

**Written evidence from Paula Keaveney, Senior Lecturer in Politics, Edge Hill University (LAN0023)**

This evidence specifically addresses question 8 of your Call for Evidence, focusing on the Recall of MPs Act 2015.

I note that when discussing the case of Margaret Ferrier, an amendment was carried which called for a review of the Act. You will be aware that this followed attempts to amend the report to shorten the proposed suspension period and to note particular mitigating factors.

Since the Recall of MPs Act 2015 came into effect, suspension from the House gained the potential to trigger an extra penalty. It must be difficult to put awareness of this to one side. The knowledge, on the part of those taking part in Standards Committee discussions, that a suspension of 10 days will automatically trigger a Recall Petition could affect decision-making or be seen to affect decision-making. It is possible that MPs and others on the Committee believe that there should be a significant penalty but that this should not automatically lead to Recall processes. (I am aware that a suspension recommendation can also come from the Independent Expert Panel).

There is no easy answer to this problem. The two issues (that of suspension and that of recall) could be de-coupled, so that there is a decision on suspension and a separate decision on a recall petition. But this in turn would risk appearing to bring party political or personal considerations into the mix when a discussion necessarily involved party politicians or those who know the individual well. That is not to say that the participants would act in a biased manner, but that a perception of possible bias could arise.

### **The petition timeframe**

Reports by the Electoral Commission in [2019](#) and [2023](#) have called for a shorter signing period. Currently petitions need to be kept open for six weeks. There is evidence that most people wishing to sign do so, either in person or by post, in the first two weeks. I would support the suggestion of a shorter timeframe. This would partly ease the problems of petition officers in **finding venues available** for such a long period. Many of the usual polling day locations, such as schools, will not be useable, but a shorter signing period may make the selection of alternative locations a little easier.

Equally importantly however, a shorter timeframe would **shorten the period of stress** for the MP and others concerned. This is an important consideration, as waiting so long to hear whether a job and status could be lost heaps pressure on the individual and on their staff. While **MPs' staff** are aware that elections may lead to job losses, and so can effectively anticipate a need for job-search, a recall petition puts them in a particularly difficult position. This difficulty and stress cannot be wished away entirely, but a shorter timeframe may ease the pressure somewhat. By the time a petition is opened, local people will have had plenty of opportunity to be made aware of the issues, so those campaigning on either side do not need six weeks to make their case.

A shorter timeframe would also help **local people to be and feel represented**. While any MP involved will usually be carrying on their day-to-day work, there may be a perception that there is little point in raising an issue with the MP before the result is clear. Some

casework, such as housing or immigration issues, needs follow-up over time. Some policy issues also require lengthy engagement. A perception that there is a need to wait before contacting the MP simply lengthens the process and could lead to some problems becoming harder to solve. If a petition then leads to recall and to a by-election, constituents could be left with a perceptual (or actual) lack of representation for quite some time. And while there is nothing that can be done about the length of a by-election campaign, something could be done to reduce the petition period.

**I believe therefore that the signing period should be shortened.**

### **The petition threshold**

Currently, 10 per cent of the electorate must sign the petition for a recall to take place. In 2012 the Political and Constitutional Reform Committee recommended [a threshold of 20 per cent](#). For Gubernatorial recalls in California (probably the most high-profile recall examples world-wide), the threshold is 12 per cent, but this is as a percentage of the vote at the point the post was last elected rather than a percentage of those on the electoral roll. If we were applying [the Californian rules](#) here, we would start with the turnout at the last General Election in the constituency and then calculate a percentage. (California has a higher percentage threshold for some other posts).

At any rate, both the Californian approach and the recommendations of the PCRC set the threshold higher than it is at present. While a 10 per cent threshold may have seemed reasonable initially, the use of postal voting and the spreading of the “polling day” should make it easier for those with an interest to participate. And that interest is important as this is about a verdict on a particular individual.

It could be argued of course that the low 10 per cent threshold is not always met. The first recall petition “failed” in just this way. However, 10 per cent support for a decision is low compared to most other votes. It is below the turnout for most local government elections, including those wards such as Manchester Fallowfield (15 per cent in 2022) which is often quoted as a low turnout poll. It is below the turnout for the 2016 Batley and Spen by-election, which for obvious reasons was not contested by many of the major parties. It is well below the threshold used for ballots in industrial disputes.

A counter-argument is that a recall petition is less significant than an election. MPs who are recalled can stand in the following by-election. So, this is less of a dismissal and more of a chance for voters to have a second say. This argument ignores political reality. Parties will generally not re-select a recalled MP (who is likely to have had the whip withdrawn anyway) and the challenges of running as an independent at Parliamentary level are significant.

**I would support the raising of the petition threshold to emphasise the importance of the decision.**

It is clear that wrongdoing by MPs lessens trust in Parliament and democracy. It is also clear that wrongdoing can't be allowed to continue unchecked. Existing disciplinary processes, including the involvement of the whips, has not stopped examples of wrongdoing coming to light.

The question is to what extent the Recall of MPs Act plays a role in preventing, checking and punishing wrongdoing, and of whether and how the Act reinforces democracy and trust.

I believe the Act has its uses. Resignations to avoid possible Recall are an example of it working. I also believe however that changes are needed if the Act is to operate fairly and efficiently and that the legislation would make a good candidate for Post-Legislative Scrutiny.

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