

Backbench Business Committee

Representations: Backbench Business

Tuesday 17 July 2018

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Watch the meeting

Members present: Bob Blackman; Colin Clark; Patricia Gibson; Ian Mearns (Chair); Nigel Mills; Alex Sobel; Mr William Wragg.

Questions 1-12

Representations made

[I:](#) Harriet Harman and Maria Miller.

[II:](#) Jim Fitzpatrick and Peter Aldous.

Harriet Harman and **Maria Miller** *made representations.*

Q1 Chair: Good afternoon and welcome to the deliberations of the Backbench Business Committee. We have in front of us this afternoon two applications for debates, beginning with Harriet Harman on the operation of proxy voting for Members on baby leave.

Ms Harman: Thank you very much indeed for letting me make this request on behalf of myself, Maria Miller and Hannah Bardell. The Committee has already been very helpful on this issue before. To remind Committee members, this change would enable Members who have just had a baby, or who have just adopted a baby, to continue to be able to cast their vote—even if they are not physically present in the House—by having a proxy vote agreed for the period of their baby leave. This would be for fathers as well as mothers.

We had a very well attended debate on the motion; there were lots of speeches, it went for the full time and nobody spoke in objection to it. It was a general debate on the principle of a proxy vote during baby leave. After that, the issue went to the Procedure Committee, which held an inquiry on it. It heard evidence from Maria, myself and lots of other colleagues about how it would be implemented. The Committee then produced a report that included all the mechanics of how it would operate in practice, including a draft resolution to come back to the House in order to effect the change.

In the meantime, the Government, through the Leader of the House, tabled a motion on proxy voting in general—not in relation to babies and adopted children. However, that was pulled at the last minute on the Thursday before last, so there is unfinished business. We would like a debate so that we can table the excellent draft motion prepared by the Procedure Committee and put it to the House. Waiting for the Leader of the House to table her motion does not really help us, because hers would not be effective and would take us no further forward than we were after our last debate.

Chair: There is a question about the text. The text suggested by the Procedure Committee is of a motion to be put by the Government. Is that right, Bob?

Q2 Bob Blackman: I do not disagree with what you said, Harriet. However, the Procedure Committee responded to the motion of the House. It didn't look at all aspects of proxy voting or expanding the issue, but responded to the House—"If you are going to do this, this is how you could do it." I think it is fair to say that there were deep disagreements among Procedure Committee members about whether this was a good idea. However, we responded to the view of the House that it should be done. The concern will be that the substantive motion that you have proposed would try to bind the Government and the House. Back-Bench motions do not bind the House.

Ms Harman: Ah—well. Do you think we should amend it to say, "The House would very much like" or suggests—



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Q3 **Bob Blackman:** It is your application, not mine. However, if I were you, I might put forward a motion that has the first two points, ditch the rest and then have something that says “and calls on the Government to introduce a response to the Procedure Committee’s report forthwith, with the intention of delivering the settled view of the House”, if I can term it that way.

Ms Harman: We are not very keen to steer it back to the Government, it being House business. I know that the Government have to respond to Committees, and they will do so in due course—I think they were supposed to respond by the 15th.

Bob Blackman: They have to respond within two months, yes.

Ms Harman: They will obviously make their response, but my understanding was that there were two sorts of motions that could be done on Backbench Business: general motions and effective motions. We had a general motion first time around, thanks to your allowing us to bring it forward. This would very specifically be an effective motion, so it would be effective.

If it is procedurally wrong, we obviously need to pick up your point on that and change it. But, if it is not procedurally wrong, the way to go forward from the last debate is to have an effective motion, because it talks about what the Speaker needs to do, rather than what the Government need to do. It mandates and legitimises the Speaker’s action on it.

I absolutely take your point, Bob, about the Procedure Committee responding to the resolution of the House. It wasn’t having its own view about it; it was simply looking and saying, “This is bearing in mind the motion of the House. What would or should happen next?” When it comes back to the House, if there is a vote, it is for everybody to say whether they think it is a good idea.

Q4 **Chair:** My concern, Harriet, on reading the motion, honestly, is that it is quite legitimate for the Backbench Business Committee to entertain and for members to vote on a motion that calls on the Government to do something. That is entirely appropriate, but I think it would be unprecedented for us to have a motion that directs the Speaker to do anything. We have not actually done that before.

Member: Why?

Q5 **Chair:** We have custom and practice where it is entirely acceptable to have motions that call on the Government to do things, but I really would want to take advice on a motion that directs the Speaker to do something.

Ms Harman: I am very much in your hands. We want to get the procedure right on this and not trip up over unnecessary hurdles or overstep any mark. I am very open to your advice and suggestions and in your hands on it. I would just mention—I know that you are completely aware of this, because we discussed it last time—that last night Jo Swinson was not able to cast her vote, and neither was Laura Pidcock, nor



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Cat Smith. They all wanted to vote. It would have been great if each of those three Members had had a proxy vote. They were paired but they wanted to cast their own vote. Jo and Cat have just had babies and Laura is hugely pregnant. We have more babies expected in the autumn so, if this gets through, it will not be wasted. There are more in the pipeline. Tulip Siddiq is now pregnant again—that might be a secret.

Chair: And Holly Lynch.

Ms Harman: I am sorry, but that is probably a secret. I beg your pardon.

Chair: Can we redact *Hansard*?

Ms Harman: Anyway, there are certainly more in the pipeline.

Q6 **Chair:** The motion is your property. From my perspective, as Chair of the Committee, I have not seen a motion of this nature, asking to direct the Speaker to do something. It is unusual but if you are happy with that—

Ms Harman: I am happy with it if you are happy with it. I am sure that the Speaker would be happy with it—he just wants to be told what to do; he does not want to look as though he is doing something of his own volition, beyond what the House has asked him to do. The question is whether it is appropriate for us to have a motion that directs the Speaker. I think that would give him the mandate to do it.

Q7 **Chair:** Is there anything you would like to add, Maria? I know you have only just come in, breathlessly.

Mrs Miller: No, Mr Mearns. I just wanted to be here to support my colleague.

Q8 **Chair:** Are there any further questions, colleagues? I think the one thing you should be aware of is that we have no knowledge of any time to be allocated. We have already given the first Thursday back to the Liaison Committee, because we had two days of estimates day debates from the Liaison Committee that we had to determine. They got time back from us. It may be that there is time in the second week of the September sittings, or it would have to be after conferences.

Ms Harman: Obviously we are well aware that you have a lot of genuine, good propositions that the House wants to debate. Although I am sorry that we have to be in a queue—and I understand that—as the Leader of the House who introduced the notion of Back-Bench business debates and who established this Committee, it makes me very pleased. Think about the situation when control of every moment of the day in the House was entirely in the Government's hands. There was no opportunity for Back Benchers, individually or collectively, to put anything on the agenda. I am sad that we are not first in the queue, but I am delighted that there is a queue of stuff that Back Benchers want to be debated.

Chair: It is not a massive queue at the moment, by the way.

Ms Harman: It is a worthy queue, though.

Chair: In that case, thank you very much. We will take that forward.

Jim Fitzpatrick and **Peter Aldous** made representations.

Q9 **Chair:** Next up is Jim Fitzpatrick, on deaf children's services. Jim, I informed members of the Committee earlier that you and I had been working together on some issues to do with deaf children, but that they were not the substance of this application.

Jim Fitzpatrick: That is absolutely right. Thank you for the opportunity to come in and make this pitch. Peter and I are here as officers of the all-party parliamentary group on deafness. As you will have seen, 10 colleagues have signed up to support the bid, including ourselves. It is an issue that affects tens of thousands of school children with the disability of deafness. It is an England and Wales issue, for obvious reasons, given that it relates to education.

The Government are preparing for the next spending review, and we want to have the opportunity to raise a number of issues, including the schools block and the fact that 99.5% of the national funding formula is ring-fenced, which means that it is harder for local authorities to respond to special educational needs and disability pressures. We are told that a third of local authorities are planning to cut £4 million from educational support for deaf children this year, there has been a 14% cut in the number of teachers for deaf children over the past seven years, and an estimated 50% of the remaining teachers for the deaf are due to retire in the next 10 to 15 years.

We would hope to ask the Department for Education if it can do more to broker and incentivise local authorities to work together to commission services for deaf children. We would like to explore that. There are some 30,000 more children with statements in 2017 than there were in 2016, and the Children and Families Act 2014 places greater responsibilities on local authorities to support them.

Finally, to return to my original point, the Government are preparing for the next spending review. We would like to explore with the Minister the different pressures that we are aware of from the different regions, hopefully to help the Government address issues that, naturally, because they affect deaf children, do not command the highest profile. We want to try to raise that.

We have put in a bid for a 90-minute debate in Westminster Hall. We would be very grateful if the Committee could afford us that. We have had a couple of 90-minute slots on Thursdays, so if it is possible to have a Tuesday slot, that would obviously make it easier for more colleagues to participate. Given that we have 10 colleagues who want to play, the issue is not really the time; it is having the opportunity to have the debate.

Peter Aldous: I endorse what Jim has said. From my perspective, there is a particular issue in Suffolk—across the country, actually—with SEN



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provision. Within that, there has been a deficit in services to deaf and hard of hearing children for some time, particularly in my area, and this will provide an opportunity to highlight the issue ahead of the spending review.

Chair: For the purposes of the official record, Jim referred to children with statements, but they are of course now education, health and care plans.

Jim Fitzpatrick: Thank you, Chair.

- Q10 **Bob Blackman:** Thank you for the application. You say that you would prefer a Tuesday morning. We get slots at 9.30 on a Tuesday for 90 minutes, as you probably know. Can I just be clear which Government Department would answer the debate?

Jim Fitzpatrick: Primarily the Department for Education, because we would hope that they would be bidding to the Treasury for funding and discussing with local authorities how best to commission and incentivise local services. They are the ones that have to plan for teacher recruitment and monitor and administer the schools fund, so although we are asking for resources, we think the Department for Education would be the most logical Department.

- Q11 **Bob Blackman:** At the moment we do not have any Tuesday slots until after the conference recess. Would you be happy to wait for that slot?

Jim Fitzpatrick: We would prefer not to leave it that late, so if there was a Thursday slot I think that would suit us, given that we are not talking about a huge number of colleagues from the 10 who would want to participate. Given Front-Bench speeches, the opening 10-minute speech and five colleagues on 10 minutes each, that time is gone. Tuesday would have been preferable, Mr Blackman, but a Thursday would be more than acceptable.

- Q12 **Bob Blackman:** Potentially, that would be Thursday 13th, which would be the last day of the September sitting, and potentially, if you could come up with a few more speakers, you could get a full three hours—if you desire them.

Jim Fitzpatrick: If that is a possibility, we have 40 members of the all-party group. We rustled up the 10 because we thought that was more than the number needed for a 90-minute debate. I cannot promise that we would get them, but we would be very happy to circulate among the group and indicate that that might be available, and report back to the Committee as soon as possible.

Chair: It is not obligatory, however, because we could split a three-hour session into two 90-minute debates, but it is a possibility. Does anyone else wish to speak? In that case, thank you both very much. That concludes our public deliberations. The Backbench Business Committee will now go into closed session.