



# How could a virtual parliament work?

Dr Hannah White

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## Summary

Before parliament rose on 25 March – a week early – for its Easter break, some MPs and peers argued it should begin operating ‘virtually’ to avoid the risk of spreading the coronavirus. But beyond MPs spending less (or no) time in the House of Commons, exactly how this would work is unclear. With parliamentarians due to return to Westminster on 21 April, this short paper considers how a ‘virtual parliament’ might work and what challenges it would raise.

Parliament does not exactly have a reputation for innovation where digital technology is concerned. After all, this is an institution that requires its members physically to walk through side-rooms in order to register their votes, and to sign their names by hand in a big book to apply for the chance to introduce legislation.

But parliament’s reputation as a reactionary, analogue institution is somewhat undeserved. In recent years, a steady stream of effort has been directed at digitising formerly paper-based processes. The HousePapers and CommonsVotes apps, and online parliamentary Questions and Answers process, are all evidence of parliament responding to the digital age.

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Nonetheless, it is often difficult to achieve change in parliament, and its adoption of 21st-century technologies has undoubtedly been slow. This may change. The [coronavirus pandemic](#) seems set to galvanise a remarkable degree of experimentation.

So, what changes might we see when both Houses of Parliament return? What are the challenges that will be raised by a virtual parliament? And are the innovations we may see in the next few weeks and months likely to outlast the pandemic?

## **The coronavirus pandemic is demanding innovation**

Both Houses have continued sitting largely as normal through many past national and international crises, including both world wars (although the Commons had to sit in the Lords chamber after their own was bombed in 1941). But the particular features of Covid-19 – a highly infectious and potentially deadly coronavirus, with a long incubation period during which many people are asymptomatic – pose unprecedented challenges. The difficulties of continuing to sit through a global pandemic are complicated further by modern expectations of parliamentary transparency and accessibility.

In response to the pandemic, the government has asked the UK population to: practise ‘social distancing’ (to remain at least two metres apart from others at all times); reduce unnecessary travel, including by working from home wherever possible; and shield particularly vulnerable groups (the over 70s and those with underlying health conditions have been advised to completely self-isolate for 12 weeks). As in many other workplaces, increased use of digital technology offers parliament a ways of continuing to operate while meeting all these requirements.

When thinking about how parliament might make better use of digital technology it is easy to focus on the technical issues: anyone who has taken part in a large videoconference in recent weeks will recognise that the technology is not infallible – and each House has hundreds of members who might wish to participate in any particular session.

But the questions around constructing a virtual parliament also go to the heart of our democratic process. At a time of national crisis, it is essential that government can continue to function and that the public maintains its trust in it. Parliament is central to both of these. The government needs to be able to pass legislation, and MPs and peers need to be able to hold ministers to account for the decisions they are making on behalf of citizens. Crucially, parliament needs to be seen by the public to be doing these things – so the need for parliamentary proceedings to be broadcast live wherever possible and recorded accurately for posterity is more important than ever.

Perhaps most fundamentally of all, the House of Commons needs to be capable of sitting and voting to demonstrate its confidence in the government, were that ever to be called into question. That is why innovations that will enable parliament to continue sitting, even if remotely, and operating as normally as possible are so important.

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## Select committees were first out of the blocks

Commons [select committees](#) were quick off the mark in adapting their working methods. Following changes to the Commons rules agreed at the end of March 2020, committee members can now participate in committee meetings through email, videoconference or phone calls. The Health and Social Care Committee held parliament's first-ever remote oral evidence session on Thursday 26 March. The Lords is exploring similar innovations.

Because the activity of committees is not affected by parliamentary recesses, several committees have continued to meet and take evidence remotely from witnesses, broadcasting the sessions live or publishing them afterwards online, as the crisis has developed.

However, the Liaison Committee – made up of all Commons select committee chairs and responsible for holding regular oral evidence sessions with the prime minister – is not among them. This is unfortunate. The reason is that the government's attempt to impose its own choice of chair, Sir Bernard Jenkin, on the committee has been resisted by opposition parties.

This is problematic because the response to the pandemic is a perfect example of a 'cross-cutting' issue – that is, one that 'cuts across' more than one area of government activity, requires leadership from the top and on which it would be desirable for the head of government regularly to be held to account. Brexit was a similarly cross-cutting issue that benefited from the overarching scrutiny of the Commons Exiting the EU and Lords EU committees.

The absence of such cross-cutting scrutiny of the government's handling of what the prime minister has described as "the biggest health crisis in a generation" means there is a risk that potentially overlapping inquiries, by individual departmental committees, proliferate. This would be inefficient – and could place an unnecessary burden on government to respond to multiple requests for evidence at a time when civil servants and ministers are already under severe pressure.

The New Zealand parliament has set up a new Epidemic Response Committee, chaired by the leader of the opposition, to conduct coherent, overarching scrutiny of its government's coronavirus response. It is regrettable that the UK government is not doing more to facilitate necessary scrutiny of its own response.

The other main constraint on select committee scrutiny is probably the capacity of parliament's technology and staff to run virtual sittings. These are more labour-intensive than in-person meetings because of the need to co-ordinate MPs' participation and support their use of technology. The aim is to hold 20 sessions a week in the Commons by the time parliament returns at the end of April – somewhat fewer than normal but probably sufficient in the circumstances. But that level of activity will only be sustainable as long as the staff are available to run virtual sessions. Many parliamentary staff work in small, specialised teams that could be badly affected by sickness or absence (given even healthy staff may need to self-isolate if members of their household show symptoms).

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## Virtual parliamentary questions would be straightforward

The Speaker of the House of Commons, Sir Lindsay Hoyle, urged MPs to “think twice” before tabling parliamentary questions and ask only those that were urgent. But MPs – many of whom are now conducting ‘virtual surgeries’ to deal with a flood of coronavirus-related constituency work – will have many questions to ask. Most of these can be tabled in writing. But in these unusual and strained circumstances, MPs are likely to feel that being seen to pursue their constituents’ interests in parliament is increasingly important. In short, few MPs are likely to see their questions as *not* being urgent.

Given the scale of the crisis, it seems unlikely that numbers of oral questions will drop significantly, unless the number of MPs able to ask them is formally restricted or large numbers of members are incapacitated.

Already before the recess we saw government ministers answering oral questions in lightly populated chambers, to allow MPs and peers to maintain social distancing. If parliamentarians want to go further and reduce the need for travel to Westminster altogether, it would be relatively straightforward to adopt the procedure being used for government press conferences. A minister alone in the chamber could answer questions from a succession of members appearing via video-link, allowing for supplementary questions as necessary. The Lord Speaker, Norman Fowler, has suggested that the Upper House is exploring a hybrid approach, allowing peers to participate in Question Time either in person or via video-link.

This approach would require the agreement of the government and a positive decision from each House. But it would certainly work for Prime Minister’s Questions as well as other ministerial questions where the running order is pre-planned, with appropriate support to the chair to keep proceedings flowing and deal with unexpected technical glitches. It would also translate well onto television – where the face of the minister and that of the questioner could appear alongside each other.

## Statements, ‘urgent questions’ and debates could lose spontaneity

In theory, ministerial statements and ‘urgent questions’ could be dealt with in the same way. So far, the Commons Speaker has proposed suspending the convention that only MPs present during a statement can ask questions on it, allowing MPs to table a question in advance and producing speaking lists (already established procedure in the Lords). This would enable MPs to only attend the chamber at the relevant time and to maintain social distancing when they were there – but it would still require MPs to be present in Westminster to ask their question.

This could be addressed by video-link technology. But as statements and responses to urgent questions would also need to be provided in writing to members in advance, the ability of MPs to ask questions that occur to them only as they hear a minister’s statement would be severely restricted.

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This restriction on spontaneity would also affect wider debates if speaking lists were used to marshal MPs participating remotely. And 'points of order', which in theory are interventions to ask the Speaker about the procedure being followed (but more often an opportunity for political point scoring), would be tricky to handle.

MPs would still be protected by parliamentary privilege as long as the House confirms that processes conducted online, such as debates and committee hearings, are still 'proceedings in parliament'.

## Passing legislation will be trickiest to move online

Many legislatures around the world – including the German Bundestag and Irish Dáil – are facilitating social distancing by reducing the number of members participating in proceedings. This is being achieved by using 'pairing' (agreeing that pairs of members from opposing parties will not participate) or agreements that only a representative fraction of MPs will attend. This might work for some types of business in the UK parliament, if cross-party agreements can be struck, but smaller parties will be cautious, particularly when it comes to important legislative business.

Parliament's legislative role is likely to be the most problematic area of its business to move online. The extent to which this is an issue will depend on two factors: how much legislation the government needs to pass and how contentious that legislation proves to be.

The first of these is not entirely in the government's control. Key elements of certain legislation – such as the continued authority to collect income tax provided by the [Finance Bill](#) (currently making its way through parliament following the March budget) – are necessary to keep the government going. Further legislation may be required in connection with the pandemic. The public health legislation used to authorise the 'lockdown' will need retrospective approval when parliament returns and, in time, the government may discover a need for further powers not provided for in the [Coronavirus Act 2020](#). Other unforeseen circumstances may also arise.

Other legislation will be discretionary. In other countries, including New Zealand, governments have temporarily suspended their legislative agendas. But the UK's newly elected Conservative government, with a large majority and a manifesto to deliver, is unlikely to want to abandon its legislative plans entirely. It would presumably prefer to pass certain key Brexit bills – including those on immigration, fisheries and agriculture – before the end of the transition period, currently scheduled for 31 December (although the feasibility of that deadline [remains in question](#)). The business announced for the first week back after the recess – which includes the Immigration Bill – suggests the government has not given up on its wider legislative agenda yet.

So, the government is likely to want to pass legislation. How contentious that legislation is will be significant because it affects the likelihood of votes being required. These are problematic because the normal voting process of 'divisions' involves MPs and peers crowding into small rooms known as 'division lobbies' in order to cast their votes in person.

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When asked about this, the Leader of the House, Jacob Rees-Mogg, initially argued that the advice from Public Health England was that voting in person did not pose a particular risk, and simply proposed opening a window in the lobbies to assist air flow. But in the face of ongoing concern from MPs, the Speaker extended the time available for MPs to pass through the lobbies from around 20 minutes to 30–40 minutes. While this allows MPs to maintain distance as they walk through, it has also made the already time-consuming process of voting even slower – something which could have the undesirable effect of discouraging MPs from triggering votes at all.

Before the Commons rose for Easter, deals were struck behind the scenes so that votes could either be avoided altogether or simply decided by the Speaker 'on the voices' in the chamber (literally which side shouts loudest). All Commons votes on the Coronavirus Bill were decided 'on the voices'. The opposition agreed not to press decisions on the budget resolutions – needed to authorise the introduction of the Finance Bill – and in return the government did not move one of the resolutions.

But if future legislation proves more contentious, continuing to strike deals in advance may prove impossible. Opposition MPs or ministers sometimes want to force a vote (even one they know they will lose) in order to demonstrate their support for, or opposition to, a measure. Government backbenchers may also be keen to ensure that their support for government measures is not taken for granted. In such situations, votes may be unavoidable.

Other ways of holding votes are possible. Some could be held using the 'deferred division' process, in which MPs deliver their vote on pink ballot slips delivered to the Commons lobby at a later time, rather than immediately after the debate. Another option would be to allow the whips to cast votes on behalf of their MPs, in what would be an extension of the new 'proxy voting' mechanism put in place for MPs on parental leave.

Neither option is ideal. Delaying or delegating voting won't work well for legislative scrutiny, which often requires multiple votes, with some decisions being contingent on the outcome of others. This will be an issue for legislative committees as well as for the consideration of legislation on the floor of the two Houses. Putting the whips in charge of casting votes for their entire party also seems unrealistic given the 'awkward squad' members of both main parties who may not wish to toe the party line.

The obvious, if more radical solution to voting in the age of coronavirus would be the introduction of digital voting. This is a proposal that deserves serious consideration now, even if it has previously been rejected. Many other legislatures, including the [Welsh Senedd and Scottish parliament](#), already record members' votes electronically; the US House of Representatives has used a card-based electronic system since the 1970s. The current crisis should concentrate minds in Westminster on the value of digital voting technology.

Different forms of technology would have different benefits and risks in the current circumstances. One idea that has been floated – voting by text message – would be better for social distancing than installing voting buttons or fingerprint scanners in

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the two chambers, but naturally brings with it security concerns. Arguably these could be overcome by the immediate publication of voting lists, which would reduce the chance of a vote being hacked undetected. But whether all members would accept such a radical, overnight change in how they cast their votes is doubtful. And it would undoubtedly be risky to introduce untested new technology, at short notice.

While technological solutions are tested, the best answer for now is probably for the government to legislate only where absolutely necessary, opposition parties and government backbenchers to respond constructively by calling votes only on the most important issues, and those votes to be deferred with members allowed to register their votes by proxy or secure email.

## **Some innovations may persist**

Coronavirus is driving an unprecedented period of procedural experimentation in the UK parliament, the devolved legislatures and other assemblies around the world. The current and former chairs of the Commons Procedure Committee – Karen Bradley and Charles Walker, respectively – have argued strongly that all the changes introduced so far in the Commons should be kept on a strictly temporary basis, with decisions on whether to make any of them permanent made by the whole House on the basis of proper evaluation.

Some of the innovations forced upon parliamentarians by the particular circumstances of the pandemic – such as virtual participation in chamber business – are likely to be abandoned as quickly as possible. Others may prove their utility and be sustained in the longer term. The possibility of remote participation in select committee meetings, in particular, may be one of these.

Parliamentary authorities will also be grappling with the unwelcome possibility that fundamentally desirable innovations introduced at speed may be executed in a way that discourages their long-term adoption. But imperfect, short-term solutions are preferable to inaction. This is particularly true if the alternative is that parliament's ability to fulfil its constitutional role is impaired, restricting the government's ability to respond to coronavirus and undermining public confidence in the state at a time of national crisis.

It is therefore essential that both the Commons and Lords move swiftly to identify and trial new working practices and technologies that may facilitate their work: the government should limit its legislative ambition for now, while working with parliament to support the expansion of its capability for online scrutiny – in committees and the chamber; parliamentarians should embrace the ideas of speaking lists, video-links and an expansion of proxy voting to avoid having to travel to Westminster; and the parliamentary authorities should urgently explore the latest technologies available to support digital voting.

Setting aside any reactionary tendencies and experimenting with new ideas will not only help protect the health of MPs, peers and parliamentary staff – it could also keep the UK's key democratic institution operational during this crisis.

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## About the author

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Hannah is deputy director of the Institute for Government, and has strategic oversight of the Institute's programme of work on government, parliament and the civil service, focusing on our external relationships and impact.

She has extensive knowledge of Westminster and Whitehall based on over a decade of experience in parliament and the civil service. Before running the Committee on Standards in Public Life in the Cabinet Office, she was a clerk in the House of Commons managing select and legislative committees and advising on parliamentary procedure.

Hannah is a commentator for radio and television and has appeared on Radio 4's *Westminster Hour*, *World at One*, the *Today* programme, *Newsnight*, *BBC News* and *Sky News*. She is a regular contributor to the Institute's comment pages and writes for a range of media including *The Guardian*, *The Times*, *The Telegraph* and *Civil Service World*.

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