



Northern Ireland
Assembly

Committee on Procedures

Report on Proxy Voting for Parental Leave in Plenary

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This report is embargoed until the commencement of the debate in the Assembly

Report: NIA 36/22-27 Committee on Procedures

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Powers and Membership

Powers

The Committee on Procedures is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Order 54.

The Committee has power to:

- Consider and review, on an ongoing basis, the Standing Orders and procedures of the Assembly;
- Initiate inquiries and publish reports;
- Republish Standing Orders annually; and
- Call for persons and papers.

Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Kellie Armstrong MLA (Chairperson)
- Sinéad Ennis MLA (Deputy Chairperson)
- Robbie Butler MLA¹
- Trevor Clarke MLA
- Danny Donnelly MLA
- Órlaithí Flynn MLA

¹ Robbie Butler replaced John Stewart as a Member on 5 March 2024

- Cara Hunter MLA²
- William Irwin MLA³
- Maoliósa McHugh MLA

² Cara Hunter replaced Matthew O'Toole as a Member on 28 May 2024

³ William Irwin replaced Gary Middleton as a Member on 8 April 2024

List of Abbreviations and Acronyms used in this Report

- The Assembly: Northern Ireland Assembly
- RaISe: Northern Ireland Assembly Research and Information Service
- The Committee: Committee on Procedures

Executive Summary

1. On 31st March 2020, the Northern Ireland Assembly agreed a set of temporary Standing Orders as part of its procedural response to the Covid 19 Pandemic. One of these Standing Orders provided for proxy voting. Although that Standing Order lapsed at the end of July 2022, initial discussions by the Committee, as part of its strategic planning considered whether proxy voting should be reinstated. The discussion covered a range of possible categories for proxy voting including parental leave, long-term illness, bereavement, absence on official Assembly Business and whether it should be extended to committees as well as Plenary business.
2. Members of the Committee expressed concern that, with the exception of proxy voting for parental leave in Plenary, other categories of proxy voting in Plenary and in committees would require a level of deliberation and assessment of implications that would require a long-term piece of work.
3. On the other hand, it was considered that proxy voting for parental leave in Plenary was a well-established practise in many other legislatures and had fewer operational issues. It could therefore be deliberated upon and introduced to the Assembly for approval with a degree of assurance that the associated implications were well known and had been explored within the Assembly context.
4. The Committee was also aware that Members are not employees of the Assembly and cannot take parental leave from their parliamentary responsibilities in the same way that those in paid employment can take statutory maternity leave. Furthermore, when Members do take parental leave, there is no manner in which this can be recorded or explained, meaning that to those who observe Assembly business, it may appear that the Member is absent from their parliamentary duties. It is anticipated that this new Standing Order will help to address this lack of transparency.
5. The Committee therefore made the provision of proxy voting for parental leave in Plenary its immediate and top priority. This Report provides an explanation

for how the Committee developed the draft Standing Order as well as detailing its consideration on a range of practical and administrative matters that may assist the Speaker in issuing guidance to inform the operation of the new Standing Order.

6. The key principles that the Committee considered should be included in a new Standing Order are
 - The eligibility criteria for proxy voting for parental leave in Plenary including
 - defining what is meant by parental leave i.e. (a) maternity leave, paternity leave, adoption leave, shared parental leave or parental bereavement leave, (b) complications arising from pregnancy, including miscarriage, stillbirth and baby loss, or (c) fostering responsibilities.
 - that the Speaker, Principal Deputy Speaker and Deputy Speakers cannot act as a proxy;
 - that the Speaker has issued guidance on how the proxy voting scheme will work in practise including the process of designating a proxy, the period for which a proxy may last and how a proxy may be withdrawn or varied.
 - That a proxy vote for parental leave is only exercisable in Plenary;
 - That a proxy vote does not count towards a quorum in Plenary;
 - That a proxy vote must be recorded in the Official Report and Journal of the Proceedings of the Assembly;
 - That a proxy vote may not be exercised on certain votes, namely a vote in altering the size of the Assembly; a vote on the democratic consent process and any motion, which requires a super majority for example, a vote on the dissolution of the Assembly, votes to remove certain statutory officials such as the Comptroller and Auditor General, a

recommendation for the removal from office of the Northern Ireland Public Services Ombudsman and a recommendation for the removal of the Assembly Commissioner for Standards.

Practical and Administrative Matters

7. The Committee, mindful that it has placed a duty on the Speaker to issue guidance on how the scheme will operate in practise, has produced this Report which outlines its position on a range of practical and administrative matters. The Committee anticipates that its position on these matters, reached by means of cross-party discussion and agreement, will be helpful to the Speaker in his development of the guidance on how the Standing Order might operate. In coming to the position outlined in this Report, the Committee
 - consulted with and paid particular attention to the opinion of the Speaker, as per his letter to the Committee dated 4th June 2024;
 - gave due consideration to how Temporary Standing Order 112 Proxy Voting operated in the past including the rationale for certain elements designed to address the challenges of operating during the Covid 19 pandemic;
 - sought the opinions of the various Political Parties and independent Members in the Assembly; and
 - commissioned research on how proxy voting for parental leave works in other legislatures.
8. Consideration by the Committee covered the broad areas of the notification process, eligibility criteria, the duration of parental leave and how a proxy vote may be exercised.
9. In terms of the notification process, the Committee has suggested that the deadline for the notification should be 4pm on the working day prior to the sitting at which the arrangement is due to begin. It proposed that the notification should be by email to the Business Office and should be copied to

the Member who has agreed to act as the proxy, therefore verifying that they have consented to act as the proxy. It makes further suggestions on types of variations and how these might be handled.

10. The Report contains details on the eligibility criteria including what is meant by parental leave and includes certain types of fostering in that definition.
11. The Committee suggested that the duration of an application for proxy voting for parental leave in Plenary will be a maximum of nine months. The Committee preference is that this is taken in one continuous block i.e. a Member should not, for example, take a three-month proxy voting for parental leave, followed by three-month voting in person, followed by another period of three-month proxy voting for parental leave. The duration should also take account of periods of recess and any notification will fall upon dissolution for election with a new notification required if that Member is returned to the Assembly.
12. The Committee also outlined how a proxy vote may be exercised including emphasising the importance of the relationship between the Member registered as voting by proxy and the Member nominated to exercise their vote. The responsibility for communicating on how the proxy vote should be exercised or if the proxy is unable to exercise the vote, rests with the Members concerned.
13. The issue of tellers acting as a proxy was discussed at some length and it was agreed that those holding a proxy vote would be strongly discouraged rather than prohibited from acting as a teller.
14. The issue of the number of proxy votes that one Member can hold was also discussed at some length with the Committee agreeing that the management of this, including the associated risks, is best left to internal Party administration. The Committee did not therefore suggest a limit on the number of proxy votes that one Member can hold.
15. A number of other suggestions, based on practical management such as ensuring tellers are aware of any proxy voting arrangements in place, how abstentions should be exercised, how the proxy may exercise their own vote

and the proxy vote etc, have been largely lifted from the guidance notes for Temporary Standing Order 112 Proxy Voting.

16. The Committee noted that this proxy voting scheme is for parental leave in Plenary only and it is therefore unlikely that any one Party will have a large number of Members absent due to parental leave, at the same time. Even if the scheme is eventually extended to other categories such as long-term illness, the number of Members using the scheme, at any one point in time, is likely to be low.
17. Finally, the Committee would like to emphasise that it is not its intention that this scheme be burdensome or overly bureaucratic to either the Members who avail of it or the Assembly officials who have to operate it. The Committee is hopeful that the scheme proves successful and that it establishes a framework for future consideration of proxy voting for other categories such as long-term illness or bereavement.

Introduction

18. When the Assembly resumed in February 2024, one of the first tasks for the Committee on Procedures was to identify its strategic priorities and agree a forward work programme for the remainder of the 2022-27 mandate.
19. At a strategic planning session in April 2024 the Committee discussed and decided its short-term and long-term strategic priorities for the 2022-27 mandate. The Committee agreed that the provision of proxy voting for parental leave in Plenary would be its top short-term priority. There are currently no arrangements for proxy voting in the Assembly as the temporary Standing Orders, introduced to allow proxy voting in Plenary during the Covid 19 pandemic, ended in July 2022.
20. The Committee wrote to the Political Parties in the Assembly and independent Members to seek their views on the potential arrangements for proxy voting for parental leave in Plenary.
21. The Committee also consulted with and paid particular attention to the opinion of the Speaker as per his letter to the Committee of 4th June 2024. This letter and other aspects of proxy voting was discussed during an oral briefing with Mr Paul Gill at the Committee meeting 12th June 2024. The Committee also commissioned a RaISe research paper on how proxy voting for parental leave worked in other legislatures. It then discussed and agreed its preferred approach. Minutes of the Committee meetings at which proxy voting was discussed are included at Appendix 2.
22. The Committee agreed that Standing Order 27A was drafted, in conjunction with Assembly Legal Services, to reflect this approach (see Annex A).

Committee Consideration

Voting in Plenary

23. Voting is one of the ways in which Members make decisions on behalf of the constituency they represent. It is therefore a central and integral part of how the Assembly functions. Members vote in Plenary meetings by saying 'Aye' or 'No' to a specific question after listening to and / or taking part in debates in the Plenary Chamber. The Speaker decides how the debate is carried after listening to the volume of Ayes and Noes. Most questions on a motion or an amendment in the Chamber are determined simply by a 'collection of voices'.
24. However, when it is not possible for the outcome to be determined in this way, or if the outcome is challenged by Members, the Speaker will call for a division. In this case, Members will cast their vote by walking through either the Aye lobby or the No lobby and are counted as they do so.
25. The result of a vote by division in Plenary is announced by the Speaker in the Chamber, after which it is published on the Assembly's website together with lists of those Members that voted Aye, No or Abstained. During the period 3 May 2022 to 2 July 2024, there were 215 votes in Plenary of which 166 were by a collection of voices and 49 by division through the lobbies.
26. Standing Orders 26 and 27⁴ govern voting in Plenary with further guidance being made available to Party whips and tellers on the conduct of divisions.
27. The Northern Ireland Act 1998 requires cross community voting in Plenary on certain key decision such as the election of the Speaker, the passage of a Budget Bill and changes to Standing Orders. Other motions for debate may require a cross community vote should they be subject to a Petition of Concern.
28. The Committee on Procedures sought Legal Advice on the application of any proxy voting scheme to cross community votes and were advised that there is

⁴ <https://www.niassembly.gov.uk/assembly-business/standing-orders/standing-orders-14-march-2022/#a26>

nothing that would prevent a proxy vote being exercised in respect of a cross community vote.

Temporary Standing Order 112 Proxy Voting

29. The Covid 19 pandemic presented a number of challenges to the operation of normal business in Plenary including voting. A number of temporary Standing Orders (SO110 – 116) and supplementary guidance were developed to assist with the management of Assembly Business during this time. These Standing Orders, applicable until the end of June 2022 included Standing Order 112 Proxy Voting (see Appendix 4).
30. Standing Order 112 was designed to meet the challenges associated with voting and the Covid 19 pandemic. For example, the need to maintain social distancing while Members passed through the division lobbies. Another was the requirement to self-isolate, often at short notice, even if that meant leaving Parliament Buildings while Plenary debates and votes by divisions were taking place.
31. Standing Order 112 addressed these challenges by allowing for proxy voting where a Member can cast the vote of one or more other Members. This reduced the number of Members going through the enclosed spaces of the division lobbies while maintaining social distancing. In practice, most Members proxied their vote to the Party whip which further reduced the numbers in the lobbies. However, this meant that often one Member held a large number of votes and if they had to self-isolate, those votes could not be cast. To address this risk, Standing Order 112 allowed that the Member making the notification for a proxy vote, could include in that notification, that if the proxy was unable to cast the vote, the proxy could authorise another Member to act in their stead.
32. A Member was also able to make the notification of their intention to proxy their vote at short notice i.e. 9.30am on the day of the vote, further addressing the challenge of having to self-isolate with little or no warning.

Proxy Voting for Parental Leave in Plenary

33. As part of its strategic planning process, the Committee considered whether proxy voting should be reinstated. The Committee had previously commissioned a RaISe paper ‘Issues under consideration by procedures committees in other legislatures⁵’ and noted that with the exception of the Dáil Éireann, many of the other legislatures had provisions to allow for proxy voting on a range of categories including parental leave, long-term illness and bereavement.
34. The Committee noted that Members are not employees of the Assembly and cannot take parental leave from their parliamentary responsibilities in the same way that those in paid employment can take statutory maternity leave. Members who take parental leave from Assembly Business are not recorded as being on such leave and it may not be apparent to the public that they are on parental leave. Members on such leave may also choose to continue with some of their other parliamentary responsibilities such as constituency work or with Party business.
35. With this in mind, the Committee agreed that it would bring to the Assembly, a draft Standing Order that provided for proxy voting for parental leave in Plenary as an immediate priority to be addressed in the short term. The Committee noted that it would consider proxy voting for other categories including being absent on official Assembly Business, and the possibility of proxy voting in committees at a later stage. The Committee acknowledged that any consideration of proxy voting in committees would likely require in-depth analysis of a variety of complex and interacting issues. As such analysis would likely take substantial time, it decided that the initial focus would be on proxy voting for parental leave in Plenary.
36. The Committee also reflected on a range of practical and administrative matters that may inform how the proxy voting Standing Order could operate. It was mindful that the new Standing Order would enable the Speaker to provide any

⁵ <https://www.niassembly.gov.uk/globalassets/documents/raise/publications/2022-2027/2024/procedures/0524.pdf>

relevant guidance and rulings in relation to its operation. However, the Committee hoped that its deliberation on these practical and administrative matters, reached by means of cross-party discussions and agreement, would be helpful to the Speaker in his development of that guidance.

The Principles of a Standing Order for Proxy Voting for Parental Leave in Plenary

37. Given that it will be for the Speaker to implement and oversee any new Standing Order, the Committee sought the views of the Speaker on proxy voting. The Speaker's response to the Committee can be found at Appendix 1. In his reply to the Committee, the Speaker stated

'The basic premise underpinning how the Assembly carries out its business is that when Members take decisions they do so following a debate during which there has been an opportunity for effective scrutiny and Members have had the opportunity to hear in person all arguments for and against a proposal. Members are then personally responsible for how they exercise their vote and are accountable to their constituents for whatever decision they take. This approach strengthens scrutiny and the lawmaking process by ensuring that individual Members are appropriately informed before taking decisions.

If Members were able to routinely be absent from Parliament Buildings, including for voting, this could risk undermining the credibility of the Assembly and its decision making processes. It therefore follows that any departure from this arrangement should only be in the most exceptional circumstances where there is clear justification'.

38. The Committee agreed that voting in Plenary is a personal decision; Members are expected to listen to the debate and vote accordingly. The Committee recognised that a proxy vote – a vote cast by one Member of behalf of another – is not something to be taken lightly and fully acknowledged the importance and central role of a Member and their individual vote. It has therefore endeavoured to develop draft Standing Orders and suggestions for the operation of the scheme that takes full account of this role.

39. The Committee considered a wide range of issues and identified the key principles that it felt should be provided for in the draft Standing Order. It agreed that the definition of parental leave should include
- maternity leave;
 - paternity leave;
 - adoption leave;
 - shared parental leave;
 - fostering; and
 - complications arising from pregnancy including miscarriage / stillbirth.
40. The Committee is aware that when a Member is absent on parental leave, this is not recorded in the Assembly official records such as the Plenary Minutes of Proceedings and the Official Report. To anyone watching Assembly Business or examining Members attendance in the Assembly, it may appear that a Member is absent without explanation. For this reason, the Committee agreed, that the draft Standing Order should include a provision that a proxy vote is recorded, whether or not exercised, in both the Minutes of Proceedings of Plenary and the Official Report. This will create a level of transparency and openness so that all the political Parties in the Assembly and the general public are aware of the proxy voting arrangements.
41. While the Standing Order is for proxy voting in Plenary, the Alliance Party had contacted the Committee suggesting that it would be beneficial if a Member's absence from a committee due to parental leave could be captured in attendance data or explained in the statistics in some way. The Committee agreed and contacted the Clerking and Members Support Office asking it to investigate if this could be facilitated.
42. The Committee also considered whether a proxy vote should be exercisable for all Plenary Business. It sought legal advice and considered a number of

matters, were there would be a desire for legal certainty, if and when these matters were put to a vote. These are

- A Bill to which section 7A of the Northern Ireland Act 1998 applies – a vote in altering the size of the Assembly;
- The democratic consent process at Schedule 6A of the Northern Ireland Act 1998 – a vote on the democratic consent process.
- Any motion which requires the support of a number of Members of the Assembly which equals two thirds of the total number of seats in the Assembly such as a recommendation for the removal from office of the Comptroller and Auditor General for Northern Ireland, the dissolution of the Assembly or a recommendation for the removal from office of the Northern Ireland Public Services Ombudsman; and
- Any motion which requires the support of a number of Members of the Assembly which equals or exceeds two thirds of the total number of Members voting on the motion such as a recommendation for the removal of the Assembly Commissioner for Standards.

43. The Committee agreed that a vote by proxy would not be exercisable for these votes and that this principle would be included in the Standing Order.
44. The Committee noted that in the Assembly, the Speaker does not vote on any Plenary Business and that the Principal Deputy Speaker and Deputy Speakers do not participate in the debate, including voting on any item of business for which they occupied the Chair. With this in mind, it agreed that the Speaker, Principal Deputy Speaker and Deputy Speaker should not act as a proxy for other Members.
45. The Committee deliberated on whether the Standing Order should be either temporary to allow for a trial and review period or permanent with immediate effect and decided on the latter approach.
46. At its meeting on 9 October 2024, the Committee agreed a draft Standing Order as detailed in Annex 1 to this Report.

Practical and Administrative Matters

47. The Committee reflected on a range of practical and administrative matters that may inform how the Standing Order for proxy voting for parental leave would operate. The letter from the Speaker to the Committee was very helpful in informing its deliberations. It also had an oral briefing from Mr Paul Gill, Clerk Assistant, who was able to provide further details on the matters raised in the letter from Speaker. The Committee anticipated that its position on these matters, reached by means of cross-party discussions and agreement, would be helpful to the Speaker in his development of the guidance on how the Standing Order might operate.

The Notification Process

48. The Committee discussed a variety of issues relating to the notification process. It noted that temporary Standing Order 112, provided for rapidly changing circumstances associated with the Covid 19 pandemic and allowed for a notification deadline of 9.30am on the sitting day (or as the case may be the first sitting day) on which the Member intends their proxy to vote on their behalf. The Committee also considered correspondence from People Before Profit indicating a preference for as late a deadline for notification as possible. The Committee recognised that, in the vast majority of cases parental leave is normally planned well in advance and with this in mind, it agreed with the Speaker that the notification to him should be sent no later than 4pm on the working day prior to the sitting at which the arrangement is due to begin. However, the Committee also recognised that in certain exceptional circumstances, typically related to medical conditions associated with parental leave such as premature birth, a Member may be unable to provide the notification to this deadline. It therefore suggests that in such exceptional circumstances, the Speakers discretion can be used to vary this deadline.
49. The Committee discussed and agreed that it would be helpful if the notification be made by email from the account of the Member wishing to vote by proxy to a specified email account that is delivered to the Business Office; and that the notification may be by email or by use of a form (devised by the Business

Office) that captures the relevant information. It agreed that the notification should include the name of the Member wishing to vote by proxy, the name of the Member who has agreed to act as their proxy, who should be copied into the notification, therefore verifying that they have consented to act as the proxy and the period when the proxy will be operational (start and end date).

50. The Committee further considered the matter of verifying that a Member had consented to act as a proxy. It is not the intention that the proxy voting scheme be burdensome to either Members who wish to use it or to officials who may have to administer it. Therefore, in the Committee's opinion, if the email notification is copied to the Member who has agreed to act as the proxy, this will be sufficient verification of consent.
51. The Committee noted that temporary Standing Order 112 provided a process whereby the Member holding the proxy vote(s) could authorise another Member to cast it in the event that they were unable to. In its consideration of whether something similar would be useful in the new proxy voting scheme, it noted that this arrangement was specific to the Covid 19 pandemic and while it may be an appropriate provision during a pandemic it would not be suitable for proxy voting for parental leave in Plenary. The Committee noted that the Speaker took a similar position on this issue and in his letter to the Committee recommended that *'The named Member should not be able to delegate this responsibility to another Member.'*
52. The Committee considered how notifications relating to variations to the proxy voting arrangements might operate and agreed with the Speakers recommendation that

'Any changes to proxy voting arrangements following the deadline should only take effect from the next sitting day.'
53. The Committee considered some of the implications and types of variations that may occur. The Committee's position is that a Member, registered as voting by proxy, who wishes to change their proxy can do so by a further notification naming the new proxy Member and the period when the proxy will be operational. Furthermore, a Member registered as voting by proxy who wishes

to cast a specific vote in person or end their period of proxy voting early can do so by means of further notification. The variation notification should give details of the revised dates / periods as appropriate and be provided to the Speaker no later than 4pm on the on the working day prior to the sitting at which the variation is due to begin.

Eligibility for Proxy Voting for Parental Leave in Plenary

54. The Committee agreed that the Standing Order would provide that a Member would be eligible for proxy voting for maternity leave, paternity leave, adoption leave, or shared parental leave, for parental bereavement leave or leave resulting from complications arising from pregnancy, including miscarriage, stillbirth and baby loss and certain types of fostering. The Committee noted, that parental leave did not extend to a Member being absent due to caring responsibilities for a child.
55. The Committee considered the issue of fostering in some depth, discussing both the types of fostering that could be included and whether the duration of leave (discussed below in paragraphs 58 – 60) should be the same as the other categories of parental leave. The Committee also commissioned a Research Paper ‘Information on Fostering in Northern Ireland’ which informed its discussions⁶.
56. It agreed that proxy voting for parental leave in Plenary will be available to a Member registered as a foster parent for long-term or short-term foster care and for kinship care, when a child is placed. It further agreed that the duration for fostering would be the same as the other categories of parental leave (nine months).
57. The Committee also noted that the five Health and Social Care Trusts provide fostering services, as do the following independent fostering agencies :-

⁶ <https://www.niassembly.gov.uk/globalassets/documents/raise/publications/2022-2027/2024/procedures/2824.pdf>

Barnardo's, Action for Children, Kindercare Fostering Northern Ireland, Foster Care Associates Northern Ireland. Each of these organisations has a broadly similar application / approval and registration process in place for the register of foster parents and others with whom a child is placed (as required by regulations).

Duration

58. The Committee position is that the maximum duration of proxy voting for parental leave would be nine months commencing on the start date on the notification to the Speaker. The Committee took this decision after consideration of the duration of similar schemes for proxy voting in other legislatures as outlined in the RaISe Paper 'Issues under consideration by procedure committees in other legislatures' and in relation to statutory maternity leave and pay.
59. The Committee also considered whether the nine months duration should be divided into a period before and after the due date, adoption date, surrogacy date etc. The Committee felt it should not as this would allow individual Members to self-select periods of leave that best suited their circumstances.
60. The Committee also agreed that its preference is that the duration is in one continuous block and includes periods of recess. In terms of dissolution, Members cease to be Members once the Assembly is dissolved for election. Therefore, a Member's proxy vote will also cease and a new notification will have to be made if that Member is returned to the Assembly. The Committee position is that the duration of the new notification should take account of any previous parental leave as well as the dissolution period.

Exercising the Proxy Vote

61. The Committee discussed a number of matters relating to how the proxy voting scheme would be exercised. In his letter to the Committee, the Speaker stated:-

'Members are then personally responsible for how they exercise their vote and are accountable to their constituents for whatever decision they take.'

62. The Committee agreed with this statement noting that it is vital that the Member registered as voting by proxy must agree with the Member nominated as their proxy how and when the proxy vote will be exercised. It is the responsibility of both Members to ensure that this agreement has been secured. A Member acting as a proxy will be expected to cast the votes in strict accordance with the instruction given by the Member. Furthermore, the Committee expects, that in the event that the named Member is unable to exercise the proxy vote, it is their responsibility to make every attempt to contact the Member informing them that they are unable to exercise their vote.
63. The issues of tellers being able to exercise a proxy vote was considered by the Committee. The direct involvement of tellers representing both sides of the question is a long-standing parliamentary practice designed to ensure that a division is conducted fairly by Members, and that votes are registered correctly. A division can only proceed if there are two tellers for each side of the question; two for the 'ayes' and two for the 'noes'. Each lobby will have an 'aye' and a 'no' teller whose vote will have been already registered in the computerised vote-recording system. In a division, Members enter the 'ayes' or 'noes' lobby and provide their name to a lobby clerk who enters it into the computerised vote-recording system on behalf of the tellers. Tellers play an essential role in ensuring transparency and fairness of voting during divisions. It is their role to instruct the lobby clerk to open and close the vote as well as overseeing the entry of votes into the computerised system. For this reason, it is essential that they remain in place, in the appropriate lobby for the entire duration of a vote.
64. The Committee noted the Speaker's position that Members who are due to vote on behalf of others should not act as a teller. It discussed this at some length noting that it would be ill-advised if a teller had to leave their lobby to cross to the other lobby to cast a proxy vote. However, some of the smaller Parties expressed concerns that this could create difficulties and potentially prevent them being able to avail of and use the scheme. For that reason, the

Committee position is that Members holding a proxy vote are strongly discouraged from acting as a teller.

65. The Committee discussed whether there should be a limit on the number of proxy votes that a Member can hold. Referring back to Standing Order 112, it noted that this allowed for one Member, often the Party whip, to exercise the proxy votes for any number of other Members. As previously discussed, this provision was risk based in that it addressed the risk of a large number of Members in the voting lobbies while respecting the need for social distancing.
66. The Committee also noted that the Scottish Parliament proxy voting scheme provided that a Member can be designated as a proxy by a maximum of two other Members.
67. The Speaker, in his correspondence with the Committee had stated that it may be unwise for any single Member to be nominated to vote on behalf of a large number of other Members.
68. The Committee noted that this proxy voting scheme is for parental leave only, and it is unlikely that any one Party will have a large number of Members absent due to parental leave, at the same time. Even if the scheme is eventually extended to other categories such as bereavement or long-term illness, the numbers availing of the scheme are unlikely to approach the large numbers seen when Standing Order 112 was exercised during the Covid 19 pandemic.
69. Ultimately the Committee decided that this is a matter that is best left to the internal management of the Parties who can decide how best to manage the risk associated with one Member being responsible for casting the votes of a number of other Members and agreed that it would not suggest a limit on the number of Members a proxy can act for.
70. Finally, the Committee considered a range of matters relating to how the proxy is actually exercised during a vote. It noted the guidance provided for these matters in Standing Order 112 and agreed that :-

- The proxy will cast the Member's vote by communicating the Member's name to the lobby clerks and tellers in the relevant lobby and that the Member's vote shall be included in the numbers counted as cast in that lobby.
- Tellers will need to be made aware of the proxy voting arrangements.
- A Member authorised as a proxy may cast their own vote in one lobby and the proxy vote in the other, and may cast a proxy vote without casting their own vote.
- A proxy may cast a vote on behalf of a Member wishing to abstain by casting their vote in both lobbies.
- Following the deadline for notification of 4pm on the working day prior to the sitting at which the arrangement is due to begin, any Member registered as voting by proxy, which applies either to that sitting or to any item of business at that sitting, may not vote in person at that sitting or on that items of business as the case may be.

Annex A – Draft Standing Order

27A Voting by proxy

- (1) A member (M) may arrange for M's vote to be exercised by a proxy (P) where—
 - (a) M meets the conditions set out in paragraph 2,
 - (b) the Speaker has published a proxy voting scheme (the Scheme) in accordance with paragraph 3,
 - (c) P is not the Speaker or a deputy Speaker, and
 - (d) M and P have complied with the terms of the Scheme.
- (2) The conditions are—
 - (a) M could, if an employee, exercise a right to maternity leave, paternity leave, adoption leave, shared parental leave or parental bereavement leave,
 - (b) M is affected by complications arising from pregnancy, including miscarriage, stillbirth and baby loss, or
 - (c) M has fostering responsibilities of a kind prescribed in the Scheme.
- (3) The Scheme must include—
 - (a) the process by which M may designate P,
 - (b) the period for which a proxy vote may be exercised,
 - (c) how M may vary or withdraw that proxy, and
 - (d) subject to paragraph 4, details of how a proxy vote may be exercised.
- (4) A proxy vote—
 - (a) may be exercised only in a plenary session of the Assembly,
 - (b) is to be disregarded for the purposes of Standing Order 9 (Quorum),
 - (c) must be recorded as such in the Official Report and the Journal of the Proceedings of the Assembly,
 - (d) may not be exercised in a vote on any of the following—
 - i. a Bill to which section 7A of the 1998 Act applies,
 - ii. the democratic consent process at Schedule 6A of the 1998 Act,

- iii. any motion which requires the support of a number of members of the Assembly which equals or exceeds two thirds of the total number of seats in the Assembly, and
- iv. any motion which requires the support of a number of members of the Assembly which equals or exceeds two thirds of the total number of members voting on the motion.

(5) In this standing order—

‘employee’ has the meaning given by Article 3 of the Employment Rights (Northern Ireland) Order 1996

‘the 1998 Act’ means the Northern Ireland Act 1998.

Appendix 1: Committee Correspondence

- [Correspondence from the Speaker](#)

Appendix 2: Minutes of Proceedings

- [17 April 2024](#)
- [1 May 2024](#)
- [15 May 2024](#)
- [29 May 2024](#)
- [12 June 2024](#)
- [26 June 2024](#)
- [11 September 2024](#)
- [9 October 2024](#)

Appendix 3: Research Papers

- [Issues under consideration by procedures committees in other legislatures](#)
- [Information on fostering in Northern Ireland](#)

Appendix 4: Other Documents relating to the Report

- [Standing Order 26: Voting - General](#)
- [Standing Order 27: Voting - Divisions](#)
- [Temporary Standing Order 112: Voting by Proxy](#)
- [Guidance and Application Form for Proxy Voting under Temporary Standing Order 112](#)