



April 2020: Virtual Parliament

How may a virtual Parliament work? What are the main challenges for House authorities?





Overview

Whilst MPs may be subject to the same social distancing measures as the rest of the UK, Parliament has a vital role to play in the Coronavirus pandemic. During a time of major social and economic pressure, passing emergency laws, scrutinising the Government and representing constituents is absolutely essential to both the nation's response and to safeguarding democracy. Facilitating these key roles whilst minimising risk to health has presented a unique challenge for House authorities.

Nevertheless, significant steps have already been taken. Select Committees ran remotely over recess, with sessions involving the Lord Chancellor, HMRC and the police to name but a few. Committees swift adoption of video technology has demonstrated that virtual scrutiny of the coronavirus response is possible, and the onus is now on the House authorities to implement equivalent approaches for more complex aspects of Parliamentary business.

This briefing considers these challenges and outlines how Parliament may function upon its return from Easter recess on 21st April. It also examines what processes other legislatures have put in place.

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The story so far

Changes to Commons procedure had already begun when Parliament rose early for recess on Wednesday 25th March. MPs in the Chamber were social distancing, and a motion had been passed to allow Select Committees to sit virtually. In his last PMQs, Boris Johnson committed to working with Commons Speaker Sir Lindsay Hoyle on plans for sitting in April and pledged to keep the House informed

Over recess, it became clear that Parliamentarians across the House were keen to facilitate effective scrutiny. On 31st March, more than 100 MPs from Labour, the SNP and the Green party, led by Labour's shadow minister Chi Onwurah, signed an open letter maintaining that "Westminster is not a safe working environment" and [calling for](#) a digital parliament. Calls for utilising video-conferencing technology [also came from](#) a 210-strong group of Peers.

Following this, on 2nd April, Hoyle and Leader of the Commons Jacob Rees-Mogg both gave their backing to proposals that the UK set up a virtual Parliament. Hoyle confirmed that he had asked officials to investigate how best to deploy technology used in Select Committee sessions to oral questions, urgent questions and statements.

The Speaker went so far as to suggest that the Government set up a forum of MPs, who could quiz senior Government representatives over recess. Although this didn't come to fruition, many voiced frustrations over an inability to represent constituents and have ministers respond to questions. Leader of the Liberal Democrats, Ed Davey, [called for](#) a specialist select committee focusing on Covid-19 to be set up and chaired by an opposition leader, mirroring a similar arrangement in New Zealand.

However, despite widespread support, some MPs are more sceptical about a digital Parliament. One senior Conservative backbencher [told the House Magazine](#) on 10th April: "if you were going to have virtual debates, I just don't see how they would be debates". Ex-Chair of the European Research Group Steve Baker concurred: "I don't think it will work very well. I think at best it will be a sufferable path forward." In [a letter on 6th April](#), Chair of the Procedure Committee, Karen Bradley, also highlighted "sharp division" over whether members able to attend in person should be permitted to, with some arguing that it was the responsibility of MPs to lead by example in continuing to self-isolate.

On the 14th April, the Hoyle [wrote](#) to MPs confirming plans were in place to enable MPs to take part in departmental questions (including Prime Minister's Questions), urgent questions and statements remotely by video link when Parliament returns from recess. These will be broadcast live. This also confirmed that once delivery is "judged satisfactory and sustainable", the House will consider extending the model to debates on motions and legislation.

Further to the expansion of this model, Hoyle has requested the House Service and Parliamentary Digital Service to undertake preparatory work "as a matter of urgency" on a remote voting system to facilitate divisions of the House.

What happens next?

While the “draft operating model” has been approved by the Speaker, it is now up to the Government and main Opposition parties to review. The Procedure Committee considered this model in a virtual meeting on Wednesday 15th April.

Following this, the House of Commons Commission will be asked to give its approval to the plans on Thursday 16th April. More detailed information about the proposals will be released after the Commission meeting.

The next step would be for the Leader of the House, following consultation with the parties, to put forward motions setting out any temporary arrangements for the House to consider on 21st April. This is likely to mirror the process for virtual Select Committee meetings, whereby a motion was ‘nodded through’ as no MPs opposed it. In this scenario, a vote would not be required.

How may different parts of the UK Parliament function?

Select Committees

Select Committees play a crucial parliamentary function in scrutinising Government departments on policy, spending and administration. With the far-reaching impact of the Covid-19 in mind, and the speed at which new legislation such as the Coronavirus Act 2020 had been passed, their role has been particularly vital to examine the Government’s response.

Remote Select Committee sessions have already taken place by virtual means. It has been approved that participation of these meetings [can take place via email, conference calls and digital conferencing](#), so long as a number of measures are provided for, such as witnesses being able to clearly communicate during evidence sessions.

There are certain aspects of Select Committee meetings which perhaps lend themselves more naturally to a virtual format. There are fewer participants; the format of an evidence sessions is planned in advance; and there is no voting. Some committees have been streamed live, whilst others have had summaries published within 24 hours. With the aim of there being 20 committee sessions a week by the end of April, technological capacity may prove challenging. However, with this format already tested, there are reasons for optimism going forward.

The [Institute for Government](#), have recommended the establishment of a new Covid-19 Committee to avoid duplication of inquiries into Government preparedness. This could be similar to the aforementioned Epidemic Response Unit in New Zealand and would reduce some of the technological burden imposed by having numerous committee sessions meeting on similar themes.

Oral Questions

Oral questions take place almost every day when Parliament is sitting and are viewed as vital mechanism in holding the Government to account on a number of important issues. Many parliamentary digital and procedural experts have been exploring ways of [allowing oral and urgent questions to Government Ministers to continue](#) during the Covid-19 pandemic. The Speaker confirmed on 14th April that members will be able to take part in departmental questions, urgent questions and statements remotely by video link.

Hoyle’s announcement followed much speculation over how oral questions would work if Parliament were to sit virtually. [The Times](#) reported that to limit the number of oral questions at any one time, “the names of...

between 25 and 30 MPs would be drawn from a hat to ask questions. It is thought that two sessions could be held back-to-back, for instance having Treasury questions followed by health questions". Some have called for a longer allocation of time for urgent questions, in order to hold the Government to account. This is something that could be achieved without standing order as the [Speaker has discretion on timings](#).

However, there are many practical issues that could pose challenges in making virtual parliamentary proceedings run smoothly. Lord Fowler recently said: "Oral Questions pose particular challenges and if we are to open participation up to all members, we will have to change how we work. If we were to conduct these particular proceedings digitally, either wholly or partially, the questioner and the Minister would have to be willing to participate via video link and a pre-selected list of supplementary questioners would have to be drawn up, much like a speakers' list for debates. This would allow participants to make arrangements to participate remotely and seek IT guidance in advance, should that be required".

The UK not alone in wrestling with this challenge, and the devolved legislatures have been quicker off the mark in adopting virtual sittings. For example, the first leaders' virtual question time took place in the Scottish Parliament in April, where questioning was led by party leaders.

Internationally, countries have taken different stances on whether [daily questions to the Government](#) would still go ahead during the pandemic. In France, the Assemblée Nationale and the Senate are permitting weekly questions to Government ministers, but only party group leaders and spokespeople will be present in the Chamber. However, alongside Germany, Norway and Switzerland, France has adopted an urgent-only business agenda. Estonia, meanwhile, has been holding question sessions on Wednesdays in April, Italy would only meet in Plenary to question the Government on the most urgent of matters and in Ireland, Dáil Parliamentary Questions have been suspended.

Debates and Bills

As we await confirmation of how a virtual or 'hybrid' parliament would facilitate debates and the passage of Bills in either House, there are three key challenges which would need overcoming in the weeks ahead.

Firstly, is participation. Productive debates and the proper scrutiny of Bills would require that representatives from across the House participate in proceedings. As anyone working from home will have experienced, having large numbers on a conference calls can prove a little chaotic at times. And so, the usual jeering of Members in the House could lose some of its charm over a virtual format.

One such solution could be that a speakers' list, as used in the House of Lords. This could limit and organise participants, making it easier for other Members to log in and watch.

Another point of consideration is the spontaneity which often characterizes debates and the reading of Bills in either House. In the Welsh Plenary, successful virtual meetings have taken place using Zoom. As Elin Jones, the Lywdd (Presiding Officer) of the Senedd [told the House Magazine](#), Members in the plenary had been able to indicate a desire to speak via a chat function on the App. In the House of Commons, perhaps a balance would need to be struck between participation and spontaneity, so that only key representatives from parties would be able to make interventions.

Finally, and perhaps most significantly, is the issue of voting. In a hybrid-parliament, in which some MPs will still be physical present in the House, extending the time taken for divisions to maintain social distancing, as well as using existing proxy voting/pairing arrangements have both been suggested as solutions.

To overcome the potential of security breaches in fully virtual scenario, VPNs and texts could be used. Furthermore, it has been suggested that lists of how MPs voted could be published online to ensure transparency and accuracy.

There are a few models that Parliament could look to - at the Welsh Assembly, for example, votes were cast during a virtual plenary session using weighted voting by roll call where a representative of each party group to cast votes on behalf of all members of the group.

[In a remote meeting of the European Parliament](#), MEPs voted by printing, signing, scanning and emailing their contributions to Parliament. This had apparently led to a few technical difficulties, and jokes amongst members about overwhelmed email inboxes. What this European wide vote proves is that even if imperfect at first, different possibilities exist could facilitate possibility of different crucial votes could take place by virtual means.

Written Questions

Written questions act as an important way for MPs to scrutinise ministers on the actions of their department. As yet, there is no confirmation on whether they would continue when Parliament returns. In some countries, written questions have continued to take place including in the [Folketing](#) (Danish Parliament). Proposals should be brought forward as soon as possible to change the practice that written questions cannot be tabled by Members during periodic adjournments (recesses).

On the 7th April, Chair of the Commons Procedure Committee Karen Bradley wrote to the Speaker recommending that proposals be brought forward to change the [practice that written questions cannot be tabled by Members during periodic adjournments](#) (recesses).

Hoyle told the House before the recess began that members should “think twice” before tabling written parliamentary questions and allow ministers to focus their energies on dealing with the Covid-19 crisis in hand. However, MPs who have been conducting local constituency work over the past few weeks will no doubt have a [number of questions to ask ministers](#) at this challenging time.

What additional challenges does virtual sitting present?

There are innumerable challenges for the House authorities to surmount when developing procedures for a virtual Parliament, ranging from technological difficulties to concerns over how measures will affect the quality of scrutiny.

The primary challenge will be maintaining the health and safety of MPs and parliamentary staff. Both the Commons and the Lords were successfully implementing social distancing in the Chamber prior to recess. PMQs, for example, was conducted in two shifts to allow maximum questioning with minimal contact. It may be possible for Parliament to take advantage of quorum rules to enforce social distancing, as has happened in the German Bundestag. In the Commons the quorum is 40 Members of Parliament, including the Speaker.

Other challenges facing House authorities are technological. Requisite infrastructure, such as a fast and reliable broadband connection, may not be readily available to MPs in remote constituencies. Chair of the Treasury Committee Mel Stride was the victim of a tech glitch when questioning officials from HMRC, temporarily vanishing from the meeting for a few minutes and leaving chairing responsibilities to fellow Committee member Steve Baker.

Cybersecurity experts have also raised concerns over the vulnerabilities of videoconferencing software such as Zoom. Despite this, every MP will soon be offered a licence for a bespoke version of Zoom, which Parliament licensed in early April. The security of remote voting poses a particular challenge, which was overcome in Brazil by Parliamentarians registering a single device with an internal application used for voting.

There are also concerns that virtual sitting may disenfranchise backbench MPs. Catching a few minutes with a minister in a voting lobby is an important mechanism for backbench MPs to advance their causes. Speaking to [PoliticsHome](#), Robert Halfon spoke about the importance of being able to make “a nuisance of myself” around ministers in voting lobbies for many of his most successful campaigns. If the UK follows the Welsh Assembly format, where spokespeople from each party ask questions to a minister, power will be concentrated in the hands of party whips.

To allay many of these fears, the House authorities will have to make clear that measures are temporary or include an explicit sunset clause identifying a date for renewal or further discussion. This model has already been applied to virtual arrangements for Select Committees, which are only in place until late June. In all likelihood, to ease the process for returning to usual proceedings, Parliament will adopt a ‘hybrid’ solution, whereby some members attend in person and other tune in remotely.

Has this happened before?

During a Parliamentary recess in 1641, when the plague hit London, [there was](#) “an unprecedented continuation of parliamentary business by a Recess Committee”, which was made up of MPs and peers. MPs and peers were occasionally voluntarily or forcibly isolated to prevent contagion.

About the author



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