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Lord President of the Council and Leader of the House of Commons
House of Commons, London, SW1A 0AA

The Rt Hon Karen Bradley MP
Chair of the Procedure Committee
House of Commons
London
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25th April 2023

Dear Karen,

Proxy voting: Review of illness and injury pilot (Third Report of Session 2022-23)

Thank you to your Committee for your work on this important issue. I am happy to enclose the Government's response to your third report this session on proxy voting and the review of illness and injury pilot.

In response to the main recommendation of the report, the Government supports the principle of making the long-term illness and injury scheme permanent. However, the Government does have some concerns about how some of the changes you propose to the related scheme would impact members affected, and whether there may be some unintended consequences, particularly regarding your proposals relating to absence from the precincts. Further, it may also be helpful to consider the circumstances under which a proxy vote could be withdrawn. We therefore invite the Procedure Committee to revisit the relevant recommendations in light of the Government's observations set out in our response. The Government has tabled a motion in order to provide a short-term extension of the current pilot up to the end of June 2023. Our intention is that this will allow further work and consultation on the issues raised in the report before the House is asked to consider making the extension permanent.

I would like to assure you and the Committee that I am committed to making the pilot permanent once these related issues have been resolved. To that end, it would be extremely helpful if your Committee is able to bring forward recommendations by the first week of June.

**GOVERNMENT RESPONSE TO PROCEDURE COMMITTEE: PROXY VOTING: REVIEW
OF THE ILLNESS AND INJURY PILOT
(THIRD REPORT OF SESSION 2022-23)**

The Government is grateful to the Procedure Committee for its report *Proxy voting: Review of illness and injury pilot*. The response to your conclusions and recommendations is set out below.

The extension of eligibility for proxy voting to Members with a serious, long-term illness or injury has enabled several Members who would otherwise have been unable to discharge their responsibility to vote in divisions to do so. (Paragraph 6)

We recommend that the House extends eligibility for a proxy vote to include serious long-term illness and injury on an ongoing basis. (Paragraph 7)

The Government agrees with the aim of creating a more inclusive culture and working environment in Parliament and welcomes the Committee's conclusion that the pilot has been a success. Although it is important that the voting process remains transparent and that the personal accountability of each member's vote is not lost, it is also right that we consider accommodations to allow Members to discharge their responsibilities when prevented from doing so for reasons such as long-term illness or injury.

The Government supports extending eligibility for a proxy vote to include serious long-term illness and injury on an ongoing basis. However, the Committee's proposals in relation to the scheme and absence from the precincts, referred to at paragraph 23, is an issue which needs to be considered carefully in order to avoid any unintended consequences for members affected. Any changes should enjoy consensus among members and it will be for the House to determine whether it shares the view of the Committee that the scheme should be extended to include serious long-term illness and injury on a permanent basis.

As regards the Speaker's certification process, the Government would also welcome the Committee giving further consideration to how members demonstrate their eligibility for a proxy vote in order to ensure the long-term success of the expanded scheme. The current scheme which is issued under the Speaker's authority provides that Members must "provide the Speaker with a written statement from a registered medical practitioner that the Member is, for reasons of serious long-term illness or injury, unable to attend divisions or elections in the House in person for a period of one month or more."

The conventions and practice of the House should be applied flexibly to ensure an inclusive environment in which Members' participation is enabled rather than inhibited. (Paragraph 14)

The Government agrees with the Committee that the conventions and the practices of the House should be developed and applied in a flexible manner to best enable Members to participate and serve their constituents. We therefore welcome that the Committee has not sought to prescribe the amount of time for which a proxy vote arrangement should be used.

We also recognise that there are a range of other mechanisms (such as pairing) to support Members who need to be absent from the House on a short-term basis. These informal mechanisms alongside changes to voting practices and improvements in the funding made available to Members who require time away from work are all important developments that have made Parliament a more inclusive working environment.

Whilst the Government agrees with the principle of this recommendation, it does not support all the conventions and practices which the Committee has suggested be used more flexibly. It is important to note that the proposals on nodding through would represent a significant shift from its current purpose and exceptional usage. Whether the use of the nodding through procedure is compatible with efforts to ensure Parliament is an inclusive and accessible place of work warrants further consideration.

Members should not apply for proxy votes if they intend to be present on the Estate during times when divisions can be reasonably expected to take place on a regular basis and should end their proxy vote arrangement if they do so. (Paragraph 17)

Members should not have active proxy voting arrangements during any official parliamentary or ministerial travel. (Paragraph 18)

We recommend that the Proxy Voting Scheme, issued under the authority of the Speaker, is amended to reinforce the link in principle between absence from the Estate and proxy voting. (Paragraph 19)

The Government has a responsibility to ensure that its legislative programme can be delivered through both Houses with adequate scrutiny and that the voting system retains the full confidence of the public. The Government agrees therefore that some reasonable limits should be maintained and that Members should not hold a proxy vote when taking part in official parliamentary or ministerial travel.

The slipping and pairing system has been, and continues to be, a valuable practice that allows members to be absent from individual votes for a variety of reasons. The Whips' offices on all sides of the House work hard to ensure that the system functions as well as possible for individual members.

However, the Government does have some concerns about the potentially inadvertent consequences of the changes proposed in paragraphs 17 and 19. The proposed amendment at paragraph 19 to reinforce the link in principle between absence from the Estate and proxy voting could have the unintended consequence of constraining the ability of Members to participate in divisions which could extend late into the night. The Committee itself noted in paragraph 11 that there are circumstances where "a Member attends the Estate on a regular basis but would struggle through illness, injury (or pre-existing disability) to participate in divisions". The Government believes that these recommendations may need to be considered further by the Procedure Committee so that prior to making any fundamental changes to the voting system, the House has been able to consider any unintended consequences and how the changes would work in practice.

During the proxy voting debate on 12th October 2022, the House agreed to amend Standing Order No. 39A to remove the requirement that members should be absent from the precincts to exercise their proxy vote. There may be exceptional circumstances where this will serve a helpful purpose in enabling Members to participate in proceedings without suspending their proxy. This is a matter that the House will want to carefully consider. There is a balance to be struck between maintaining the link between voting and attendance and recognising there are circumstances where a Member might wish to participate at short notice in a debate which is acutely relevant to their constituents.

Members should only apply for a proxy vote on the grounds of absence caused by parental leave or serious long-term illness or injury. A Member not attending the estate for another reason should neither apply for nor expect to be granted a proxy vote. (Paragraph 22)

The Government agrees with the Committee that Members should only apply for a proxy vote on the grounds of absence caused by parental leave or serious long-term illness or injury. A Member not attending the estate for another reason should neither apply for nor expect to be granted a proxy vote.

If the House decides to introduce a formal mechanism for the exclusion of Members, it should also decide whether they should be able to vote by proxy during the period of their exclusion. (Paragraph 23)

It is paramount that everyone working on the estate is able to feel safe and we all have a responsibility to improve the culture and working environment across Parliament. Excluding members from the estate is of course a challenging issue, and needs to be considered very carefully, including from a procedural and constitutional perspective. It is right that before the House considers any changes in this regard there is a full and detailed investigation into how it could be considered, and the implications. Widening the scope of the scheme is a complex matter and it is important that the House considers the matter in detail.

If the House does decide to introduce a formal mechanism for the exclusion of Members, then the Government agrees that it should also be able to decide whether they should be able to vote by proxy during the period of their exclusion. The Government has a responsibility to ensure that the voting system retains the full confidence of the public but also needs to consider whether further steps should be taken to ensure that an MPs' constituents can continue to be represented in Parliament.