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Family-friendly practices

1 Introduction

This briefing paper has been prepared to inform the Committee on Procedures work on the issue of family-friendly practices. A previous paper, NIAR 369-11, provided information on family-friendly sittings in other legislatures. This briefing provides supplementary information on the topic and addresses the following issues:

- An update on the House of Commons Procedure Committee inquiry into 'Sittings of the House and the Parliamentary calendar'
- Time restrictions on legislative debates in other legislatures
- How the aspiration to have family friendly sittings could be reflected in Standing Orders, or is it more appropriate to reflect this elsewhere?

2 The House of Commons inquiry into sittings of the House

In March 2011 the Procedures Committee of the House of Commons launched an inquiry into sittings of the House and the Parliamentary calendar. The initial evidence received prompted the Committee to produce a consultation document in November 2011 to narrow down the options for reform. The paper also summarised the key findings to date:

- The balance between the number of sitting days and non-sitting days is broadly correct
- The amount of constituency casework Members deal with has increased enormously
- The distribution of sitting days across the year could be improved to maximise Members' ability to scrutinise the Government and serve their constituents
- There is widespread agreement that the introduction of a 'half-term' break from sitting at Westminster is welcome: it also assists those with school-age children

Submissions received from MPs and academics also reflect a belief that the Commons could achieve a better work/life balance. A selection of their views is reproduced below:

If Parliament started at 0930 every day it would only need to go on to 1730 (an eight hour day). It could fit the business of the House into three semesters of 12 weeks. The Parliamentary week should be 32 hours in Westminster and 8 hours in the Constituency (there would be no Friday sittings). This would not only be family friendly and encourage yet more women into Parliament but it would also be family friendly for men too. It is not sensible to be working from 0930 to 2200 three days a week; this is senseless and not helpful to the health either of the MP or the nation¹(Submission from former MP).

(The Monday start time) permits MPs to return to Parliament in the morning rather than returning on Sunday evenings, which would negatively impact family life²(Submission from academic).

A modern House of Commons, like the Scottish Parliament and National Assembly for Wales, should have professional, family friendly hours. This goal is perfectly compatible with a more effective House... Importantly, advocating family friendly hours is not about MPs working less when they are in Westminster, but rationalizing their work in ways that rebalance work/family life, so as to both improve the conditions of current MPs, and to signal that the House is open to a diverse group of Members, not just those who either do not have caring responsibilities or who have that care undertaken by others³(Submission from academic).

The Committee continues to take evidence.

3 Restrictions on sitting times to facilitate Members with family responsibilities

This section explores what practical measures legislatures have introduced to ensure that they adhere to family-friendly practices. In particular, the Scottish Parliament and

¹ Written evidence submitted by Derek Wyatt, formerly MP for Sittingbourne & Sheppey

² Written evidence submitted by Sarah Childs, Professor of Politics and Gender, University of Bristol

³ As above

National Assembly for Wales were seen as a new type of legislature that sought to attract a greater number of females with 'family-friendly' policies.

Scottish Parliament

Is there a commitment to 'family-friendly' practices?

The Report of the Consultative Steering Group on the Scottish Parliament outlined its vision for the new institution, including sitting times more conducive to family life:

49. We agreed the following main principles which we believe should govern the working pattern of the Scottish Parliament: the sitting pattern of the Parliament should be "family friendly"; the arrangements for the operation of the Parliament should be equally attractive to men and women; and the Parliament should meet during normal business hours on a regular, programmed basis⁴.

Nevertheless, even at this early juncture there was a recognition that these principles may have to be compromised to accommodate government business:

22. Whilst we adhere to the principle of a family-friendly Parliament, observing normal business hours, we recognise the need to provide for exceptional circumstances. We propose that the Standing Orders should allow the Parliament to vote on a motion to continue sitting until current business is completed. Such a motion could be moved by a Minister, the Convener of a Committee or an individual MSP if they had moved the business under consideration. The motion should be both debatable and amendable although amendments should be restricted to suggesting more or less time than specified, and a simple majority of those present and voting should be required for the Parliament's approval. In addition, a time limit for debating such a motion should be prescribed by Standing Orders and time limits for individual speeches during a late sitting should be prescribed⁵.

Do Standing Orders reflect 'family-friendly' practices?

Standing Order 2.2 specifies the sitting times of the Parliament: "The normal Parliamentary week is between the hours of 14:30 and 17:30 on Monday, 09:15 and 17:30 on Tuesday, Wednesday and Thursday and 09:30 and 12:30 on Friday"⁶. However, business may continue beyond the times stated in Standing Orders in circumstances where it is necessary to complete business.

Business in the Debating Chamber usually takes place on Wednesday afternoons and all day on Thursday.

⁴ Report of the Consultative Steering Group on the Scottish Parliament, The Scottish Office, December 1998

⁵ As above

⁶ Standing Orders of the Scottish Parliament

The fact that business should conclude by 5.30pm reflects an assumption that MSPs would wish to return home in the evenings and was an attempt by the Parliament to set itself apart from the House of Commons.

Furthermore, Standing Order 2.3.2 states: “In considering dates of any Parliamentary recess, the Parliamentary Bureau shall have regard to the dates when schools in any part of Scotland are to be on holiday”.

Call for change

The current format has not been without its critics. In a 2010 newspaper article former Scottish First Minister outlined his concerns about the Parliament:

More than a decade after devolution and at the tail end of its third administration, the Scottish Parliament is beginning to look a bit pedestrian... It was never meant to be like this. The people who drafted the original procedures rightly wanted a modern parliament, one whose business hours were family-friendly, and where decision-making was done in an almost collegiate atmosphere, at least most of the time.

But it simply is not working...Parliamentary debates – the lifeblood on any legislature – are largely perfunctory, with a set of rules that insist on short individual contributions. There is barely sufficient time to set out a few rhetorical points, let alone argue a coherent case for or against a particular policy⁷.

In August 2011 the Presiding Officer of the Scottish Parliament wrote to the Standards, Procedures and Public Appointments Committee outlining her concerns about the current format of Plenary:

The current time gap between the Parliament rising on a Thursday evening and resuming on a Wednesday afternoon means that the Parliament may not always be in a position to respond to emerging or urgent issues, I consider this to be a weakness that could be addressed by, for example, the Parliament meeting in plenary session on three afternoons a week (i.e. Tuesday to Thursday to reduce the times during which the Parliament is not able to consider issues; and committees meeting on three mornings a week. I am aware that this change would not, of itself, require a change to Standing Orders recommended by your committee but in seeking to improve the structure of the parliamentary week I am also very mindful of the need to use parliamentary time to best effect. I would therefore welcome a view from your committee on the possible benefits to be derived from such a change⁸.

This prompted the Committee to undertake a review of Parliamentary procedures and its report, published in December 2011, recommended significant changes to the parliamentary week. This included an increase in the amount of time for Plenary. Explaining the proposed changes, the Committee Convenor commented:

⁷ ‘Why the ‘pedestrian’ Scottish Parliament needs overhauling’, Daily Telegraph, 24 November 2010

⁸ Extract of letter from the Presiding Officer to the Convener of the Standards, Procedures and Public Appointments Committee, 23 August 2011

Our Parliament is now twelve years old. There is a clear need for us to be more responsive to topical issues, and to scrutinise the Government more effectively as issues arise. At present, if something significant happens in Scotland on a Thursday night the first chance the whole Parliament has to deal with it is on a Wednesday afternoon. We believe this need to change. There is also a need for change to improve Holyrood's flexibility, specifically our ability to respond to peaks in workload to hold the Government to account more effectively⁹.

National Assembly for Wales

Is there a commitment to 'family-friendly' practices?

As with the Scottish Parliament, the National Assembly for Wales from the outset attempted to distinguish itself from Westminster by ensuring that it would be seen as a modern, inclusive and accessible legislature. A key aspect of this was a commitment to family-friendly working practices. This was one of the principles recommended by the National Assembly Advisory Group established in 1997 by the Secretary of State to prepare guidance on Standing Orders¹⁰:

There was a consensus that the new institution should move away from the conventions of the status quo 'where they were seen as based on out-dated practices unsuited to a modern participatory democracy'. Family-friendly working patterns, a more informal method of addressing members, a fully bilingual operation of proceedings and the absorption of many information technology advances, such as electronic voting and use of the Internet, to aid the practical and democratic operation of the Assembly all featured highly¹¹.

The Government of Wales Act 1998 (and later the Government of Wales Act 2006) specifically referenced equality of opportunity: "The Assembly must make appropriate arrangements with a view to securing that Assembly proceedings are conducted with due regard to the principle that there should be equality of opportunity for all people"¹².

Do Standing Orders reflect 'family-friendly' practices?

Standing Order 11.10 states: "Motions under Standing Order 11.9 (Assembly timetable) must have regard to the family and constituency or electoral region responsibilities of Members and their likely travel arrangements; and should normally seek to avoid timetabling business before 9.00am or after 6.00pm on any working day"¹³.

⁹ 'Holyrood chamber set to meet three times a week, as committee recommends reform', The Scottish Parliament

¹⁰ 'The Road to Cardiff Bay: the process for establishing the National Assembly for Wales', Parliamentary Affairs, volume 52, October 1999

¹¹ As above

¹² Section 48 of Government of Wales Act 1998 (repealed by section 35 of the Government of Wales Act 2006)

¹³ Standing Orders of the National Assembly for Wales, November 2011

Recent developments

In 2009 the “National Assembly for Wales, following a recommendation from the Independent Panel on Remuneration of the National Assembly of Wales (IPR), increased its sitting time up to 36 weeks per year. The IPR did not believe that this increase of three weeks would contravene the commitment to ‘family friendly’ hours but would ensure there was sufficient time to scrutinise the legislative programme”¹⁴.

In an interview in October 2011, the Presiding Officer of the Assembly, Rosemary Butler AM, commented on the effectiveness of the sitting times. An extract from the interview appears below:

It is often claimed that, certainly compared to Westminster, the Assembly is relatively family-friendly, which it was hoped would attract more women. It sits Tuesday to Thursday and rarely much later than 5.30pm. But it is still far from perfect, Ms Butler believes: “We don’t work late nights, but if you’re here from North Wales and you’re living in Cardiff, it’s not that family-friendly,” she says¹⁵.

It is worth noting the issue of travelling to and from the legislature. Previous research has highlighted this issue:

The second factor which impacts on how easily motherhood and a parliamentary career can be combined is the distance between an MP’s constituency and the location of parliament. This will have considerable impact on their ability to manage all aspects of their lives because the travelling itself is time-consuming and long distances make it harder to respond to both family emergencies and unexpected political events. This is even a problem for politicians at sub-national level. Journey times from the remoter parts of Scotland and Wales to Edinburgh and Cardiff, respectively, can be long and slow...hence for the mother and politician it is not just the actual working hours that eat into family time.

It also goes without saying that the majority of MPs at national level and many at sub-national level have to stay away from home several nights a week. Occasionally national MPs choose to base their families in the capital as opposed to their constituency, but this does not entirely eliminate the hours spent on trains and planes¹⁶.

Dail Éireann

The Dail does not compare particularly favourably to the Scottish Parliament or National Assembly for Wales in terms of its overall approach to accommodating Members with family responsibilities. In 2009 the Joint Committee on Justice, Equality, Defence and Women’s Rights produced a report entitled *Women’s Participation in*

¹⁴ ‘Parliamentary Time in other legislatures’, SPICe briefing, October 2011

¹⁵ National Assembly Presiding Officer Rosemary Butler says more women must follow in her footsteps, Wales Online, 21 October 2011

¹⁶ ‘Having it All?’ Women MPs and Motherhood in Germany and the UK’, Parliamentary Affairs 2011

*Politics*¹⁷. The Committee found that: “Although there is now a crèche in the Oireachtas, the structures of sitting days and meeting times, both at Dáil and local council level, have not been reformed to accommodate the caring responsibilities of politicians”.

The report went on to say: “Although there is now a crèche in the Oireachtas, the structures of sitting days and meeting times, both at Dáil and local council level, have not been reformed to accommodate the caring responsibilities of politicians”¹⁸.

In their manifestos published prior to the 2011 general election, both the Green Party¹⁹ and Sinn Féin²⁰ called for a reform of Dail procedures to make them more family friendly.

4 Restrictions on Bill debates

The following table outlines the restrictions, if any, other legislatures place on debates relating to Government Bills.

<p>Scottish Parliament</p>	<p>Stage 3: 4A Before Stage 3 begins, the Parliament may, on a motion of the Parliamentary Bureau, agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer). If such a motion is agreed to, debates on those groups of amendments shall be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer—</p> <p>(a) to enable those members given a right to speak on an amendment by Rule 9.10.13 to do so;</p> <p>(b) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or</p> <p>(c) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed.</p> <p>5. Unless the Parliament has decided, on a motion of the Parliamentary Bureau, the order in which amendments are to be disposed of, they shall be disposed of in the order in which the sections and schedules to which they relate arise in the Bill. Amendments to the long title shall be taken last.</p> <p>5A. During Stage 3 proceedings that are subject to time-limits agreed to under paragraph 4A, any member may, by motion without notice, propose that the next such time-limit be extended by such amount of time as is specified in the motion. Such a motion may be taken only with the agreement of the Presiding Officer and may not be debated or amended. If the motion is disagreed to, no further motion to extend that next time-limit may be moved. If the motion is agreed to, all remaining time-limits applicable to the same Bill shall be extended by the amount of time specified in the motion. The total time available on any sitting day for proceedings on Stage 3 amendments shall not be extended by more than 30 minutes by motions under this paragraph²¹.</p>
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¹⁷ Joint Committee on Justice, Equality, Defence and Women’s Rights ‘Women’s Participation in Politics’ October 2009

¹⁸ http://www.oireachtas.ie/documents/committees/30thdail/j-justiceedwr/reports_2008/20091105.pdf

¹⁹ <http://vote.greenparty.ie/manifesto>

²⁰ www.sinnfein.ie/files/2011/SF_GeneralElectionManifesto2011.pdf

²¹ Standing Orders of the Scottish Parliament <http://www.scottish.parliament.uk/parliamentarybusiness/17797.aspx>

National Assembly for Wales	<p>The Business Committee must establish a timetable for consideration of a Bill (it can subsequently change this timetable but must give reasons for doing so)</p> <p>Stage 3 – Detailed consideration by the Assembly: The Assembly may, on a motion without notice of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 11.12 or 11.7(ii) as the case may be), agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).</p> <p>If a motion under Standing Order 26.37 is agreed to, debates on those groups of amendments must be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:</p> <p>(i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or</p> <p>(ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed²².</p>
House of Commons	<p>Normally there are no limits on length of time an individual Member can speak in a debate. However, SO No 47 empowers the Speaker to impose time-limits on backbench speeches. He does so when a large number of Members wish to speak in a given debate²³.</p>
New Zealand	<p>First Reading: The debate on a Government bill is limited to 12 speeches (including the Minister's), each of a maximum of 10 minutes duration.</p> <p>Second Reading: The debate is limited to 12 speeches each of a maximum duration of 10 minutes.</p> <p>Third Reading: The debate is limited to 12 speeches each of a maximum duration of 10 minutes²⁴</p>
Australia (House of Representatives)	<p>Second Reading: The time limits for speeches in the debate are 20 minutes for a Member speaking to the motion for the second reading or to the motion and the amendment, including a Minister or Parliamentary Secretary speaking in reply. A limit of 15 minutes applies for a Member who has spoken to the motion and is addressing the amendment.</p> <p>Third Reading: 20 minutes for the mover and 15 minutes for other Members.</p>
Dail Eireann	<p>Second Reading: Unless the Dáil shall otherwise order, the speech of the member of the Government or Minister of State proposing the motion for the second reading of the Bill, and the main spokesperson nominated by each of the groups, as defined in Standing Order 120, shall not exceed thirty minutes in each case and the member of the Government or Minister of State proposing, or such other member as he or she may authorise in that behalf, shall be entitled to not less than fifteen minutes for a speech in reply; and the speech of any other member in the course of the debate shall not exceed twenty minutes.</p> <p>Fourth Report: Members may speak twice on an amendment offered to a Bill on Report but the second contribution shall not exceed two minutes, save that the member who moved the amendment shall also have a right of reply.</p>

²² Standing Orders of the National Assembly for Wales <http://www.assemblywales.org/bus-home/bus-assembly-guidance.htm>

²³ Scottish Parliament research briefing

http://www.scottish.parliament.uk/S4_StandardsProceduresandPublicAppointmentsCommittee/Reports/SPPA-pdf-4.pdf

²⁴ Parliamentary Practice in New Zealand, Chapter 27: The legislative process': http://www.parliament.nz/en-NZ/AboutParl/HowPWorks/PPNZ/d/5/d/00HOOCPPNZ_271-Chapter-27-The-Legislative-Process.htm

<p>Canada (House of Commons)</p>	<p>Second Reading: Only speeches by the Prime Minister and the Leader of the Official Opposition are not subject to time limits. Otherwise, during the initial round of speeches and during the first five hours of debate that follow, Members may speak for no more than 20 minutes, after which a period not exceeding 10 minutes is made available for questions and comments.</p> <p>After the initial round of debate and the five hours of debate that follow, any other Member rising to speak has a maximum of 10 minutes, followed by a 5 minute period for questions and comments. The Whip of a party may indicate to the Chair at any time during a debate that one or more of the 20-minute or 10-minute periods of debate allotted to Members of his or her party will be divided in two. Alternatively, Members may themselves advise the Speaker of their intention to divide their time when they are recognized to speak. By custom, every Member who moves a substantive motion is allowed a reply. In current practice, a Member who proposes a motion for second reading of a bill is also permitted a reply.</p> <p>Report Stage: During debate at this stage, no Member may speak more than once or longer than 10 minutes on any motion (or group of motions) in amendment. The sole exception to this is the 20-minute limit applicable to the first round of speeches on the first motion in amendment at report stage of a bill that has not yet been read the second time. Members' speeches are followed by 10-minute (following the 20-minute speeches discussed above) or 5-minute (after all other speeches) questions and comments periods.</p>
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5 International examples of family-friendly legislatures

Sweden

The Swedish Parliament (Riksdag) provides a good example of a legislature going beyond an aspiration to family friendly policies to actually mainstreaming gender sensitive policies into its work. In its response to a 2009 European Parliament survey, the Parliament submitted the following:

The infrastructure of the Swedish Parliament is relatively gender-sensitive, both with the fixed sitting hours for meetings of the Chamber, and with the availability of child care facilities in parliament. In order to enable MPs to reconcile political life with family responsibilities, the Swedish Parliament does not usually meet during major school holidays, including the autumn, winter and spring breaks. The Parliament also practices three to four “plenary-free weeks” a year, which means that there are no committee meetings or plenary meetings. While this practice enables MPs to actively engage in constituency work, it also facilitates opportunities for combining political activities with the private sphere²⁵.

Furthermore, “The Riksdag’s parliamentary schedule is also structured to provide balance between work, family and political activity. The parliamentary calendar is

²⁵ http://www.europarl.europa.eu/meetdocs/2009_2014/documents/femm/dv/contribution_sweden_/contribution_sweden_en.pdf

prepared one year in advance with sittings scheduled Tuesdays, Wednesdays and Thursdays, commencing in October and ending in June²⁶.

Legislative Assembly New South Wales

The Legislative Assembly is a good example of a legislature attempting to reform its sitting times to accommodate family responsibilities while still conscious of the need to accommodate government business. The following information is taken from the 2007/08 Annual Report of the Assembly.

In December 2007 the Legislative Assembly adopted a number of sessional orders which commenced on 26 February 2008, the first sitting day in 2008. The majority of these new sessional orders were introduced to implement 'family friendly' sitting hours. The sessional orders were designed to ensure that the House is able to adjourn earlier each night but still provide the Government with approximately the same amount of time in which to conduct its business. Private members' business was also not to be adversely impacted.

It was always expected that the closer the House got to the end of the sittings, the greater the likelihood would be that the family friendly hours would be suspended to facilitate the conduct of government business. This occurred on 3 June 2008, when the sessional orders were suspended to provide for a different regime on Tuesdays and Wednesdays for the remainder of the sittings (6 days in total). There was also some flexibility built into Thursdays if there was a need to conduct Government business on what is, by and large, a private members' business day²⁷.

Inter-Parliamentary Union Global survey of Parliaments

In 2008 the Inter-Parliamentary Union published its report *Equality in Politics: a Survey of Women and Men in Parliaments*. Among other aspects, the report looked at the family-friendly nature of parliaments around the world. Some of the key findings are summarised below:

- Overall, women respondents are more likely than men to support reforms that promise to have a differential impact on women, such as the provision of childcare facilities
- Women parliamentarians are more likely to feel that parliamentarians should work similar hours to other professions, that the working week should be shorter and that night sittings should be discontinued
- few respondents felt that the sitting hours of parliaments had been changed to significantly help parliamentarians to balance their political and domestic

²⁶ 'Women in Politics: Still Searching for an Equal Voice', Canadian Parliamentary Review, volume 31, 2008

²⁷ 2007/08 Annual Report of the Legislative Assembly of New South Wales

responsibilities. Over two-thirds believed that there was 'no noticeable change' or only a 'small change,' with similar levels reported by women and men²⁸

²⁸ <http://www.ipu.org/pdf/publications/equality08-e.pdf> The report explains the methodology used in the collection of data