

SPICe**The Information Centre**
An t-Ionad Fiosrachaidh

Standards, Procedures and Public Appointments Committee

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Summary of the proxy voting scheme's operation to the date of 6 October 2023

This paper comprises a summary of the temporary proxy voting scheme's operation to the date of 6 October 2023. It provides detail on the number of requests for proxy votes, the instances where these requests were granted, and details the proceedings during which proxy votes were employed. A summary of the Committee's call for views which ran internally from 13 September to 12 October 2023 is also provided.

The information on the operation of the temporary proxy voting scheme provided in this paper has been collated from the [Minutes of Proceedings of the Scottish Parliament](#), information provided by the Business Team, and records held by SPICe Enquiries and Collections.

The Scottish Parliament Temporary Proxy Voting Scheme

[Temporary Rule 5 of the Standing Orders of the Scottish Parliament](#) provides for a member to arrange for their vote to be cast by another member acting as a proxy in any vote of a meeting of the Parliament or a Committee of the Whole Parliament.

The temporary proxy voting scheme has been in effect since 4 January 2023 and is due to cease to have effect on 31 December 2023.

A Member may designate another Member as their proxy to vote in a meeting of the Parliament or of a Committee of the Whole Parliament [in any of the following circumstances](#).

- Illness: A Member is eligible to vote by proxy if they have a severe illness, require medical intervention, or have an illness which prevents them from attending the Parliament for a sustained period.
- Parental leave: Members are permitted to vote by proxy during leave related to the birth, adoption, fostering or kinship of a child. Members may also vote by proxy where the period of leave relates to complications arising from pregnancy.
- Bereavement: Members may vote by proxy during periods of bereavement.
- End of life care: Members may designate a proxy when they are attending to the care of someone at the end of life.

The [scheme may be varied by the Presiding Officer](#) at any time, in consultation with the Parliamentary Bureau and the Standards, Procedures and Public Appointments Committee. This has happened once during the operation of the pilot scheme. The scheme was with effect from 20 February 2023 to add attendance to a person at the end of life as a circumstance under which a Member may designate a proxy.

Designations of a proxy are made to the office of the Presiding Officer. The Presiding Officer then directs parliamentary officials to verify the arrangement. The use of a proxy is recorded in the minutes of a meeting of the Scottish Parliament.

Proxy votes were recorded using the point of order mechanism until September 2023. The digital voting system has been able to accommodate proxy votes since then. The Presiding Officer Alison Johnstone MSP responded to the Committee's call for views on 27 October 2023. The response from the Presiding Officer states:

“When the proxy voting pilot was introduced, there was perhaps some frustration at the time taken to make points of order to record a proxy vote, particularly in the case of numerous votes during Stage 3 proceedings. It is very welcome that the digital voting application has since been updated so that Members can vote on behalf of another Member and the requirement to make a point of order has been removed. This has not been tested in practice as yet, but I would anticipate that it will speed up the casting of proxy votes while still retaining the transparency that a vote has been cast by proxy in the record of the vote in the Official Report”.

Requests for a proxy vote

Five members made requests for a proxy vote that were allowable under the terms of the scheme.

Two further members made requests that were not allowable under the terms of the scheme at the time of request. These requests related to attending to someone near the end of life. The scheme was subsequently amended to include such a circumstance as a qualifying reason for seeking a proxy vote (see section on the Scottish Parliament Temporary Proxy Voting Scheme).

Votes cast by proxy

Only two Members (out of the five approved requests) proceeded to cast their votes by proxy. The two Members who used the proxy voting system were Stuart Macmillan MSP (with Kaukab Stuart MSP voting on the Member's behalf) and Jamie Hepburn MSP (with George Adam MSP voting on the Member's behalf).

Two Members with approved requests for a proxy withdrew their requests prior to any decisions being taken. There were no votes held over the period for which the remaining request was valid.

Proceedings when proxy votes were used

Proxy votes have been used on:

- [10](#), [11](#), [12](#) January
- [17](#), [18](#), [19](#) January
- [24](#), [25](#), [26](#) January
- [2 February](#) 2023.

A proxy vote has only been used during one set of Stage 3 proceedings. This was for the [Hunting with Dogs \(Scotland\) Bill on 24 January 2023](#).

Proxy votes have been used twice for votes on business motions.

All other proxy votes have been used during Decision Time.

Summary of the Committee's Call for Views

The Committee held an internal call for views between 13 September and 12 October 2023. The call for views, sent on behalf of the Committee by the Convenor Martin Whitfield MSP, was sent to all MSPs, each of the parties, and the Presiding Officer. The call for views invited MSPs to share their general views and provided the following points that they may wish to consider when making their response:

- the eligibility criteria for proxy voting
- the process of applying for a proxy vote
- how a proxy vote is exercised in the Chamber
- the variation or withdrawal of a proxy vote
- circumstances in which a proxy vote would be deemed the most appropriate approach to use (i.e., the circumstances where joining remotely or using pairing arrangements may not be suitable).

Respondents to the Call for Views

The Committee received 9 responses in total, including a response from the Presiding Officer. The split of responses according to party (and excluding the Presiding Officer) is as follows:

- Scottish National Party: two responses from individual MSPs
- Scottish Conservative & Unionist Party: three responses from individual MSPs and one response from Alexander Burnett MSP on behalf of Scottish Conservative & Unionist MSPs
- Scottish Labour: one response from Anas Sarwar MSP on behalf of Scottish Labour MSPs
- Scottish Green Party: No responses
- Scottish Liberal Democrats: No responses

Five of the eight respondents made a comment indicating support for the provisions of the temporary scheme. Two of these respondents indicated explicit support for a permanent scheme. For example, Anas Sarwar MSP, on behalf of the Scottish Labour Party, stated:

“The SPLP would be content for the scheme to be extended beyond the initial 12 month period and a permanent rule change put in place”.

Two of the responses made comments restricted to the points referred to in the call for views. Both of these responses indicated that they were content with the eligibility criteria for the scheme.

One response did not indicate support for the approach of the temporary provisions for proxy voting and instead indicated support for a more relaxed approach.

Eligibility criteria for proxy voting

Six respondents made comments on the eligibility criteria for proxy voting.

Both party responses indicated that they see no need for extension of the eligibility criteria at this time. Alexander Burnett MSP on behalf of the Scottish Conservative & Unionist Party also states in his response support for the Presiding Officer to have authority over the eligibility criteria:

“We agree that the Presiding Officer should have license to vary the scheme as they see fit”.

Two of the respondents making specific comments about eligibility criteria indicated the current eligibility criteria are appropriate. Both respondents also provided broader views on circumstances that should be included in the scheme. These suggestions included travel difficulties from more remote constituencies, clashing diary commitments, and attendance at funerals of close family members and friends.

Two further respondents indicated support for consideration of the inclusion of childcare responsibilities for unwell children in the scheme. One of the respondents with this view states:

“Having to look after a sick child for example should allow us to vote by proxy and there are plenty of other reasons that would allow members with families to continue in what should be a child friendly Parliament”.

The other respondent with this view states:

“Whilst I appreciate that the hybrid system allows members to vote remotely, I know from experience that trying to vote remotely whilst simultaneously trying to care for your unwell child is extremely difficult. Like most workplaces parental leave is available to care for unwell children or dependants. I would therefore suggest that the eligibility criteria is extended to allow Members with dependants to appoint a proxy if their dependant requires care due to illness/emergency”.

Process of applying for a proxy vote

Two respondents made comments on the process of applying for a proxy vote. One respondent, an individual MSP, indicated that it “seems reasonable”. The other respondent, Alexander Burnett MSP on behalf of the Scottish Conservative & Unionist Party states in his response:

“We wholeheartedly support the current process of application. The Presiding Officer alone must be the final judge of granting or denying a proxy vote and this should remain confidential to the Presiding Officer and affected Member alone... The administrative aspects of the application process all look to be in good order, including the provision which limits the number of MSPs for which any one Member may cast a proxy vote at once”.

Exercising a proxy vote

Three respondents made comments on the process of exercising a proxy vote. One respondent questioned the need for the (now expired) point of order mechanism. The two other responses indicated support for the integration of the proxy voting scheme with the digital voting system.

One of the respondents made a further comment regarding the status of proxy votes and indicated agreement with the provision that recognises the proxy vote as having equal standing to a normal vote.

Varying and withdrawing a proxy vote

None of the respondents made comments about the provisions for MSPs varying or withdrawing a proxy vote.

Circumstances where proxy vote is most appropriate

Two respondents made comments pertaining to the circumstances under which proxy voting is the most appropriate means of participation during periods of absence from the Parliament. Both comments indicated concern for a potential reduction in participation in Chamber proceedings if the eligibility criteria is not limited. One of the respondents stated:

“My feeling is that this provision has been used wisely and sparingly and... Ultimately this depends on a degree of good sense. It does however concern me that there have been days when some parties have been virtually absent from the chamber at decision time”.

Similarly, Alasdair Burnett MSP, on behalf of the Scottish Conservative & Unionist Party, stated:

“... the “illness” criteria should be limited to either long-term or serious illness. Anything less may encourage Members to take part less and less, which is already a concern with the hybrid system”.

Presiding Officer’s response to the Call for Views

The Presiding Officer, Alison Johnstone MSP, provided views on the operation of the pilot proxy voting scheme in private correspondence to the Committee on 27 October 2023.

The Presiding Officer gave a positive response to the call for views. The opening remarks of her letter state:

“I believe that the scheme has generally worked well and has fulfilled the aim of supporting Members by continuing to allow their vote to be exercised in specified circumstances where they are not able to take part themselves”.

The Presiding Officer also reiterated the recommendation from the Gender Sensitive Audit of the Parliament which suggested introducing a permanent proxy voting scheme for periods of absence due to:

- parental leave
- illness
- caring and bereavement leave.

The Presiding Officer noted the mechanism in the temporary scheme that allows the eligibility criteria to be modified. The Presiding Officer also noted that this mechanism had been used “*successfully*” to add attending to someone who appears to be near the end of life to the eligibility criteria. On the eligibility criteria more generally, the Presiding Officer states in her letter:

“The eligibility criteria were drafted with the aim of striking an appropriate balance between allowing Members flexibility and treating their right to vote in

the Chamber with the significance it deserves. They seem to be generally accepted and work well”.

The Presiding Officer remarked that the arrangements whereby the temporary Standing Order Rule provides the structure for a proxy voting scheme (with the detail on the operation of proxy voting set out in a separate scheme issued by the Presiding Officer) “*appears to be an appropriate balance*”.

The Presiding Officer also provided a summary of how the application and exercising of proxy votes has worked during the temporary scheme. This part of the Presiding Officer’s response covered the issue of using the point of order mechanism before the digital voting scheme (see previous section of this paper on The Scottish Parliament Temporary Proxy Voting Scheme).

The Presiding Officer indicated that the Committee may wish to consider the question of whether it is reasonable in all circumstances covered by the scheme for MSPs to send all emails regarding proxy voting from their personal accounts. The Presiding Officer acknowledged that the circumstances under which an MSP requests a proxy vote may be “*difficult and sensitive*”. The Presiding Officer provided the following context on the arrangements for arranging a proxy vote. The response states:

“The current arrangements are based on the principle that a Member’s right to vote should be treated as a privilege that only elected Members have and that assigning it to another Member should, therefore, be treated in a serious way and something that can only be done personally”.

The Presiding Officer indicated that the choice between using proxy voting, videoconferencing, or pairing arrangements remains at the discretion of MSPs and their respective parties. The Presiding Officer concluded her response by stating:

“If Members choose to use the proxy voting scheme, that has the benefit of allowing transparency that they are not able to be present but that their constituents are still being represented in the vote”.

Parliamentary Bureau response to the Call for Views

The Parliamentary Bureau, in private correspondence signed by the Presiding Officer, provided its views on the proxy voting pilot on 31 October 2023. The Parliamentary Bureau states in its response:

“In general, the Bureau considers that the Proxy Voting scheme is working well and does not have any concerns about the operation of the scheme”.

The Parliamentary Bureau also noted its support for the approach whereby there is a permanent provision for proxy voting in Standing Orders and a scheme issued by the Presiding Officer. The response states:

“The Bureau is supportive of the SPPA Committee’s intention to make permanent Standing Orders Rule changes based on the current temporary rule, and for that to be complemented by the Presiding Officer’s scheme. The

Bureau considers this provides flexibility for the future by providing for changes to be made both to the criteria and to the practical arrangements for applying for a proxy vote”.

Courtney Aitken, SPICe Research

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