

Written evidence submitted by Sir Bernard Jenkin MP (VBP 01)

The case for limited proxy voting in the House of Commons

A discussion paper by Sir Bernard Jenkin MP: presented to the Procedure Committee

Background

- 1) The House of Commons developed a system of proxy voting in Commons divisions during the Covid crisis. It proved secure and reliable. With the passing of the Covid crisis, it was justifiable to end all proxy voting, but the new capability creates an opportunity to implement proxy voting at any time and to any extent, to address issues and grievances that inevitably arise for some Members. Abolition of all hybrid proceedings has restored the Commons' effectiveness, but in-person voting in the lobbies is no longer the only way that MPs could carry out their constitutional function. So, it is time to consider what proxy voting should be available to different categories of Members, with what justification, and how it should be regulated.

Issue

- 2) A system of recording votes in Commons divisions in person is fine for able bodied Members who can always prioritise their duties in the House over any other personal or family responsibilities, but this is no longer fit for purpose:
 - a) It is today more likely that a Member will be confined to home/hospital by illness or vulnerability to infection, but at present unable to exercise their judgement in the division lobbies of the House; it was this grievance voiced by the late Dame Cheryl Gillan that led me to pledge a campaign in favour of 'Cheryl's vote';
 - b) Members combine their political careers with caring responsibilities, such as for children, which prevent them from attending the House when divisions may be held; this includes far more women members, who in our culture tend to acquire caring responsibilities, but also men who today share caring responsibilities with their partners;
 - c) Caring responsibilities can also include care for an elderly relative, and again these days this burden can fall on both women and men.
- 3) To some extent, the whips' offices can address the need for authorised absence through pairing and slipping (particularly during a parliament where the government has a secure majority on most issues). This leaves two matters unresolved:
 - a) It is unsatisfactory that those who must be absent to meet caring responsibilities must seek permission or be seen as unsupportive of their party; whips' primary obligation is to the government and while they try to accommodate the wishes of Members in a humane way, it is simply a fact that they cannot always deliver this;
 - b) Those who are absent cannot record their vote on behalf of their constituents; this is particularly hard on those who have no option but to be absent, through illness or vulnerability to infection.
- 4) So, we have a system which is in fact discriminatory: against those with caring responsibilities and against those who are infirmed. This could also be deemed to be indirect discrimination against women, since it is still the case that women tend to have more caring responsibilities than men. Men and women are equal, but their life experiences are different. It behoves the

House to be mindful of this and to adapt practices and procedures which eliminate indirect discrimination.

Proposal

- 5) a) A Member who has to be absent from a division/ divisions for reason of
- i) illness or vulnerability;
 - ii) caring responsibilities;

should make an application to the Speaker for a proxy vote/votes by way of an e-form, which also nominates the Member who will hold the proxy vote.

The Speaker, or the Chairman of Ways and Means shall determine the legitimacy of the request, on the advice of the Clerk of the House, or someone nominated by them.

- b) The form should not specify the reason in writing, but this should be the subject of a conversation, in person/telephone, to establish the reason for the request and its legitimacy. This is necessary to avoid unwarranted exposure of personal circumstances of the Member.
- c) If the application is approved, the Member and the Member nominated on the form are informed of the decision.

- 6) The process above should be written into standing orders.

Argument

- 7) This process should not be extended to Members who need to be absent for other reasons:
- a) The arrangements for the absence of Ministers undertaking duties on behalf of the government are already perfectly satisfactory, and it is understood that ministers must be absent from divisions frequently;
 - b) Members already have to balance their obligations to be in their constituency with their duties in the House: it is axiomatic that Members are elected to prioritise their work in the House of Commons;
 - c) Arrangements for Members travelling in the service of Select Committees or representing the House or the nation on international bodies is also perfectly satisfactory, and there is no need for change.

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