



Procedure Committee

The Rt Hon Penny Mordaunt MP
Lord President of the Council and Leader of the House of Commons House of Commons,
London,
SW1A 0AA

8 June 2023

Dear Penny,

At our meeting yesterday afternoon, the Procedure Committee considered the Commission's proposals for excluding Members being investigated for a violent or sexual offence. We note that a debate has been scheduled for next Monday—12 June.

We have real concerns about some of the proposals and believe that Monday's debate should be framed as a general debate about the principles and scope of the exclusion scheme. This would allow these issues to be explored and dealt with before the House considers a detailed motion. This letter does not reflect an objection to the overall aim of the Commission's proposals and, indeed, we hope holding a general debate will ensure any future motion has the confidence of Members across the House.

We have concerns about technicalities of the operation of the scheme including:

- The make-up and scope of the panels: this system effectively gives a blanket power of exclusion to a staff panel and a sub-panel of Members, plus a lay member. As set out in our submission to the Commission's consultation, we believe there should be some method of referral to the House; that is the basis of our standards system;
- The point of assessment for exclusion is proposed to be 'at any point in the criminal justice process': this goes beyond the threshold initially proposed by the Commission (criminal charge) and that of the lower threshold of arrest; and
- That the matter of constituency offices is not dealt with by these proposals but has been referred to the Speaker's Conference.

We are deeply concerned about the proposal that an excluded Member should hold a proxy vote. It is unclear how anonymity will be preserved when the individual's name will be published as part of the proxy voting scheme. Those holding a proxy vote for parental leave or serious illness and injury could face questions and speculation about why they hold a proxy vote. The publication of names of part of the proxy vote scheme may also deter those wishing to make complaints if they know they can be linked to the excluded individual. We also have concerns about implications for a fair trial of a decision either to exclude or not based on a risk assessment informed by the evidence on which charges were brought.



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This Committee has given detailed and careful consideration to the provision of proxy voting for parental leave and illness or injury. We are concerned that the implications of extending that provision to Members accused of a violent or sexual offence have not been fully thought through.

We intend to publish this letter on our website and hope the issues raised above can be considered as part of a general debate next Monday. We have copied this letter to the office of the Speaker.

Yours sincerely,

Rt Hon Karen Bradley MP
Chair of the Procedure Committee

Cc: The Speaker's Office