party.

***Dame Diana Johnson:*** It is not always.

Q76 **Mr Wragg:** We are here having a nice conversation among ourselves as members of different parties, when we know full well, regardless of our party and regardless of the Member, that the majority of the bile will be coming from our political opponents in the constituency. We can go on high-mindedly here, but unless we are prepared to take that back to our political parties on how they might conduct themselves, and how we might conduct ourselves to one another, I don't think that we are going to touch the surface.

***Sir Charles Walker:*** I think Burke would have been quite interested in modern technology and what it offered.

**Chair:** Can we not get too—*[Interruption.]* Order. I believe we are dividing.

*Sitting suspended for Divisions in the House.*

*On resuming—*

**Chair:** We are back for the second set of questions following a Division. We are going to come to the end of the questions about transparency with contributions from Kirsty and Suzanne, and then we will move on to the final set of questions.

Q77 **Kirsty Blackman:** When we as a Procedure Committee recommended that the House of Commons introduce baby leave, we said that the proxy system had to be declared, in that there had to be a list of those people who were currently on proxies. Do you think there has to be a list of people who are currently on proxies, or would it be possible without one, with only the Whips Offices and the staff who manage things knowing?

***Sir Charles Walker:*** I think that you do, to be honest. If you are not casting your vote, and someone is casting it for you, I think that that element of transparency is required. I know that it creates difficulties, which is why we have looked today at some solutions to that problem.

***Dame Diana Johnson:*** I agree with Sir Charles: you probably do need a list. I wonder whether that was what we decided ought to be available for remote voting as well—whether you would need a list for that or whether it would be accepted that some people would vote remotely. For proxies, however, because you are involving another colleague, I think you probably do need to have a list.

**Chair:** We'll turn to Suzanne, then I'll bring in Owen to ask questions

about this, and then we can carry on to the consequences.

**Suzanne Webb:** We have probably touched on this. Before the Division, Sir Charles talked about not wanting to go down the fit note or sick note process. I agree—I don't think it's necessary. My point is that the guidelines are there for us to follow and we can use those as a guiding light as to where we go with some definitions and how we decide any of this. In terms of transparency, there is the issue around illness and recovery where there is that horrible grey area. I wanted to focus and say something on that.

**Chair:** Of course. Any comments? They are not necessary, but I think it was worth putting that on the record.

Q78 **Owen Thompson:** Kirsty and I are obviously working with something of a hive mind. It is about the recording of the vote. I hear what you said about there needing to be a list. The question is about to what extent, how public that should be and how much detail should be in that. As far as I know, when a proxy is cast and you look at vote outcomes on the House of Commons website, all it says is whether a Member voted or not. It does not actually say if a proxy is in place. That maintains the level of anonymity that we have previously touched on. If a Member has met the qualifying criteria and there are the lists in whatever shape or form that there need to be for that, is it reasonable going forward that the public-facing website does not necessarily declare that by putting, say, a P beside a Member on a particular vote?

***Dame Diana Johnson:*** I did not know that about how the website shows the vote being recorded. I think that as long as there is a list of proxies available, whether you need to go looking for it, that seems fine to me. I am not sure that we necessarily need to make a big song and dance about it when we publish the voting list, unless there is a good reason that I cannot think of.

***Sir Charles Walker:*** Yes, again, as long as it is publicly available that a Member of Parliament is on a proxy. I suppose one of the issues when we did this was about when Members are on a proxy and then come off a proxy. If you do not mark that someone is on a proxy, it is more difficult to know if they are off a proxy.

Again, we are big on transparency and talk about it a lot here, and there will be questions about whether we should make it difficult or how difficult it should be to find out if your Member of Parliament is on a proxy vote. I have not got a ready answer to that.

Q79 **Owen Thompson:** Now I am somewhat hypothetically looking forward to imagining a situation where there is some form of medical proxy in place. Can you think of any consequences that might arise from a decision to expand the proxy votes that we currently have?

***Dame Diana Johnson:*** I think it would make us a bit more understanding of the realities of MPs' lives, which is a good thing. I think that it might help people who look at this place and wonder if they would like to become a Member of Parliament if they can see that we recognise that

circumstances happen to people that mean they sometimes need time away and that that is catered for. So, possibly, yes, I think it would be to the good. We would be seen to be living in 2021, not 1950.

***Sir Charles Walker:*** My concerns were always around how there should be anonymity attached to illness and caring. I would support a system—I said it earlier in the evidence session—that maintains that anonymity. That is why I am not a fan of proxy voting in the cases of caring and illness, but I would be a fan of remote voting if the technology could be adapted to allow it to happen.

Q80 **Owen Thompson:** I was just going to say that I have inadvertently misled Members: it has been brought to my attention that there is indeed a flag.

***Sir Charles Walker:*** I thought so.

**Owen Thompson:** I was thinking back to when we had covid proxies, when I do not think it was routinely recorded. I apologise.

***Sir Charles Walker:*** Don't worry about it.

**Chair:** It wasn't done on purpose. All I was going to say was that, interestingly, once you click on it—this has just been shown, very helpfully, to me—it tells you who the proxy is. In this case, it's me, at the moment. It also explains why. Perhaps something that we need to look at as a Committee is what the right explanation would be, because if this were to move to a health reason or a caring responsibility, there would need to be a conversation about what would be placed on the website to explain what the proxy is for. I would say, in relation to Sir Charles's opening remarks, that having become a dad for the first time at the beginning of the year, I had no problem in declaring that I was on a proxy and taking some time out, particularly having been the Opposition's proxy for quite some time. I have not advertised my son's arrival, but people know about it. I think it would be different if it was about ill health. So there is that conversation to be had about a Member's own personal experience. Sorry, we have drifted slightly, but it's good to get the clarification and interesting to see how this is published on the website as well. Do you want to come in, Aaron?

Q81 **Aaron Bell:** I understand what Sir Charles is saying about anonymity, but I think it's very difficult to square with the transparency, because published at the end of *Votes and Proceedings* every day is a list of the Members eligible for a proxy vote. If you suddenly appear in that, people are going to want to know why, and if you don't appear in it, we're not being transparent.

***Sir Charles Walker:*** You're right. When Owen said what he did, I was thinking, "Gosh. I'm sure, in that report, we said it had to be marked," and that maybe my memory was failing me, so thank you for clearing that up.

What remote voting has shown us is that, ultimately, the vote is being cast from your computer—from a device that you have control over—as opposed to a colleague, so I think it does answer the question.

Q82 **Aaron Bell:** But we would be making a category of Members eligible for a remote vote. We are not going to allow people to have it on demand, so there is going to have to be a reason and an application made. It feels to me that the transparency argument is stronger than the anonymity one, but that's my opinion.

***Sir Charles Walker:*** Listen, the great joy of this evidence session is that Dame Diana and I are not responsible for writing the report—that's your problem!

**Chair:** Although we appear to have convinced Sir Charles of a different viewpoint from when he came into the room. I'll take great glee from that!

Q83 **Kirsty Blackman:** I just want to push you a wee bit further on this. You are talking about anonymity. Why do we need the proxy list? What is the benefit of that, given that if Owen is casting a proxy vote for me because I am unwell, or during covid, I know how he's going to vote and I'm damn sure he's not going to vote the wrong way for me, so it is still very much my vote, and it would be the same in terms of remote voting? Why is that transparency required in the event of a proxy vote when it is not required if I submit an EDM in Owen's name? I am allowed to take an EDM to the Table Office and submit it, because we are honourable Members and because I would do that only if Owen asked me to, but there is no transparency on that; nobody knows that it was me who submitted the EDM in his name. Why do we need that list of proxies?

***Sir Charles Walker:*** We looked at this, and it's because ultimately we are elected as individuals to exercise our vote—I am one of 650. The balance we struck, the view we took, was that if you are not casting your vote in person and you are asking someone else to cast your vote for you, that should be marked as a proxy. It may well be that a future Committee and House take a different view. I am not going to argue strongly in favour of or against that. But again—I am sounding like a broken record—if you go back to remote voting, it is a device under your control. That is the distinction I would make. I think you could have a combination of approaches to this, but as I say, that's a matter for this Committee. It's interesting territory.

Q84 **Chair:** I think it is worth remembering that the reason we were publishing it was that there was a genuine sense of just being honest and just publishing the lists of proxies on the basis that we were looking at something that is a very positive experience for most people.

***Sir Charles Walker:*** That is the difference, isn't it? An illness is not positive. You may get positives out of it—you find out a lot about yourself and of course you find inner strength—but ultimately it is generally not a good news story if you are caring for someone who is very ill or if you are very ill.

**Chair:** Absolutely. Owen, do you want to come back on that?

Q85 **Owen Thompson:** Do you have any thoughts about the impact on Members themselves of being able to vote when unwell? Coming back to the point that we are individuals elected to cast votes, we have a number of colleagues—or, I know one example, certainly, who, through her illness, is able to do things in her constituency. She has been open about that. She can get out and about in the constituency to do a lot of that work, but the simple fact of the travelling and the way we work here is not compatible with her condition of health. In that situation, obviously, a proxy would be the perfect solution. What effect do you see on Members if we are able to bring forward the advances that are being discussed?

***Dame Diana Johnson:*** The example that you give is a good one. It recognises where we started from: we are all human beings, we get ill, sometimes we need to take time off, sometimes we cannot do a full day's work, but actually we can do stuff in our constituency—that is good and important work. Obviously, we are Members of Parliament, and our primary function is to come to Parliament, to vote and to make laws. We all recognise, don't we, that our constituencies are a huge part of what we do during the week as well? Perhaps that would help break down that idea that this is the only show in town, here, and that what we do in constituencies is the second part of it—it is of equal value. I am just thinking out loud.

***Sir Charles Walker:*** Dame Diana and I were elected on the same day and we have been Members of Parliament for just over 16.5 years. There is not a single day in those 16.5 years that I have forgotten that I am a Member of Parliament. I am a Member of Parliament 365 days of the year and am thinking about it almost every minute that I am awake and alive. That does not mean I cannot switch off, but you never forget that you are a Member of Parliament, so even when you are ill, caring, or raising your first or second child, you do not forget that you are a Member of Parliament. You are passionately connected with your constituency. Yes, you might accept that they can live without you for a bit, but you don't want them to live without you forever, for crying out loud—you are quite keen on getting re-elected. You never forget that. So, it is striking that balance and injecting a degree of humanity into the process.

We will always place more demands on ourselves than we would in almost any other job that we have done or will do, because we recognise that we carry the hopes and aspirations of 100,000 people, those who are old enough to vote and those who may become old enough to vote or get the franchise to vote, if that makes sense.

**Chair:** Does anyone else have anything to add? No. Our witnesses have been more than generous. I am extremely grateful. It has been a very good session. Thank you both very much indeed.