



DEBATE PACK

Number 0023, 30 January 2018

Baby leave for Members of Parliament

Summary

There will be a debate on baby leave for MPs to be held in the Commons Chamber on Thursday 1 February. The subject of the debate was determined by the Backbench Business Committee, following an application from Harriet Harman.

The motion for debate is:

That this House believes that it would be to the benefit of the functioning of parliamentary democracy that hon. Members who have had a baby or adopted a child should for a period of time be entitled, but not required, to discharge their responsibilities to vote in this House by proxy.

Currently, arrangements regarding maternity, paternity, parental, adoption, and caring leave for Members are informal and operate at the party level.

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By Richard Kelly

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1. Background

On 5 December 2017, Harriet Harman appeared before the Backbench Business Committee to request a debate, on a substantive motion, on “baby leave”.¹ The Committee determined that there should be a debate on 1 February 2018.

1.1 Current arrangements for MPs who become parents

Maternity and paternity leave

Members, as office holders, do not qualify for maternity or paternity leave. They continue to receive their parliamentary salary unless they are suspended from the service of the House.²

Arrangements regarding maternity, paternity, parental, adoption, and caring leave for Members are informal and operate at the party level.³ The 2010 report of the Speaker’s Conference on Parliamentary Representation noted that

Such arrangements as there are to support Members who have caring responsibilities are in the hands of the party whips (the business managers), who have to ensure sufficient Members are present in the House for decisions to be made, and arrange for their parties to be properly represented on all official groups and committees.⁴

Voting in divisions

In the past Members, with young children, who wished to vote, had been “nodded through” the division lobbies. The procedures have been used by Members within the Parliamentary precincts who were not physically able to go through the division lobbies. These procedures are described by Erskine May:

If any Members who are disabled by infirmity from passing through the lobby are present in the precincts of the House and wish to vote, their names are communicated to the clerks and to the tellers, and are included in the numbers counted.⁵

In a footnote at the end of this extract, Erskine May indicates that “nodding through” was a practice of the House, not a rule.

¹ Backbench Business Committee, [Representations, 5 December 2017](#), Qq1-6

² Under Standing Order No 45A, “The salary of a Member suspended from the service of the House shall be withheld for the duration of his suspension”

³ Sarah Childs, [The Good Parliament](#), July 2016, p20

⁴ Speaker’s Conference (on Parliamentary Representation), [Final Report](#), 11 January 2010, HC 239-1 2009-10, para 257. The Speaker’s Conference was appointed to “Consider, and make recommendations for rectifying, the disparity between the representation of women, ethnic minorities and disabled people in the House of Commons and their representation in the UK population at large”

⁵ Erskine May, [Parliamentary Practice](#), 24th edition, 2011, p413

However, practice has changed and the press has reported occasions when Members have carried babies through the division lobbies.⁶ At its meeting on 28 March 2017, the Commons Reference Group on Representation and Inclusion⁷ endorsed Mr Speaker's approach to allowing children up to the age of five in the Division Lobbies and into and through the Chamber whilst a vote was underway.⁸

1.2 The Good Parliament (2016) - recommendations

The Good Parliament report was prepared by Professor Childs following her secondment to the House of Commons. The Report offered "a 'menu' of practical solutions – 43 recommendations – to address the diversity insensitivities that remain in the UK House of Commons".⁹

It recommended that the Commons Reference Group on Representation and Inclusion should

Produce a House Statement on maternity, paternity, parental, adoption and caring leave. All parties represented in the Commons would be expected to sign up to this.

In her report, Professor Childs noted that:

Arrangements regarding maternity, paternity, parental, adoption, and caring leave for Members are informal and operate at the party level. This no doubt results from the historic maleness of the House. Yet, to become a truly inclusive institution the House of Commons must accommodate and facilitate both the pregnant woman Member and co-parenting and caring MP.

She suggested three approaches to voting whilst MPs were on maternity, paternity, parental, adoption and caring leave:

For the period of leave, the MP might choose to:

- i. Vote remotely (i.e. off the Parliamentary Estate)
- ii. Appoint a proxy from amongst fellow party MPs to vote and otherwise act for them in respect of tabling questions, amendments, etc. in Parliament
- iii. Be formally and transparently 'paired' so that any absence from Parliament does not affect the balance of party representation in divisions.¹⁰

⁶ Mikey Smith, "[Labour MP posts adorable picture as he takes baby son to vote against Tory immigration bill](#)", *Mirror*, 15 October 2015 [on Jonathan Reynolds]; and Rosamund Urwin, "[Lib Dem MP makes history by bringing his baby into Commons for vote](#)", *Evening Standard*, 17 July 2014 [on Duncan Hames]

⁷ The Commons Reference Group on Representation and Inclusion was established following the publication of Professor Sarah Childs' report, [The Good Parliament](#), July 2016

⁸ Commons Reference Group on Representation and Inclusion, [Decisions](#), November 2016 onwards

⁹ Sarah Childs, [The Good Parliament](#), July 2016, p9

¹⁰ Sarah Childs, [The Good Parliament](#), July 2016, pp20-21

Sarah Childs reported data from a 2011 Inter-Parliamentary Union report showing that maternity provision for MPs followed provisions in national law in 62% of parliaments. For paternity leave, the equivalent figure was 45% and for parental leave it was 39%.¹¹

1.3 Speaker's Conference (on Parliamentary Representation) (2010) – recommendations

The Speaker's Conference asked the whips of the Labour, Conservative and Liberal Democrat parties to outline the arrangements they had made to support parents and other carers. After hearing comments from them, the Speaker's Conference noted that "we believe that maternity, paternity and caring leave is an issue which all three main parliamentary parties have as yet failed to take fully seriously". And it recommended that:

Each Parliamentary party should draw up a formal statement of policy on maternity, paternity and caring leave. This should set out clearly the minimum level of support which an individual requesting leave may expect from his or her party, and the steps which the individual should take to arrange a period of leave. Such statements should be agreed by party leaders, and published on party websites and in the party whip, by the end of 2010.¹²

The Speaker's Conference also considered the question of statutory maternity cover for MPs. The Conference noted that because MPs are held to be self-employed they are not entitled to statutory maternity cover. In addition, anyone "taking statutory maternity leave and claiming statutory maternity pay may not also work during the period of formal leave, except on ten days allowed for 'keeping in touch' and career development". This would cause difficulties if Members were required to attend the House of Commons to vote. The Conference invited the Independent Parliamentary Standards Authority (IPSA), which is responsible for determining the salary of Members, to "consider the development of formal maternity, paternity and caring leave arrangements for MPs which are as closely equivalent to the general public sector provision as possible".¹³

In October 2017, it was reported that IPSA had given its backing to proposals for six months paid maternity leave for MPs, "in principle".¹⁴

¹¹ Sarah Childs, *The Good Parliament*, July 2016, pp20-21, citing Inter-Parliamentary Union, *Gender Sensitive Parliaments: A Global Review of Good Practice*, 2011,

¹² Speaker's Conference (on Parliamentary Representation), *Final Report*, 11 January 2010, HC 239-I 2009-10, paras 263-264

¹³ Speaker's Conference (on Parliamentary Representation), *Final Report*, 11 January 2010, HC 239-I 2009-10, paras 265-268

¹⁴ Richard Vaughan, "[MPs may be given six months maternity leave to promote more women entering politics](#)", *i Newspaper*, 18 October 2017

1.4 Clerk's memorandum on proxy voting

In October 2017, the Clerk of the House re-submitted a memorandum on proxy voting in the House of Commons to the Procedure Committee.

It was the response to a request for "a paper setting out the practical and procedural issues the Committee might consider in its inquiry into arrangements for absent voting by Members who through illness or other incapacity are unable to be present in the precincts on a sitting day".¹⁵

The Clerk identified Member with "caring responsibilities limited to mothers of young infants" as a category of Member who might qualify for a proxy vote:

Below is a rough list of categories which the Committee may wish to consider in determining how a formal proxy system might operate, together with a few thoughts on the issues which may arise. This is of course not intended to be definitive or exclusive but merely illustrative, based only on some general knowledge of the circumstances of Members, and the main categories of leave recognised in the public service.

[...]

(iii) *Caring responsibilities limited to mothers of young infants*, potentially on a parallel to ordinary maternity leave: this would require clear start and end times, possibly reflecting the statutory regime and so allowing for antenatal leave.¹⁶

¹⁵ Procedure committee, [Arrangements for Absent Voting – a memorandum from the Clerk of the House](#), October 2017, para 1

¹⁶ *Ibid*, para 19

2. Press Articles

Please note: the Library is not responsible for either the views or accuracy of external content.

[Bristol's Darren Jones wants to change voting rules so he can be at home with new baby](#)

Patrick Daly, Bristol Post

13 Dec 2017

The Bristol Labour MP wants proxy voting to be introduced so new mums and dads can take time off more easily.

[MPs may be given six months maternity leave to promote more women inews](#)

18 Oct 2017

According to The Times, the Independent Parliamentary Standards Authority (IPSA), which oversees MPs' pay, has given its backing to the proposals for six months' paid leave "in principle".

[MPs aren't civil servants – the starting-point for debate on whether they should have the right to maternity leave](#)

Paul Goodman, Conservative Home

18 October 2017

MPs are elected representatives, not state employees. Their position is not unlike that of local councillors. Like them, they are free to work and earn more widely, though certain restrictions have been in place since the Nolan Report, and paid advocacy is barred. Unlike them, they draw a salary for their work on behalf of the voters they represent, but being an MP is none the less not a "job".

[MPs Want Six-Month Parental Leave to Get More Ordinary People into politics; There is currently no formal arrangement in place for Parliamentarians](#)

Kate Forrester, Huffingtonpost

13 Sep 2017

The introduction of a six-months' maternity and paternity leave won cross-party support at a Westminster Hall debate on Wednesday, tabled by Tory MP Mims Davies to examine the barriers facing women entering Parliament.

[Harriet Harman: Give MPs six months' paid maternity leave](#)

BBC News

9 Sep 2017

Members of Parliament should be given six months' maternity leave, during which a colleague can cast votes on their behalf, Harriet Harman has said.

[Sorry mums - we simply can't allow MPs to vote from home](#)

Sophy Ridge, The Telegraph

22 Dec 2015

The idea that parents could pass laws while looking after their children is one of a number being looked at by Professor Sarah Childs, The well-respected academic is carrying out an independent assessment of the inequalities facing men and women in parliament for the Speaker, John Bercow.

[New mum MPs 'should be allowed to vote from home'](#)

The Times (subscription required)

20 Dec 2015

They argue that, with Commons debates streamed live and electronic communication with whips' offices, they should be able to register their vote remotely using electronic or proxy voting. As well as expectant mothers and those with young children, the proposed system would apply to male MPs on paternity leave.

[Parliament's burden on female MPs](#)

Gaby Hinsliff, The Guardian

15 Feb 2010

The controversy of Tory candidate Joanne Cash's pregnancy highlights Westminster's messy management of motherhood

3. Parliamentary material

3.1 Parliamentary questions

[House of Commons: Conditions of Employment](#)

21 Dec 2017 | PQ 119542

Fiona Bruce: To ask the right hon. Member for Carshalton and Wallington, representing the House of Commons Commission, pursuant to the Answer of 30 November 2017 to Question HL3576, what steps he is taking to strengthen the families of Members and staff working in Parliament.

Tom Brake (House of Commons Commission): The House of Commons Commission is committed to providing family friendly policies, e.g. maternity leave, parental leave, adoption leave, foster care leave, career breaks, flexible working and the offer of Childcare Vouchers.

The House of Commons Commission has also taken a number of steps to improve the availability of childcare around the Estate. The House Reference Group on Representation and Inclusion is currently piloting an emergency childcare contract, which makes it easier for Members and House staff to find childcare at short notice. This is in addition to the facilities of the Parliamentary nursery, which welcomes users from across the Parliamentary Estate. Also, all Parliamentary pass holders have access to the Westminster Holiday Playscheme catering for children between 4 years 9 months and 12 years old.

The House of Commons recently launched the Work+Family Space website for Members, Members' staff and staff of the House of Commons. The site provides assistance with Backup Care services which include Emergency Childcare, School Holiday Cover and Backup Adult & Eldercare, paid for by the end user. The website also offers a range of other services providing information and advice on a range of subjects.

In addition, Parliament is aiming to take part in the Inter-Parliamentary Union Gender Sensitive Parliament audit. As part of this process there will be a focus on how Parliament supports work-life balance and family obligations.

The Members' pension scheme has comprehensive cover for partners, spouses and dependants in the event of a Member's death, and the benevolent fund can support their families financially if necessary as well, after they have left the House or died.

3.2 Parliamentary debates

Women in the House of Commons

HC Deb 7 Dec 2017 c455-484WH

Mrs Maria Miller (Basingstoke) (Con): That this House has considered the Fifth Report of the Women and Equalities Committee, [Women in the House of Commons after the 2020 election](#), Session 2016-17, HC 630, and the [Government Response, Cm 9492](#).

[Extracts]

Hannah Bardell: The hon. Lady makes an excellent point; I am sure that irony is not lost on anyone here or anyone watching at home. We must look at those structural aspects. When there was a discussion about the refurbishment of the building, we suggested that perhaps it would be more financially efficient to build a new Parliament that was fit for purpose and turn this place into a museum. I know that is a controversial view, but at some point we will have to realise that this place does not reflect modern working practices in terms of the technological advances, e-voting and digital voting, however that comes. Even proxy voting is being considered for maternity and paternity baby leave. I remember seeing a Labour Member in the Tea Room during a vote breastfeeding her child. I thought, "This is absolute madness. This Member has had to travel from her constituency to vote—because it is such an important vote—and she has to bring her child with her." I do not have any children—I would love to have children—but I think, "How would I manage that logistically?" It would be a huge challenge.

The Government have not accepted any of the report's recommendations. That is disappointing. Surely they can find it in their heart, as a token of good will and progression, to take at least some of those sensible recommendations. The Fawcett Society said that

"37% of seats at-risk in the Boundary Review are held by women, which is substantially more than the percentage of women in Parliament—only 29.6%".

[.....]

Alison Thewliss (Glasgow Central) (SNP): [...] Progress has been made, but it is not enough. We need to think about how we support women when they get to this place. We need to look at maternity leave and support during pregnancy and we need to look at family-friendly hours. We also need to look at even more radical things. I have suggested before that we should have a version of the French *suppléant* system, in which Members could have somebody to job-share with or fill in for them when they are not here.

3.3 Early Day Motion

Voting for Hon. Members on Maternity or Paternity Leave

EDM 920, 6 Jan 2016, 2015-16

Sponsor: Tulip Siddiq

That this House calls on the Government to bring forward proposals to allow hon. Members on maternity or paternity leave to vote by proxy during their absence from the House; notes that there are no standing orders in place permitting hon. Members to vote whilst caring for young children or newborns; believes that the current rules on voting in Parliament are disenfranchising hon. Members who are away from Westminster for legitimate reasons; further notes that the increase in female hon. Members since 1997 has meant that the total number of hon. Members giving birth has trebled; notes that the House of Commons Modernisation Committee in 1998 suggested viable alternatives to voting in person; expresses concern that hon. Members do not qualify for maternity or paternity leave; further believes that a change to standing orders pertaining to voting would allow hon. Members to continue to represent constituents despite a temporary leave of absence from the House; believes that technological advances can eliminate any risk of fraud in proxy voting; and believes that, through smartcards or fingerprint recognition, a secure system of proxy voting could be available in a short time frame.

4. Further reading

Backbench Business Committee

Hearing at which the application for this debate was heard,
[Representations, 5 December 2017](#), Qq1-6

Memorandum on proxy voting in the House of Commons to the
Procedure Committee:

- [Arrangements for Absent Voting – a memorandum from the Clerk of the House](#)

The Clerk identified “caring responsibilities limited to mothers of young infants” as a category of Member who might qualify for a proxy vote, see para 19.

The Good Parliament

Professor Sarah Childs, [The Good Parliament](#), University of Bristol, July 2016

Professor Sarah Childs made a number of recommendations for a more representative and inclusive Parliament in the report. These included:

- Permit MPs to be counted at the ‘door’ of the division lobbies when accompanied by their children;
- Produce a ‘House Statement’ on maternity, paternity, parental, adoption and caring leave. p3

Speaker’s Conference (on Parliamentary Representation)

Speaker’s Conference (on Parliamentary Representation), [Final Report](#), 11 January 2010, HC 239-I 2009-10

- The Speaker’s Conference (on Parliamentary Representation) was asked to “Consider, and make recommendations for rectifying, the disparity between the representation of women, ethnic minorities and disabled people in the House of Commons and their representation in the UK population at large”.

Government Equalities Office, [Government Response to Speaker’s Conference Report](#) (on Parliamentary Representation), March 2010, Cm 7824

Commons Library briefing, [Speaker’s Conference on Parliamentary representation](#), 09 Jan 2012

summary of the main recommendations of the Speaker’s Conference on Parliamentary representation which published its final report in January 2010.

Tulip Siddiq MP – Maternity Leave and Proxy Voting

[Blog: Maternity Leave and Proxy Voting](#)

3 Jan 2016

The Sunday Times recently covered the beginning of my campaign to introduce proxy voting in the House of Commons for MPs who are on Maternity and Paternity Leave. I don't want the message to go out that Parliament is closed to those MPs who aspire to parenthood, but have to think again as it may compromise their ability to represent constituents. There are a number of routes to resolve this outdated and unfair problem, and I look forward to exploring them in the months ahead.

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