A long way to go: The Final Report of the Speaker’s Conference on Parliamentary Representation

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The Speaker’s Conference on Parliamentary Representation reported its 71 recommendations on 11 January 2010.¹ According to the largely hostile press response its headline recommendation was for the adoption of compulsory quotas of women MPs. In fact recommendation 24 reads as follows: ‘If political parties fail to make significant progress on women’s representation at the 2010 general election, Parliament should give serious consideration to the introduction of prescriptive quotas, ensuring that all political parties adopt some form of equality guarantee in time for the following general election’. The report calls for a host of measures to improve the representativeness of the House of Commons and to revitalise political parties, as well as to enhance citizenship education, develop youth and community citizenship engagement programmes and more generally to revitalise British democracy.

The conference did what it was asked to do. Its brief was 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" as well as related matters that it might agree to consider. The conference added consideration of sexuality. The report is excellent, offering a broad and well reasoned consideration of the barriers to the achievement of a diverse parliament together with imaginative but practical proposals to overcoming them. Since its publication responses have been published from government, the three main political parties, the senior salaries review body and the Independent Parliamentary Standards Authority (IPSA).

The report sets out justice, effectiveness and legitimacy arguments for increasing the diversity of the House of Commons. The justice argument is that fairness demands that no group should be denied representation, while more diverse representation makes for a more effective and legitimate legislature. The achievement of fair representation of diversity is particularly difficult in single member simple majority electoral systems. At issue here is ‘descriptive’ or ‘microcosmic’ representation, according to which the social characteristics of legislators should mirror those of the population. The constituency basis of Parliamentary
elections ensures geographical representation of a kind. But because each constituency returns only one member the mirror of representation is reversed. That is it produces a tendency for party selectors to opt for standard candidates who ‘look like MPs’, rather than for those who ‘look like the population.’ These internal practices of political parties are difficult to regulate. Not only is much of this cultural rather than enshrined in rules, but also parties are voluntary private organisations.

The data are depressing. Just prior to the 2010 election the UK stood 73rd in the world league table for women MPs. As the report reminds us, in the population 52 per cent are women, around 8 per cent are members of ethnic minorities, 20 per cent have some kind of physical impairment and between 6 and 9 per cent are gay, lesbian, bisexual or transgendered. Yet in Parliament just over 80 per cent of MPs are men, only 15 of 646 (1 of 43 is from a black or minority ethnic community, only 2 of 646 MPs are under 30. There is only one out lesbian in parliament, and there has never been an Asian woman MP. Far from being a mirror of the population MPs are drawn from a restricted social and gene pool. In 2005 The Commons included five husband-and-wife couples, two pairs of sisters and a pair of brothers, as well as 18 MPs who were sons or daughters of MPs, and 10 who were grandchildren of MPs. The proportion of MPs from public schools (three-fifths of Conservatives and a sixth of Labour) is unaltered from the 1980s. The House of Commons is more resistant to social mobility than the world outside: a result not only of incumbency, party practice and preference and elite insulation but also of unequal opportunities, considerable unfair discrimination and even harassment.

 Speakers’ conferences are committees of parliament, a rarely used device for agreeing reforms to electoral law. There were only five conferences in the 20th century. They are a means to secure all party support and have now to some extent been superseded by the Electoral Commission - raising the issue of why this one was set up. They have a track record on social inclusion: notably in 1916-17 the Speakers’ conference secured cross-party agreement on the principle that women should have the right to vote. Also worth noting is that Speakers’ conferences are brought into being as a result of executive action with the Speaker in the chair to ensure impartiality. This Conference on Parliamentary Representation was first proposed by Prime Minister Gordon Brown in a speech he made on 3 September 2007 to the National Council of Voluntary Organisations in which he announced his proposal to the Speaker ‘to consider against a backdrop of a decline in turnout, a number of
other important issues such as registration, weekend voting, the representation of women and ethnic minorities in the House of Commons, and that he should also examine in parallel with the Youth Citizenship Commission whether we should lower the voting age to 16 so that we build upon citizenship education in schools and combine the right to vote with the legal recognition of when young adults become citizens of our country. The proposal was enthusiastically supported by (and may have originated with) Labour Deputy Leader Harriet Harman, Minister for Equalities and Leader of the House of Commons. The terms of reference were proposed on 22 July 2008 and it was agreed by the House of Commons on 12 November. Membership was announced on 10 December 2008. In the event the conference concentrated on gender, race and ethnicity, disability and sexuality, with less attention to age, class and other sources of exclusion.

The conference met through 2009, making two interim reports that year. Its work was much affected by the expenses scandal, which not only preoccupied its members but also replaced its chair when John Bercow (a member of the original conference) was elected to the Speakership on 22 June 2009. The turmoil in the House during the revelations about MPs’ expenses claims, and the Prime Minister’s concern with failing public trust, is reflected in the conference’s understanding of the relationship of the problem of representation to declining political engagement. The first interim report was published on 15 July 2009. It drew attention to the loss of trust in politicians and the political parties and opined that a more just, effective and legitimate legislature would result from increasing its diversity. Political parties were targeted more specifically in the second interim report published on 25 November 2009, which proposed an amendment to the Equality Bill to compel parties to publish regular reports about the social backgrounds of their selected candidates. While very little new research was commissioned the conference had superb access to extensive research. It retained four advisers with expertise in political institutions and gender, race and ethnicity, age and disability inequalities.

In the course of its deliberations evidence was taken from 63 stakeholders and other witnesses, including the leaders of the three main political parties. Broadly, the report takes an institutional view of the problems of political under representation. It reflects on arguments about the supply of and demand for non-typical candidates and mainly, but not entirely, settled on demand explanations. Party selectors are held responsible for the lack of diversity among their candidates. However, different solutions are needed to treat the under
representation of different groups. Accordingly the report calls for institutional reform of political parties’ selection practices. Supply side factors are especially important to people with disabilities. The off-putting arrangements, practices and procedures of the House of Commons are highlighted as obstacles to aspirant candidates who do not match the white middle class male norm of British MPs. The report welcomes the long awaited announcements that Parliament will from next session have a nursery for the children of members and employees and that permission now exists for civil partnership ceremonies to take place in Parliament.

The 71 recommendations address government, parliament, political parties and the media, and reflect the view of the conference that the under representation of diversity in Parliament is multi-causal. As well as the ‘headline’ recommendation to Parliament on equality guarantees mentioned above, government is asked to enhance its citizenship education provision and to make various amendments to equality legislation. Parliament and parties should collect and supply information on candidate characteristics and public attitudes. The principles of the report should be debated in Parliament every two years. Parties should agree a job description for MPs. The law that disqualifies individuals who have been sectioned under the Mental Health Act 1983 (s.141) from serving in parliament is exposed as unfairly treating mental illness as more debilitating than other illnesses. It should be repealed. Parliamentary sitting hours should be brought into line with ‘normal’ business hours. MPs should have maternity, paternity and caring leave equivalent to the provision for public sector employees. A Democracy Diversity Fund should be established to give bursaries to develop talented members of underrepresented groups. More controversially, some party funding should be tied to local membership subscriptions, to incentivise parties to revitalise their grass roots. Recommendations 36 to 38 call on government to legislate to give prospective parliamentary candidates who are employees the right to a reasonable amount of unpaid leave during working hours and a right to work flexibly and to take unpaid leave rather than resign. There are also recommendations aimed at the media. The report observes that media coverage bears some responsibility for public disengagement and notes a lack of ‘balance’ in media coverage most evident in its emphasis on ‘set piece’ ritual debates in the House of Commons at the expense of less heated discussion in other settings. The media are enjoined to offer better reporting of other parliamentary work and the report argues that the media should bring more of the work of Parliament to a wider audience. In strong language it calls for an end to
strident, hostile and intrusive reporting of politicians’ private lives, ‘destructive not only of those individuals but also of their families, relationships and of the democratic process itself.’

That the report is being taken seriously is evident from the party responses, all of which are thoughtful and each of which produces some further proposals. For example the Liberal Democrats suggest that part time political careers would help to attract and retain women MPs. Of course not every proposal was agreed with. The Conservatives state that the party funding proposal was outwith the conference brief, for example, but strongly supported changing the Mental Health Act 1983 section 141 prohibition. Labour and the government make the point that BAME (Black and Minority Ethnic) spokespersons do not regard ‘all BAME shortlists’ as the best way to address their under representation, while the Liberal Democrats diagnose their problem of women’s under representation as insufficient women seeking candidacy: a problem that cannot be solved by all women shortlists.

The government response to the report notes that government evidence was taken up and claims credit for the recommendation to require parties to collect and publish diversity data on candidates on a regular basis. Government agrees to implement the proposal subject to consultation with the parties and to data protection concerns. Here the government is itself responding to equality stakeholders – better monitoring is a fairly standard demand in equality policy circles. The government also credits itself for recommendations to increase access for disabled members and family-friendly sitting hours. The Equality Act, which was being considered at the same time that the conference was deliberating, demonstrates good faith as it contains a number of specific measures to tackle under-representation, including extending the time available to political parties to use women-only shortlists to 2030 and increasing options on positive action - including the possibility to reserve places on electoral shortlists for candidates with a ‘protected characteristic’ such as an ethnic minority background or disability.

The Speaker’s conference report addresses much of the agenda of advocates of improvements in the diversity of the House of Commons (including its staff) with detailed proposals for improvements. It also admirably takes account of the current debates on public disengagement from politics. It does not take direct account of class barriers, however, which will likely reduce its influence. But social class factors are indirectly considered in its analysis of economic resources necessary to being a parliamentary candidate, its critique of the 'professional' politician route to office and various recommended measures to provide
resources for disadvantaged groups. Moreover social class factors are implicated in many of
the other dimensions of inequality. The poor are disproportionately women, members of
BAME groups and those who have physical or mental disabilities. In debates about equality,
advocates sometimes fail to recognise that the promotion of diversity is not a zero sum game
in which one disadvantaged group can succeed only at the expense of another. Arguably the
direct consideration of class inequalities would have illuminated the interplay with other
sources of social exclusion and informed coming debates about how to promote real
diversity. Probably the main cost of excluding the direct consideration of social class is the
lost opportunity to show explicitly how class inequalities operate together with other sources
of exclusion from political representation. Broadly speaking the report’s recommendations to
promote diversity are easily made relevant to working class candidates.

Other opportunities were missed entirely. In his expert evidence Professor Justin Fisher made
a proposal that could link limited state funding of parties to measures to promote candidate
diversity, but this proposal did not find its way into the report. Nor is there any
recommendation that employment laws prohibiting bullying and harassment at work should
be made applicable to MPs: a measure that would be a justifiable restriction of parliamentary
privilege and should certainly be considered by advocates of parliamentary reform.

The conference benefitted from its timing. Because it ran congruently with the Equality Bill –
and reported before its passage - some of its suggestions have already been enacted. Because
its deliberations overlapped with debates following the political crisis over MPs’ expenses it
found a willingness among its stakeholders to consider radical change – though also suffered
because MPs were distracted. Because party responses were made during the long run up to a
general election in which women voters numbered large among the undecided in surveys,
parties were anxious to respond with affirmations of their sensitivity to diversity and equality
and did so.

All in all the Speaker’s conference did its work well. The report is thoughtful, thorough and
extensive, a treasure trove for policymakers, advocates and researchers. If it has a weakness it
is that it shows a better understanding of parliamentary reform than of party reform. While
acknowledging the impact of party decline on other political institutions, no appreciation of
the limited real prospects for revitalisation is evident. This silence may reflect a strategic
desire to be positive. The report is politically astute, negotiating well the fault lines in current
party and legislative practice. It deserves to be influential.
What happens next? Are we any closer to the time when becoming a representative does not entail giving up the rest of one’s life? It remains to be seen and will be much influenced by the results of the coming general election. In the long run however the important decisions will be those made by political parties - who make the real decisions about who our representatives are.

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2 Library of the House of Commons, Speaker’s Conferences, Standard Note SN/PC/04426
5 Professor Sarah Childs, Lorraine Gradwell MBE, Professor Shamit Saggar, Professor Paul Whiteley.
6 UK ‘normal’ working hours are the longest of any EU country.
9 The Sex Discrimination (Candidates) Act 2002 which permits parties to adopt equality guarantees, includes a sunset clause that runs out in 2015.
10 This followed from government consultation with advocacy groups such as Operation Black Vote and Disability Rights. )