

Procedure Committee

Oral evidence: Voting by proxy in the House of Commons, HC 825

Wednesday 7 March 2018

Ordered by the House of Commons to be published on 7 March 2018.

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Members present: Mr Charles Walker (Chair); Bob Blackman; Mr Peter Bone; Dan Carden; Bambos Charalambous; Sir Christopher Chope; Nic Dakin; Chris Elmore; David Evennett; Helen Goodman; Mr Ranil Jayawardena; David Linden; Melanie Onn; Alison Thewliss; Mr William Wragg.

Questions 1 - 43

Witnesses

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

Written evidence from witnesses:

– [Rt Hon. Ms Harriet Harman QC MP](#)

Examination of witnesses

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

Q1 Chair: Thank you both. I am going to open very quickly by reminding anybody watching these proceedings what it is we are doing. On Thursday 1 February the House of Commons resolved that, "It would be to the benefit of the functioning of parliamentary democracy that MPs who have had a baby or adopted a child should for a period of time be entitled, but not required to discharge their responsibilities to vote in this house by proxy." That was in Harriet's evidence and thank you very much for setting that out at the start of your evidence.

We are going to leap in straight away. Would you like to make opening statements, or are you happy to get stuck in?

Mrs Maria Miller: I think we'll get stuck in, Chair.

Ms Harriet Harman: Thanks very much for changing the time to accommodate the Select Committee. I am really appreciative of that.

Chair: Not at all. Thank you for coming again. Melanie?

Q2 Melanie Onn: Hello. Welcome. I would like to ask about why you think that a proxy system, a formalised proxy system, is preferable to the current pairing system, or even a change to the pairing system as it currently operates?

Ms Harriet Harman: I think there are three reasons. First, because it is invidious for the House to be setting the rules about maternity and paternity leave, or parental leave, but for us to have none ourselves. We all support the various ministerial and departmental initiatives that there have been over the years to encourage people to be active parents and take their leave entitlement, and it is quite odd that we then do not ourselves have any formal system.

Secondly, I think it is important that there is a system of proxy votes rather than pairing for two reasons. First, because the point about the pairing system is to keep the balance within the House between the Government and the Opposition, but it is not transparent and it does not necessarily include the SNP or other parties. Also, that system leaves an abstention, and I think the key thing about having a proxy vote for Members who are having babies or adopting is that their constituency is entitled to have the vote recorded, irrespective of whether or not the Member has just had a baby.

In the olden days that was not an issue because men were in the House and their wives were looking after their children, but now we have women having babies and men wanting to spend some time with new babies. We need a system whereby the vote from that constituency is recorded and that is why pairing and abstention is wrong. It is informal



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and we 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.

Mrs Maria Miller: Chair, this place should be a good place to work and it should be a place where we recognise that Members of Parliament need to balance their work life and their family life. To completely ignore the fact that men and woman have children when they are here is slightly absurd—if any other organisation did that I think we would be quite critical of them. That is why, cross-party, we have put forward this proposal by way of at least trying to recognise the fact that Members of Parliament have these responsibilities, and also, to be honest, to make sure that we are setting the best example that we can for businesses that are also trying to grapple with this.

Q3 **Melanie Onn:** Would this system provide for a parent who has appointed a proxy to fully and properly represent their constituents, and if you think that they would be able to do that, how would they be able to do that?

Mrs Maria Miller: I think the details of how the proxy system works is something that the Government and the Leader of the House need to look at in detail. I do not think either of us here today is trying to tell the Procedure Committee how to do procedure, because you are the experts in that. Ultimately, by disempowering and taking away any ability for a Member who has a very small child to take part in any proceedings here, I think is not only wrong but it sends the wrong message out to the country about how we view parental responsibility. However, I have to say, Chair, that I am not entirely sure that Members who are not here voting are going to be sitting back doing nothing. We need to make sure that is not the message we are sending either.

Ms Harriet Harman: I would say we need proxy voting for Divisions in the House, whether that is Second Reading, motions, Committees, or Report stage on the floor of the House—so proceedings on the Floor of the House—and for deferred Divisions, votes for Chairs of Select Committees, and votes for Speaker. Starting with that and confining it to that might be a good way to start this. It is always possible to have a review. In fact, had I thought about it I might have suggested to review it in a year's time. It feels like a small but important change that will work very easily, but if people are wondering whether or not gremlins or issues that had not been anticipated might appear, then looking at it again in a year's time, seeing how it has worked, and getting evidence from people who have used it, might be a good way to smooth the passage forward.

Q4 **Melanie Onn:** Do you agree that perhaps it might be seen that by appointing a proxy there is a higher level of activity in representing constituents, rather than if on maternity leave no votes are undertaken by that individual?



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Mrs Maria Miller: Yes. I think the concept of a proxy is something that our constituents are well aware of, because one can appoint a proxy if you are away when there is an election that is going on in the constituency. The concept of a proxy is something that is familiar and we are recommending that the individual Member of Parliament chooses a proxy that is right for them, and then it is for them and the proxy to determine how that individual would vote.

Q5 **Melanie Onn:** As we are all elected Members here, rather than employees, how do you think the prospective change in the procedure would impact on the status of MPs? Do you think that it lessens the status of the office?

Mrs Maria Miller: I think it is really important that within these proceedings, Mr Walker, we underline the fact that Members of Parliament can never be employees, because we have to act without fear or favour, and it is right that we hold a position that is unique and we receive an honorarium, not a salary.

I know you, Mr Walker, and others, have impressed to organisations like IPSA that we are not employees, and that is why we are not recommending a straight transfer of shared parental leave into parliamentary life. It is not possible and I do not think it would be appropriate. We very carefully considered that issue when making these recommendations, however we want to really try to do everything we can to show that we take this issue very seriously and support Members of Parliament in every way we can.

Ms Harriet Harman: I completely agree with that and I think it is always important to make the point that we are not employees and we have not argued it on the basis that employees get it so we should get it. It is more the general principle. We are laying it down for employees. It looks a bit odd if we do not do it.

It is an important question because we always have to be ultra-aware of the reputation of the House and the credibility of the House, the trust and confidence that people have in it, and how people think we are dealing with issues to do with ourselves. Those of us who were around during the expenses time will know that it is always important that we think about how the public will receive something, but I think the argument to the public is that you know that if your MP is in labour she cannot cast her vote herself, but you should not lose your right, as a constituency, to have your vote cast and therefore we are going to fix it. It is empowering the constituency and there is a good democratic argument for it.

Chair: You might be asked some technical questions because this proxy voting is all new territory for us; we are not trying to catch anybody out. We are looking for some ideas as well as part of this process. Ranil?

Q6 **Mr Ranil Jayawardena:** That fits perfectly with what I was just about to ask. I want to get a bit of a feel for some of the challenges that there



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could be with technicalities and if you have had any thoughts on those that would be really helpful. Harriet, I understand you have suggested that a Member should register a single proxy with the House who would then be able to register the votes with Division Clerks and so on. Would that cause an issue if the proxy wished to vote in a different lobby from the Member that they were representing?

Ms Harriet Harman: You mean if they chose a Member from a different party or if they just went rogue?

Q7 **Mr Ranil Jayawardena:** On a matter of conscience where one person feels very strongly one way, and the opposite.

Ms Harriet Harman: Okay. Basically when Members choose their proxy they will have to think responsibly about whom they choose, because they are going to be accountable for how the proxy votes on their behalf. Therefore they had better make a wise choice. If they do not have anybody that they can completely trust, they should not have a proxy and should either do it themselves or have a pair.

The Member is then accountable for how the proxy has voted in the same way that the Member is accountable for their own vote, which means that at the next election you have to answer to your constituents.

Mrs Maria Miller: I could see technically no reason why somebody could not vote one way and then another way in the same Division without it appearing that they are cancelling themselves out, because presumably they would be exercising the proxy and exercising their own vote.

Q8 **Chair:** That is the point. Let us just put an example. Most people tend to vote—

Ms Harriet Harman: I might have misunderstood your question.

Chair: So, as with the debate on assisted dying, for example, it is more than possible that you have a great friend in the Labour Party or the Conservative Party whose views you share on party political issues, but on matters of conscience we do need a system whereby there is enough flex.

Ms Harriet Harman: Yes, you can just run around quickly.

Chair: Yes.

Q9 **Mr Ranil Jayawardena:** Okay, so you do not think there would be problems with people voting in two lobbies. You think that would be manageable. You do not think there would be any confusion from Division Clerks and so on in what is often quite a busy environment where there have been errors in the past.

Ms Harriet Harman: There is nodding through. It is not common but they can handle it. It might be suggested to people who are casting a vote by proxy that they wait until the end and do not rush through in the middle, but that is what people can do by way of commonsense. The



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Division Clerks have to be clear, and the tellers as well, because you do not want, like at the Oscars when they got the wrong answer, people marching up to the table and declaring the wrong answer because somebody has missed a vote by proxy.

Mrs Maria Miller: I know Mr Jayawardena has an intense personal interest in this issue, having already had two children in this Parliament and I am sure more to come.

Mr Ranil Jayawardena: God willing.

Mrs Maria Miller: As long as his wife is. She is a lovely lady. This is not something that happens on an enormously regular basis. We are unfortunately unaware of how many men have had children, as indeed my colleague from Hampshire has had two in this Parliament, and it might be quite useful if the House did know—sorry, no, not this Parliament. It could have been twins. Sorry, I mean since he has been here.

Mr Ranil Jayawardena: Time flies, doesn't it, Maria?

Mrs Maria Miller: It could be incredibly useful for the House to know how many Members have very young children, particularly given that we supply services to Members and also other members of staff who do have young children and work here.

Q10 **Mr Ranil Jayawardena:** It is astonishing to hear that services are provided because I am unaware of them, but perhaps that tells the story. Can I focus also then on one last point, which is whether proxies should be made public? I understand in your evidence—forgive me if I have misunderstood this point—you say, "Division lists will show next to the name of the absent Member that their vote has been cast by proxy", but you also say, "I don't think that the appointment of a proxy should be notified to the public by the House authorities." Later on you say that the name of the Member on leave should be recorded in Hansard, and there should be added, "Vote cast by X MP". So can I get clarity—what do you mean by this?

Ms Harriet Harman: The thing to focus on is the vote by proxy and there needs to be complete transparency around that—that the vote has been cast on behalf of this Member X by this Member Y. That is where you have to have transparency. I do not think we necessarily need to fry the public's brain with the information that X MP has appointed Y MP as a proxy. It is perfectly open for the Member themselves to tell their constituents or whoever else they want, but the obligation of transparency ought to be around the vote, not about the appointment by proxy.

In a way we need to try to keep this as simple as possible. It is obviously important to look at all the different technicalities and procedures but ultimately not to gold plate it. I do not really have a view about who it is



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reported to, but it has to be a House person like the Clerk of the House or the Speaker, or someone like that. They need to know about it.

- Q11 **David Evennett:** The Whips would need to know as well, speaking as a former Whip—sorry, Chair, I will have to speak as a Whip for time immemorial. They have to know because we do that normally now when people are nodded through.

Ms Harriet Harman: They would not have to be told by way of the rules of the House. I do not think it would be right to rule that an MP who has appointed a proxy and notified the Clerk of the House or the Speaker—whichever you decide—has to notify the Chief Whip. Some people sit as independents and do not have Chief Whips. Some people do not want to speak to their Chief Whip. That is a party matter between the MP so I think we should—

- Q12 **David Evennett:** I understand and I am totally supportive of what you are suggesting. I think your papers have been brilliant, and I enjoy it immensely. I am with you, but having been someone who has been responsible, the complication could be considerable if the relevant Chief Whip is not aware of this, because it would become procedurally quite difficult to get the numbers right. It will be leaked out. There is no question. You would want to say, I would think, “My vote will be cast even though I am looking after a young child and I have just given birth.”

Mrs Maria Miller: Mr Walker, I think the excellent relations that certainly in our party the Chief Whip enjoys with the Back-Benchers would mean that we would want to bend over backwards to ensure that the Whips knew what we were doing. I do not think it can necessarily be part of the rules because as Harriet has said—

- Q13 **David Evennett:** No, I am just trying to tease out how we go forward because as a supporter of this I think we need to look at it seriously. Thank you. Sorry.

Chair: My carefully crafted batting order has just been scattered to the four winds.

Ms Harriet Harman: Regarding facilities of the House, there is always a family room—

Mr Ranil Jayawardena: It is not very useful.

Ms Harriet Harman: When I was first here in my younger days children were not allowed in it. It was only for wives. I once went in there and took the children and was ejected.

Chair: Is it on this point?

Mr Peter Bone: Yes.

Chair: If it is regarding the first question, because we do have six questions we want to get through, I think we might have to ask both of you to come back, to be honest. I know everybody is up against time



pressures today. I hope you would like to come back as well, after today. Peter?

- Q14 **Mr Peter Bone:** I entirely agree with Harriet—the idea that we have to inform the Whips about anything is outrageous. We are treated as employed. We are officeholders, we are employers and we schedule leave. So I do think we are technically, in that regard, employed. That is semantics, I suppose.

If we are trying to create how it is for other people—that is always the argument: Parliament must be like the outside world—surely if I was taking paternity leave I would then not have anything to do with my work while I was away.

Mrs Maria Miller: Shall I have a go at that? Mr Bone, Mr Walker, I think that there is no attempt here at all to try to pretend that we are reflecting what goes on in the outside world, because Members of Parliament are not like other employees. Those individuals who I know who have been on maternity leave particularly—I am less aware of those who have been on parental leave—have always continually been involved in the issues of their constituency. The idea that Members of Parliament do what those who are in full-time employment might do, which is to absent yourself completely from the workplace, is not reflective of what Members of Parliament usually do. What we are talking about here is giving Members of Parliament the ability to continue to have their views reflected here while probably they are continuing to do some work in their constituencies as well. I do not think we really are trying to entirely reflect the outside world, because we cannot because we are not employees and it would be up to the individual to keep in touch with their constituency.

- Q15 **Mr Peter Bone:** The other point there is what about someone who has broken his back and cannot get in, for instance? Why are you not suggesting that Member has a proxy?

Ms Harriet Harman: There are a whole load of other issues to do with illness, caring responsibilities, or bereavement responsibilities, but we thought that there is a real simplicity around the question of whether someone has had a baby or adopted a baby. Therefore it has the benefit of being very straightforward, and not requiring any discretion or certification or assessment of the length of time. It has a simplicity and clarity around it that an accident or an injury would not necessarily have. There would have to be certification and discretion exercised and by who—those are a set of other issues.

Thinking of Scottish colleagues, to reinforce the point that Maria made, I can imagine that they might well be doing work in their constituency, but not necessarily taking a flight down to London for one particular vote if they have a new baby.

- Q16 **Alison Thewliss:** To pick up on that last point that you made, there are issues about MPs who have to fly, particularly where you may have had a



Caesarean section or it may be recommended that you should not travel during a particular period of time. Do you think there are particular issues for MPs where distance may be as much of an issue as having a young baby? It is easier for London MPs perhaps to travel.

Ms Harriet Harman: I think that is really important. Time was we did not have to worry about the parental responsibilities of Scottish Members of Parliament, because they were all Labour men who had delegated their responsibilities to their wives. Things are very different now. As you say, some airlines will not carry you beyond a certain period. Your constituency still has the right to have your vote cast, even if the airlines are saying they will not carry you. There are issues about turning up and not being able to get down because of being snowbound, or not being able to get back. I think that the demographic change that has happened with MPs in Scotland, Wales and all the different regions is what we are trying to accommodate here, rather than assume that everybody is a London MP, they are all men, and they all have wives looking after their children, and that if they haven't you just sort it informally in a non-transparent system via the Whips obliging you by helping you not turn up.

Q17 **Chair:** Can I ask one quick question—Chairman's privilege? In your paper, Harriet, you talk about a 39-week window. Given what Alison has just said, if you were heavily pregnant and had to travel down and travel became very difficult, could you start that 39 weeks before the point of birth?

Ms Harriet Harman: I mentioned this and it was something that Jo Swinson has fed into the discussion. I think what we should do is try to match as far as we can what we lay down in terms of a paid period of time, but I think the travel point is an issue, so I think that should be looked at.

Q18 **David Linden:** I have a couple of questions I want to get some clarity on. The first one is around extending this scheme. I have just served on the Parental Bereavement (Leave and Pay) Bill Committee, and under the proposals in the unfortunate event that a Member lost their child, could we extend proxy voting to them for that period of time in the same way that we are putting legislation through Parliament at the moment to allow people time to grieve? Do you think that is something the proxy vote could be extended to in the case of parental bereavement? There are Members on all sides of the House who have experienced that, and that is something that we need to be mindful of.

Ms Harriet Harman: There absolutely are. I have not proposed something because we have not yet proposed anything to the outside world for that, so therefore by analogy to the fact that we have set a legislative framework for paid maternity and paid paternity leave, I thought we should go into that footstep first. It is not that it is not an important issue, obviously.



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Chair: Okay, and the motion of the House is very specific as to what this inquiry relates to as well, but I am sure it will create questions down the road.

Q19 **David Linden:** I have one other question as well. Would it be your view that it be something that could extend to adoption as well, for parents who wish to adopt?

Mrs Maria Miller: That is hugely important and is integral to the process.

Chair: We have lots of people who want to ask questions and we have limited time. Bambos?

Q20 **Bambos Charalambous:** This is about the level of communication. Once the proxy has been appointed, would it just be a phone call to the proxy saying, "I want to vote this way, Mr Bates"? When and how would you communicate that? Just a thought about how the process would work.

Ms Harriet Harman: My sense is that it is best to just let everybody work it out and do it in their different ways. If we try to boil it down to a written agreement about how the view would be communicated, whether it was done on the phone or confirmed by e-mail, I think in a way the best thing is to leave it simple. We have a system of proxy voting that we have for things like the Shadow Cabinet, and people just appoint somebody they think they can trust and then they do it. If you discover they have not done it the way you want it, then you cancel the proxy and wonder about your own judgment—or it is a secret ballot and the Labour Party never finds out.

Q21 **Bambos Charalambous:** On that point, there is one party that currently only has one MP—the Green Party—and sometimes people have the Whip withdrawn from them. There might be a circumstance where that might cause a problem about who you appoint to cast your vote. Do you have any thoughts about that?

Mrs Maria Miller: Ultimately it is down to your own personal judgment, in the same way that it is down to your own personal judgment if you want to appoint a proxy to vote for you in a General Election or a local election. You cannot mandate that person to vote for you in a certain way, but I guess we all have the feeling that they should probably do what they think you would do.

Q22 **Melanie Onn:** To be clear, this is not a requirement to appoint a proxy. If you choose not to appoint a proxy that is entirely within your gift as well.

Mrs Maria Miller: Precisely, and if within the period that the leave is there the individual wants to come back and vote in person then that is entirely possible as well.

Chair: I think that is an important provision. I thank colleagues for asking short questions, bearing in mind that we probably have to wrap



this up by about 3 pm because our witnesses have to get away. Chris?

- Q23 **Chris Elmore:** Two very quick questions. One is an operational question. Would a proxy be required to vote during Chamber business, as in Divisions of the House, or would it be also about electing Select Committee Chairs if they were on maternity leave at that time, or electing a Speaker, so just more of—would it be to cover everything or simply Divisions of the House?

The other comment I wanted to make in relation to Ranil's question is about the Clerks and how they would manage two Division lobbies. I think we should give the Clerks some credit here in that there would not be hundreds of colleagues on maternity or paternity leave—it would be a handful of them. What I am trying to say is that I am reinforcing both your points that Clerks have lists. They are perfectly intelligent and able people, and you probably would be talking about maybe no more, even at the higher end, than 20 colleagues at any one time. Some of that could be paternity leave, as you say. We do not have lists of how many male Members have had children since they have served as MPs. My key question is operational: is it for every type of vote, including Speaker elections and so on, and the second point is more about having faith in the Clerks because I am sure they can keep a list on both sides of the boxes.

Mrs Maria Miller: I am sure the Clerks would be able to tell us how best it would run, because they are good at their job and I think we would leave it to them. In terms of Divisions of the House, I think Harriet said earlier it would be for the chairmanships of Select Committees, for Divisions and deferred Divisions of the House, but we did not see that it would be appropriate to go into Select Committee work or Standing Committees. I think that given the election of Speaker of the House arises so infrequently, whether that is included or not—

Ms Harriet Harman: It is all whole House votes. Every time all Members are voting.

Chris Elmore: I think that goes back to Charles's first point—we are trying to probe just how it would work to get as clear a picture as possible. Harriet knows my view: I am fully in favour of it. It is about how we get to that point, in my opinion, rather than anything else.

- Q24 **Helen Goodman:** Harriet, in your paper you say that the proxy voting should last up to 39 weeks for the mother of a baby, or for the primary or single adopter of a baby or child, and two weeks for the father. Do you envisage that people would be on their full salary in this time?

Ms Harriet Harman: Yes. We do not deal with our salary now. We do not deal with our office costs. That is dealt with by IPSA, but we deal with things like voting and how we vote. So I think it is important for this to be seen as a voting mechanism, but IPSA, who I have talked to about this, say that their view is how and when we vote is a matter for us. They do not look into that and they do not have a right to look into that, and



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as far as they are concerned, as long as we are a Member we are paid, but we need to decide within that time how we vote. We have changed over the years, such as by having deferred Divisions. That was a decision of the House, not a decision of IPSA.

Q25 **Helen Goodman:** When we worked together on the expenses debacle—

Ms Harriet Harman: Happy days.

Helen Goodman: —MPs were subject to quite a lot of criticism. For some members of the public, statutory maternity pay for 39 weeks is, I think, about £130 or £140 a week. A Member of Parliament's salary is about 10 times that at £1,500 a week. Do you think that taxpayers are going to think that is okay?

Mrs Maria Miller: I think this is really referring back to a point I was making earlier on. Here we are talking about proxy voting so that individuals who have very little babies, very small babies, and who may not physically be able to get here for lots of reasons, are not here voting. That is not the same as to say they are not working.

Going back to the comments I made earlier, those individuals that I have spoken to who have small babies—of course there will be a period of time, quite rightly, and indeed in any sensible employment situation you will have a number of weeks when you will get a large proportion of your salary paid so that you can have time with your small baby. However, I think there are very small numbers of Members of Parliament who would take 39 weeks off without doing any work in their constituency whatsoever. That is not really the nature of the job. We are not talking here about MPs not doing any work; we are talking about MPs not being in London to vote. That is a very different situation.

Q26 **Helen Goodman:** Hold on a minute. The fact is that most people spend three days of the week in their constituency and four days in Parliament. When we are in Parliament we are not just voting—we are on Committees, we are taking part in debates, we are doing lots of things. It does not seem to me that if your work is confined to your constituency you are doing the full, full-time job of a Member of Parliament. Does it seem like that to you?

Mrs Maria Miller: I hope that the Committee would want to encourage people to be able to balance the demands of a new baby with the job, and that is what we hope good employers do in this country. We are not legislating—and neither do I think we ever should—for how a Member of Parliament individually does their job. All of us in this room today will do the job very differently, and perhaps the extremely high rate of work that one person does will not bear any relation to the level of work that another individual would do. It is quite difficult, I think, for us to go down the process of evaluating that.

Q27 **Helen Goodman:** I was not asking about what people should do. I was asking about what people should be paid for, and whether or not voters



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seeing what was expected of a Member of Parliament and comparing our full-time salary with statutory maternity pay would think that was reasonable.

Ms Harriet Harman: Can I respond on that? At the moment it is sorted by pairing, which is not transparent. It does happen, but it is just not transparent. Of course as well as doing stuff in their constituency, Members who were using a proxy to vote and therefore not coming into Westminster would still be checking their emails all through the night, writing letters to Ministers demanding all sorts of things, signing early day motions, or drafting them. So I think I would reinforce Maria's point that this is just about proxy voting for a period of time, instead of abstention via Whips' discretion for a period of time, and that we do not have anything to do with pay anymore. That is out of our remit.

Chair: Helen, one more question, because we are going to run short and I need to bring other people in.

Q28 **Helen Goodman:** On proxy voting, do you think there is a risk that what you are proposing would not weaken the Whips, which seems to be your argument, but in fact strengthen them? We have had a lot of rebellion on European Union issues in both parties in the last six months. If we do not have a system where we require communication in a recorded way for particular votes, how are we going to manage in a very turbulent period for Parliament like the one we are going through at the moment?

Ms Harriet Harman: I do not think I have looked at it from the point of view of whether or not it would weaken or strengthen the Whips, because it could do different things in different circumstances. I declare myself as somebody who has voted with the Whip for more than 35 years, so that is just what I do, but I think that is the wrong end of the telescope to look at it through, and anyway you would never be able to predict it. I do not think you could run either the business or Opposition. You cannot second-guess what you should do in relation to a fluffy-headed newborn baby by virtue of what impact it might or might not have on Government business or the business of the Opposition.

Q29 **Helen Goodman:** What do you mean that you cannot second-guess it in terms of fluffy-headed babies?

Ms Harriet Harman: Because in different circumstances it might have different results.

Mrs Maria Miller: There is no compulsion to take proxy voting. If an individual does not want to do that, and they want to come in and vote whatever way they want, that is fine. At the moment they have no option. It is a zero vote if they cannot be there, so I cannot see how that would be strengthening the hand of anybody other than the Member of Parliament.

Chair: Helen, we have to allow other people their question, and I want to make a statement. I have a brilliant solution, Harriet, and I am serious.



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You give me your proxy vote, because I am immune from my own Whips and I would be immune from your Whips, and I would be duty-bound to vote how you wanted me to vote, so I do not necessarily think we have to do this party to party. As men and women of principle, I would absolutely ensure—and I am serious—that I would vote exactly how you wanted me to vote.

Ms Harriet Harman: I am sorry, Charles, but I am afraid I have some very bad news for you. I am 67 now and whatever kick-up in my fortunes there might be, having a baby is not one of them.

Chair: Okay, but you get the drift. William.

David Evennett: Follow that.

Q30 **Mr William Wragg:** Follow that indeed. A number of speakers in the debate in the Chamber made reference to TheyWorkForYou and Hansard and so forth, and the recording of their attendance at votes. In their written submission TheyWorkForYou said they would welcome a formalised proxy voting system in order to explain that better to the public. As Harriet has said transparency is key, so that is an interesting development. However, going back to Melanie's point that this would not necessarily be a compulsory voting system, how could we account for those who are absent from a vote because they are taking leave but who have not signed up to this proxy system?

Mrs Maria Miller: It is really for organisations like TheyWorkForYou to be able to perhaps offer some other solutions as well, for people who decide not to take a proxy vote but who are not here. I would really welcome that, because it is entirely wrong that Members are slated for not voting at the moment simply because they physically cannot get to London for the reason of having had a baby. I welcome proposals from TheyWorkForYou for Members to be able to register, but I do not think that should take away from the debate about what we do here, which is to give Members the ability to have their views expressed, even if they are not able to be here because of the birth of a child.

Chair: There are a couple of colleagues who have not asked questions yet. Chris, I know you wanted to say something.

Q31 **Sir Christopher Chope:** Apologies for not being here at the beginning. If this issue has been covered I apologise. What about individuals? I, as I think Harriet Harman is, am very keen to promote the right of strong, independent-minded MPs. If an independent MP has a baby, how will that independent MP be guaranteed access to a proxy system when that independent is, by definition, a loner and does not have anybody else who he or she can rely upon to carry out that proxy for them?

Mrs Maria Miller: Unlike the secret system we heard about from the Labour Party where votes are not transparent if used in a proxy format—we were talking earlier on about proxies being used and it was not—

Chris Elmore: It was not me.



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Mrs Maria Miller: Sorry, was it Harriet? The system we would put in place here, Chair, would be entirely transparent. If you had chosen somebody who did not vote the way that you had asked them to vote, then you would not use them again next time. It is a point that Harriet made earlier on.

Q32 **Sir Christopher Chope:** Would that be satisfactory? Are you not effectively going to be discriminating against a strong independently-minded person who wants to be able to make their own judgment on how to vote in a particular Division? How are they going to be able to appoint a reliable proxy who is going to be able to second-guess the judgment that they would otherwise make?

Ms Harriet Harman: By definition when you have a Division you have ayes and noes. It is not just one person. You have a choice of people who might be likely to go through the lobby that you as an independently-minded person might find yourself in, so you just have to work out whether there is somebody who agrees with you and pick them. If you cannot, then you just have to abstain or show up.

Q33 **Sir Christopher Chope:** We are all committed to equality, but it seems to me that this system would militate against the loner, the independent MP, because they would not be part of the system.

Ms Harriet Harman: Nobody is that lonely. I know that people like to make out to the media that they are the shining knight on the white horse and completely unique and individual, but there is usually somebody that they know and can speak to that might be likely to vote through their lobby. Do you have anybody in mind you are thinking of? It is not you, is it?

Chair: David to the rescue. We only have five minutes left.

Q34 **David Evennett:** I will try. Basically we are at risk of making this too complicated. You have given us a brilliant proposal that is simplistic. If we start going down the road of being too complicated, we will be making problems that are not there. My own view would be, and this is what I would like you to respond to, that it would be sensible for the person who wants the time off to take one person and say, "You will be my proxy for the time I am not here". If you do that then you have that person. We all have friends, even individuals who are individualistic. When I was a Whip, people would not always agree with us, but the fact is that this is the way forward. The person has somebody who will act as proxy for them for the time that they are going to be off. They will liaise as they want to if anything happens, but I think that is the way to make it simple and not complicate things.

Most people vote according to their party—most people, and other than on things like Europe specifically. Very few do not, and therefore it will be easier to choose someone within the party who you are friendly with. There will be a few people who are individuals because they are one-Member parties, but even the Liberals—there are nine, 10, 11 of them, or



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whatever it is. There are not many.

Chair: We need to get to the question.

- Q35 **David Evennett:** The question was, would they agree that the best thing is for the person who wants to take the leave to have a proxy, to fix it with somebody, let the House authorities know, let the other person know, and that will make it straightforward?

Ms Harriet Harman: Agreed.

Mrs Maria Miller: Totally.

- Q36 **Melanie Onn:** May I follow up? In your considerations do you think that that person need necessarily be a permanent appointment as a proxy, or could it be withdrawn, altered and changed as long as it was notified through the ways we have already discussed, to better suit a preference, for example?

Mrs Maria Miller: I think there would need to be ways of changing it, because that individual might fall ill or there might be all sorts of reasons why they could not undertake their duties. I think the best people to answer that would be the Clerks of the House, because they could help identify a really streamlined process.

- Q37 **Dan Carden:** I just wanted to say you have my full support. I think it is a system that is never going to be perfect. If we look for perfection we are going to knock ourselves away from making what is an improvement on the current system. I also think that we need to get this through, see how it works and then see how it might be adapted.

I suppose it is another "do you agree?" question. Let us get this done and see how it works.

Mrs Maria Miller: I think, Mr Chairman, it is about getting it done and then seeing in 12 months' time how it is working so that we can refine it.

Ms Harriet Harman: I agree: don't make the best the enemy of the good. I agree with that.

Chair: We have four minutes left, and Peter wants to come in.

- Q38 **Mr Peter Bone:** One point. If you are a member of the two major parties in Parliament would you not come under terrific pressure to give your proxy to the Chief Whip or one of the Whips? Is that not in reality what would happen? You would be under enormous pressure, especially if you were a new Member.

Mrs Maria Miller: At the moment, Mr Bone, what happens is that people have to go and ask a favour of the Chief Whip so that they cannot be here for a period of time.

- Q39 **Mr Peter Bone:** No, you don't. I am sorry to interrupt. That is outrageous! With all due respect, you are suggesting that you have to ask the Whip, as a Member of Parliament, how you are going to vote or



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about anything. You are not here to be run by the Whips. You are here to exercise your own judgment. When we start giving authority to Whips in this House we are going down a very slippery slope.

Ms Harriet Harman: You do not have to have a proxy. You can either have a proxy or not have a proxy. You can either ask the Whip for a pair or not ask the Whip for a pair. It is entirely within the Members' autonomous decision-making to do that.

Q40 **Mr Peter Bone:** But in practise would that not be what happened?

Ms Harriet Harman: In practice Maria is absolutely right. If you want to not be regarded as breaking the rules of your party, you have to ask permission to be off and you have to get a pair, which then has to be approved by the other side's Whip's office as well—that is not possible if you are an SNP Member. I think it is more difficult, as a young Member of Parliament, to go in and ask for an amount of time off at the Whip's discretion than it is to simply register a proxy, which could or could not be—I think a lot of Members will want to appoint the Whips as their proxy because then they would have a stonkingly good voting record. My voting record would have been much better if it was the Chief Whip voting for me.

Mrs Maria Miller: Mr Walker, perhaps I could suggest that one of the recommendations this Committee might want to make is that a piece of research is done after a period of time, and that some qualitative research is done to ask these sorts of questions of people who have experienced the process.

Q41 **Chair:** Okay, and thank you. I say this absolutely seriously, and I think it needs to be said, because this is a House of honourable men and women: if any person asked me to be their proxy, from whatever party, I would execute their wishes. That is the way we should operate in this place. If Alison was away and I had to access her proxy, even if I had to go to another Division lobby to do it, I would do it for her because it would be her vote.

Ms Harriet Harman: I think that sets completely the right tone. That is absolutely the right tone.

Q42 **Melanie Onn:** Could you have one person being a multiple proxy?

Ms Harriet Harman: I think you could.

Mrs Maria Miller: Yes.

Q43 **Chair:** All right. Enlightening. Thank you. We might have to have you back. Thank you. Can we thank our two witnesses?

Ms Harriet Harman: Thank you.

Mrs Maria Miller: Thank you.