

**The Speaker**

Room 39
Parliament Buildings
Ballymiscaw
Stormont
Belfast, BT4 3XX

Tel: +44 (0) 28 9052 1130
email: speaker@niassembly.gov.uk

**Ms Kellie Armstrong MLA
Chairperson
Committee on Procedures
Parliament Buildings**

4 June 2024

Dear Kellie

Thank you for your correspondence of 2 May in relation to proxy voting in plenary for parental leave.

The COVID 19 pandemic was an exceptional circumstance. Social distancing prevented Members from gathering in the Chamber or passing through the lobbies in their usual large numbers. Where necessary, Members were required to self-isolate, even if that meant leaving Parliament Buildings while business was taking place. In addition, once the necessary arrangements were in place, Members were latterly able to participate remotely in plenary proceedings without being in the building.

The specific arrangements developed for proxy voting and managing other business during the pandemic were set out in Standing Orders 110 – 116 and were supplemented with additional guidance. They were prepared in the context of the Assembly needing to be able to continue carrying out its business while recognising that at any given time large numbers of Members might be unavailable.

However, these arrangements were specific to those particular circumstances. While there might be a case for some limited proxy voting in future, how that operates should be determined by the needs of those situations rather than necessarily relying upon the template used during the pandemic.

I welcome the opportunity to set out some broader points about the importance of our current arrangements for voting. I think there is a strong case for retaining some provision for proxy-voting. I think parental leave is an obvious case for it and it therefore makes sense for the Committee to consider this in the first instance. I think long-term serious illness would be another area but different issues would be involved with this and therefore it makes sense for the Committee to consider this subsequently.

However, I would encourage the Committee to be mindful of the potential for any arrangements to be abused. Members and Ministers have a unique, formal and privileged role. They are therefore expected to give priority to Assembly business and be present in Parliament Buildings over other engagements when the Assembly is sitting.

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 law-making 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.

I am also mindful that the constituents we represent in a range of other workplaces, face many competing and short notice pressures and situations which make undertaking their roles difficult. However, in many circumstances they are expected to manage those situations to ensure they are still carrying out their roles.

As far as the specific points you raise are concerned, I include in an annex to this letter a number of observations and recommendations in respect of any potential proxy voting arrangements in respect of parental leave. I recognise that many of these particular points would be best managed in guidance rather than in standing orders.

The Clerk Assistant, Paul Gill, is happy to provide you with further detail if that would be helpful.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Edwin Poots', is written over a faint, light blue circular watermark or seal.

**EDWIN POOTS MLA
SPEAKER**

Recommended Arrangements for Proxy Voting Arrangements

- A Member who wishes to vote by proxy should give notice in writing to the Speaker. This could be done through email to the Business Office which operates under the Speaker's authority.
- A Member who wishes to vote by proxy should name the specific Member who will exercise that vote. The named Member should consent to this arrangement. The named Member should not be able to delegate this responsibility to another Member.
- Any arrangement should either be for a specific period of time or until further notice (at least until the end of the maximum period).
- A deadline for providing notification is necessary in order to effectively manage any proxy voting arrangements.
- Any deadline needs to provide the Business Office with reasonable time to undertake all the necessary administrative checks and updates (recorded appropriately for audit purposes).
- A deadline of 4pm on the working day prior to the sitting at which the arrangement is due to begin is therefore recommended.
- Any change to proxy voting arrangements following the deadline should only take effect from the next sitting day.
- Members should not be able to ask the Speaker, Principal Deputy Speaker or Deputy Speakers to vote on their behalf (they could be chairing any item of business and therefore unable to vote).
- It may be unwise for any single Member to be nominated to vote on behalf of a large number of other Members.
- Members who are due to vote on behalf of others should not act as tellers.
- Tellers will need to be made aware of proxy voting arrangements.
- Proxy voting arrangements (whether or not exercised) should be recorded in the Minutes of Proceedings.