

Standards, Procedures and Public Appointments Committee

18th Meeting 2022 (Session 6), Thursday 29 September 2022

Correspondence on a proxy voting scheme

Background

1. In its report on [Future Parliamentary procedures and practices](#) published in early July, the Committee concluded that there would be value in piloting a proxy voting scheme.

2. It agreed to consult on how such a temporary scheme would function with a view to proposing a temporary rule which would provide for a scheme that would permit Members, in certain defined circumstances including parental leave and illness, to nominate a proxy.

Consultation responses

3. The Convener wrote to all of the political parties and the Parliamentary Bureau before the summer recess to seek their views. The following responses have been received and are attached at annexe:

- Scottish Parliamentary Labour Party
- Parliamentary Bureau

4. The Scottish Parliamentary Labour Party broadly supported the proposal and the introduction of a scheme as soon as possible. It stated that, “The SPLP are happy with the recommendations of the committee that the scheme would be in place for any Members taking parental leave or due to illness for as long as required and the process suggested to put a proxy vote in place.”

5. The Parliamentary Bureau indicated that it was broadly supportive of a pilot proxy voting scheme and made a range of comments under the following issues:

- Criteria and duration
- Flexibility
- Parity

- Transparency
- Possible sanction
- Notification and method of voting and administration
- Authorisation

Views expressed during the Committee debate

6. During the committee debate on 22 September, a number of references were made by Members to the proposal on proxy voting:

- Daniel Johnson MSP highlighted the need for parameters when a member is seeking a proxy and referred to bereavement, illness, maternity or paternity as potential circumstances. He also called for clarity on the duration and circumstances and stressed that the vote should not be given to the whip;
- The Minister for Parliamentary Business indicated that careful consideration was required as to whether proxy voting should be permitted for all parliamentary business. He also highlighted that the criteria for seeking a proxy and the period of time for which it was sought would be a key consideration in relation to a proxy voting scheme. He further emphasised that the definition of illness is not altogether straightforward;
- Stephen Kerr MSP expressed the view that the party whips' offices should not be in charge of allocating proxy votes;
- Rhoda Grant MSP indicated that she considered there was a place for proxy voting, notably for maternity leave, sick leave and compassionate leave when remote voting would not work;
- Paul McLennan MSP indicated that he considered the approach to proxy voting recommended by the Committee in its report to be correct;
- Katy Clark MSP indicated her support for a proxy voting scheme for members suffering from a long-term illness, having an operation or taking maternity leave;
- Gillian Mackay MSP asked for bereavement to be included as an eligible circumstance for requesting a proxy vote. She also referenced sick notes as a straightforward way of making a proxy voting request;
- Edward Mountain MSP concurred with other MSPs that it was not the place of whips to hold a proxy vote.

Decision

7. The Committee is invited to consider these responses and discuss the following key elements of the scheme:

- The duration of the pilot (the Committee had previously considered a duration of 12 months with a review providing for an extension or a permanent rule before the end of that period so no Member was disadvantaged by the scheme coming to an end);
- Eligibility for a proxy vote (the Committee recommended parental leave and illness in its report), however the Committee may wish to consider the contributions made by other MSPs during the debate and the Bureau's comments about eligibility;
- The period of time for which a proxy voting arrangement could be in place;
- A verification process (the Committee had considered that an application would be made to the Presiding Officer);
- Whether there should be a process for the variation or withdrawal of a proxy;
- How the transparency of the process could be ensured; and
- Whether Members would wish to provide for a means of ensuring that a proxy votes in the way requested by the Member.

**SPPA Committee Clerks
September 2022**

Annexe

Response from Scottish Parliamentary Labour Party

Martin Whitfield MSP Convenor
SPPA Committee 12 July 2022

Dear Martin,

Thank you for your letter to Anas Sarwar seeking the views of the SPLP regarding a proxy voting scheme, Anas has asked me to respond in my role as the Chief Whip. We are keen that the provision of proxy voting should be introduced and are happy that the scheme is to be introduced as soon as possible.

The SPLP are happy with the recommendations of the committee that the scheme would be in place for any Members taking parental leave or due to illness for as long as required and the process suggested to put a proxy vote in place.

The SPLP would hope that the scheme would be extended beyond the 12-month period and a permanent rule change would be put in place.

Yours sincerely,

Rhoda Grant MSP Chief Whip
Scottish Parliamentary Labour Party

Response for the Parliamentary Bureau

Martin Whitfield MSP
Convener
Standards, Procedures and Public
Appointments Committee

28 September 2022

Dear Convener

Thank you for your letter of 7 July setting out the Committee's proposals for a proxy voting scheme, which The Bureau discussed at its meeting on 6 September. The Bureau is broadly supportive of a pilot proxy voting scheme and notes the features of such a scheme that you detailed in your letter. To assist your Committee's further consideration, the Bureau offers a number of observations as set out below.

Criteria and duration

The Bureau was supportive of the provision for a proxy vote for MSPs on parental leave. In terms of duration of a proxy arrangement in such circumstances, the Bureau was broadly agreed that mirroring statutory parental leave arrangements would be appropriate.

The Bureau reflected that determining the criteria and duration of a proxy vote for illness presented greater difficulty. It agreed that proxy votes should not be utilised for Members with short, mild illnesses but recognised that there are privacy considerations when putting arrangements in place for a longer-term illness. The Bureau also considered whether a proxy scheme could recognise the sometimes variable nature of physical or mental ill-health and that this should be considered in establishing a proxy scheme. For example, if a Member was on a phased return to work, it may be that some scope for flexibility would need to be built into the terms of a proxy scheme.

Business Managers also discussed the role of informal pairing arrangements and noted that, in some circumstances such as short-term illnesses or other issues that can arise at short notice, such arrangements offered greater flexibility than a proxy vote. However, the Bureau also noted that a proxy voting scheme would provide a greater degree of transparency than pairing.

Flexibility

In addition to flexibility in relation to circumstances such as a phased return to work from illness, the Bureau also considers that flexibility should be built into a proxy scheme to allow a Member who has been granted a proxy for a period of time to provide notification of their intention to vote at a particular meeting without that triggering the end of the proxy arrangement.

Authorisation and transparency

The Bureau noted your Committee's recommendation that the Presiding Officer should be responsible for the consideration and authorisation of requests for a proxy vote. Business Managers did not reach a conclusive view on this but noted that an alternative option would be for consideration and authorisation of requests to be a role for the Clerk, with an option of referral to the Presiding Officer where necessary. In terms of evidencing any requests for a proxy, the Bureau notes that there may be privacy considerations in requiring the presentation of such evidence. Moreover, the Bureau notes that such evidence is not required, for example, in relation to the rules on attendance by committee substitutes.

The Bureau also considered transparency around proxy voting arrangements and is of the view that notification of the terms of the proxy, and any variation, to it could be notified to the Parliament via the Business Bulletin and that the Minutes of meetings of the Parliament should detail any votes that were cast by proxy at that meeting.

Practical operation and method of voting

The Bureau considers that it should be a choice for each Member who should hold a proxy on their behalf. However, consideration should be given to the maximum number of proxies that a Member can hold at any one time. The Bureau notes that there is a difference between proxy voting and bloc voting and that it would therefore not be desirable for Business Managers to exercise a high number of proxy votes. The Bureau also discussed the practical operation of a proxy voting scheme under the digital voting system. At present, as you may be aware, that system does not make provision for proxy voting. The Bureau understands that it would be possible for development of the system to be taken forward that would enable proxy voting but that it would not be possible to assess how long this development would take until the parameters of a scheme are agreed. As an interim measure, the Bureau notes that it would be possible for proxy votes to be recorded using the Point of Order mechanism that enables Members to record their votes if they are unable to connect to the digital voting system.

Other issues

The Bureau also considered the issue of parity of votes cast by proxy with votes cast by Members on their own behalf. The Bureau is of the view that a proxy vote has the same status as a vote cast in person to avoid the perception of a two-tier system. Proxy votes should therefore count for the purposes of super-majorities, absolute majorities and quorum. In reaching this view, the Bureau recognises that consideration would need to be given to ensuring that such an approach was consistent with the legal framework in which the Parliament operates.

The Bureau considered whether it should be possible to sanction a Member who does not cast a proxy vote as instructed by the Member conferring the proxy. It did not come to a position on this but would be interested to know your Committee's consideration of this point.

I hope this response is helpful for your Committee's deliberations.

Yours sincerely

Rt Hon Alison Johnstone MSP
Presiding Officer