



House of Commons
Procedure Committee

**Procedure under
coronavirus restrictions:
the Government's
proposal for proxy voting
for shielding Members**

**First Special Report of Session
2019–21**

*Ordered by the House of Commons
to be printed 3 June 2020*

Procedure Committee

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

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Publication

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Committee staff

The current staff of the Committee are Masrur Ahmed (Second Clerk), Martyn Atkins (Clerk), Paul Connolly (Media Officer), and Jim Lawford (Committee Assistant).

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First Special Report: Procedure under coronavirus restrictions: the Government's proposal for proxy voting for shielding Members

The Committee makes this Special Report to the House to inform its consideration of motions of which the Leader of the House intends to give notice later today, Wednesday 3 June, for consideration by the House tomorrow, Thursday 4 June.

Earlier today, Wednesday 3 June, the Prime Minister announced, in response to a question from the Leader of the Opposition, that

I apologise to all those [hon. Members] who have particular difficulties with it [the method of Chamber voting introduced on 2 June and used for Divisions 51, 52 and 53 that day] because they are shielded or because they are elderly, and it is vital that, through the change we are making today, they should be able to vote by proxy.

At 1.20 pm the official Twitter account of the Office of the Leader of the House posted the following tweet:

A motion extending proxy voting arrangements to those Members who are shielding and those over the age of 70 will be tabled this afternoon for agreement tomorrow.¹

The Committee understands that motions to give effect to the Government's decision are to be tabled later today, Wednesday 3 June, and that the motions will be moved during the course of business tomorrow, Thursday 4 June.

At the time of considering the Prime Minister's announcement, the Committee had not been informed of the Government's plans for consideration of the motion and the timing and format of any debate proposed to be held on it.

The Leader of the House has tabled a motion for decision by the House later today Wednesday 3 June. If agreed to in the form tabled, Members will, until 7 July 2020, be able to participate in proceedings on Questions, Urgent Questions and Statements virtually, by electronic means approved by the Speaker: such participation may only be permitted by the Speaker in respect of Members who have self-certified that they are unable to attend at Westminster for medical or public health reasons related to the pandemic, under arrangements for self-certification to be set out by the Speaker.

The Government has not provided any explanatory memorandum to indicate the categories of Member which Ministers envisage would be eligible for continued participation if they met the self-certification requirements. In the Committee's Third Report, *Procedure under coronavirus restrictions: the Government's proposal to end remote participation*,²

1 [Tweet](#) from [@commonsleader](#), "Official page for Leader of the House of Commons [@Jacob_Rees_Mogg](#)'s office. Follow for confirmation of statements and future business in the House of Commons", timestamped 1.20 pm, 3 June 2020.

2 [HC 392](#)

the Committee set out the categories of individual who were subject to NHS guidance as to their safety during the pandemic, namely the clinically extremely vulnerable and the clinically vulnerable. The Committee made the following recommendation:

We do not think it is reasonable for Members, and by extension the constituents they represent, to be excluded from proceedings of the House because they choose or have been advised to follow Government advice on how to protect their health during a pandemic. We therefore recommend that the House make provision for virtual participation in its proceedings for those Members who consider themselves unable to travel to Westminster for as long as the pandemic persists.³

The Committee did not seek to identify the circumstances which might cause a Member to consider themselves unable to travel to the House to participate in proceedings. We recognised that to do so would establish circumstances where Members, in order to participate in proceedings, would have to make disclosures of personal medical circumstances which in all other walks of life they would be entitled to keep private. It is for the House to reflect on whether disclosure of such conditions ought under present circumstances to be a precondition for participation in proceedings.

The Committee welcomes the announcement by the Government that it is prepared to facilitate proxy voting for Members who are at present not able to attend the House because of the conditions caused by the pandemic. Consideration of proxy voting as a means to allow the recording of votes in divisions was an issue raised by the Committee in March 2020. In a letter to the Speaker on 11 March, a week after the Committee's first meeting of this Parliament, the Chair set out an initial Committee view:

We consider that where individual Members are absent from the House on coronavirus-related medical advice, they ought to be able to use proxies under the current arrangements for proxy voting for parental absence. Where large numbers of Members are absent for coronavirus reasons, administration of proxy voting under existing arrangements will be impractical.⁴

In his response the Speaker stated:

I know your Committee is considering the proxy voting trial at the moment and it would be for the House to agree any further changes. The current system requires a Speaker's certificate and I would have to be very clear about what categories of Member would be included if proxy voting were to be extended in this case. The current system is designed for use by a limited group of individuals and could not readily operate in place of pairing, for example.⁵

This exchange of letters took place before the assessment of the division lobbies by Public Health England and the Speaker's decision to discontinue use of the lobbies on that advice.

3 *Ibid*, para 34

4 [Letter of 11 March 2020](#) from the Chair of the Committee to the Speaker concerning contingency arrangements for divisions

5 [Letter of 13 March 2020](#) from the Speaker to the Chair of the Committee concerning contingency arrangements for divisions

The Committee recognises the concerns of all Members presently unable to attend the House because of continuing restrictions caused by the pandemic. It is already under a duty to the House to evaluate the present pilot system of proxy voting for parental absence, and to make recommendations to the House on its continuation, by the end of July 2020.

In its Second Report, *Procedure under coronavirus restrictions: proposals for remote voting*,⁶ the Committee made the following observations:

Several Members have proposed a system of lobby voting for Members present in the House, supplemented by an extended proxy voting system whereby Members either self-isolating or choosing not to travel to Westminster would authorise proxies to vote on their behalf. It is clear to us that the present scheme for parental absence, which relies on Speaker certification of proxies, would be unmanageable if extended to the number of Members who are obliged, or who choose to, stay away from the House.⁷

Several Members who are self-isolating on medical advice, either for reasons of age or because they are particularly at risk from COVID-19, will not be able to travel to Westminster for some time. Advice on self-isolation could potentially remain in effect after social distancing requirements have lapsed. It is therefore likely that the hybrid model of proceedings may have to persist in modified form to ensure that all Members are able to participate in proceedings.⁸

Should Members return to Westminster in sufficiently large numbers, once it is considered safe for them to do so, the House may wish to consider a hybrid division system, where Members in the House vote in lobbies as before and Members who are certified as self-isolating authorise proxies to vote on their behalf, in an extension to current arrangements for proxy voting for parental absence.⁹

This report was also made before the decision to discontinue use of the division lobbies was taken.

The Committee therefore supports the principle of the motions to be brought forward by the Leader of the House tomorrow, Thursday 4 June. In considering the motions, the House will wish to take the following issues into account:

- The extension of proxy voting to additional classes of Member will take effect once a variation of the existing scheme governing proxy voting, signed by the Speaker and the leaders of the three largest parties, has been published.
- The House will wish to give careful consideration to the eligibility criteria for proxy voting under the Government's proposals, and to consider whether it may place Members under unreasonable obligations to disclose their own personal circumstances, or the personal circumstances of those they may care for, in order to have their vote cast in divisions.

6 [HC 335](#)

7 *Ibid.*, para 61

8 *Ibid.*, para 68

9 *Ibid.*, para 69

- The Committee's inquiry into the proxy voting pilot for parental absence has already identified potential issues with the administration of the scheme and the requirements it entails.
- Should the House agree to the Government's proposals, the Committee plans to resume the work on this issue, temporarily paused because of its work on coronavirus, with immediate effect, and will seek to make constructive recommendations for modification of the scheme to streamline any administrative burdens and address any other issues which may have arisen from the extension of the scheme.
- There will understandably be pressure for the detailed arrangements to be agreed and published as soon as possible so that they can be put into effect. The introduction of the revised scheme ought not to be delayed in order to take any Committee recommendations for modification into account: detailed modifications may be made later in the light of experience.
- All Members are invited to make their views on the proposed extension of the proxy voting scheme known to the Committee, by formal submission to its current inquiry or by any other appropriate means.

Declaration by the Chair

I, Karen Bradley, Chair of the Procedure Committee, being a select committee which has the power to report from time to time, having consulted the Committee about the terms of the above Special Report at its meeting of 3 June 2020, and being satisfied that the Report represents a decision of the majority of the Committee, do make this report to the House as the First Special Report of the Committee, under the terms of the temporary Order of the House of 24 March 2020 (Select Committees (Participation and Reporting) (Temporary Order)).

3 June 2020