



Open House?

**Reflections on the possibility and
practice of MPs job-sharing**

September 2017



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FOREWORDS

“The time for job-sharing MPs has arrived. The practice has been in place in the public and private sector for decades, where it has worked well in senior positions, and Parliament ought to catch up. This simple step would, I am confident, make Parliament much more representative. It would enable a far wider range of voices, including more women and disabled people, to be present in our debates. That has got to be good news for the quality of our democracy.”

Tom Brake, Liberal Democrat MP for Carshalton and Wallington and Shadow First Secretary of State

“Job-sharing has so much potential to open up our politics and make it more plural and more progressive. It represents a chance to put our MPs closer in touch with the real world. We were told that job-sharing was no good for all sorts of professions, from doctors to lawyers, and in each case the doubters were proved wrong – and it has worked for me as one half of the Green Party leadership job-share. I hope this report helps to bring us closer to job-share MPs being a reality.”

Caroline Lucas, Green Party MP for Brighton Pavilion and job-share Leader of the Green Party

“It should be possible for two people to combine their candidacies and stand as the job-share MPs for a constituency. I job-shared as a GP before entering Westminster – providing there is good communication the arrangement can work well and broaden the skills and experience brought to the role, including for jobs involving complex decision-making. People have fair questions about how it would work – and candidates would need to lay out their process for making decisions and resolving conflicts to the public, and then, as ever, the electorate would have the final say. Permitting MP job-sharing would be a proportionate step towards making it possible for more people to consider standing and to diversifying Parliamentary representation.”

Dr Sarah Wollaston, Conservative MP for Totnes and Chair of the Health Select Committee

“MPs love to suggest radical change for people working in the public or private sector. But they are very resistant to any changes in the way Parliament works. I first proposed that MPs could job-share over 20 years ago. The Labour Whips told me then – in no uncertain terms – that if I didn’t like it there were plenty of people willing to take my place! They would not even entertain a discussion.

We all know that job-sharing can work brilliantly. The productivity of two people sharing a job is mostly greater and it is a good way of encouraging more women to become MPs. Most votes are determined by the Party whips, and two sensible people can come to an agreement when there is a free vote on issues like foxhunting. All our other work can very easily be shared between two individuals working together.

So well done to the Fawcett Society for publishing this pamphlet. Let’s now work to make job sharing for MPs happen.”

Dame Margaret Hodge, Labour MP for Barking

ACKNOWLEDGEMENTS

Job-sharing for MPs barely registers on the political or parliamentary agenda. The public are agnostic; most MPs we have spoken to are hostile; and there is, apart from the vocal disability rights campaigns, no broad civil society mobilization. We think this is surprising given the wide range of occupations that have offered the opportunity to job-share, sometimes for decades, and in return benefited from access to a wider talent pool. Thus, the intention behind this pamphlet was simple; to provide considered reflection on the legal and practical possibility of MPs job-sharing. We hope that it will guide debate in an informed fashion. We also feel strongly that given the legal ruling in 2015 (discussed in detail in chapter 3), Parliament and the public need to have this debate.

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Finally, we must thank Sam Smethers, Chief Executive of the Fawcett Society. We are both longstanding members and very much welcomed the chance to work with Fawcett in publishing this pamphlet. Thanks too to Andrew Bazeley for copyediting the pamphlet. Sam, as ever, was keen to take on a cause that would expand equal opportunities in British politics. We should have known how astutely she would have organized the pamphlet's launch, hosted by Heather Stewart, a job-sharing pioneer as Political Editor of the Guardian with Anushka Asthana.

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1 www.parliamentarycandidates.org

2 <http://www.bbc.co.uk/programmes/b08g4m8w>

3 <http://www.bristol.ac.uk/media-library/sites/news/2016/july/20%20Jul%20Prof%20Sarah%20Childs%20The%20Good%20Parliament%20report.pdf>

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1. INTRODUCTION

Rosie Campbell and Sarah Childs

Justice requires that there should be a place within the House of Commons for individuals from all sections of society. If anyone is prevented from standing for Parliament for reasons of their gender, background, sexual orientation, or perceived disability, this is an injustice.⁴

Job sharing is a form of flexible working which enables two employees to voluntarily share the responsibilities and duties of one full-time job. Pay, benefits and leave entitlement for job sharing are allocated on a pro rata basis⁵

This pamphlet aims to initiate a broad and considered discussion of MP job-sharing amongst parliamentarians and the public, prompted by the 2015 High Court decision that MP job-share was a matter for Parliament and not for the courts. It addresses both the *desirability* and *feasibility* of two people being elected for a single parliamentary constituency for the UK Parliament. In making the case for MPs job-sharing, the pamphlet reflects on job-sharing as a modern and flexible workplace practice, and addresses the everyday questions raised when this form of working is applied to the role and work of an MP.

The history of job-sharing, and best practice in senior roles in the public and private sector, is laid out in chapter 2. A legal account of the landmark 2015 Phipps & Cope case is reviewed in chapter 3, followed by a personal account from those involved in chapter 4. Chapter 5 presents a historical and constitutional view of political representation, arguing that our electoral law is always in flux and could accommodate job-sharing MPs.

Discussions of the role of MP job-sharing in addressing the under-representation of disabled people and women is explored in more detail in chapters 6 and 8. Political rather than legal or practical arguments are frequently ranged against job-sharing, and these are also considered – and arguments for and against the adoption of MP job-sharing – are outlined in chapter 7. In sum, the contributing authors show: (i) that the legal/historical case against job-sharing MPs is much less clear than opponents might suggest; (ii) that legal, practical and philosophical arguments can be countered or minimized; and (iii) the practice would help address the representational deficiencies that currently characterise the UK House of Commons even if it might not on its own overcome them all.

Most MPs show little appetite for MP job-sharing (although a survey of 925 Parliamentary candidates who stood in the 2015 general election showed that 40% of male candidates and 48% of female candidates would consider standing as a job-share),⁶ and there is no indication that the Government would be minded to seek its introduction. Such antipathy, if not outright hostility, is true even amongst many of those Members who are generally keen to see a greater diversity of Members, and amongst those who are prepared to support other measures that aim to deliver a more representative House of Commons. At Westminster the Green Party remains fully committed; back in 2010 Caroline Lucas MP used her first speech as Green Party leader to call for MP job-sharing.⁷ It is also Liberal Democrat policy – its 2015 general election manifesto committed it to: ‘establish[ing] a review to pave the way for MP job-sharing arrangements’.⁸ The Labour MP Margaret Hodge raised the idea of job-share back in the 1990s, and in 2013 a Private Members Bill (PMB), Representation of the

4 House of Commons, *Speaker's Conference on Parliamentary Representation – Speaker's Conference (on Parliamentary Representation): Final report* (London: The Stationery Office Limited, 2010)

5 Cabinet Office, *Civil Service Employee Policy: guide to job sharing*, (2014) <https://www.gov.uk/government/publications/civil-service-employee-policy-guide-to-job-sharing>

6 Figures from the Representative Audit of Britain, ESRC-funded research, grant number ES/L016508/1 <http://www.parliamentarycandidates.org/>

7 The Telegraph, ‘The Greens want job-sharing MPs – but how would it work?’, 10 April 2015, <http://www.telegraph.co.uk/news/politics/green-party/11526991/The-Greens-want-job-sharing-MPs-but-how-would-it-work.html>

8 Liberal Democrats, *Manifesto 2015*, accessed 23/02/2017 at www.libdems.org.uk/manifesto

People (Members' Job Share) Bill was tabled by John McDonnell MP, currently Labour's deputy leader.⁹ This Bill – like most PMBs – 'failed to complete its passage through Parliament before the end of the session', meaning that the Bill would make 'no further progress'.¹⁰ Yet, if Parliament was so inclined, election law in the UK *could* be amended to permit MPs job-sharing;¹¹ changes to primary legislation would need to be introduced by the UK Government, as suggested in chapters 3 and 5.¹²

Beyond Parliament, civil society support for MPs job-sharing is considerable amongst disability rights campaigners.¹³ A letter to the *Guardian* newspaper in 2012 calling for a Speaker's Conference on MP job-shares was signed by various disability rights groups and activists.¹⁴ With more than 45 signatures it was also signed by the Chief Executives of Operation Black Vote, and The Fawcett Society, the two main UK organizations mobilising for greater BME and women's political representation respectively. Public opinion, tested in 2014, is notably ambivalent rather than hostile (see the discussion of Campbell and Cowley's findings in chapter 7).

If made lawful, MPs job-sharing would permit some individuals who are currently unable or do not wish to work full-time to stand for election as parliamentary candidates. Their reasons might be to do with their own health needs, caring responsibilities, or professional commitments.¹⁵ By opening up the supply pool of parliamentary candidates, MPs job-sharing would go some way to redressing the representational deficiencies of the House of Commons, where elite white men are currently over-represented. Disabled people are underrepresented relative to their presence in the UK population, as are women and BME communities. MPs job-sharing would be one means to begin to close the 'motherhood' gap in the UK Parliament – discussed in chapter 8 – and whilst there is no data on a 'caring' gap (caring for either children and, or adults) in British politics, we strongly suspect it exists.

MP job-shares might also counter the (much lamented) rise of the professional politician by allowing, for example, doctors, teachers, nurses or the scientists to become MPs whilst continuing to maintain their professional skills. Furthermore, there are risks and costs involved in standing in marginal seats, and allowing MPs to continue to pursue a career part time outside of politics might allow more people to consider standing for election. In an aging society, it would also permit the older MP to better balance work and retirement by enabling them to effectively work part-time in their later years. Or it might enable a sitting MP to stand for one Parliament as a job-share so they can take on a caring role for an elderly relative before returning full-time at a later election.

Any new law could be permissive rather than prescriptive – with political parties having the *option* of selecting candidates on a job-share basis. It might also be time-limited by the addition of a sunset clause (e.g. for two parliaments in order to trial the practice).¹⁶ As with other job-shares, salaries and benefits would be split between the jobsharers. There need be no fear of a House of Commons doubling in size overnight. Additional 'protection' could also be included in any law: job-sharing MPs might be required to be selected by open primaries, so that constituents can be sure that job-sharing MPs would not be imposed upon them by party leaders in London.

9 Houses of Parliament website, 'Representation of the People (Members' Job Share) Bill 2012-13' <http://services.parliament.uk/bills/2012-13/representationofthepeoplemembersjobshare.html>; Hansard, 20 November 2012, Column 472

10 Houses of Parliament website, *Ibid.*

11 The UK Government would need to introduce changes to primary legislation in Parliament in order to permit job-share candidates to stand and be elected at any future UK Parliamentary elections. See Electoral Commission, *The May 2015 UK elections: Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election*, (July 2015)

12 For discussion in context of the Northern Ireland Assembly, see Michael Potter and Ray McCaffrey, *Job Sharing in Political Representation*, (Northern Ireland Assembly Research and Information Service, October 2014)

13 Deborah King, 'Guardian letters page: A Speaker's conference on job-share MPs', 19 February 2013 <http://www.theguardian.com/politics/2013/feb/19/speaker-conference-job-share-mps>; Chartered Society of Physiotherapy blog, 24 May 2013, <http://www.csp.org.uk/news/2013/05/24/allow-mps-job-share-give-disabled-people-stronger-voice-parliament>; and further content at <http://www.disabilitypolitics.org.uk/>

14 'Guardian letters page: Job share to make MPs representative, 25 September 2012, <http://www.theguardian.com/politics/2012/sep/25/job-share-mps-representative>

15 Or 'to continue to contribute to society by working in their chosen field or profession', as described in the explanatory notes to The Representation of the People (Members' Job Share) Bill, accessed at <http://www.disabilitypolitics.org.uk/pdfs/enotes.pdf>

16 As with the Sex Discrimination (Election Candidates) Act 2002, extended by the Equality Act 2010.

The time is ripe for a new and more considered public and parliamentary debate on introducing job-share for MPs. It has had a legal airing. There are some voices making the case amongst the political class, at Westminster, and more recently at the National Assembly for Wales. Whilst MP job-share will unlikely fully redress the representational deficiencies of our elected institutions, it is one very practical means by which some individuals hitherto unable to participate would be enabled to stand for election. The idea of MP job-share will likely generate concerns about representational authorization and accountability, concerns which we have addressed in this pamphlet. Such conversations are in our view worth having; and we very much hope that this publication can lead the debate.

2. WHAT IS JOB-SHARING AND HOW HAS IT DEVELOPED AS A PRACTICE?

Pam Walton

Introduction

This chapter provides an overview of the development of job-sharing as a practice in the public and private sectors. It outlines the history and principles of job-sharing; reviews available data on take-up; outlines some of the evidence on job-sharing at a senior level, in roles which may have similarities with the roles performed by MPs; and suggests some lessons on what makes job-shares at a senior level work.

The history of job-sharing

In the UK in the late 1970s very little professional work was available on a part-time basis. Professional or skilled women were often either leaving their jobs after taking maternity leave (because it was not possible to work less than full-time in their roles) or they were taking lower paid part-time jobs that did not use their skills, knowledge and experience.¹⁷ Women were losing out significantly by choosing to work part-time after taking maternity leave. In 1979 there was a full-time gender pay gap of 28.7% and a part-time women's pay gap of 42.1%.¹⁸

In 1979, the first research into job-sharing carried out by the Equal Opportunities Commission, included a survey of 24 job-sharers, mainly in the public and voluntary sector.¹⁹ None of these jobs were at a senior or managerial level. A voluntary group in the UK, the Job Sharing Project (which became New Ways to Work in 1982), together with Hackney Job Share Project started to campaign for the development of job-sharing in the late seventies, and in 1981 published guides for employers and employees.²⁰ (New Ways to Work merged with Parents at Work to form Working Families in 2003.) During the 1980s the use of job-sharing within the public sector (both local authorities and the civil service) was associated with the expansion of employer equal opportunities policies.

Many women who gave evidence to the Women and Work Commission, 'Shaping a Fairer Future', in 2006 cited the lack of quality part-time work as being a major barrier to taking on senior roles. The Commission believed that 'one of the main barriers is managers' perceptions: that some jobs – particularly management – cannot be done in this way'.²¹

More recent research carried out for Capability Jane, found successful examples of job-sharing in senior, leadership and client-facing roles in the private sector.²² The notion of a 'job-share' has moreover been part of the debate around flexible working for almost 40 years. From the 1980s onwards, job-shares have been regarded within the UK as potentially a creative yet effective means of moving forward the equal opportunities agenda.²³

17 Jennifer Hurstfield, J, 'Part-time Pittance', *Low Pay Review* 1, June 1980, p6. Figures based on the New Earnings Survey 1970, when £1.50 per hour was the Low Pay Unit's definition of low pay, based on official criteria of poverty.

18 David Perfect, *Gender Pay gaps*, (Equality and Human Rights Commission: Briefing paper 2, 2011), Table 2

19 Equal Opportunities Commission, *Job Sharing: Improving the quality and availability of part time work*, (1981)

20 Information on the Hackney Job Share Project is available at www.hackneyjobshareexhibition.com

21 Women and Work Commission, *Shaping a Fairer Future*, (Department for Trade and Industry, February 2006)

22 Lucy Daniels, *Job Sharing at Senior Level: Making it work*, (The Job Share Project, 2011)

23 Crampton, S M, and Mishra, Jitendra M (2005) 'Job Sharing: A Viable Work Alternative for the New Millenium', *Journal of Applied Management and Entrepreneurship*, Vol 10 (2), 13-34

The principles of job-share as a practice

Job-sharing is a way of working which usually involves two people sharing what is normally a full-time job.²⁴ A key feature is the shared responsibility for the job role. If a previously full-time job is split into two separate job descriptions, this is not a job-share, but a job-split. Job-shares enable jobs which cannot be carried out on a part-time basis to be accessible on a reduced hours basis. Job-sharing is now acknowledged to be of particular value in enabling more senior and managerial jobs to be performed in this way. Schedules worked vary enormously, but at senior levels a split day is rare. More common is a split week, e.g. Monday to Wednesday or Wednesday to Friday, often with an overlap, alternate weeks, alternate days, or even a month on and a month off.

To begin with I worked Monday, Tuesday and alternate Wednesdays and Pat worked Thursday, Friday and alternate Wednesdays, but gradually we moved to a week on/week off system.... eventually we moved to a week on/week off system working from Wednesday to Wednesday. It feels like you are in school more.

Sarah and Patrick Fielding, Head Teacher Haydn Primary School²⁵

A lot of the hostility to job-sharing in the 1970s and 1980s was around the concern that ‘everyone will want to do it, and how will employers cope?’ Clearly that is not the case. Rather it has opened up certain roles to people who otherwise are not able to consider them. Although initially used particularly by women returning from maternity leave, both men and women now job-share for childcare and other caring reasons, and people with disabilities or health issues find it can help them access job roles otherwise not open to them (as chapter 6 shows). In addition, those with other interests find it a way to help them lead a more balanced life. It can also help people ease into retirement.

The statistics on job-sharing

When the then Labour government launched its Work Life Balance Campaign in 2000, it carried out a baseline survey of flexible working arrangements. *The Third Work-Life Balance Employee Survey* found an increase over time in the availability of most flexible working arrangements.²⁶ In 2007, 6% of employees for whom arrangements were available worked on a job-share basis (this cannot be directly compared with the figure of 4% from the 2000 survey due to changes in the question asked). *The Fourth Work-Life Balance Survey*, undertaken in early 2011, found that among all employees for whom job-sharing was available (around 43%) the take up had increased to 9%, although employees with managerial responsibilities were less likely to job-share than those without (5%, compared with 11%).²⁷ Women (10%) were more likely to take it up than men (7%), and disabled people (11%) more likely than non-disabled people (9%).

Other analysis of data from the Labour Force Survey in 2005 indicated that only 0.6% of all employees had job-share agreements (1% of public sector employees and 0.5% of private sector employees), a slight fall from 0.7% in 1995.²⁸ It seems likely that fewer employers were offering job-share as an option, and fewer employees are taking it, than might have been anticipated when the idea was developed in earlier decades.

Job-sharing in senior and managerial roles

Job-shares were initially mainly associated with junior staff and with women. In the 1980s the widely held view was that only jobs at more junior level could be shared successfully: practice has proved this view to be wrong. An early example of a more senior shared role in the private sector was that of training manager at the London Stock Exchange shared between a man and a woman in 1981. Boots’ retail division was the first company

24 Pam Walton, *Job Sharing: a practical guide*, (Kogan Page: London, 1990)

25 Working Families, *Hours to Suit, Working Flexibly at Senior and Managerial levels: Parts 1 and 2*, (London, 2007)

26 Hulya Hooker et. al., *The Third Work-Life Balance Employee Survey: Main findings*, (Institute for Employment Studies, 2007)

27 Sara Tipping et. al., *The Fourth Work-Life Balance Employee Survey*, (NatGen, July 2012)

28 Trades Union Congress, *Challenging Times: flexibility and flexible working in the UK* (2005)

to introduce job-sharing for senior roles in the private sector in 1989, and by 1993 had 30 partnerships at managerial level. Boots had been concerned at the numbers of staff with supervisory capabilities who were not able to work part-time without dropping back to a lower grade.

During the 1980s and 1990s a number of indirect sex discrimination cases were won by women who after maternity leave had been refused a senior or managerial job-share; Catherine Thomasson, a manager for 12 years, was awarded £22,500 in 1989 after her employer, Royal & Sun Alliance, refused to allow her to return to work on a job-share basis. Following substantial awards, employers became more aware that they needed to carefully consider a woman's request for a job-share after maternity leave in order to avoid a tribunal case with potential substantial costs and adverse publicity.

In 1979, there were examples in the US of principals (head teachers) of schools who were job-sharing, but at this time it was not thought to be possible to share a head teacher role in the UK.²⁹ The reasons given included many of the same ones put forward to explain why an MP's role could not be job-shared: the role is too complex; it would be difficult to organise on a job-share basis as the role is primarily about making decisions; and what would happen if one of them resigned?

Eventually changes were made to regulations in order to make it possible for head teachers to job-share in the UK. Although there are not large numbers making use of this possibility, it does mean that people who might otherwise not have been able to consider taking on such a role have been able to.

The following examples are some of the 11 job-share case studies in Working Families' 2007 report:

- Chief Executive, Coventry Teaching Hospital Primary Care Trust
- Detective Inspector, Metropolitan Police
- Store Manager, Tesco
- Joint Executive Director, Judicial Studies Board, Ministry of Justice
- Head of European Diversity and Inclusion, Credit Suisse
- Production Asset Manager, Yorkshire Water
- Chief Executive, Breast Cancer Care³⁰

The many instances of job-sharing in the public sector at leadership levels suggests a practical and workable way to make collective decisions.

The joint executive directors of the Judicial Studies Board (JSB) job shared together for 21 years in seven posts, the last five in the senior civil service. "We have similar commitment and values, as well as attitudes to work and leadership, but different personalities. We play to our strengths. It's valuable in terms of being able to talk things through, and if you know the other person well you benefit from support, coaching and feedback. Job-sharing does promote a more collaborative style of leadership that benefits the whole team. It encourages delegation and so presents "empowering" opportunities for those further down the chain." ³¹

29 EOC (1981), Ibid

30 Working Families (2007), Ibid.

31 Working Families (2007), Ibid.

What is the Civil Service doing?

The Civil Service discovered they were not retaining enough senior female talent, as many women in high-level jobs found it difficult to return to full time work after a career break. In March 2015, Brian Stanislas, a Civil Service Resourcing Project Manager, delivered the Civil Service Job Share Finder site. This is an online job-share database that helps civil servants find and manage information so that they can make compatible job-share matches with other civil servants.³²

More than 1,500 staff (from Administrative Assistant to Senior Civil Service grades) have signed up to the service to date; and 30 senior female civil servants have found job-share partners and taken up new posts with them in the senior civil service. In June 2016, the Civil Service Job Share Finder won the highly contested 'Innovation' category at the Top Employers for Working Families Awards. The key reasons identified for the project emerging victorious included enabling the 'retention of women, support for carers and people with disabilities, and job-sharing for those who wish to ease into retirement'.³³

New models of leadership within a number of civil service departments have significantly changed attitudes and practices in relation to flexible working and job-sharing. There are a range of examples of good practice at leadership levels. For example, Tom Powell successfully shared three senior roles in the senior civil service with Kathryn Alford, over a period of almost eight years – this included applying for promotion together. 'We bounced ideas off each other and produced more rounded work than if we had been working alone. We developed a (sometimes brutally) honest working relationship, challenging and supporting each other in a way I'd not experienced. We were also a much stronger agent for change as a job share than individually.'³⁴

The number of job-share partnerships is continuing to rise in the civil service as users use profile searches, initiate conversations and get to know each other using the tools available. There have also been significant recruitment savings - which are expected to increase year on year as the application grows.

Features of successful senior job-shares

An article examining the advantages and disadvantages of job-sharing profiles senior job-sharers, and includes partners in a solicitors firm and job-sharing chief executives of a Primary Care Trust.³⁵ All found it a creative and sustainable way of working. Because there are so many variables involved in a job-share it is hard to be prescriptive as to what makes one successful. But according to the senior sharers interviewed for this article, there are a few pre-requisites.

The first, and most obvious, is the ability to collaborate. Job-sharers cannot be competitive with one another, as they have to operate as one person.

The key is really understanding each other's vision and values. Although you have different strengths and weaknesses, you have to be sure you are heading in the same direction and have broadly the same aspirations for what success will look like in the job. Be very honest about your strengths and weaknesses and work on them ... also to have a very good handover process. For us it is the daily email note, for someone else it may not be... It is fun, it is challenging and it is much more sustainable for us, and the organisation.

Mike Attwood and Stephen Jones, Chief Executive of Coventry Teaching Primary Care Trust.³⁶

32 Available at civilservicejobshare.service.gov.uk

33 Top Employers for Working Families website, <http://www.topemployersforworkingfamilies.org.uk/index.php/special-awards/case/civil-service1>

34 Civil Service blog, 12 May 2015 <https://civilservice.blog.gov.uk/2015/05/12/the-best-career-decision-ive-ever-made-a-male-perspective-on-jobsharing/>

35 Diversity at Work, *Job Sharing at the Top* (2006)

36 Working Families, (2007), Ibid

Eight private sector senior job-sharers interviewed in Working Families' research were all in challenging roles. Developing openness, trust, clarity and communication were seen as key factors in the success of the partnerships, as was the absence of the need to be possessive about work done.³⁷

A number of individual accounts of job-shares also make reference to the fact that job-sharing can be a very different way of working, and emphasize collaboration and sharing. The fact that partners share philosophy; ongoing dialogues; trust and respect for each other; and mutual need for help, created their experience of co-mentoring each other.

Two psychiatrists sharing a consultant post describe how they successfully applied together for the post and their experience of making it work. They conclude that the most difficult part can be getting an interview and also say that: "we find it hard to imagine sharing a post unless there is at least mutual trust and respect".³⁸

Most studies point to the fact that the employer gets 'two heads for the price of one'. A job-sharing chief executive suggests that the more senior the job "the more important it is that you choose each other so that you share the same core values and goals and have a common vision."³⁹

According to a study, *Desperately seeking flexibility...is job sharing the answer?* published by the Industrial Society, employers often overlook the advantages of job-sharing. These range from greater productivity due to the sense of responsibility felt by a worker toward their job-share partner, and consistent and readily available holiday and sickness cover. The findings are based on evidence from a sample of 57 flexible workers and 69 pairs of job-sharers, and their respective senior line managers, all in managerial positions, across both public and private sector organisations.⁴⁰

What works?

A number of studies have drawn conclusions about what enables successful senior job-sharing. *Job Sharing at Senior Levels: Making it work* drew from a survey of 86 senior job-sharers and 45 managers of job-sharers working in seven global organisations, and in-depth interviews with 32 job-sharers. The report concluded that successful partners do not have to be an exact match in terms of skills, experience, and so forth, but need complementary capabilities; to share similar values; and to have equal career drivers and motivations.

They found that sharers need to be flexible in terms of working hours, and they will need flexible back up, e.g. childcare. They need to be totally honest and trusting, well organised, and to work in a similar way: but no one size fits all.⁴¹

The case studies also demonstrate how particularly successful a job-share arrangement can be in a senior management position where the role is such that it can be unhealthy for one person to do – the element of support provided by a job-share was also very evident.

37 Working Families, (2007) Ibid.

38 Thornicroft, G., and Strathdee, G., 'Job Share a Consultant Post' *British Medical Journal*, Vol. 305, No. 6866 pp. 1413-1415 (1992)

39 Diversity at Work (2006), Ibid.

40 Carol Savage, Dr Karen Janman, and John Knell (2001) 'Desperately seeking flexibility... is job sharing the answer?' Industrial Society, The Resource Connection, SHL

41 Daniels, (2011), Ibid

Ten keys to a successful job-share at senior level

- Consider the job-share partnership as a team – you must have ‘one voice’. Recognition must go to the team.
- Invest time in developing the relationship between partners. Understand each other’s goals and motivations. Partners don’t need similar personalities, but need to have similar values and strong respect for each other. Recognise and appreciate similarities and differences.
- Be bold and visible about the partnership.
- Take time to think through and clarify joint decision-making process. What decisions need making together and what process is used to make a decision? Always support each other’s decisions publicly (have the discussion in private).
- Establish equality between you from the start. Avoid the trap of competitiveness.
- Excellent communication between partners.
- Seamless communication with others.
- Manage as one. When managing staff, it is important to be unified in your approach and actions.
- Every job-share is unique. As a job-share team, work out the philosophy, execution and tactics to best benefit your organization and yourselves.
- The support of those around you, including managers and direct reports.

Conclusion

When job-sharing was first used in the US and the UK in the 1970s, part-time, skilled and professional work was rarely available. There has been a growth in the use of job-sharing during the last 40 years and in particular its use at senior and managerial levels in a wide range of occupations. During the 1980s it became an option for increasing numbers of public sector workers, particularly women following maternity leave. During the 1990s its use expanded into the private sector.

However, with an expanded focus on work-life balance since 2000 (the launch of the Labour government’s ‘Work-Life Balance’ campaign) and the promotion of a wide range of more flexible working options, such as compressed hours, four-day weeks, working from home and more individualised reduced work time options, job-sharing is only one of a range of options to improve the quality and quantity of part-time work.

As demonstrated by the examples in this chapter job-sharing comes into its own in senior and leadership roles, where the full role must be covered. The launch of the Civil Service Job Share finder and the success of job-shares in the senior civil service in recent years may be a pointer towards the particular role that job-sharing can play in the future.

3. THE HIGH COURT CASE

Rosa Curling

On 9th April 2015, two women, Sarah Cope and Clare Phipps, applied to the Returning Officer for Basingstoke constituency to stand for election. They were both active members of the Green Party and wanted the opportunity to stand for election jointly. They wanted to represent the constituency of Basingstoke, as Members of Parliament, on a job-sharing basis.

Sarah is a single mother of two young children. Her youngest child has an autistic spectrum disorder. She is their main carer. She cannot both care for and meet the needs of her children, and work full time as an MP. Clare has idiopathic hypersomnia, a chronic condition which results in her sleeping for approximately 12 hours a day. As a result of this disability, she also cannot work full time as a MP. Clare and Sarah's own account of seeking to stand as job-share candidates for Westminster is provided in chapter 4.

Sarah and Clare's application was rejected by Basingstoke's Returning Officer. The officer stated that the application was invalid because it sought to nominate the women jointly in a single candidacy. It was this decision – the rejection of their application as job-sharing MPs – that Sarah and Clare sought to challenge in the High Court in London. I had the pleasure of representing both women in their claim and I set out the arguments we presented to the court below.

The Relevant Election Rules

The rules for parliamentary elections are set out in Section 23 of, and schedule 1, to the Representation of the People Act 1983.

Section 23 (2) provides that:

“It is the returning officer's general duty at a parliamentary election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by those parliamentary rules.”

The relevant parliamentary rules are as follows:

“6. Nomination of Candidates:

Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix delivered—

(a) by the candidate himself, or

(b) by his proposer or seconder,

to the returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by section 67 of this Act or are so given at the time the paper is delivered.

(2) The nomination paper shall state the candidate's—

(a) full names, [and] ...

(c) if desired, description,

and the surname shall be placed first in the list of his names.'...

12. Decisions as to validity of nomination papers:

(1) Where a nomination paper and the candidate's consent to it and the home address form are delivered and a deposit is made in accordance with these rules, the candidate shall be deemed to stand nominated unless and until –

(a) the returning officer decides that the nomination paper is invalid...

(2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—

(a) that the particulars of the candidate or the persons subscribing the paper are not as required by law;

(b) that the paper is not subscribed as so required; and

(c) that the candidate is disqualified by the Representation of the People Act 1981.'

Convention Rights

While it is true that the wording of section 1 contemplates the return of a "single member" for each constituency, section 3 of the Human Rights Act requires that all legislation, as far as it is possible to do so, be read and given effect in a way that is compatible with the European Convention on Human Rights. Under section 6 of the Act, it is unlawful for a public authority to act in a way that is incompatible with Convention rights.

Article 8 of the European Convention provides that:

'(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.'

This right clearly applies to people in similar circumstances to Sarah, who cannot both maintain her family life and become a full-time MP. The right to respect for private life includes the right to pursue a chosen career, and the right to respect for physical and personal integrity. It also imposes positive obligations on the state to promote private and family life, not just negative obligations to refrain from interfering with them.

Article 3 of Protocol 1 provides that:

'The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.'

This includes the right of every individual to stand for election and, once elected, to exercise his or her mandate.

Article 14 provides that:

'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

'Other status' includes disability. Moreover, it is clear that Article 14 prohibits what is commonly known as 'indirect discrimination', which arises where an ostensibly neutral provision or policy of general application unjustifiably places persons with a particular protected characteristic at a disadvantage.

Any reading, or application, of the 1986 Act and/or schedule 1 to the 1983 Act which prevents two women, like Sarah and Clare, from standing jointly for Parliament on a job-share basis, amounts to a disproportionate and unjustifiable interference with their rights as set out above.

There can be no legitimate reason for preventing MP job-shares. There is nothing intrinsically problematic about undertaking the responsibilities of an MP, principally debating, making and reviewing legislation and government policy in Parliament, and acting as an advocate for constituents, on a job-share basis (as chapters 7 and 8 consider in more detail). There may be practical issues to be addressed, such as the means by which joint MPs exercise their single vote in Parliament (again as discussed in more detail in chapters 5 and 7). However, these issues are eminently resolvable and indeed, there are very good reasons why MPs *should* be permitted to job-share.

Equality and Diversity Issues

At present, less than one third of MPs are women, although women make up 52% of the general population. The precise number of disabled MPs is not known, but it is clearly very low. The Speaker's Conference report on parliamentary representation published in 2010 suggests that there is only a 'handful'. Chapter 6 considers further how MPs job-sharing might begin to address the under-representation of disabled people in the UK Parliament.

The Importance of Flexible Working

Flexible working – such as job-sharing – can address issues of access, participation and representation, and it is being implemented with success outside Parliament (as examined in chapter 2). For example, in *Working Better*, the Equality Human Rights Commission (EHRC) states that:

'Flexibility and innovative ways of working are often the prime reason disabled people are able to work. We recommend that flexible working is offered as an option to all disabled job applicants and workers.'⁴²

Disability in the United Kingdom states that one of the two most commonly stated 'enablers for employment among adults with impairments are modified hours or days or reduced working hours'.⁴³

The same is true for women. The *Modern Families Index* notes that, in 2005, the Equal Opportunities Commission identified 'work inflexibility' as one of the three causes of 'women working at consistently lower levels than men, and often at levels below their qualifications and skill levels'. While there remains a real and serious issue, the increasing use of working practices such as job-sharing is having an impact. The Index states that:

'The ability to balance work and family life through the use of work-life reconciliation measures such as flexible working practices is, in many workplaces, mainstream... Practices like part-time working... allow some control over when and where work is done, and parents are able to combine this with school and other childcare arrangements.'⁴⁴

Similarly, in *Work and Care*, the EHRC state that:

'flexible working is an important element in getting the balance right between work and childcare and it is highly valued. Over a third of working parents (38 per cent) have some form of flexible working arrangement. Within this group, women and those with higher social grades (ABC1) are the most likely to work flexibly in some way... [Further] when asked what would help their family to achieve a better balance, the most popular option is access to a wider range of flexible opportunities [in working arrangements] across all types of jobs. Women are particularly likely to think this...'⁴⁵

42 Equality and Human Rights Commission, *Working Better: The perfect partnership – workplace solutions for disabled people and business*, (2012)

43 Papworth Trust, *Disability in the United Kingdom 2016*, (2016)

44 Working Families, *Modern Families Index 2015*, (2015)

45 Gavin Ellison, Andy Barker and Tia Kulasuriya, *Research report 15 Work and care: a study of modern parents*, (Equality and Human Rights Commission, 2016)

Flexible working is now increasingly commonplace in the public administration, and in business (see chapter 2). Regarding the former, senior judges may now be appointed on a part-time basis, including justices of the Supreme Court. Part 3 of the Constitutional Reform Act 2005, as amended by the Crime and Courts Act 2013, allows for part-time justices of the Supreme Court: section 23 makes provision for the appointment of Supreme Court judges up to a ‘full-time equivalent’ number of 12. In November 2014, an advertisement for High Court judges issued by the Judicial Appointments Commission specifically identified the availability of ‘flexible working patterns’, including ‘either 50/50 or 60/40 job share’.

The Arguments before the Court

We argued not only was the Returning Officer’s decision wrong, it was also wholly out of step with other workplaces, including other arms of the state, and was at odds with the formally expressed views of MPs from various parties.

We argued, properly interpreted in line with their Convention rights, the existing legislation *did* permit Clare and Sarah to stand jointly as job-share MPs. Or alternatively, the legislation was incompatible with the Convention and a declaration should be issued under section 4 of the Human Rights Act.

Section 4 of the Human Rights Act provides that if the High Court considers a provision in an Act of Parliament incompatible with human rights, it can make a declaration of incompatibility. This is a declaration by the court that it considers a particular legislative provision incompatible with human rights.

Section 4(6) specifically states that a declaration of incompatibility does not affect the validity, operation or enforcement of the law. The law will not automatically change as a result of a declaration of incompatibility being made. Instead, Parliament must decide whether it wishes to amend the law.

Sadly, our arguments before the High Court did not prove successful. On the 28th July 2015, Mr Justice Wilkie refused Clare and Sarah permission to proceed to a judicial review, stating in his judgment that:

“It is not unduly non-interventionist for the court to say that it is not arguable that these issues are properly justiciable. They raise... a range of complex practical and conceptual questions with which the court is not remotely equipped to deal with and, in my judgment... these are not proper issues for the court to debate and determine.”

The implication of his judgment is that it is for *Parliament* to resolve these matters. But, to date, it has failed to properly grapple with these issues. If it continues to do, it is likely a further legal claim will become necessary and people like Sarah and Clare will want to ask the courts to consider intervening again.

4. SEEKING JOB-SHARE CANDIDATURE FOR THE UK PARLIAMENT

Sarah Cope and Clare Lorraine Phipps

It was 2014 when both of us, independently, realised we had a major problem.

The general election was approaching fast, and the parties were beginning their final calls for candidates to stand. We were, and still are, active members of the Green Party of England and Wales. Sarah had joined the party in 2003, and quickly became very active, writing policies, helping run election campaigns, and was Chair of the 'Green Party Women' organisation. Clare had been a member of the party since she moved to London after her undergraduate degree 2 years beforehand – she was subsequently elected to a number of voluntary internal positions within the party, the most recent of which was on the National Executive Committee.

For both of us it was natural that we began the process of deciding whether to put ourselves forward as general election candidates. Initially we were considering the possibility independently of each other. Both of us had stood before in local elections as council candidates, but we both quickly realised that when it came to standing as Members of Parliament, additional barriers were in our paths.

Sarah, 36 at the time, was a mother of two children, born in 2007 and 2011. She had always intended to stop full-time work to raise her children, but this personal choice became a necessity, as her youngest child has an Autistic Spectrum Disorder, requiring much specialised and time-intensive support in which his primary caregiver often needs to be involved. Neither her current partner nor the children's father is able to work part-time, and Sarah had never had a successful attempt at leaving her youngest with a childminder. She therefore was and still is the main carer for her two children and so cannot work full-time.

Clare, then 26, was researching gender and health as part of a part-time PhD. Since 2009 she has suffered from a disability known as Idiopathic Hypersomnia, a chronic condition which means she sleeps for around 12 hours a day – and prevents her from working full-time.⁴⁶

We both wanted to have the chance to stand as Green Party candidates in the general election, but knew that both the campaign and, if elected, the role of an MP would be too much for us to take on alone. This was a deeply disappointing realisation for both of us, as we had had both always had parliamentary aspirations – especially so, since the Greens elected our first MP, Caroline Lucas, in 2010. Being social justice campaigners, we also realised that if we were both encountering this problem, it was likely that other parents, carers and disabled people, and a disproportionate number of women, were likely to be encountering it too.

Sarah was at that time approached by disability campaigner Deborah King,⁴⁷ who suggested to her that one potential option might be to stand for Parliament not alone, but as part of a job-share. As previous chapters have described, job-sharing has been successfully introduced across the job market, and there are numerous examples of disabled people and women who have been able to participate in various professions as a result. Although they had not been successful in attempting to change the law to permit parliamentary job-shares through a Private Members Bill in 2012, Deborah and the associated legal team were still convinced that the Equality Act 2010 paved the way for a fresh challenge to the ban on MPs job-sharing.

As Chair of Green Party Women, Sarah was a natural ally of the cause – not only were job-shares primarily taken up by women when they had been introduced in other areas, but the Greens had played a long standing part in the campaign for their introduction in Parliament. Caroline Lucas MP, made lack of representation a central plank of her first conference speech as party leader and as a Member of Parliament in autumn 2010, arguing

⁴⁶ See <http://www.nhs.uk/Conditions/hypersomnia/Pages/Introduction.aspx> for further information about the condition

⁴⁷ More information on Deborah is available at <http://www.disabilitypolitics.org.uk/index.html>

that “job-share MPs would open up politics”,⁴⁸ and her successor as leader of the Greens, Natalie Bennett, was a trustee of job-share supporters the Fawcett Society, and both had been signatories of the 2012 letter to the Guardian advocating the introduction of job-shares to Parliament.

Meanwhile, Clare had been in discussions within the London regional branch of the Green Party about how to counter Secretary of State for Work and Pensions Ian Duncan Smith MP’s rhetoric on disabled people, which we felt was being used to justify social welfare cuts. Aware that our circumstances meant that neither of us were able to stand for a general election alone, a mutual contact suggested that we fight the election as a job-share.

Our job-share begins

We had worked together before on equality politics in the Green Party, and knew we had a shared political vision – essential for job-sharing MPs, we reasoned. Our working patterns were also compatible – Clare’s sleep disorder means she cannot work mornings, whereas Sarah is most occupied with her children in the late afternoon and evenings after school and day-care ends (this proved very important, as we were of course asked many questions about how such an arrangement would work). Given our circumstances, it was unsurprising that we were also both experienced in working collaboratively – Sarah had recently job-shared a role on the Green Party’s Structure and Governance Review Group, as well as working as part of a constituency team in Brighton, while Clare was job-sharing the position of external communication coordinator for the Green Party executive.

With the help of Leigh Day Solicitors and with our party behind us we began to plan our campaign to stand for the Green Party in the 2015 general election as a job-share. The legal basis for the case is explained in the proceeding chapter from our solicitor on the case, Rosa Curling. In brief if our nomination papers were rejected, as we feared they would be, we would seek a declaration that the current law was incompatible with the European Convention on Human Rights and the Equality Act 2010. These pieces of legislation guarantee that everyone has both the right to stand for election (and once elected, to exercise their mandate) and the right to family life, regardless of sex or disability. We hoped that if a judge agreed with us, then Parliament would be forced to make provision for job-shares, opening up its benches to a more diverse intake including many more women and disabled members.

Anticipating that asking to stand as job-share candidates would present a problem, our solicitor sent a letter in advance to Basingstoke and Dean Council explaining why we believed we were entitled to stand together, and asking whether they would provide a form which allowed space for two names rather than one. The returning officer responded that submitting a nomination jointly would not be “as required by law”, but did not enter into discussion of whether this breached our legal rights, or indicate beyond doubt that they would declare a joint nomination invalid.

Emboldened, and with considerable help from the growing membership of the Green Party in Basingstoke and Green Party staff in the area, we gained sufficient signatures and submitted our nomination papers on the day of the deadline. One set of forms, but with two names and other particulars inserted, and a handwritten “s” added at the end of every mention of “candidate”.

The Returning Officer swiftly provided the local member who had kindly volunteered to hand in the nomination papers with a letter declaring our candidacy invalid. We could officially begin our legal challenge.

The next day was full of interviews – clearly the media felt that this was an issue people would be interested in. Our press release was picked up by *The Telegraph*, BBC News, Channel 4 website and locally in the *Basingstoke Gazette*, and we were interviewed on local radio.

48 Caroline Lucas, Speech to Green Party Conference 2010, <http://greenpartywomen.org.uk/news/job-share-mps-would-open-up-politics-says-caroline-lucas.html>

A claim for judicial review was filled out. Initially receiving a written refusal for a hearing, we renewed our request and sought an oral hearing. The general election came and went, and we were pleased to be invited to Basingstoke to tell, largely new, local party members how the current ban on job-sharing not only prevented voters in their constituency from being able to vote Green, but that it was likely to be holding back people like us from coming forward as part of a more diverse and representative democracy. Sarah was invited onto the BBC TV show *Daily Politics* to debate the issue with former Liberal Democrat Chief Secretary to the Treasury Danny Alexander, who was pleasantly supportive.

Cope and Phipps vs Basingstoke and Deane Acting Returning Officer

After first receiving a slot for the hearing which – ironically given the nature of the issue – was scheduled for the morning thereby preventing Clare from attending, we then got a hearing date through before Mr Justice Wilkie on 28th July 2015 at the High Court in London. Despite the short notice, we were able to galvanise cross party support: John McDonnell MP personally attended the hearing, alongside Green Party Leader Natalie Bennett and Deputy Shahrar Ali, with Liberal Democrats Women Chair Rosalyn Gordon sending her support and Conservative MP and Chair of the Health Committee Sarah Wollaston penning a piece in the Huffington Post the following day. We were also joined by a coalition of supporters, and received messages of support from many of those previously involved in the campaign for job-share MPs over the years.

Despite such strong backing and excellent representation from our barrister Mathew Purchase on behalf of our legal team, the judge did not grant permission to proceed with the case. We were both particularly disappointed by the conclusion drawn by Justice Wilkie that “permission ought not to be granted to allow a moot point, or an academic issue, to be determined.”

However, all was not lost. One small victory from the day was that Justice Wilkie reduced the costs we were to pay, stating that the case may have been at that time “unarguable, but not hopeless”, and thus that we should not be charged such high fees as to prevent citizens like as ourselves from accessing justice.

He was also clear that his decision was not based on disagreeing with the idea of job-shares; as he said in his summing up,

“There can be no doubt about the seriousness of the issue or the fact that job share is, in many fields, a means whereby diversity may be increased in the makeup of particular professions or roles...In my judgment the issue which the claimants raise is a fundamental one in relation to our parliamentary democracy.”

The reason permission was denied was in fact largely because he felt that the decision involved “important practical repercussions which this court is not equipped to evaluate” about how job-sharing would work in practice, with regards to voting, provisions when one member of a job-share dies etc. (suggestions for which are dealt with in a later chapter). Mr Justice Wilkie instead preferred to point out that the Speaker’s Conference 2010 clearly indicated that Parliament was aware of the need to address diversity imminently, and that how to do so was “an [issue] with which Parliament has begun to grapple”. Our judiciary has therefore, for now, passed the buck back to Parliament, and that is exactly what we said to the reporters waiting outside the High Court for the result.

Our statement outside court was featured on the Six O’clock News of BBC South Today and across BBC radio stations’ news bulletins; Sarah was interviewed on Radio 4’s *Woman’s Hour*. News of the day in court was reported in *The Guardian*, *The Independent*, *The Mirror* – with a reader poll coming in in support of allowing MPs to job-share – and the issue was debated in *The Telegraph*.

Despite the result we are pleased that our case garnered much media attention and debate about the issue of job-sharing MPs. Although there is still the option to pursue the legal route at a later date, right now we feel it is up to Parliament to bring the House of Commons in to line with modern workplaces in both the public and the private sector all over the UK, and allow MPs to job-share ahead of the next general election.

For some watching, the question of whether the UK should allow MPs to job-share may seem 'academic'. But for those like us, who currently are simply unable to follow our colleague Caroline Lucas, MP into Parliament – even if we should be fortunate enough to receive enough votes – it is far from academic. It is the ambition of many people who are active politics to become MPs one day. For many – overwhelmingly those who are women and/or disabled or who have caring responsibilities – that ambition can never become reality while current laws prevail.

At our current rate of progress, a girl born today will be drawing her pension before she has an equal say in the government of her country – she will have to wait even longer if she is disabled or has caring responsibilities. We need urgent change to make our democracy more representative – we believe job-shares are just one way to help achieve that.

5. JOB-SHARING AND PARLIAMENTARY REPRESENTATION – A REVOLUTIONARY INNOVATION? SOME NOTES TOWARDS A LEGAL ANALYSIS

bob Watt

Introduction

The purpose of this chapter is three-fold: First, it seeks to demonstrate that representational job-sharing is a traditional, indeed, permanent feature of representation in England and the UK. Second, it demonstrates that electoral law has always been in a state of flux, and that, accordingly, the introduction of legislation permitting job-sharing would be only another example of reform in UK electoral law. Finally, a review of the recent bill seeking to introduce job-sharing for MPs is undertaken and a proposal is advanced whereby such a change to UK law could be effected.

The First Error – ‘Only One Representative’

There are some commonly held misconceptions regarding representation and electoral law in the UK. One that is utilised in the argument against MPs job-sharing is that it is natural and inevitable that each constituency should have only one representative. This section will show that multiple representation has taken many forms over Parliament’s history, of which job-sharing MPs would be a new evolution.

It deals with the ‘top and tail’ of parliamentary multiple representation – 1265 at one end and 1948 at the other- with some ‘stepping stones’ in between. It is important to note that beneath the level of the Westminster Parliament, and in the supranational European Parliament multiple representation is the norm.⁴⁹

From Simon de Montfort via Edmund Burke to Clement Attlee

The earliest recognisable and at least partially democratic English Parliament consisted of multiple representatives from a number of constituencies. In December 1264 Simon de Montfort summoned his second parliament which met on 20th January 1265. Amongst those elected to the parliament were two knights (the Knights of the Shires) from each of the shire counties of England,⁵⁰ two citizens from each of the ordinary chartered boroughs, and four men from each of the Cinque Ports which had received their charter in 1155. Thus, from the earliest times, representation was multiple.

One of the fundamental political speeches, oft-quoted by conservatives and liberals alike, is that of Edmund Burke to the electors of Bristol made on 3rd November 1774. It is famous for his claim that that MPs were not delegates but representatives sent to exercise their judgement on behalf of their constituents. Rather less well-known (or less remarked) is the fact that this speech was, in reality, an attack on his fellow Whig MP for the same Bristol constituency, Henry Cruger. Cruger had thanked ‘his friends’ for electing him to Parliament and had said that he was ‘subservient to their will, not superior to it’. Burke’s intervention roundly attacked his fellow constituency MP. In this case two MPs of the same party widely disagreed with each other in their outlook on, and understanding of, their position in Parliament; their electorate seemingly had no difficulty with this.

The practice of multiple representation survived the Great Reform Act of 1832 which radically altered the basis of representation in England and Wales and the succeeding Reform Acts later that century. Great Britain

49 The continued existence of multiple councillors (often from more than one party) representing the same local government area under the provisions in the Local Government Act 1972 should be noted. Similarly, European Parliament elections result in the election of more than one MEP for a European Constituency. The Scottish Parliament and the National Assembly for Wales each have additional members elected on a proportional basis for regional (grouped constituency) seats.

50 Wales and Scotland were independent nations at this time.

(including, of course, the entire island of Ireland) entered the twentieth century with a substantial number of constituencies represented by multiple Members. Such constituencies included Blackburn, Brighton, the City of London, and Oldham, which each returned two MPs.

Section 1 of the Representation of the People Act 1948 brought to an end 685 years of multiple MPs for a single constituency.⁵¹ In short, the House of Commons has contained at least some representatives from multi-member constituencies for over 90 percent of its lifespan.

Across that time, the franchise has widened, the representativeness of our Parliament has increased, and the equality of each elector's vote has equalised (somewhat). This chapter, naturally, does not advocate a return to the world of rotten boroughs; but it is clear from our recent history, and the current experience with local government and the European Parliament, that the British electorate can get their heads around having multiple representatives from one constituency.

Job-share in the Top Job: William and Mary

What of job-sharing in another part of the legislature? History once again provides evidence in the first act of the reformed, sovereign Parliament of 1688/9. It is possibly the most important act of the UK Government ever passed because it establishes parliamentary sovereignty and forms the UK's Kelsenian *grundnorm*.⁵²

The Bill of Rights [1688] Chapter 2 1 Will and Mary Sess2 provided that:

*The said Lords Spirituall and Temporall and Commons assembled at Westminster doe Resolve That William and Mary Prince and Princesse of Orange be and be declared King and Queene of England France and Ireland and the Dominions thereunto belonging to hold the Crowne and Royall Dignity of the said Kingdomes and Dominions to them the said Prince and Princesse dureing their Lives and the Life of the Survivour of them And that the sole and full Exercise of the Regall Power be onely in and executed by the said Prince of Orange in the Names of the said Prince and Princesse dureing their joynt Lives ...*⁵³

Thus, as every schoolchild should know, William and Mary were King regnant and Queen regnant, *not* King regnant and Queen consort or Queen regnant and King consort; the enactment clause of William and Mary legislation makes that point very plain:

Be it enacted and declared by the King and Queens most Excellent Majesties by and with the advice and consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled and by the Authority of the same

The fact that the enactment clause, which is constitutionally the most important act of a sovereign, is placed in the hands of both of the monarchs jointly, rather than in the hands of a sole monarch, such as our present Queen, demonstrates unequivocally the fact that William and Mary were joint tenants of the monarchy rather than tenants-in-common. It seems plain that if they were tenants in common that the act would have required that they should both need to give their assent to legislation. Whilst the sole monarchy reverted to William III on the death of Mary II in 1694, the constitutional precedent was established. It should also be noted that it was established by Act of Parliament, confirming Parliament's sovereign right to establish joint tenancies of the crown. Accordingly, if it were thought to be constitutionally possible for the 'top job' to be shared, there is no reason why, constitutionally, the job of a MP should not be similarly shared.

51 This act passed under the Attlee Government also had the effect of removing multiple franchises (discussed below).

52 A '*grundnorm*' is, for the legal theorist Hans Kelsen, a proposition of law which is so fundamental that all propositions of law depend upon it for their validity. The doctrine of parliamentary sovereignty – 'Parliament can make or unmake any law it chooses', as expounded by Prof. A.V. Dicey – is beyond serious question.

53 Bill of Rights [1688] 1688 Chapter 2 1 Will and Mar Sess 2

The Second Error: Electoral Law as Fixed and Unchanging

The second error is that the basis of elections is unchanged and unchanging. Nothing could be further from the truth. Election law and representation have developed in a multitude of ways since earliest times, as a limited survey of the growth of the franchise amply demonstrates. Such a survey moreover defeats the argument that there has traditionally been a strong link between the (mythical) single MP and his (or, latterly, her) constituents.

The Franchise and the Changing Role of Property, Gender and Age

It may be that prior to 1430 every man over 21 was entitled to vote for the two parliamentary knights of the shire in the county franchise.⁵⁴ In the fifteenth century the law was changed. The Act of Parliament concerned, written in Law French, alleges there were *homicides riotes batteries & divisions* which took place between people *de petit avoir oude null valu* who wished to vote and their (alleged) betters *les plus valantz chivalers ou esquires*. In order to prevent these *riotes* Parliament simply withdrew the franchise from poorer people. After 1430 the only people who could vote in the county franchise were those who owned property which could be let out at more than forty shillings per year. The reason for including that which may seem to be an amusing historical diversion in this chapter, is because the property based franchise lasted for nearly half a millennium. This property based franchise subsisted in some form up to (and for women beyond) the Representation of the People Act 1918.

The exclusion of women from the parliamentary franchise has of course changed. In the years between 1399 and 1625 there are a number of law reports which show that a very small minority of unmarried propertied women exercised the parliamentary franchise.⁵⁵ For completeness it should also be recalled that women (owning some sort of property) in increasing numbers exercised the local government franchise to great effect from the early 1860s.⁵⁶ Women over 30 in possession of a qualifying property interest were granted the parliamentary franchise in 1918; this was reduced to 21 in 1928 and the property requirement removed. Finally, of course, the voting age was reduced to 18 for elections to the Westminster Parliament by Section 1 and Schedule 1 of the Family Law Reform Act 1969.

One could also draw attention to other developments in the franchise over the years. Some of the developments were short-lived and always intended to be temporary in nature; others have lasted longer. For example, the Westminster Parliament's franchise is rare in that it allows citizens of other democratic countries with legislatures of their own to take part in general elections. The Representation of the People Act 1918 enfranchised all citizens of the British Empire lawfully resident in a UK (including Irish) constituency. With the secession of Ireland and the decline of Empire these arrangements were transferred, by design, accident or omission, to include citizens of the Commonwealth and Irish citizens.

Similarly, the multiple franchises of the nineteenth century were introduced in order to retain an extra measure of democratic weight for rich and well-educated citizens in the face of campaigns for 'one person, one vote'. These continued in force until 1950 when the remaining business and university votes were abolished by the Attlee reforms of the Representation of the People Act 1948.

Finally, one could also look at the, to say the least, singular arrangements which were made in the nineteenth century to discourage and then, from 1900, to encourage military voting with the special (younger) voting age for military personnel during the latter part of the First World War and the disenfranchisement of conscientious objectors until 1924. Whilst these provisions were temporary, they demonstrate the willingness of Parliament to adjust electoral law to meet particular social conditions.

54 The (Chartered) Borough (Parliamentary) Franchise was organised along different, and varying, lines and does not need detailed consideration.

55 These cases were reviewed in *Chorlton v. Lings*, (1868) 4 L.R.-C.P 474.

56 See Patricia Hollis, *Ladies Elect: Women in English Local Government 1865-1914* (Clarendon; Oxford, 1987)

Constituencies

A frequent argument deployed by those who claim that the present 'one MP, one constituency' system should remain unchanged is because of the purported link between voters and 'their MP'. This 'single focus' account strains credulity when one recalls that the average parliamentary constituency contains a large number of voters, with a median of 55,700 in Wales, 66,800 in Scotland, 65,900 in Northern Ireland and 71,700 in England (2016).⁵⁷

By a process starting with the Great Reform Act of 1832 promoted by Charles Earl Grey, and which still continues, parliamentary constituency size has evened out. This aimed to resolve a problem that arose in the eighteenth century with the industrial revolution and population shift, which left Old Sarum in Wiltshire with six electors and two MPs and Manchester with 120,000 electors and... two MPs. Whilst it is clear that the Alexander brothers who were the last MPs for the unreformed Old Sarum seats, had a close connection with their six electors (who were never actually called upon to vote), it is likely that many of the inhabitants of Manchester had absolutely no idea of the identity of their representatives.

A Comment on the McDonnell Bill

There has been one attempt to introduce job-sharing MPs in recent years. The McDonnell bill, (The Representation of the People (Members' Job Share) Bill 2012-13) intended to introduce the concept of job-sharing in the following way with respect to the Parliamentary Constituencies Act 1986:

(2) After subsection (2) of that section insert—

“(3) The reference in subsection (1) to a member is to—

(a) a single member, or

(b) two persons serving as members pursuant to a sharing arrangement, and a reference in any enactment to a member of Parliament is to be read accordingly.

(4) For the purposes of subsection (3)(b), a sharing arrangement is an arrangement under which two individuals—

(a) present themselves jointly for election to Parliament on the basis that if elected, they will share the representation of the constituency between them, and

(b) if elected, serve in Parliament on that basis.”

The bill echoes, in a modern form, the wording of the joint monarch provisions of the William and Mary monarchy. Both of the incumbents would be MPs exercising and assuming the parliamentary privilege of an MP. Clearly arrangements would need to be made to deal with such matters as parliamentary salary, the vacation of the seat upon death of one of the incumbents (and any transitional arrangements), and so on.

The bill was read for the first time on 20th November 2012⁵⁸ where it attracted some short but rather acrimonious debate, and a threat to 'talk out' the bill. Whilst the bill was set down for second reading, it ran out of parliamentary time and did not proceed further.

This bill suffered, in the view of the present author, from one serious defect. Much of the bill proposed to leave the precise arrangement for job-sharing and the electoral arrangement to Orders in Council. Whilst the (in) famous GCHQ (*CoCSU v Minister for the Civil Service* [1985] AC 374) case showed that prerogative orders (such as Orders in Council) were generally subject to judicial review, a number of categories – such as the (then) power to dissolve Parliament – were reserved from review. It might thus be thought that Orders in Council would 'do the job' and allow the executive (i.e. the Government) to make rules for job-sharing upon the basis of any enabling act.

⁵⁷ Office for National Statistics, *Electoral Statistics for UK: 2016*, (2016) available at <https://www.ons.gov.uk/peoplepopulationandcommunity/elections/electoralregistration/bulletins/electoralstatisticsforuk/2016>

⁵⁸ See <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121120/debtext/121120-0002.htm#12112042000003> at Columns 472 – 477

This seems to be completely unsafe. Given the decision of the High Court in *R (on the application of Miller & others) v Secretary of State for Exiting the European Union* [2016] EWHC 2768, upheld by the Supreme Court, it is very possible that any such order would be challenged by those who wish to maintain the *status quo*. We have learned from the Miller litigation that it is incumbent upon Parliament to ensure that legislation is clear and ‘closes off’ challenges through the courts occasioned by incomplete legislation. Furthermore, since Parliament decided to place the rules for the untimely dissolution of Parliament on a statutory footing by means of the Fixed-term Parliaments Act 2011 and thus remove it from the prerogative, it seems sensible to place any job-share provisions on a statutory footing. There is also something deeply unsettling about the use of the royal prerogative to alter the basis of representation in the House of Commons. Whilst it is likely that opposition to any move to establish job-sharing would be resisted by those deploying the ‘traditionalist’ arguments rejected earlier in this chapter; it seems that those of a robustly democratic or republican cast of mind would be very wary of using the prerogative as opposed to a more orthodox and democratic parliamentary procedure.

Conclusion

There is no ‘traditional’ means of securing representation in the House of Commons; it has changed over the centuries, not least since 1900, and it is all a matter of *political* argument. The electoral and representational system has evolved, more or less peacefully, and that is not to downplay the heroic efforts of, for example, the Levellers, the Chartists, and the Suffragettes, over some 750 years to its present state. Such a history suggests that if there was the necessary political will, the introduction of MP job-sharing is feasible, in a straightforward legislative way. It is hoped that a group in Parliament, not necessarily contiguous with a political party, will decide to promote a fully articulated bill permitting job-sharing. This bill could then be debated in a proper fashion and the pros and cons placed in the public sphere. Since Parliament is sovereign there is an obvious democratic aim in ensuring that all sections of the population and opinion are adequately represented.

6. CHANGING THE WAYS THINGS ARE DONE – THE CASE FOR DISABLED PEOPLE JOB-SHARING IN POLITICS

Emily Brothers

The current picture of disabled people's representation in Parliament

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) – Article 29 on Participation in Political and Public Life (ratified by the UK in 2009) – calls on countries to:

*Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs.*⁵⁹

Reporting to the UNCRPD Special Rapporteur to the inquiry into the rights of disabled people in political and public life in September 2015, the Equality and Human Rights Commission (EHRC) said that disabled people in the UK remain excluded from national and local politics. They noted that representation of disabled people has faltered, whilst participation from other equality groups had improved. The EHRC said that:

*Efforts to meet the requirements of disabled people seeking a role in political life should be re-doubled to ensure their voice is heard and they are not excluded from the political arena.*⁶⁰

There are over 11 million disabled people in the UK. Prevalence rises with age and there is a strong link between disability and poverty. Disabled people experience greater levels of discrimination in education, employment and accessing public services than non-disabled people.⁶¹

There are only six openly identifying disabled Members in the House of Commons following the 2017 General Election – Marie Rimmer (Labour MP for St. Helens South and Whiston), Robert Halfon (Conservative MP for Harlow), Paul Maynard (Conservative MP for Blackpool North and Cleveley), who were elected prior to 2017, and Marsha de Cordova (Labour MP for Battersea), Jared O'Mara (Labour MP for Sheffield Hallam), and Stephen Lloyd (Liberal Democrat MP for Eastbourne). This is an improvement from three before the election, but nonetheless representation is woeful.

Whilst some MPs have talked about previous episodes of depression, they do not appear to identify as disabled people. Proportionate demographic estimates from the EHRC suggest there should be 65 disabled MPs today. EHRC has argued that policy-makers would be better informed with more robust data collected by political parties and institutions. To that end, they advised Government to implement Section 106 of the Equality Act (2010) on diversity data collection.⁶²

59 United Nations, Convention on the Rights of Persons with Disabilities and Optional Protocol, accessed 19th April 2017 at <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

60 Equality and Human Rights Commission, *Smoothing the Pathway to Politics for Disabled People*, (2015)

61 Department for Work and Pensions, 'Disability Facts and Figures', (2014), <https://www.gov.uk/government/statistics/disability-facts-and-figures>

62 Equality and Human Rights Commission, *Smoothing the Pathway to Politics for Disabled People*, Ibid.; The Fawcett Society's campaigning work, and Sarah Childs' work have also both called for section 106 to be implemented. See Sarah Childs, *The Good Parliament*, (2016), University of Bristol; Fawcett Society, *Does Local Government Work for Women? The final report of the Local Government Commission*, (2017), Fawcett Society

Job-sharing as part of the solution

Pathways into politics have narrowed in recent times. Parliament has become more professional. Despite greater media exposure, to many it feels more distant. That presents a challenge to political parties and institutions in becoming more relevant to the communities they serve. There is a multitude of ways in which this could be progressed. Funding to meet the extra costs of disability whilst campaigning, more inclusive facilities in Parliament such as step free access and job-sharing are integral to reform. Meanwhile, the ‘yah boo’ theatre of politics portrayed by the media needs to be replaced by a more inclusive and enabling environment.⁶³

A key driver set out in the Disability Discrimination Act 1995 and later updated in the Equality Act 2010 is the principle of reasonable adjustments. Essentially this involves changing the way things are done, making physical features accessible or providing additional support and aids. Job-sharing is just another such way in which opportunities could contribute to improving disabled people’s participation in political and public life.⁶⁴ That is a key reason why Disability Politics UK and other campaign groups have been lobbying for MPs to be able to job-share.

It is peculiar that the job of Green Party leader has been shared since September 2016, but the co-leaders are barred from doing likewise as Members of Parliament. Caroline Lucas MP (Brighton Pavilion) shares the leadership because of her significant parliamentary responsibilities owing to being the only Green Party member of the Commons. If she were to fall ill or have an accident which resulted in permanent disability, she would not have the option of considering job-sharing as an MP. The other part of the job-share, Jonathan Bartley, took up the leadership job-share in light of his caring responsibilities for a disabled son, suggesting that taking on a full-time MP role would equally rule him out from being a parliamentarian.

At a time when politics is fractured in Britain, it hardly helps restore democracy by denying the voters an opportunity to support or reject their claim for power. Failing to tap into the talent of would be politicians simply because they have caring responsibilities or due to health and disability is a futile exercise in maintaining the status quo.

Putting Parliament back in touch

There is disaffection in politics because much of the public believe MPs are out of touch and lacking real life experience. They feel unable to influence what happens in an increasingly divided and unequal system.⁶⁵ They are not wrong: you just have to look at the occupants of the green benches or listen to much of their contributions. The reality is that Parliament does not look representative because it does not reflect the diversity of the country. More importantly though, many feel it lacks authenticity.⁶⁶

As a parliamentary candidate at the 2015 general election for Sutton and Cheam, as well as representing my party nationally on equality issues, I talked about my personal journey. My experiences of sight and hearing loss, of having significant NHS care during childhood, and then later fighting for inclusive education and employment opportunities made connections with people. It was quite different from their experience, but it said something about tenacity which they did recognise. However, much of that backstory was about being too independent – like so many disabled people, over-compensating for our difference.

63 Catherine Durose et. al., *Research report 65: Pathways to politics*, (2011), Equality and Human Rights Commission

64 Information about providing reasonable adjustments can be found at: <https://www.citizensadvice.org.uk/discrimination/what-are-the-different-types-of-discrimination/duty-to-make-reasonable-adjustments-for-disabled-people/>

65 Glen Gottfried, Guy Lodge, Sarah Birch, *Divided democracy: Political inequality in the UK and why it matters*, (IPPR, Nov 2013)

66 Durose et. al., *Research report 65: Pathways to politics*, Ibid

Despite our best endeavours it often takes longer for a disabled person to accomplish a task. That is why so many successful disabled people work ridiculously long hours, which isn't possible if you experience fatigue because of your disability or health condition. Going the extra mile is equally true for many women competing in 'a man's world'. In truth, we all need to share the load in so many different ways. So why should politics be any different?

The argument goes that MPs' time-consuming duties in Parliament and the constituency would be difficult to divide. In fact, it is not the division of tasks but the sharing of them that has to be constructed. That could operate in a variety of ways, shaped by the needs and skills of the partnership. There is no need to be prescriptive. If we trust our politicians to vote for war or peace, then surely they can get their heads around job-sharing.

Despite popular calls for reducing the numbers of politicians, there is plenty of evidence that the public want to see a more diverse House of Commons and are generally supportive of job-sharing in principle.⁶⁷

As outlined in chapter 7, public opinion on job-sharing MPs is fairly agnostic. Enthusiasm for the idea of MP job-sharing does therefore need some tempering. First, it is not for everybody, including disabled people. I cannot imagine David Blunkett settling for half of the political cake, as he probably would have seen it. That is in no way a criticism, but a simple reinforcement that job-sharing is no panacea. It will suit some disabled people, but not others – there is no archetypal disabled person.

The question to pose here is: how many times have procedural obstacles been put in the way of equality, only to be rolled aside when the time comes? The simple answer is: whilst procrastination may be the thief of time, change will surely come.

67 Philip Cowley, 'Why not ask the audience? Understanding the public's representational priorities.' *British Politics* 2013, vol 8(2):138-63.

7. THE CASE FOR AND AGAINST MP JOB-SHARING

Rosie Campbell and Sarah Childs

Job-sharing best practice

It is evident from the workplace that successful job-shares are characterised by strong relationships. As outlined in chapter 2, successful job-sharers share beliefs and practices, agree procedural and ‘ground’ rules in advance, and ‘speak with one voice’. According to The Job Share Project, many have a written job-share arrangement on commencement of appointment, although they need not have worked together beforehand.⁶⁸ The civil service guide to job-sharing recommends that those seeking job-share identify a job-share partner in advance of applying for a job.⁶⁹ In order to transfer best practice to parliamentary elections, applicants seeking to stand as job-share candidates should be judged first as individuals (in the same way any other prospective candidate is), and then as a partnership, to ensure both are ‘above the line’.⁷⁰ At the point first of selection, and later at election, the job-sharers should present a comprehensive and clear statement not only of shared beliefs, issue priorities and goals, but also the procedural rules that would determine the working arrangements on a day to day basis, and how they would deal with any differences of political opinion.

Shared political attitudes, and policy priorities

In seeking out a job-share partner as a parliamentary candidate, each job-sharer would likely look for someone with whom they share political values, attitudes and policy positions. How MP job-sharers will manage any differences of opinion would need to be discussed in advance between the two, and be part of the job-share working arrangements presented at the point of their selection and election. Such a statement would need to cover issues of conscience too, even if it might be expected that the two individuals would have similar views on such issues.

An agreed system of day-to-day working

There is a wide variety of ways that job-shares can be managed and we can see no reason to be prescriptive about how MP job-sharing would be undertaken on a day-to-day basis – indeed, a key part of the value of job-shares is that they can accommodate a range of different personal circumstances. For example, the job-sharers might work on different days, say Monday to Wednesday and Thursday to Friday. They might work one month on, and one month off, or one parliamentary session on and one off. One might be Westminster-based, the other based in the constituency. They might very well share weekend constituency work. A variety of modes have been used in senior level jobs (as illustrated in chapter 2).

Again, transparency is crucial. This is particularly true regarding effective communication, including written communication between the job-sharers, their office staff, and of course, with their constituents.⁷¹ As in business, this is not an insurmountable obstacle. The job-sharers might for example have a communication or handover day or hours; have a daily update email or Skype or FaceTime conversation; the office managers will likely play a key liaison role. In other words, job-sharers should establish ‘clear objectives and parameters’ for the partnership and have a ‘mechanism to monitor and manage this’.⁷²

One vote, not two half votes

Congruent with the argument for MP job-shares ‘speaking with one voice’, a single, shared vote is preferable to maintain legal clarity. This position differs from the recent The Representation of the People (Members’ Job Share) Bill which advocated that each of the two members would have a ‘half vote’.⁷³

68 Lucy Daniels, *Job Sharing at Senior Level: Making it work*, (The Job Share Project, 2011)

69 Civil Service Employee Policy, *Guide to Job Sharing*, (2015), accessed at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/406045/JobShareGuide260115FVnoDNs.pdf

70 Civil Service Employee Policy, *Guide to Job Sharing*, Ibid.

71 Civil Service Employee Policy, *Guide to Job Sharing*, Ibid., The Job Share Project, Ibid..

72 The Job Share Project, Ibid.

73 Representation of the People (Members’ Job Share) Bill 2012-13

There is apparently a precedent for the half-vote model: 1970s Labour Whip Walter Harrison MP, ‘registered the only half vote recorded in Hansard, having jammed his foot in the lobby door....after a dispute with the parliamentary authorities, he was ruled to have been half in the lobby, and so a demi-vote was registered.’⁷⁴ However, the single, shared vote has clear advantages in constituting – both in theory and in practice – the MP job-sharers as a single legal entity. Depending on the way in which the job-share is organized, this might mean that the MP who is present on that day of a vote votes according to their political position. Alternatively, the two job-shares might have agreed in advance the direction of vote irrespective of whom is present at Westminster at the time of the division.

In most instances, given the tendency for MPs to vote with their parties, the question of the job-sharers wishing to vote in different ways is much less of an issue that might be presumed. Moreover, it has already been stated that it is not unreasonable to assume that the MP job-sharers would, on most issues, have similar political views. It would be more likely that the job-sharers would be attitudinally similar than hold widely different views. This assumption would also likely apply to votes on issues of conscience as well. Whilst it would likely be rare for job-share MPs to be two individuals with oppositional views on issues of consciences, for example, abortion, or gay rights, it is not impossible. And some issues might arise during a parliament that had never been discussed and, or over which there might be unknown disagreement – for example, overseas military intervention. The key here is to have agreed in advance a procedural resolution. MPs might, for example, agree in advance to abstain in cases of irreconcilable difference. At this point, critics will likely argue that the job-share MPs’ constituents have been effectively disenfranchised. Yet, this is no different in practice from the current situation. Whilst an MP may have presented - first to their electorate, and then to their electorate - their original policy position and beliefs, they may later find themselves facing a vote where they are in ‘two’ minds. On these occasions, the individual MP may very well decide to abstain, or even vote against the position they previously advocated. The constituents of the job-share MP are, in analogous fashion, in no way disadvantaged, because currently a constituent will not know for certain that their individual MP will definitely vote, or vote in a particular way. British MPs are, importantly, representatives and not delegates.

Arguments For and Against

Fewer, not more (expensive) MPs

MPs as a group are not popular at this time in the UK. The public are hence unlikely to feel favourably disposed to more MPs. It is also the case that the Government has legislated to reduce, not increase, the number of MPs: in part, they argue, in order to reduce the cost of politics.⁷⁵ As in business, MP job-shares would not ‘double’ the costs of MPs. Job-share MPs’ pay and expenses would be pro-rata, with the Independent Parliamentary Standards Authority (IPSA) being responsible for the precise detail.⁷⁶

The ‘rich barrister’ critique

Advocates of MP job-sharing frequently point to the likely improvements in representation that would follow, as the chapters in this pamphlet by Brothers and Smethers suggest. Job-share legislation – unless it required that MP job-shares must be established on particular grounds, such as disability or caring responsibilities – would also permit MPs who wish to continue with their existing careers.⁷⁷ David Nuttall MP has raised this concern: ‘what if two heterosexual white middle-aged barristers decided that it would be quite a nice idea if they both shared the job of being an MP while continuing their practice at the Bar?’⁷⁸ The counter argument is that this may not be a bad thing; MP job-sharing will allow greater diversity of representation, including of the non-professional politician who wishes to maintain their profession, and manage portfolio careers. This has the potential benefit to the House in terms of expertise.⁷⁹

74 Mark D’Arcy, ‘Passing of a Legend’, BBC News 25 October 2012, accessed at <http://www.bbc.co.uk/news/uk-politics-20080858>

75 The size of the House of Lords begs questions too of the size of our Houses of Parliament and attendant costs.

76 If MP job-shares enable more disabled people to become MPs there may be additional costs to facilitate their participation; at present, any additional costs incurred by disabled MPs are reported at the aggregate level rather than linked to individual MPs.

77 Such an approach risks by creating MPs job-share for ‘special’ (read: second class) cases.

78 Hansard, 20 Nov 2012, col.476.

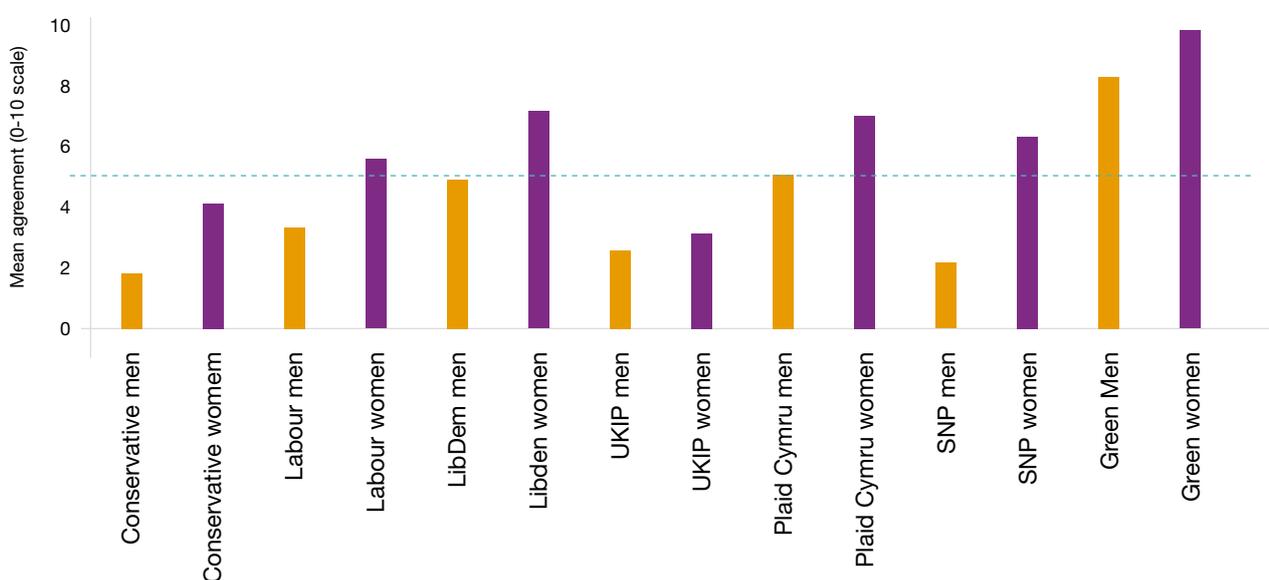
79 Any conflicts of interest would need to be managed carefully, of course.

Public opinion: agnostic

Parties might well imagine that job-share parliamentary candidates would lose votes. However, the public opinion data suggests otherwise. Campbell and Cowley's research found no great demand for the introduction of job-sharing candidates but neither did it detect overwhelming opposition; just over one third of respondents were in favour of job-sharing, or said they would support job-share candidates; just over a third took the opposing view; and around a quarter said they did not know.⁸⁰ When reasons for allowing job-shares were also given to the survey respondents – for example, to allow more women or disabled people to stand – support rose from 37 percent with no explanation, to between 42-48 percent (and around one third who would not support the idea). Responses to job-sharing candidates were notably not uniform; younger people were more supportive than older respondents, and women were more in favour than men. Critically, when asked to choose between job-sharing candidates in a hypothetical election survey respondents appeared to make judgements on the basis of the candidates offered, rather than automatically rejecting job-share set-ups out of hand. If the law was changed to allow MP job-sharing, then the public might not find this as unusual as critics suggest. Importantly, it would be ultimately for the public to vote on whether, in their constituency, they want to be represented by two individuals acting as their Member of Parliament.

Looking at the views of candidates and incumbent MPs who stood at the 2015 general election, Figure 1 shows their mean responses to a question asking whether the candidate supported the introduction of job-sharing for MPs; a mean of above 5 indicates support.⁸¹ Overall those questioned are not supportive: however, attitudes are strongly delineated by party, and women candidates and MPs are more supportive of job-share in every party. Labour women, Liberal Democrat women, Plaid Cymru Women, SNP women, and Green men and women are overall in favour of job-shares for MPs.

Figure 1: Support for MP job-sharing amongst candidates standing in the 2015 general election



N= 909, data from the Representative Audit of Britain 2015 project⁸²

80 Rosie Campbell and Philip Cowley, 'The Public Will Never Stand For It. Or Maybe They Will: Attitudes to Job Sharing Parliamentarians', Paper for presentation to the Elections, Public Opinion and Parties conference, Lancaster University, 13-15 September 2013.

81 The full question wording was as follows 'A number of suggestions have been made over the years to reform the selection process of General Election candidates. This includes 'open primaries' where all voters registered in a constituency can vote on candidate selection, postal ballots in which all party members in a constituency can vote on the selection, and the idea of a 'job share' in which two people of the same party would share the workload, salary and expenses of one MP. On a scale of 0 'Strongly oppose' to 10 'Strongly support', what is your view of these proposals?'

82 The Representative Audit of Britain is an ESRC funded survey (grant number ES/L016508/1) of all candidates who stood (excluding independents and those who stood for very small parties) in the 2015 British General Election. For full details of the survey please see <http://parliamentarycandidates.org/project/representative-audit-of-britain/>

The absence of precedent

Another argument against allowing MPs to job-share is the claim that there is no historical or comparative precedent, and that it is a radical departure from the relationship between MP and constituent as experienced in the UK.⁸³ Bob Watt's chapter reveals however that there is precedent in UK politics for job-sharing, citing the case of William and Mary. He also notes how historically some constituents have also been represented by more than one MP. Thus, it can be argued that allowing MPs to job-share is not so unprecedented or radical a departure as might first be assumed.

Accountability and the MP/constituent Relationship

Representative democracy works like this: I consent to someone else exercising power on my behalf on the condition that I can sack them if I'm unhappy with the way they use the power I have lent them. The possibility of being sacked, the essential fear of the electorate is what, theoretically at least, makes our politicians legitimate and keeps them honest...

*The relationship between an MP and a voter really is the foundation of our democratic system. Preserving that relationship is more important than anything else, even a more family friendly Parliament.*⁸⁴

Critics will no doubt suggest that the 'historic'⁸⁵ individual constituent/MP relationship is undermined by the presence of MP job-sharing. In part this relies on the 'imagined' relationship between the constituent and their MP. This is 'imagined' because for most constituents this relationship is not real in the sense of direct communication or a person-to-person relationship, as outlined in chapter 5.⁸⁶ And oftentimes it is an MP's case workers that do much of the MP's work for constituents. For a proportion of constituents it is admittedly direct, akin it might be said to the doctor/patient relationship. Job-sharing potentially changes the representative relationship, but need it necessarily dilute it? As chapter 2 suggests, with good communication job-shares in business are highly effective. Being represented by job-share MPs might be better thought of as being akin to being looked after by two job-share GPs, which would retain a clear relationship between the constituent and the MPs.

Accountability and a failing Job-share

Job-sharing MPs would be formally accountable to their constituents in the same way as all MPs – facing an election at the end of the Parliament, and subject to codes of ethics and standards in public life whilst they are MPs. Should one partner in a job-share be found to have transgressed the standards of appropriate behaviour for MPs, then both would be mutually accountable. In such circumstances, a by-election would be necessary. And in the related party selection process, the 'good' half of the job-share cannot be presumed to be selected again. This is an additional accountability that MP job-shares would need to accept. As in business, job-share MPs rise and fall as a pair.⁸⁷

It is quite possible that the job-shares may have different skills, expertise, and experience; might excel at particular parts of the job. It might also be the case that one is perceived (whether by the public or their party) as 'better' than the other. A voter represented by job-sharing MPs might accordingly consider that this leaves them disadvantaged relative to voters represented by a single, excellent MP. Such a view can be contested. Any

83 Internationally, as far as can be ascertained, there is no example of job-share, although some Parliaments and electoral systems permit substitution.

84 James Kirkup, 'MPs should never be allowed to job-share. It threatens democracy', The Telegraph 28 July 2015, accessed at <http://www.telegraph.co.uk/women/womens-life/11768174/MPs-should-never-be-allowed-to-job-share.-It-threatens-democracy.html>

85 Mr David Nuttall MP, Hansard 20 Nov 2012, col. 477.

86 Of course, as a constituent we also have more than one representative, albeit relating to different electoral arenas.

87 'Partnerships can end when one partner wants to change their working pattern or leaves the job'. Civil Service Employee Policy, *Guide to Job Sharing*, Ibid.

elector makes their vote choice based on the ‘overall performance’⁸⁸ of a candidate or MP – one who may excel in only one aspect of the MP’s role but not in all, or who might prioritize one role over others. Treated as a single entity, the job-share MPs are ‘little different’.⁸⁹

What if one job-share MP is offered promotion into government or the shadow front bench? As with other MPs, this additional work is *on top of* their existing MP’s workload, and so as long as the job-share MP being offered the promotion feels they can add this into their workload a promotion could be accepted. This raises the attendant question of collective cabinet or ministerial responsibility – with one vote, the job-share MPs would both find themselves bound by parliamentary conventions, unless the legislation (or new secondary legislation or a convention) stated otherwise. This possibility would need to be acknowledged at the selection and election stage of their recruitment. But as with other MPs at the time of election, constituents might not know whether their MP will enter the Government or be on their party’s front bench.

What if one job-sharer wanted to change political party? As job-share MPs, each cannot act unilaterally, so unless they both agreed to do so, they would need to stand down as MPs.⁹⁰ Such an agreed scenario might very well be included in the procedural agreement put before the selectorate and the electorate. But as with MPs now, there would be no requirement to seek a by-election if both partners in an MP job-share crossed the floor as a pair.

What of illness and death? The former might be treated as it is for MPs now; informally the party will put in place measures to ensure that the MPs’ constituents are dealt with in the constituency – oftentimes a neighbouring MP will pick up some of their work. Death of one would be treated as death of both, and would necessarily prompt a by-election.⁹¹

Two classes of MPs

The first part of this criticism is the accusation that the job-sharing MPs will simply be of lesser quality than the full-time MP. Their experience will be more limited, and hence they will not be as good at their job: failing to fully get to grips with the procedures and ways of the House, or failing to understand what is in the interests of their constituents. There is no evidence from the business world to suggest that this is likely. Indeed, if anything research suggests that job-shares deliver more than a sum of their parts. A second criticism raises a concern of a division of labour such that one job-sharer will work only in Parliament and the other only in the constituency (as noted above). This might be worrying from a diversity perspective if this resulted in those who worked in Westminster were all of one type, and those who worked in the constituency another. Such a scenario might leave the ‘business’ of government in the House of Commons to elite men once again, and constituency representation to women, carers and disabled representatives.

Two for the price of one

Research suggests that ‘two for the price of one’ is a common refrain associated with job-shares. Very often both do more than ‘their hours’. But their contributions might also be qualitatively greater, with a ‘wider range of skills, experience and creativity combined’:⁹² the Job- Share Project reports up to 30% productivity gains.⁹³

It effectively allows the ‘role-holder’ to be in two places at once – a very useful ability in a role where the person is often needed in both Westminster and in their constituency. It also means there will often be two heads thinking on the same issue and able to bounce ideas off each other, coming up with better solutions than either may have come up with individually...

88 Disability Politics UK, ‘Explanatory Notes’ published alongside the Representation of the People (Members’ Job Share) Bill 2012-13, <http://www.disabilitypolitics.org.uk/pdfs/enotes.pdf>

89 Disability Politics, ‘Explanatory Notes’, *Ibid.*

90 Under the 2012 bill one Member could cross the floor, where they would be able to use their half vote.

91 As proposed in the McDonnell bill: ‘If either Member in a sharing arrangement dies or becomes disqualified from membership of the House of Commons, both shall be treated as having ceased to be Members.’

92 Civil Service Employee Policy, *Guide to Job Sharing*, *Ibid.*

93 Lucy Daniels, *Job Sharing at Senior Level: Making it work*, (The Job Share Project, 2011), citing Resource Connection and the Industrial Society.

Many corporations take advantage of job-sharing in order to gain two talented people doing the same role. ...instead of one hard-worker, who may end up either doing the job half-heartedly, or being overworked and burned out.⁹⁴

Minimal Representational Gain

Given the acknowledgement that there is little support at Westminster for MPs job-sharing, and based on the assumption that parties will more likely than not be rather reluctant to select job-share candidates even if the law were to permit it, there should be no illusion that permitting MP job-sharing will have a dramatic impact on the make-up of the House of Commons. It is for this reason that seasoned political observers have been critical of efforts to change the law,⁹⁵ fearing it will take the focus off other, more, impactful interventions, not least party quotas.⁹⁶ There are two responses to the criticism that the representational gains of MP job-sharing will be minimal. The first addresses the *individual* candidates who will be able to participate as a consequence of the new law. For the first time equal opportunities at the individual level will be provided for (see also the chapters by Brothers, and by Cope and Phipps). This should not be under-estimated as an indicator of political equality. Then there is a potential for both symbolic and substantive representational effect deriving from more diverse MPs. The former refers to role model effects and enhanced legitimacy, the latter to a greater consideration of the issues, interests, and perspectives of previously under-represented groups (Campbell and Childs 2016).

94 Emma Rome, 'Allowing MPs to job share would bring benefit constituents, democracy, and the MPs themselves', Democratic Audit blog, 4th May 2015 <http://www.democraticaudit.com/?p=12816>

95 Ruth Fox, 'Parliamentary Job-Sharing: A Marginal Solution to a Major Problem?', Huffington Post, 20th February 2013, http://www.huffingtonpost.co.uk/ruth-fox/parliamentary-jobsharing-_b_2722484.html

96 Private information, Labour Party woman activist.

8. WE CAN'T CHANGE BECAUSE WE NEVER HAVE. REALLY?

Sam Smethers

Introduction

One of the key arguments made in favour of improving diversity and electing more women into Parliament and political life is the need for our politics to 'look and feel like us'. With just 32% of MPs being women we clearly still have some way to go. Historically, while over 70% of male MPs are fathers, just over half of women MPs are mothers, and most of them do not have young children, suggesting that combining working as an MP and caring for a family is still a difficult thing to do. It seems that what we commonly refer to as the 'mother of all parliaments' has a bit of an issue with mothers in the House (and don't even mention breastfeeding on the green benches). But as we prepare to mark 100 years since (some) women first won the right to vote for and sit in the Commons, despite much effort and attention on the issue we are still struggling to significantly increase the numbers of women in the Commons.

So it is into this wider picture that the issue of job-share MPs is placed. Parliament, and MPs in particular, have significant hurdles to overcome if the possibility of MPs job-sharing is to become a reality. The perception that Parliament is 'not for people like us', that it is somehow 'other' or 'different' simply pushes the electorate away behind a 'do not enter' barrier. Parliament is effectively cordoned-off. If, as soon as we gently float the idea of MPs job-sharing, it is shot down in flames as something that couldn't possibly work for the role of an MP, my first thought (and possibly the electorate's too) is – what makes you so different? And why in the current climate would you want to perpetuate the impression that you are? What is it about you and your role which really means that this is so impossible when it is a frequently employed practice elsewhere?

Of course we do already have parliamentary 'job-shares' of a kind, but in reverse; i.e. sitting MPs who are also doing other jobs. The public are already frequently sharing their individual MP with their other roles – it is just that the MP is not sharing their MP role with other people. MPs evidently think this is an acceptable form of 'sharing'. An MP can become a minister or cabinet member, can work in another profession outside Parliament, or can double up as an elected representative elsewhere (e.g. councillor or mayor) – all these are formally consistent with them fulfilling their role as a Member of Parliament. Stretching one person into several roles seems to me to be more challenging in terms of their performance than dividing up that role between two people. We know that in practice what happens in these circumstances is that their office staff take on a bigger role on their behalf. If anything, the workload probably grows for MPs who are also ministers.

It has worked there, so why not here?

Looking at the experience of job-shares in other walks of life, it's notable that many more roles now are open to job-sharing. There are numerous examples of senior roles in the civil service which have been or are being job-shared. In the corporate world we have Clare Dolan and Rosie O'Malley sharing the role of Global Strategy Director for Unilever's laundry category. In the third sector Linda Thomas and Hilary Cross share being CEOs of Macmillan Cancer Support. In the political world Anushka Asthana and Heather Stewart share the role of Guardian political editor. Most recently we have also had the Green Party take the bold step to elect a job-share leadership – between Caroline Lucas and Jonathan Bartley, which so far has been relatively well-received.

Reflecting on lessons for the world of politics, an MP's job is not (and never has been) a 9-5 role. In fact, it is an increasingly 24/7 existence with parliamentary, constituency and social media activity driving an impossible timetable and workload. Wouldn't it be desirable to be able to share it with someone? This isn't only about getting more women (particularly mothers) into politics and enabling them to balance work and care. It would also help carers, disabled people, older MPs who want to taper their working lives as they prepare to retire from Parliament, and yes, those who also want to combine being an MP with doing another job in the outside world (but as I've mentioned above, for this group they seem to have pulled off the 'job-share' option already).

Public opinion

I strongly suspect that the general public would readily accept job-share MPs or at least, be indifferent to it, as suggested in Campbell and Childs' chapter. What they would care about is what their elected representatives could deliver for them, and on that wider point about relevance of our parliamentary democracy, whether the House of Commons does represent the public in all its diversity.

An MP's relationship with their constituents is one of the most important and defining features of our political democracy. Many who object to the idea of job-share MPs do so because they fear this relationship would be undermined. But again it is hard to understand why that should be the case. We would simply see two representatives acting on behalf of their constituents instead of one. What if there were differences of view? For a job-share to work well they would need to be closely politically aligned, so most of the time this wouldn't be an issue. Any differences would have to be aired and managed with an agreed way of dealing with it. The job-share team would need to act as one when it comes to voting or taking an agreed line. Rules would need to be set out, agreed and followed. But it could be done.

It is not about how many, but who

The option to job-share the role of an MP would be just that; an option which would almost certainly be irrelevant for most MPs and constituencies most of the time. But it would be there as an option which would work for some. This is less about numbers and more about diversity, opening up the prospect of those who would otherwise be excluded from political life being given the opportunity to participate. Not as a favour to them, but as a favour to us. So that our politics can gain from having them there. If it removes a barrier for just one person then it is worthwhile. Fundamentally, I believe in the difference an individual MP can make as an advocate, as a lawmaker or as a campaigner. That one person could transform lives.

It is thus because it has always ever been thus, and so therefore it should be so

Parliament is a rather more traditional workplace than most, so it can take a long time for a 'new idea' to become a reality, even when the powers that be are more or less behind it. Consider the time it took to establish a nursery in the Palace of Westminster for example, which was not in place until 2010. Much of the opposition to the idea of job-share MPs comes from those who simply cannot conceive of the role being performed in this way. But I cannot see why "it can't be done because it hasn't ever been done" adds up to any kind of well-evidenced argument. Many of the other negative arguments have been made before against other forms of progress. For example, against all women shortlists (the second-class MP argument) or against women being admitted to private members' clubs (it will never be the same, the sky will fall in, etc.). But they haven't been borne out. For those who oppose MP job-share I would simply say they are missing the bigger point – the opportunity to find another way to say, "we have changed, we are modernising, we are for people like you." Because that is where the fault-line in our democracy lies.

Surely rather than mounting the barricades to oppose job-share MPs and thereby reinforcing the message that we don't really see why we should change and we aren't like the outside world at all, we should simply be focusing on how we do it? The electorate will cope and Parliament and politics as we know it might even be a stronger, richer place.

