

Standards, Procedures and Public Appointments Committee

2nd Meeting 2023 (Session 6), Thursday 2 February 2023

Correspondence from the Presiding Officer on a variation to the Proxy Voting Scheme

Background

1. The Presiding Officer has written to the Committee to seek its views on a proposed variation to include circumstances where a Member is attending to someone who is nearing the end of life and bereavement may be expected to be imminent (letter attached at Annexe A).

The Proxy Voting Scheme

2. The Proxy Voting Scheme was issued by the Presiding Officer in December following the publication of the Committee's [report on a Proxy Voting pilot](#) at the end of November (included at Annexe B). Under the temporary rule proposed by the Committee, the pilot is in place until 31 December 2023.

3. In the Committee's report, it proposed that:

“...a proxy vote should be available to Members experiencing a bereavement. The scheme should not be prescriptive about the relationship of the Member to the person who has passed away.”

4. The Presiding Officer may vary the scheme at any time, in consultation with the Parliamentary Bureau and the Standards, Procedures and Public Appointments Committee. The Presiding Officer states in her letter that the Bureau has indicated its broad support for such a variation, while also noting the benefits of informal co-operation through pairing to cover many circumstances.

Committee consideration

5. The Committee is invited to consider the letter from the Presiding Officer and agree a response.

**SPPA Committee Clerks
January 2023**

Annexe A – Letter from the Presiding Officer

Martin Whitfield MSP Convener

Standards, Procedures and Public Appointments Committee By Email

27 January 2023

Dear Convener,

[Proxy voting pilot scheme](#)

The scheme I set out following the Parliament's agreement to the Committee's report has been in place since 4 January. We have already seen it being used throughout the weeks since. In that period, I have also received several enquiries from other Members about the possibility of using the scheme.

The scheme currently provides for proxy voting to be available where a Member is experiencing bereavement. In line with the Committee's recommendation, the scheme is not prescriptive about the relationship of the Member to the person who has passed away. Two Members have requested to designate a proxy to vote on their behalf because they were attending to a close relative who was nearing the end of their life. While appreciating the difficult situation they were in and their obvious desire not to be required to attend to parliamentary business in those circumstances, I had to advise them that the criteria for designating a proxy do not currently cover that circumstance. It may be that informal pairing arrangements could be used in such circumstances, but this may not be suitable in all cases.

The scheme notes that I may vary it at any time, in consultation with the Parliamentary Bureau and the Committee. I would be minded to vary the scheme for the remainder of the pilot period to include circumstances where a Member is attending to a person who is nearing the end of life and bereavement may be expected to be imminent. In line with the scheme as it currently stands, I would propose not to be prescriptive about the relationship of the Member to the person or about the nature of that person's health.

The Parliamentary Bureau has indicated its broad support for such a variation, while also noting the benefits of informal co-operation through pairing to cover many circumstances.

I would be grateful for the Committee's views on a proposed variation and would be happy to provide any further information the Committee would find useful.

Yours sincerely

[Rt Hon Alison Johnstone MSP](#)

Presiding Officer

Annexe B – Proxy voting scheme

Proxy Voting Scheme

Purpose of scheme

The scheme has been issued by the Presiding Officer, following the agreement of the Parliament to Temporary Rule 5 – Proxy Voting Pilot.

The scheme has effect from 4 January 2023 and will remain in effect for the period during which Temporary Rule 5 is in place.

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.

Arrangements for a proxy and further information

A Member must send all emails relating to the arrangement of a proxy vote from their own email account. Please note that another person emailing on the Member's behalf will not be accepted for any of the arrangements relating to the designation, variation, withdrawal or temporary withdrawal of a proxy.

Any queries about the scheme should be directed, in the first instance, to the office of the Presiding Officer (at Presidingofficers@parliament.scot) copied to the Business Team (at business.team@parliament.scot).

Eligibility

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 the following circumstances:

- Illness where the Member is unable to attend the Parliament (when a Member has a severe illness, requires medical intervention or has an illness that prevents them from attending the Parliament for a sustained period of time).
- Parental leave (including mothers and fathers taking leave in relation to the birth or adoption of a child; Members fostering or taking on a kinship role; and Members who experience complications relating to pregnancy).
- Bereavement

Designation of a proxy

A Member can designate any other Member as their proxy. A Member can only designate one proxy at a time.

A Member can be designated as a proxy by a maximum of two other Members.

Designation of a proxy must be made by the Member from their Parliamentary email account by 10.00am on the Tuesday of the week during which votes will be held for

which a Member wishes to designate a proxy. Designations must be made to the office of the Presiding Officer (at Presidingofficers@parliament.scot) copied to the Business Team (at business.team@parliament.scot).

Following receipt of any designations, Presiding Officer will direct Parliamentary officials to verify that—

- Member A wishes to designate Member B as their proxy
- Member B agrees to be designated as proxy for Member A and does not hold more than one other proxy
- both Member A and Member B have read and agree to the terms of the scheme.

The responses from Members to Parliamentary officials seeking to verify the arrangement must be sent from Members' Parliamentary email account. This verification procedure will ensure that there can be no dubiety about the agreement of the Members concerned to act in accordance with the terms of this scheme.

Variation or withdrawal of proxies

A Member cannot vote if they have an arrangement for a proxy vote in place. In the event that a Member varies or withdraws their proxy, it is the responsibility of the Member to inform their proxy of this.

A proxy cannot be varied or withdrawn once a vote has commenced.

For the avoidance of doubt, where a Member casts their own vote, any proxy vote cast on their behalf shall have no effect.

Variation of a proxy

Where it becomes apparent that a designated proxy will no longer be able to participate in a meeting of the Parliament, a Member can designate another proxy up to 10.00am on the day of any meeting of the Parliament for which the proxy would apply. To do this, Members must follow the procedure set out above for the designation of a proxy and indicate the duration of the alternative arrangement. The designation of an alternative proxy would be subject to the verification process set out above.

Withdrawal of a proxy

A Member who has designated a proxy may withdraw that designation at any point up to 10.00am on the day of any meeting of the Parliament at which the Member wishes to participate and vote in person. This withdrawal must be notified to the office of the Presiding Officer (at Presidingofficers@parliament.scot) copied to the Business Team (at business.team@parliament.scot).

Temporary withdrawal of a proxy

In the event that a Member who has designated a proxy wishes to participate and vote in person on a temporary basis, they must notify the office of the Presiding Officer (at Presidingofficers@parliament.scot) copied to the Business Team (at

business.team@parliament.scot) by 10.00am on the day of any meeting of the Parliament at which that Member wishes to attend or vote in person and indicate the period of time for which they would like to temporarily withdraw the proxy.

Confirmation of proxies

To ensure transparency, where a proxy has been exercised in a vote, this will be recorded in the minute of the relevant meeting of the Parliament or of the Committee of the Whole Parliament.

Casting of votes

The Presiding Officer will invite any Member who holds a proxy (or proxies) to indicate how it is being exercised following the conclusion of a vote and will direct the Clerk to record the vote before any other Points of Order on voting are taken.

Exercising the proxy vote and conduct

A Member who designates another Member as their proxy, places in that Member the highest degree of trust in carrying out one of the most fundamental rights granted to those who hold elected office.

It is the responsibility of the Member who has designated a proxy to make sure that their proxy is fully aware of when and how they wish their vote to be cast. A Member designated as a proxy will be expected to act in strict accordance with the request of the Member whose vote they are casting.

A Member designated as a proxy might cast their own vote one way and the proxy vote the other or may cast a proxy vote without casting their own vote at all.

Members are reminded of the requirements to treat other Members with courtesy and respect under the relevant provisions of the Members' Code of Conduct and the Standing Orders, and any intentional misuse of a proxy vote could result in a breach of these requirements.

Application of the scheme

The scheme will apply in relation to any meeting of the Parliament or a Committee of the Whole Parliament.

Annex: Temporary Rule 5**Temporary Rule 5 – Proxy Voting Pilot**

1. This Rule applies to any voting at a meeting of the Parliament or of a Committee of the Whole Parliament. It ceases to have effect on 31 December 2023.
2. A member may arrange for their vote to be cast by another member acting as a proxy (a “proxy vote”), but only where —
 - (a) the Presiding Officer has issued a scheme setting out details of how such a proxy vote may be exercised, including the circumstances in which it can be exercised, the designation process, details of how a proxy may be withdrawn and the manner in which a proxy vote is to be cast;
 - (b) the members concerned (which means both the member and the proxy) have complied with the terms of that scheme; and
 - (c) there is a valid proxy in place at the point of voting.
3. A proxy may vote for one or two members.
4. A proxy vote has the same status as a vote cast by a member in person.
5. A member shall vote only once on any question except where the Presiding Officer asks members to cast their vote again under Rule 11.7.3. For the avoidance of doubt, where a member casts their own vote, any proxy vote cast on their behalf shall have no effect.
6. A proxy vote must be clearly indicated as such in the minutes of the meeting of the Parliament or of the Committee of the Whole Parliament, as appropriate.
7. Where provisions contained in this temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.