



# Select Committee on the Constitution

## Corrected oral evidence: Constitutional implications of Covid-19

Wednesday 15 July 2020

10 am

Watch the meeting

Members present: Baroness Taylor of Bolton (The Chair); Lord Beith; Baroness Corston; Baroness Drake; Lord Dunlop; Baroness Fookes; Lord Hennessy of Nympsfield; Lord Howarth of Newport; Lord Howell of Guildford; Lord Pannick; Lord Sherbourne of Didsbury; Lord Wallace of Tankerness.

Evidence Session No. 9

Heard in Public

Questions 119 - 131

### Witness

I: Lord McFall of Alcluith, Senior Deputy Speaker.

### USE OF THE TRANSCRIPT

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## Examination of witness

Lord McFall of Alcluith.

Q119 **The Chair:** This is the Constitution Committee of the House of Lords. We are conducting an inquiry into the constitutional implications of Covid-19 for Parliament and all the constitutional aspects of this. Today we are taking evidence from Lord McFall, who is the Senior Deputy Speaker in the Lords. Good morning, Lord McFall.

**Lord McFall of Alcluith:** Good morning, Baroness Taylor.

**The Chair:** We are very pleased that you are able to join us. Like us, you have had the sudden problem of having to adjust to the new challenges that we are all facing. As an opening question, how in general terms do you think the House of Lords and its Members has been able to adapt to the many challenges that are facing us and which have come so quickly?

**Lord McFall of Alcluith:** Thank you very much for your invitation to give evidence. To begin with, it is important to remember where we started from. At the beginning of the Easter Recess, it was still expected that Parliament would continue to meet only in physical form, albeit with a reduced attendance. Lord Hunt of Kings Heath tabled an Oral Question to me on 21 April: "To ask the Senior Deputy Speaker what plans have been made to enable peers to take part in the proceedings of the House of Lords remotely". When his Question was tabled in March, there were no such plans. The fact that the Question was asked and answered remotely, with supplementaries that were also delivered remotely, was itself a major achievement.

The fact that since mid-June we have been able to consider legislation in hybrid proceedings, amend it, vote on it remotely and send it back to the Commons is a monumental achievement, and tribute must be paid to all staff who have made this possible and to Members for embracing new ways of working. Many Members had little knowledge of the technology, but they brought themselves up to speed and engaged with the staff; there were many one-to-one engagements to make sure that all Members felt comfortable with the technology. We have found ways to continue all major types of business. So it is important to keep the context in mind.

These are changes that we have had to make because of the global pandemic of a virus with potentially fatal consequences that are exacerbated among certain demographic groups. Our workplace has a number of vulnerabilities, not only in demographics but as a location where people come from across the country, gather together and then disperse.

The measures that we have taken have kept Members and staff safe while allowing the House to continue to perform its full range of functions. Our performance compares pretty well to other legislatures internationally. In fact, the Clerk of the Parliaments sent me a letter just

before this session outlining that comparison, and I will ensure that that is shared with you.

**The Chair:** Thank you. We would be very happy to receive a copy of that letter. As you say, we have all had to face some technological challenge, and it has been a learning curve for many of us. We will go into the detail of some of the aspects that you have mentioned. I will ask Baroness Fookes to come in here; I think she wants to talk about some of the procedural changes.

Q120 **Baroness Fookes:** I have an interest in this as a Deputy Speaker, even though I am not active at the moment because I am working only remotely. How well do you think the processes for working out and agreeing procedural changes have worked? In particular, do you think the Procedure Committee has been able to consult Members sufficiently on the changes that have taken place, bearing in mind that a lot has happened in a very short time?

**Lord McFall of Alcluith:** There have been three phases to this change. First, there was the virtual Parliament with Microsoft Teams. That was rolled out straightaway and it reached 9,000 parliamentary users, 1,127 of whom were Peers and staff. Then on 5 May we went to a fully Zoom/outside-broadcast arrangement. On 8 June, we adopted the hybrid House, where people were in the Chamber or remote. Then on 15 June we established PeerHub.

The Procedure Committee usually meets two or three times a year, but since the start of this pandemic it has been in almost constant session, whether formally—we are meeting on Tuesday and I think that is the eighth meeting we will have had since the start of the pandemic—or informally. There has been a lot of informal contact. Many Members have written to me and I have taken the points that they have made to the committee. Not all the points are for the committee, because there are some business aspects that are for the Government to look at.

The committee's agenda was extensive and complex: first, providing guidance for virtual proceedings, then developing our hybrid proceedings and giving oversight to the development and introduction of remote voting. The committee has been vital in allowing the House to continue to perform its functions. For information, it is worth knowing that the majority of the committee is comprised of Back-Benchers.

**Baroness Fookes:** What about relations with the Government, presumably in the shape of Whips? Has that worked well?

**Lord McFall of Alcluith:** If I said it had worked very well, I would probably be the first Senior Deputy Speaker to say that. But it has been a positive engagement. We made sure that we engaged with the usual channels in between meetings so that there was near unanimity when we came to the Procedure Committee. So I have to say to you that it does work well. On one or two occasions the Government have written to me

formally about what they are doing as a result of what the Procedure Committee has done.

We should note that the response to the pandemic has been an all-House one, and it has been largely positive. There have been tensions along the road—I am the first to know that that is the situation—but I hope that we have discussed our differences in a positive way, and that applies to the Procedure Committee and its relations with the Government.

**Baroness Fookes:** I suppose I must not be tempted to ask whether we have done it better than the Commons.

**Lord McFall of Alcluith:** Can I give you one word? Absolutely.

Q121 **Lord Wallace of Tankerness:** You clearly had many challenges. However, some restrictions—I do not want to say arbitrary ones—have been put on the number of people able to take part. Given that the House sets great store by being a self-governing place, to what extent do you think that has been compromised and to what extent will we win it back?

**Lord McFall of Alcluith:** There is no doubt that it has been compromised to an extent. Maybe I can come back to some of these issues in my later answers but, for example, having a speakers' list in the hybrid House, with those in the Chamber not being able to respond, has been a source of frustration for some people. However, it is technical issues that govern those limitations. I received a note from one of the technical people regarding the limitations that there have been. Rather than going into anything technologically deep, Chair, perhaps I could share that with the Committee later.

**The Chair:** Thank you, yes.

Q122 **Lord Howell of Guildford:** Good morning, Lord McFall. Thank you for being with us. In your assessment of the whole experience of these virtual proceedings, where do you think the strongest benefits have been and the strongest drawbacks? Do you feel that some types of business have benefited better from this virtual process than others, particularly given that in the Chamber a Minister really cannot be pursued, as it were—there is just a short answer and that is it—whereas in committees you can have sustained questioning of government policy? Do you think there is a case to be made for more activity and stronger powers for committees rather than the Chamber?

**Lord McFall of Alcluith:** As one who chaired a committee for 10 years, I agree that the balance between the Executive and Parliament is still in the process of being redressed. Lord Howell, you have been a distinguished chair of a committee but have also been involved in the process that undertook the review of committees, and you were one of the firmest supporters of what I was doing.

I would say that the outstanding success of this period has been the work of the committees, yours and others. I notice that the work that you have undertaken—the Business and Planning Bill, your criticism of fast-tracking

legislation, three Bills relating to the coronavirus, the Corporate Insolvency and Governance Bill, and others—covers areas that, as you have highlighted, have real limitations in the present system of legislation. You have also highlighted the fact that the Government have taken advantage in a number of areas by making permanent changes rather than temporary ones or inserting sunset clauses. That has been well articulated by you.

We could build on the work of the committees. When I undertook the review of committees, as you know it was to establish a system whereby the Liaison Committee had a flexibility about its business. I was glad to see that the Hansard Society tweeted during the pandemic that the House of Lords has proved the most flexible of all in getting its business through. You will know that we established a Covid-19 committee right at the beginning.

I see the establishment of that review of committees as being a system that is organic, where the footprint of the committees can extend, the authority of the chairs and the Members increases, and we can reach out and, in Lord Hennessy's words to me, have a national conversation with the public. I think Lord Hennessy said that this was a House of the coalition of the willing and the knowledgeable, and that is epitomised in the work of the committees.

**The Chair:** I think Lord Hennessy might want to come in later.

Q123 **Lord Howell of Guildford:** I find that an immensely encouraging comment. Is the implication that we might draw from this whole pandemic experience that our committees should have more powers? Do you think the public are looking more to the committees to see the real drama of questioning government, a vastly empowered and expanded Executive, on its activities?

**Lord McFall of Alcluith:** When I was in the other place, I felt that the authority and the power there was ceding to the committees themselves rather than to the Floor of the House. You do not get very far on the Floor of the House with penetrating questions and finding solutions to issues. The House of Lords is well-known for two major things: scrutiny of legislation and scrutiny of government Ministers and public policies. I for one want to enhance that authority of the committees.

I was in a meeting with some staff yesterday, who will remain unnamed, where I said that I have been saying for three years: that we need more resources. If I remember correctly, in the House of Commons the budget for committees is something like £16 million. We have £4 million, so we are on one-quarter. However, the weight of our reports is enormous, and I am looking for more resources and authority for that. We have 270 people on committees at the moment. That is good, but I want to increase it.

Q124 **Lord Howarth of Newport:** Moving on from the discussion of committees to a discussion of proceedings in the Chamber, many

colleagues in the Lords feel that what happens in the Chamber is of very great importance and can be of great value. What in your view has been the impact of virtual or hybrid proceedings on the effectiveness of plenary debate—that is, debates in the Chamber—and particularly on the questioning of Ministers in the House?

**Lord McFall of Alcluith:** I have had a few emails on that. A number of people are not satisfied, particularly with the Agriculture Bill; I hear that last evening there was dissatisfaction with that, because there was not enough time. So that is well-known. If we could have enough time, that would be good, but on the one hand the Peers are saying, “We want to debate more”, and on the other the Government are saying, “We need to get our business through”, and that is the tension.

We will have hybrid Grand Committees in September. I have written to the Chief Whip asking for more Select Committee debates and indeed more debates in general. He has written back to me saying that with this new innovation in September, the hybrid Grand Committees, that should be achieved. So I am pushing in that particular area.

It is important to emphasise that we are currently experiencing very high levels of participation, and that the system is delivering a higher number of individual contributions than we would normally experience. In the period 22 June to 3 July 2020, for example, *Hansard* records 1,882 individual contributions from Members. In an equivalent period last year, 17 to 28 June 2019, there were 945 individual contributions.

These figures were provided by the Library, and other comparisons published in briefing notes provide a consistent picture of extremely high levels of participation since we have begun these proceedings. Virtual proceedings, far from preventing people from contributing, are actually allowing a far greater level of participation than normal. It is not that there are fewer chances to participate; it is that more people want to be involved.

As I mentioned earlier, there are technical limitations, with 50 remote participants and 30 in the Chamber, making a total of 80. Again, I have been in contact with the technical people, and they replied to me that it needs more intelligent software—whatever that means; I am not up to date with that—but they say they are working to get more intelligent software so that we can include more people. However, the to and fro and the empathy in the Chamber are missing because of the lack of interventions. I well realise that.

**Lord Howarth of Newport:** On that point about the to and fro, the empathy and the atmosphere in the Chamber, many colleagues feel that virtual proceedings have deprived the House of something very important, which is that spontaneity and those moments when, thanks to an almost audible gasp or body language, there is a palpable atmosphere in the Chamber, which plays a part in holding Ministers to account.

From time to time Ministers give an answer that is perhaps less than

satisfactory to the House. When the House is sitting physically, it has ways of registering that dissatisfaction. I do not want to be too negative, but do you and your advisers foresee that we can develop the technology so that we can recover something of that?

**Lord McFall of Alcluith:** All I can do now is say that we have an aspiration for that. That element is really important. We in the Procedure Committee have been trying very hard to increase the time available at Questions for Members. For example, Oral Questions now last 10 minutes longer with, typically, nine supplementary questions to the Question, and PNQs now last for 15 minutes, with a typical 12 supplementary questions. I have to say that the Lord Speaker and I had a formal ticking-off from the Chief Whip via letter for extending time when we should not, so I am willing to push the barriers.

**Lord Howarth of Newport:** Well done.

**Lord Pannick:** On the issue of spontaneity, I wonder whether the restrictions, which are very extensive, are actually necessary. There was a very good example of spontaneity during the Private International Law (Implementation of Agreements) Bill, where Lord Falconer, who was on the opposition Front Bench, just ignored the rules. Lord Keen was speaking and Lord Falconer was dissatisfied with the speech that he was making, so Lord Falconer just stood up and intervened and Lord Keen gave way in the normal way. I just wonder if we are being a bit too restrictive, certainly for those who are in the Chamber.

There is no technical reason, is there, why one cannot have spontaneity in the normal way? For those who are remote it is a bit more difficult, but it can be done. It is done in court proceedings where you have five judges. I did a case in the Supreme Court yesterday, and when one of the judges wanted to intervene they put up their hand. One could technically have a system for those participating in a debate: they electronically notify whoever is in the Chair, and one can go to them as an intervention. If they abused that power, they will suffer the same obloquy that they do in the Chamber. So are we being too restrictive here?

**Lord McFall of Alcluith:** I take it that the noble Lord is not asking for general disobedience here, but he makes a very good point. In fact I have been informed that on a number of occasions individuals have emailed the clerk in the Chamber to say that they were going to ask a question, and they were able to.

I think there might be an opportunity to do that, but we might get the criticism that the parity that we have established for Members participating remotely and those in the Chamber. That was established right at the beginning. It is a subject worthy of further consideration by both the Procedure Committee and the commission.

Q125 **Baroness Drake:** Going back to the figures that you quoted showing that more people are participating, the trouble with statistics is that it

depends, when you interrogate them, what they show. I wonder to what extent there is a substitution effect going on here. I have certainly felt it myself where, because one loses the ability to push a Minister on a point or to iterate, one has to ask another question or use another issue to act as the hook to push the point that you might otherwise have made in the normal course of events, or you liaise with colleagues to take the opportunity on another occasion to do it.

I am not sure that the figures necessarily show an absolute improvement. There might be a substitution effect, because they are the main route in for people to ask questions. I just worry that we should not overinterpret them.

**Lord McFall of Alcluith:** That is a good point. Again, we will provide the statistics for you as a committee to interrogate them and then you can give us your final view on that.

**The Chair:** There is another dimension to that, is there not? One of the problems of having so many people who want to participate is that we have had more and more debates where the time limit to speak has been two minutes, or even one.

**Lord McFall of Alcluith:** Absolutely. We recognise that a one-minute or two-minute limit is a ridiculous situation. In fact, a number of weeks ago, the chair of the Economic Affairs Committee, Lord Forsyth, applied to speak in an economy debate but did not get in. Some absurdities are being thrown up as a result of this.

When we come back in September, we will have hybrid Grand Committees and therefore more opportunities for participation and a decent time for debate. The Agriculture Bill, for example, has seen well over 90 Members sign up to speak. A look at the records shows that normally 30 to 40 people speak in such debates. The demand is there, and it is possible that that plays into what Baroness Drake was saying earlier

**Lord Beith:** Is there not a perverse incentive here? Unless there is a vote, the only way to register that you are present is by asking a question, speaking in a debate or participating in a vote. In the normal way in which the House operates, many of us would have gone into the Chamber thinking, "If he doesn't answer that, I'll try to get in", and if the issue is dealt with you do not pursue it, particularly at Question Time.

We now have a much more formalised procedure, one that is underpinned in people's determination to take part by the fact that it is the only way of registering that they have been there remotely, they have been listening, and they have been involved in the whole process but have not used the opportunity to say something. I hope that we are thinking about that aspect of it.

**Lord McFall of Alcluith:** Absolutely. Maybe I could go back and talk about what the commission has done. On 27 April, the commission agreed that Members should be eligible for a reduced daily allowance for



their participation in virtual, physical and committee proceedings. On 22 June, we agreed that eligibility for the allowance should be extended to all who are on the speakers' list for the relevant item of business and have not subsequently withdrawn from it.

At the same meeting, the commission agreed in principle that from September, access to the previous full allowance for participation should be restored on a basis to be agreed. The commission will meet tomorrow to determine the final details, and once the full package of changes is agreed it will be put to the House for approval.

Behind all that is the point that you are making here. I was very clear at the 22 June meeting that the commission needed to have a road map for the future, so that people could see where we are going and have some level of certainty, because I am very aware of the frustrations about that in the House.

Yesterday I received an email from a couple of Members who had been down to speak in a Second Reading debate, but they did not get in. They asked me if they would still get the allowance, because they were on the speakers' list but the business overran and so they were not called. From the informal inquiries that I have made, that can be the case.

However, there is a bit of whack-a-mole element to this at the moment, and we deal with the different elements that come up as we go along. Engagement between Members and us is really important in trying to explain and to minimise any misunderstandings and frustration so that we can look forward to coming back in September on a more stable footing.

**Q126 Baroness Corston:** You must be well aware of the current time pressures that there are, particularly the time limits on accommodating all Members who may wish to speak in a debate. Are there any plans to deal with these limits?

**Lord McFall of Alcluith:** As I mentioned earlier, it has been a constant source of aggravation. The hybrid Grand Committees should help that issue. When we get the committee rooms up and ready, there will be an opportunity for more engagement in that area. Rooms 2A and 3A are being utilised for that, and room 4 upstairs will be upgraded for both virtual and hybrid meetings by the end of July. Room 4A will be upgraded for virtual and hybrid meetings by early September, and room 3A for early October. That should allow for more expansion of business.

**Lord Howell of Guildford:** We have been talking a bit about time limits. On the particular question of the time limits for Oral Questions, some of us urged at the beginning that there should be some flexibility of perhaps 12 minutes instead of 10 minutes. It is not just a question of getting even more people in, but of accommodating the 10 people on the speakers' list within the 10 minutes. Time and again, in my experience, it does not work, and the last two are left out.

That is not just a question of someone putting their name in and not

getting called, so bad luck, it is more that someone has been told that they will be called, they are on the speakers' list, they have prepared to raise often very complex issues, but at the end of the 10 minutes they find that they have not been reached. That is not very satisfactory at all. Can we not have the 12 minutes that some of us called for right at the beginning?

**Lord McFall of Alcluith:** That is a fair point, and we will be pushing the Procedure Committee on those issues. Short questions and short answers from Ministers are the goal for us. In some of the debates on PNQs and OQs that I have chaired, an awful lot of people have gone on and on. I can give an example. A Minister took a PNQ and the first two speakers took nine minutes on it. I will not mention the debate or who they are, but that screwed everything up as a result.

At PNQs, do us all a favour and tell your colleagues that PNQ means a Private Notice Question—singular. If we can do that, it would help. We have gone to the Government to ask that Ministers should answer briskly as well. I should say that last time I got 12 people in for a PNQ and 10 for an Oral Question. If we have the will, we can do this.

The Procedure Committee has extended these times, but you are asking for more elasticity. I would be happy to take that up on your behalf.

**Lord Howell of Guildford:** Thank you very much.

**The Chair:** Lord Wallace wants to come in to talk a bit more about the future.

Q127 **Lord Wallace of Tankerness:** There is the short term and the longer term. In the short term, you have mentioned a number of things such as the Grand Committees and equipping other committee rooms. Is there anything else—I was going to call it a shopping list, but that is not fair—that you would particularly like to see to make Parliament operate more effectively during this period? Obviously you have had representations from across the House, and you are acutely aware of what is going on.

**Lord McFall of Alcluith:** First, we have had quite a bit of pressure from some Members for us to come back in September with a full House and get on with business as normal. I wonder if we will ever get back to what we thought was normal before.

Secondly, the commission has been very clear that it wishes to follow Public Health England advice, and at the moment the two-metre rule is still in place. Even if that rule were reduced, say to one and a half metres or whatever, there is the issue of many staff who have not been in, and the Clerk of the Parliaments has a voice regarding his stewardship of staff. There is also the fact, which I mentioned earlier, that people come from all over the country from different environments, perhaps with different R factors, descending on a central place and then going back. These things have to be kept in mind and not overshadowed.

We read things like Anthony Fauci saying in the *Lunch with the FT*

interview on Saturday that we have a “perfect storm”, and scientists coming out and saying that they are now looking not just at droplets but at lingering air particles, so we have to be cautious in that area. As far as possible, though, I would like to see us get back to what we would call the new normal, but it all depends on the virus, and you know as much as me about the science and the global issues that are facing us and could face us.

**Lord Wallace of Tankerness:** Are there any procedural changes that you would like to make? Assuming that we will carry on with a hybrid House, are there any other procedural changes that you think would help, not just in the Chamber but in Select Committees?

**Lord McFall of Alcluith:** At the moment, and this has been put to me by the clerks and the technical people, we are working on the margins. That has been emphasised to me a lot. Innovative measures would not be welcome right now because of that element of working at the margins. Again, Chair, I can get you some information about working at the margins and what it means for broadcast staff and other staff to put you in the picture. If, Lord Wallace, you have any suggestions as a result of that, I will be happy to receive them and put them to the Procedure Committee for you. At the moment, though, we are overwhelmed by the present agenda.

Q128 **Lord Hennessy of Nympsfield:** Going back to Lord Howell’s earlier question on Select Committees, I too was a firm supporter of your review and its outcome. Do you not think, though, that, as with so many other national institutions, the pathogen has placed a big question mark over our wider utility and value to the people and the country? Do you not think there is a case to be made for a quick review on top of your existing review, which came up with a whole range of really good things, and try to engineer a step change in our performance in Select Committees?

There is particularly the question of what I call our unburied treasure. We all suffer from the frustration that this House produces a cornucopia of tremendous reports, but they become buried treasure because there is always the problem of dissemination. My instinct is that what we really need to do to demonstrate our utility to the country, in the pandemic and after, is to become the grand think tank for the nation. We are very well equipped, with our people and our procedures, to do that. It is a question of engineering it to that new and higher level. Do you agree with that? Do you accept that there is a case for another review?

**Lord McFall of Alcluith:** I agree with that fully. The very first meeting that I had on the review of committees was at the British Academy with you, Baroness O’Neill, and others who I cannot remember. There were half a dozen of us there. I took the information from—I hope you do not mind me saying—la crème de la crème.

**Lord Hennessy of Nympsfield:** I am too modest for this.

**Lord McFall of Alcluith:** We have based things that we are doing on that. For example, there were about 54 recommendations to me for new

committees when I set up the review of committees. The resources would allow seven to nine committees, but 54 into nine does not go, so how do we go about this? Let us be organic, let us have a bigger footprint and let us engage. We are formulating that at the moment.

When we came back, one of the things that struck us was that there was a need for a Covid-19 committee looking over the whole issue, not to analyse what the Government were doing at any given moment but to use the best knowledge in the House of Lords to ask what society will be like post Covid in the economic, social, health and international areas? We have got that established under the chairmanship of Baroness Lane-Fox, and it is a great innovation. I would like to build on those issues rather than diminish it.

You and I have spoken about the House of Lords being a think tank for the nation. I agree entirely. For the last four years I have undergone a weekly session with schools; every Thursday morning I speak to schools. I have probably spoken to over 2,000 young people as a result. None of them, when I speak to them, criticises the House of Lords. There is no cynical view of it; they want to find out what it is. Given the expertise here in the scientific, medical, historical and military fields, and goodness knows what else, what we did as an adjunct to the review of committees is to establish a communications working group.

Lord Gilbert and his colleagues Lord Whitty and Lord Sharkey presented findings from this to the Liaison Committee. We have now passed it on to the Lord Speaker and we are hoping to engage more people. I want the engagement with schools to be increased so that Members of the House can speak directly to schools and give them this experience. It is that repository of knowledge and skills that we need to get out there in order to, in your phrase, "have a national conversation".

A lot of the reports that we produce are excellent, and I read most of them. Our question is: does the reach extend beyond the Chamber? If not, there is a limited utility to that. I think it costs around £250,000 for a year to run a committee, so we must have value for money for that.

We must discharge our responsibility. We are not elected, but we have a public duty of public engagement. I would like to see every Select Committee, when they are looking at the report in final form, keeping in mind what you said to the review of committees when you came before us: that there should be a phrase, or a few phrases, that sticks to the Velcro of memory.

That is the task, Lord Hennessy. You and Lord Howell have been great supporters of the review of committees, and I want us to go forward in that way, because that way we will enhance our reputation, which is a strategic aim for the House of Lords.

**The Chair:** I think we all agree that the work of the committees is incredibly important, and the dissemination of some of those reports would be advantageous to everyone. I hope that when we come back in

the autumn we can have more debates of a general nature and that Select Committee reports will be featured. There are still many reports that have not been debated in the Chamber, and that is one way of starting that dissemination process that you are talking about.

**Lord Howell of Guildford:** I could not resist wanting to come in on Lord Hennessy's hidden treasure. The reports are there, but what I think is missing is the sales force to promote what has been said to carry it forward to the media world and the think-tank world. I have a personal example—I hope it is not too personal. The International Relations Committee did an enormous and very deep report, summoning all expert witnesses in the kingdom and throughout the world, on Britain's new foreign policy and its repositioning in a networked world, in a shifting world order.

That was discussed in many areas outside Britain. I was the chairman of that committee at the time and I travelled the world discussing it, but it never got into the British media at all except for one or two rather unhelpful remarks about it. The sales operation simply did not go on. As a result, the new Government came in in December and announced that they would going to have, yes, an integrated examination of Britain's foreign policy and a new look at all these matters. As they do so and they begin to assemble their witnesses, they will see the same witnesses covering exactly the same issues that were covered in the House of Lords report. So there is a hidden treasure that remains hidden, unsold in Britain because we do not have the resources and the sales force to drive it all forward.

**Lord McFall of Alcluith:** I agree entirely with that. When we look at the number of personnel we have for communications, it is pretty sparse. They do an excellent job, but we do not have enough of them. As a strategic aim of the commission, we should aim to increase that, and the Lord Speaker is at one with us; he is very much trying to drive this issue.

The future has been mentioned. I am thinking on my feet, but given the virtual environment we now have, committees will be able to gather a wider range of witnesses. One of the things that was put to me during the review of committees was this: "This is a London-based matter and we need to get out more". This is a personal view, but I would like to see committees operating virtually in the future, irrespective of what is happening. Obviously, it is a matter of discretion whether a meeting is physical or virtual, but it would be a shame to lose that in the future. I am an advocate for keeping the virtual element in committees because they have been so good. That element is really important.

I turn to the issue of our reports, which are very good. We get a headline in the paper or whatever, but as Lord Howell has just said, we want the Government to take these things up. We want to see implementation on these issues. Why do we not think of engaging virtually when our reports are published and have citizen responses or a citizens' assembly online so that people can feed back to us? That would ensure that we get to all

parts of the country and engage with whole academic communities or whatever and they feed in their information to us.

As part of our reports, we should follow up with implementation and keep them alive. My own experience when I chaired a committee was that a Government, any Government, will get your report, they have warm words for it, they react to it, and then it goes into a box and disappears. In Lord Hennessy's words, these unburied treasures end up well down a filing cabinet.

That implementation element and that national conversation with the public should be pushed as innovations.

**The Chair:** Very often, a Select Committee produces a report and it gets a few headlines, but then it is other organisations that take up the issue. [*Inaudible*]

Q129 **Baroness Drake:** We transition from Lord Wallace's question to looking at the longer term, and my question is more focused on that. In your view, what aspects of the virtual hybrid proceedings should be retained after the end of social distancing, and for what purposes would you retain them? Could you also refer to the issue of whether topical Written Questions should be retained?

**Lord McFall of Alcluith:** Topical Written Questions were a great innovation. I have the figures here, which again I can share with you, but they are not to hand at the moment. However, we have such a backlog of topical Written Questions that we risk bringing the concept into disrepute. I have made the Government aware of this, but the feedback I am getting is that there are now enormous responsibilities on individual departments and they are snowed under. If we introduce an innovation, we must keep an eagle eye on it to ensure that it is working well. That backlog is not doing us any good. The Government Chief Whip is very aware of the views of the Procedure Committee in this area.

On the more general point, we do not know the course of the pandemic and it is difficult to predict outcomes, but it is likely that, for the foreseeable future, a large number of Members will still be contributing remotely and many staff will be working from home. We need to continue to adapt well into the future, which was the point made by Lord Wallace. Fresh thinking and continuous thinking is important in the area.

It seems unlikely that, having developed the platforms and procedures for virtual Select Committee meetings, that we would at some point remove them as a possible tool. However, I think it is unlikely that virtual committees would become the default option, although they might well have a place for meetings with particular witnesses and certain inquiries or for meetings that are held during a recess. We would do well to consider where our changes have made the House more inclusive or have supported Members in making contributions that would otherwise be difficult. A couple of weeks ago, I addressed the Cross-Benchers for a general report about the future. I have had two or three letters from

Members asking us to consider the good aspects of our virtual proceedings and not to throw them out. That element of being more inclusive is important.

In the *Times* at the weekend I read an article by Baroness Bertin and Baroness Wyld, who are both mothers of young children. They referred to the difficulties that can be caused by late night votes, and their conclusion was that, "As we take cautious steps back to the outside world, organisations must learn lessons from these new ways of working to create diverse workplaces that can adapt to the unexpected without leaving anyone behind".

As we review the adaptations that we have made, we would do well to ensure that everyone can play their part. We must consider the concerns caused by the domestic limitations faced by younger people in the House. Remote voting in the PeerHub is a very good innovation. I think that Baroness Smith of Basildon told you in her evidence in a previous session that she wanted to keep the PeerHub, and I would endorse that.

Q130 **Lord Beith:** Continuing with Lord McFall's point about remote voting, perhaps I may first commend the staff and advisers who devised the system for remote voting, which even the most technophobic of us can operate. It was a considerable achievement to get that under way.

There are arguments about remote voting and the detachment of voting from the process of debate that will rage into the future. However, social distancing looks like going on for a pretty long time, so I think the system will be with us for quite a long time. Do you see the remote voting system as something that might be general for the House or one that might be limited to certain circumstances but that we continue to make available rather than getting rid of it altogether?

**Lord McFall of Alcluith:** If I am correct, someone now can sit in the Chamber and press a button to vote. They do not even have to get up off their seat. Some people would see that as attractive. There could be international delegations, which some of you go on, and rather than spoil a delegation, lose lots and lots of money, and go against the principle of value for money, you can vote from Washington or wherever on these issues. I agree absolutely that these issues should be kept alive.

We have to adapt to a new world, and the House of Lords in particular has to be seen to be doing that. We have a greater responsibility. The politics of the future will be concerned with young people, and we have seen that with the technology. It is quite admirable how some people who were previously technophobic have engaged so positively with it. If we can do that from a standing start, why not keep it? Do not throw the good things out.

Q131 **The Chair:** You have used the phrase "foreseeable future". None of us knows how long we will be in this situation, and there has been a lot of speculation about what the House will be like in September, October, December or into the new year. The House has always had a business continuity plan whereby we might have to relocate should something

happen in the Palace of Westminster.

We now need a business continuity plan that allows for remote working. Do you think the House is equipped to build on that, given the experience that we have had? Whatever happens over the coming year, we will always have to have back-up plans that allow for remote proceedings—perhaps hybrid proceedings but virtual proceedings if necessary.

**Lord McFall of Alcluith:** The Clerk of the Parliaments is working on the basis that the virtual proceedings and the hybrid House will remain in place until the end of the financial year. If circumstances change, that is fine and we will change as a result, but it is sensible to have something like this until the end of the financial year.

Yes, a business continuity plan is really important as we come out of this period. I have been informed that there has been a business continuity plan from the clerk and senior management on that, but it has to be updated in light of the circumstances that we find ourselves in. It is wise to say that virtual proceedings and a hybrid House will be with us until the end of the financial year. We can then assess what steps to take when we come back.

In any business continuity plan, issues such as innovations and whether we retain certain procedures are also very important. It will be an exchange between the business, the administration managers and the political leadership. The feedback that we get on that is very important to inform our debate with the political leadership.

**The Chair:** Lord McFall, thank you very much for giving evidence and providing answers to our questions, which have been very informative. Thank you also for the work that you have done in trying to respond to the concerns of Members and the way in which the Procedure Committee and others have been able to develop a new way of working in response to the difficulties that we have been facing.

**Lord McFall of Alcluith:** Thank you for your courtesy.