

# Procedure Committee

## Oral evidence: Oral evidence: Procedure under coronavirus restrictions, HC 300

Wednesday 15 July 2020

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Members present: Karen Bradley (Chair); Jack Brereton; Sir Christopher Chope; Chris Elmore; Andrew Griffith, Mr Kevan Jones; Nigel Mills; Rob Roberts; Owen Thompson; Liz Twist; Suzanne Webb.

Questions 248 - 278

### Witnesses

I: Tommy Sheppard MP, Scottish National Party Shadow Leader of the House.

II: Rt Hon Valerie Vaz MP, Shadow Leader of the House.

Written evidence from witnesses:

- [Tommy Sheppard MP, Scottish National Party Shadow Leader of the House](#)
- [Rt Hon Valerie Vaz MP, Shadow Leader of the House](#)

## Examination of witness

Witness: Tommy Sheppard MP.

**Q248 Chair:** Tommy, thank you very much for joining us today. We are very grateful that you can give us some evidence on the continuing work of the Procedure Committee. We are focused at the moment on procedures in the coronavirus outbreak, but there are a number of other issues that we want to raise with you, and we are very grateful to you for the evidence that you have submitted so far.

I start with a question about proxy voting on the parental leave absence that was introduced in January 2019. We are still looking at that as a Procedure Committee; it has not yet been introduced as a full procedure for Parliament. Do you have any views on the way proxy voting has worked for parental absence, and would you recommend it or want to see it introduced permanently?

**Tommy Sheppard:** I have not been a beneficiary of it myself, but my understanding is that it has worked perfectly well, and those who have been able to use the facility are very grateful for it being available. As a matter of principle, I strongly support it, and I would like to see it continue. I guess that one of the more immediate debates is how it has worked in extending it to people who are unable to attend Parliament at the moment because of the pandemic. Shall I make a couple of points about that as well, Chair?

**Chair:** Yes, of course.

**Tommy Sheppard:** I am one of the beneficiaries of that; my Whips have been casting my proxy vote because I am unable to attend Parliament myself. I suppose that I have no complaints; it means that my constituents' views have been able to be represented. However, I strongly suggest that, for people like me, it is better than not being able to vote at all but nowhere near as good as having the capacity to vote electronically, as existed through the MemberHub prior to the proxy system being extended to people in a position like mine.

Going forward, there are two difficulties that need to be addressed. One is that, although parental leave is obviously a positive and joyous occasion for people, and something they wish to celebrate and are quite happy for the public to know about, if someone is unable to attend for health reasons, that may well be something that they do not wish to be in the public domain. There is a concern about simply saying that proxy voting will work in all circumstances of absence.

The other point probably affects my party less than others. In a theoretical sense, in terms of our democratic system, it shifts the balance very much from an individual Member of Parliament to a party machine and the Whips. I do not hesitate to say that I have no complaints about how my Whips have operated, but it means that a party Whip ceases to



be something that a Member consents to and is something that is delivered mechanically, with them having no say in it whatsoever. I have never had the opportunity to do it myself, but I believe that Members of Parliament should in theory be able to break their party Whip and vote according to conscience, if they wish to do so. Clearly, the proxy system does not allow that to happen.

**Q249 Chair:** To go back to parental absence, are there any improvements that you would like to see in the operation of the system?

**Tommy Sheppard:** I have not really given it any consideration. I am not aware of there being any major operational problems with it. I am certainly more than happy to consult any members of my party who would be affected and get back to you, but nobody has raised any particular concerns with me.

**Q250 Chris Elmore:** Tommy, thank you for giving evidence today and for the submission. In relation to the baby leave, which as the Chair mentioned has not been confirmed as being permanently extended yet, there has been a consistent view from colleagues who have benefited from the scheme that there is a need for greater flexibility. At the moment, new mothers get six months of proxy voting for baby leave and new dads get two weeks, which is similar to the position in law.

What is your view of whether that is sufficient time, given the nature of a Member of Parliament's work and the fact that, as you are aware, our recesses are not set in stone and can change quite frequently? Certainly, in the previous Parliament, there was some frequency of general elections, with two within two and a half years. Should there be flexibility to give expectant fathers longer, if the mum is going back to work, or to give Members longer if it clashes with an election, or whatever? I want to understand what your party's view would be on that.

**Tommy Sheppard:** It goes without saying that this is a very bespoke job, unlike any other, and therefore it would be legitimate for bespoke circumstances to be in operation. If there were proposals for increased flexibility, I would look at them very positively and as something I would wish to support.

My overall approach is that we should seek to embrace the use of technology, in the years and decades ahead, to allow us to make our decisions in Parliament, and to allow us sometimes to make decisions without having to be physically present, whether or not there is a public health epidemic. It would be a good thing to do, to look at how we can modernise our democratic system and allow people the opportunity to participate without having to make a 1,000-mile round trip to be able to do so. In that sense, I am very much trying to push forward on the idea that Members should be able to vote remotely, and not just because of particular circumstances, but that it should become a default option for those who wish to do so.

**Chair:** Nigel Mills is demonstrating parental absence to us in the most



visceral way.

Q251 **Nigel Mills:** I think I have had a parental proxy vote and a coronavirus proxy vote, so I should probably declare a lot of interests in this inquiry.

Tommy, I think you said you supported the coronavirus proxy vote but you would have preferred electronic voting. Did the Government consult you about moving from electronic voting, and then the gap, and then introducing a proxy vote, or was it all a surprise to you?

**Tommy Sheppard:** It was a surprise to me. It feels like a long time since I wrote to the Chair on 14 May, but at that time there was a very real risk that the remote facility would be switched off and there would be no opportunity for Members to vote, save for being physically present in the Chamber. That was my concern then. As a result of me and other colleagues expressing that concern, the proxy system was extended as something of a compromise on the Government's part to switching off the remote system altogether. But I was not consulted on it, no. The Whips may have been consulted but, as the shadow spokesperson on business of the House, I was not consulted. Obviously, I have regular exchanges with the Leader of the House every Thursday, but it is stretching the imagination too much to call that consultation.

Q252 **Nigel Mills:** It seemed to be your view that proxy voting was working as best as it could. You have had no problems having your own vote cast, and there have been no problems for your party in having their proxy votes cast.

**Tommy Sheppard:** No, not operationally, although I am in the position of being the person at the remote end of the process. I am not aware that people casting my vote had any difficulty in doing so; I am sure they would alert me if there was anything major. On whether there were minor operational points, it would be useful for you to consult our Whips, but I am not aware of anything major. I stress again that, although a proxy vote allows me to participate, and my constituents to be represented, it is nowhere near as good, effective, simple and efficient as the e-voting system through the MemberHub previously.

**Chair:** Thank you very much. That completes the questions on voting processes. Can we move on to the procedure under coronavirus?

Q253 **Chris Elmore:** Tommy, you may be aware that the Leader of the House some weeks ago suggested that the hybrid Parliament, which was working in April and May, was not functioning properly in terms of Chamber management and getting legislation into Committee, and there were issues with delegated legislation. First, do you share that view as the SNP spokesman for House business? Equally, what do you think worked well with the hybrid Parliament? In the current system, with public and private business, for example, you are unable to participate in the SNP debate on the Floor of the House this afternoon. What is your view on that and whether it should continue to function as it currently is?



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**Tommy Sheppard:** Okay, there is quite a lot there.

**Chris Elmore:** Indeed. Sorry, Tommy. Take it in sections if you want.

**Tommy Sheppard:** Let me try to unpack some of it. I agree that the hybrid Parliament, as it was called, was not perfect. It was clearly limited by technology in what could be achieved, but it was better than allowing the exclusion of a large number of Members either for personal health reasons or on grounds of public health and how we wished to operate the Palace. Again, it was better than the alternative might have been.

I had concerns about the way the hybrid Parliament operated as well, some of which I mentioned in my letter of 14 May. I think we ought to have tried to embrace the idea of using technology to meet together to discuss and decide matters, as indeed has happened with many Committees that met during this period. Instead, what we did with the Chamber was to say that we were opening the physical Chamber and that, for those who could not or would not attend, we were providing a means to join it remotely. It was called a hybrid Parliament, but it was really a physical Parliament with a remote bolt-on through the internet.

That meant that the primacy of the space was asserted. The whole way in which things were conducted put Members at a clear advantage if they were in the Chamber, as opposed to if they were not in the Chamber; even something as simple as being able to read someone's body language and their reaction to what a Member was saying. The psychologists tell us that most communication is non-verbal, so if you are in a room with somebody, you can see what effect your comments are having on them and you can sense whether there is an element of give or of winning an argument. You miss all that when you do it in that particular way. That places people like me, who are joining virtually, at a disadvantage.

To be candid, it also means that, if you are having a discussion where one person is in the Chamber and the other is on a screen hanging from the ceiling, all the advantage is for the person in the Chamber to make a witty putdown or a comeback, and the person on the screen is unable to come back on it, if for no other reason than the operator will soon, or has already, shut them off and disabled the microphone. There are many ways, psychologically and physically, in which people were at a disadvantage.

The question is whether that is a price worth paying for the fact that we are getting something done and allowing some participation, and that is a valid argument. Another way of looking at it is that, if those are the inadequacies in the system, how can we overcome them?

The Leader of the House has been very grudging in accepting the application of technology in the process. For him, it has very much been forced on him through necessity, rather than something that is desirable or that he would wish to embrace. While the Leader of the House and I



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would agree that there were deficiencies with the hybrid Parliament, his response was to get rid of the hybrid Parliament. My response would be to put everyone on a level playing field by looking at virtual interaction for everyone, similar to what we are doing right now. Other very large organisations across the world have been able to do that, with teleconferencing involving more than 120 people at any one time.

We understand that things are not perfect, but we have a different approach to trying to resolve the imperfections. The Government's approach of saying, "Let's just roll back on the hybrid Parliament," would be okay if the pandemic had receded, but it has not, and the public health imperative has not receded. For that reason, we should have gone further in embracing technology, rather than being resistant to it and trying to roll back on it.

I am sure I missed the last part of your question.

- Q254 **Chris Elmore:** You have covered it. It was about how well you think the current system of virtual participation is functioning. That is more about the fact that in the second part of the day Members are unable to take part virtually. In a previous answer, you said that many of them cannot come because of underlying health conditions based on advice, or because of childcare, because partners are working in the NHS, or whatever. It is about the second part of the day, in essence.

**Tommy Sheppard:** It seems to be a matter of policy rather than a matter of technology that participation has been restricted in the way that it has. Tomorrow morning, I will get the opportunity, as I do every Thursday morning, to make a two-minute speech, effectively, to the proceedings in the Chamber; but I am unable to make a two-minute speech, or a speech of any length, in the debate on restoration and renewal tomorrow afternoon, although it is one of my responsibilities. For some reason I am able to participate in the morning, but the machine is switched off in the afternoon, and I do not know why. I am able to vote in the debate in the afternoon, but not say anything or make a contribution to it. If the technology is available for that to happen, I do not see why it should not happen.

- Q255 **Suzanne Webb:** In May, you asked for the House to adopt virtual proceedings 100%. Is that a view you still stand by? Listening to what you have just said, it sounds as if you are keen to ensure that people are not disadvantaged. Is that something you wish us to continue now, and push back to virtual proceedings?

**Tommy Sheppard:** I think it would be well worth doing a pilot exercise, at the very least, to see what it is like. I fully accept that the level of participation that is possible in that way is never going to be the same as if you are in the physical Chamber talking to someone in the flesh. I fully accept that, but my argument would be that, rather than have some Members disadvantaged, we can create a level playing field by applying the same disadvantage to everyone, so that those who are trying to hold



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the Government to account and the Government themselves are at an equal disadvantage.

**Q256 Suzanne Webb:** Would it be fair to say that the pilot was what we trialled before, and the pilot effectively demonstrated to us that we needed to be here in the Chamber properly to scrutinise and have debates? In effect, we have done the testing of it, and this is the best outcome, so we are operating part-virtually, but in the main we are here, which I think is advantageous for most of us, if not all of us.

**Tommy Sheppard:** We never trialled a virtual Chamber. We never did that; we never trialled a session of the full Chamber held in the format that we are doing now. All we did was to have a physical meeting in the Chamber to which others were invited to join through the internet. That is not the same thing as having a plenary session virtually.

**Q257 Suzanne Webb:** But based on the fact that it is the right of hon. and right hon. Members to be here, we had to honour that part of it; in effect, we were told to work virtually, which is what most of us did for that period of time, apart from those who felt that it was their right to come here. I thought that was the best pilot you could possibly ever have to demonstrate a virtual Parliament. I slightly disagree with what you have just said, because there is an automatic right for people to come here, which is what they did, and we could never tell them not to; but in the main, the majority of Members stayed away and worked virtually.

**Tommy Sheppard:** All of us as Members of Parliament have rights and obligations. Of course, a Member has a right to attend Parliament, but we also have an obligation to uphold and set an example in public health. In my view, when those two things come into conflict I am quite happy to forgo my right to attend Parliament, if it is being done to respond to a public health requirement because of the pandemic. I come back to my point: it would be better to try something where everyone had an equal advantage or disadvantage, rather than some people being in the room and others not being in the room.

**Q258 Jack Brereton:** A number of the points that I was going to ask have already been covered, but I want to go into a bit more detail on how you think that virtual participation in debates would work, particularly around things like interventions. That has been one of the reasons given as to why it is not possible, or it is difficult, to get virtual participation in debates up and running. What are your thoughts on how people participating virtually would be able to intervene spontaneously in debates?

**Tommy Sheppard:** First, I accept that it is not the same thing; if we try to replicate physical discussion online, we are always going to be disappointed. We need to adapt our procedures and our method of debating and discussion to fit the technological platforms available to us.

For example, there is what we tried to do with the virtual Parliament. Normally in the Chamber, there would be interventions and you would be





able to stand up, put your hand up or reach out your arm and try to get the person who is speaking to stop speaking and let you intervene. It was deemed that that would be extremely hard to do in a virtual setting, looking the way we are looking now. For one reason, it is impossible in a forum like this for two people to be heard simultaneously. You can speak over someone, but it means that nobody hears anything, whereas in the Chamber there is a different dynamic, and people can to some extent overlap their contributions. The solution to that was to say that there was no room for interventions online, so we would not have that, and then to say that we could not have interventions in the Chamber either. That stultified a lot of what was happening; it removed pace from the discussion and made it a lot less interesting.

I am not sure why we did not explore the idea of whether we can use technology to have something that has the same effect as an intervention. Early on, somebody took the decision to completely disable the chat functions on the virtual side, so there was no ability to use a parallel text function to make a point. With a little bit more flexibility, we might have been able to get to a situation so that there was a procedure whereby, for example, you could not intervene on someone, but if someone said something that related to what you had said you would get a 30-second opportunity, or something, to reply to it. Rather than your contribution all being taken at once, you would have the opportunity to make a statement but reserve a little bit of your time for coming back to someone who was replying to you.

I sit in the Parliamentary Assembly of the Council of Europe, where there is a procedure whereby you can introduce a report and speak for a certain amount of time, but you can hold back some of your time allocation to respond to others at a later point. You get a block of time, but you do not have to take it all in one chunk. If we were to explore that, it might be a way to give a bit more pace and dynamism to our online discussions. We should be prepared to trial these things, to pilot them and to experiment, to some extent.

**Q259 Jack Brereton:** If we were to move forward with virtual participation but allow interventions only from people who were participating physically, would you accept the situation that Members participating virtually in debates did not have that level of ability to intervene, but at least they would have some sort of participation in those debates?

**Tommy Sheppard:** I would like to explore whether there is a virtual equivalent of bobbing, to be honest. Do we have that at the moment? Let me check. No. At the moment, we do not have a raise-your-hand function, but various devices are available to us, using the technology, to signal that we want to speak. Theoretically, it is not impossible for someone in the Chamber to be speaking, and to have a method whereby someone virtually signals that they want to say something while they are speaking, and for that person to decide to give way and the screen then to be connected. It is not theoretically impossible. I do not know whether





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it would work; it might be too staccato and might not flow very well. But then again it would be worth trying to see if it could work.

Q260 **Owen Thompson:** Tommy, I think you have probably covered some of the points I wanted to ask. Are there any aspects of the operation of procedures, particularly under the Covid procedures and restrictions, inside or outside the Chamber, that give you any particular concern?

**Tommy Sheppard:** My main concern is not being able to participate in debates, to be honest. I do not see why that is impossible. There is a big debate happening right now in the Chamber on Europe and the Scottish constitutional situation, which is clearly something I have very close to my heart, but I am unable to take part. I would have liked to contribute to that debate and speak through the screen and have had my contribution recorded in the record the same way as it would be recorded if I was physically present. That would be the main one.

My problem, Owen, is that I am not at the hard end of it; I am the person who is being catered for by these procedures, rather than the one doing the catering, so I cannot actually say how things are working physically inside the Palace. I observe some instances of social distancing not being adhered to in very obvious ways, but I have no idea whether, in the round, you are operating well for the people who are physically present.

Q261 **Chair:** I am conscious of time, and we have to move on to the next witness, but I am very grateful for your frankness and contributions. Is there anything you would like to add before we conclude the evidence? In particular, do you have concerns about the call list, which has been raised with us by a number of Members? We have taken the point about you wanting to have more participation in substantive debates, but is the way the call list works something you are satisfied with?

**Tommy Sheppard:** By and large, I think the call list is good. It would be a sensible thing to do even without the virtual element. Again citing the Council of Europe, for every debate or presentation, you get a published list of who is going to speak, which is done to ensure that there is balance by country and within political groups.

If there is not room for everyone to speak in Parliament in every debate, and the Speaker's Office were to arrange some system that would ensure that people can bid to take part and a fair allocation is made between Members wanting to take part according to party and other criteria, that would be a useful thing. Of course, the publication of a call list also provides some sort of evidence for making a claim to be included at a future date, if you cannot be included at a particular time.

In finishing, may I raise a point that I noted in my letter, although it may be way beyond your current brief? There is an argument that electronic voting could still happen, even if Parliament returns to something like normality, as an alternative to the queuing in the Lobby system, either through using the pass reader or through some other method, such as



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the e-voting system that we had. It could be combined with the requirement to be in proximity to the Chamber; in other words, the system could be switched on only if you were within range of a certain signal. The technology is there to do that, so, for example, Members could vote from the security of their parliamentary office on the estate.

The benefit of doing that is that we can do things much more quickly, and it does not require a lot of people to be standing in the Lobby waiting to give their name to a Clerk. The benefit of that will be extremely manifest when we come to the debate on restoration and renewal of the Palace of Westminster, which is being discussed tomorrow afternoon. Just today, the Prime Minister sent a letter to the renewal board, which I think is probably now in the public domain, where it is quite clear that the Government want to see value for money in the way the whole matter is delivered and they want to guard against any expenditure being seen as profligate or unnecessary.

One of the big elements of unnecessary expenditure that is contained in the current plans is the decision to create an exact replica of the House of Commons Chamber on the Richmond House site, replete with Division Lobbies similar to what they are at the moment. If you did not need those Division Lobbies because we had applied new technology to the voting, you could have that decant option far cheaper and quicker than is currently proposed. There is an application for new technology going forward in Parliament being seen not just to operate with modernity and efficiency but to protect the public purse as well.

**Chair:** Thank you very much for that. I assure you that the Committee will be looking at procedures and how R&R relates to our procedures. We will, of course, come back to you at that point, but I am grateful to you for putting it into our thoughts before we fully enter that inquiry.

Thank you again for spending time with us. We very much appreciate all the evidence that you have provided to the Committee so far. We will now move on to our next witness.

**Tommy Sheppard:** It is a pleasure. Thank you.

### Examination of witness

Witness: Valerie Vaz.

Q262 **Chair:** Thank you very much for appearing before us. We are very grateful to hear from you, as we have just heard from your equivalent number in the SNP. As you know, the Leader of the House gave evidence to the Committee the week before last. It unfortunately had to be taken in private, as we did not have facilities to use Zoom, but you will have seen that the evidence has been published, because it was in effect a public meeting, even if we could not use the Zoom facilities to have a full public session. I am sure that you have seen the evidence that he gave.



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We have a number of areas that we would like to cover with you. The Committee is looking at the way Parliament has operated during the coronavirus, but we also need to look at proxy voting and how the parental absence proxy voting system has worked, because that is still a pilot scheme, as you know. The Committee is under an obligation to provide some evidence to the Government and the House on our views on that system.

Before we go on to anything on coronavirus, perhaps we could start with your views on how the proxy voting system for parental absence has operated. Do you think that it should be introduced on a permanent basis, and are there any changes you would wish to see made to it, if it was to be introduced on a permanent basis?

**Valerie Vaz:** Thank you, Chair, and thank you for inviting me. Yes, I have seen the evidence that the Leader of the House gave, and I have quite a lot of notes countering some of the myths that he came up with. I would say that to his face as well, so I hope he is watching.

We are dealing with proxy voting as it was before the current system, just for parental leave. Obviously, it is a good idea. It arose partly because the pairing system broke down. There is an element of trust, and a lot of abuse was targeted against a number of female colleagues when they were away on maternity leave; they could not vote, even though they were still able to undertake their work as Members of Parliament. That is the system that should be kept in place and the one that was agreed.

I think it has worked pretty well. I am not convinced that it should be extended to anything else. I was talking to our Chief Whip at the time and he said that Chief Whips were quite benign and gave Members on maternity leave much more leeway. But it was about ensuring that Members' votes were on the record to prevent women being accused of being the laziest MP if they were looking after their newborn.

Q263 **Chris Elmore:** Valerie, you will be aware that lots of expectant dads and mums gave evidence, before we moved into looking at proxy voting for the pandemic, about the fact that they were not asking for anything additional to what any of our constituents get. Being an MP is an unusual job; I think we can all agree on that. New dads get two weeks and mums get six months, but in the course of the last three years we have had two general elections and colleagues on all sides of the House have had children and have had to fight elections with newborns. Some colleagues feel as if they have not had any maternity leave because of that.

There is an element of Members accepting that that is part of the cut and thrust of politics, if you will, but because proxy voting for baby leave is so rigid, it means that some colleagues may have fought an election and then not had any of that additional leave. Do you think there should be any flexibility in the approach around how the proxy voting system works for baby leave?



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**Valerie Vaz:** The important thing for me is that we need to ask the people who are facing those difficulties. It is easy for me to sit here in a position where I have a 25-year-old and it does not make any difference. It is important to ask the people who are undergoing it what their views are and what they wish.

Let's be clear: we are not employees. As Members of Parliament, we have a unique position. It would be difficult to try to fit us into an employee mode. Yes, we have had general elections—many of them—but given the kind of work Members of Parliament do, even when they are on maternity leave and not in the House, they are still undertaking work. I know that there is some talk about having job shares, but we are way off from there now. It is important that people understand that Members of Parliament work at all times—24 hours a day, sometimes. Under the current conditions, that certainly seems to be the case. We are not employees. We are still working, although we have the facility to ensure that if a vote is called at 6 o'clock, for example, you do not have to carry the baby in to vote. That is the kind of situation it was trying to protect against, rather than giving MPs an extra boost to their time off.

Q264 **Suzanne Webb:** Are you content that a Member ought to be able to instruct any other Member to vote on their behalf, or do you believe that the proxies should be in the hands of the Whip?

**Valerie Vaz:** That is a difficult one when I am sitting in a room with the hon. Member for Ogmore. He has a lot of proxy votes, or did have, in his back pocket.

We are individual Members of Parliament, and what we do with our vote is a matter for us. I think that it is a matter for individual MPs. Some MPs have asked a Whip to cast their vote, because that is the easiest thing under proxy voting. Some have asked for other individuals to do that. It is a matter for an individual MP to decide which way they want their proxy vote cast.

Q265 **Owen Thompson:** Do you think that Members who cannot get to the House because of illness or caring responsibilities should be able to facilitate their votes being recorded, in the same way as a proxy could for parental leave?

**Valerie Vaz:** I would say this, because I work very closely with the Chief Whip: I think it is a matter for the business managers. I have grave concerns about proxy votes being extended to people who are ill or have other caring responsibilities, because it then becomes a matter of public record. I know that some people want to instagram what they had for breakfast, but I am not one of those people. There is enough lack of privacy in our life that we do not need to project it on another basis. I would probably want to stick with our wonderful Chief Whip, who is able to discuss it with the individual Member, so that there is an element of privacy.



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There are a number of other ways, such as nodding through, which enable a vote to be recorded. You cannot have your vote recorded if you are paired, but that facility exists. I am not really a traditionalist—I am a progressive, honestly—but I think that having the other ways that we currently have is a good approach, rather than extending proxy voting to people who are ill or have other responsibilities. I know that the Whips Office is a fairly benign place. If you have that discussion, you can be facilitated, as a Member.

**Chair:** Finally on voting, I will bring in Nigel Mills, who may not want to be on the screen because he is the living embodiment of parental leave at the moment.

Q266 **Nigel Mills:** I'll hide the baby. Don't worry. Valerie, what are your thoughts on proxy voting for coronavirus, which we have had for the last few weeks? Is that something that you think has worked well? Were you consulted about the move from electronic voting to proxy voting, or was it as big a surprise to you as it was to the rest of us?

**Valerie Vaz:** I was utterly alarmed, shocked and horrified. I would think of some more adjectives if I could, but I don't think we have time for that. There was no consultation on that particular move. What it has done, effectively, is exclude Members. Basically, the current position is discriminatory. Members I have spoken to who have given their proxy vote feel excluded. Under the electronic remote voting system that we had, they were able to cast their vote themselves, and very quickly.

I will talk about the current process, if you want. It is absolutely shocking that we all have to queue to vote, even for what may be a shorter time to vote under the electronic reader. I do not know whether you want me to touch on that. It may be easy for Members, but for the staff behind the scenes it is incredibly difficult, and it may not always be accurate. I do not think that it is as easy as it looks when we walk over and put our cards across. For House staff, it has been extremely difficult, so I would not want to see that continue.

The worst bit is when we queue, which is not very safe. The last time we voted, I wore a mask, because the previous time we were going around in circles. When you have five votes, what Members are actually doing is voting once and then starting to queue for the next vote. That is a complete and utter waste of our time. In the queue, we have Ministers. The Chancellor of the Exchequer was queuing along with us. I do not think that is a useful use of his time. Remote voting enabled those on the Front Bench to sit on the Front Bench and vote while everybody else was voting.

As individual Members of Parliament, we had the opportunity to cast our own vote, which does not take anything away from us. The Human Rights Commission has said that the whole process is discriminatory, and I think it is. We are excluding Members. The constitutional settlement has not allowed us to exclude Members, but Members have actually been



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excluded from the process. They have not asked for this; it has just been done to them. They cannot take part in debates, and they cannot exercise their right to take part in voting in the way they want to, which is why I think that we should go back to our old system.

**Q267 Nigel Mills:** You would say that proxy voting is better than nothing, but not much more than that.

**Valerie Vaz:** We had a system that worked, and it worked really well. Everybody felt that they had cast their vote. I want to put on record that we asked House staff to do something for us to enable Parliament to sit in the middle of a pandemic that is ripping through our communities. People are dying daily. That is what we had, effectively. We asked our staff to find a way. What is so exciting is that we have people in this House with the talent, the skills and the ability to make us the first virtual Parliament in the world. They did it at very short notice. We were able to take part in scrutiny proceedings, substantive proceedings, debates and voting. That is something to be really proud of.

I am sure that it was upsetting to staff to see it just switched off. Effectively, that is what happened; it was just switched off. I want to place on record my thanks to everybody—the broadcasting unit, digital services and the Clerks. It was the Clerks who came up with the idea that we are not a Parliament, but something different. We are a hybrid Parliament, with two different sets of proceedings. We are not sitting as a normal Parliament, because these are not normal times. We possibly have a second spike coming up, but we know that we have a set of proceedings and a way of working that will enable us to sit as a Parliament.

We have not even touched on the fact that some of our colleagues are still ill. They may have got over the virus initially, but there is something called long Covid. We have not touched on that. They may not even be able to be back. Why should they be excluded from taking part in proceedings?

**Chair:** You will have seen that last week we heard evidence from academic experts and think-tanks who talked about how the UK Parliament and the House of Commons had been seen as world-leading in being able to operate during the pandemic. You will also know that we have had evidence from the Clerk that, if we were to have a card-reader system for a period longer than the short period up to the summer recess, they would need to look at having entirely new software and technology behind it, because it is incredibly clunky. It does not automatically take information from the card-reader system and put it into the MemberHub system. It all has to be inputted manually, which is incredibly time-consuming.

We will now move on from voting to procedures under the coronavirus restrictions.





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Q268 **Liz Twist:** What aspects of the hybrid proceedings in April and May worked well? What do you think did not work as well?

**Valerie Vaz:** It was a bit like starting with an Amstrad and ending with an iPad. We started with a process that was just getting going. In my answer earlier, I touched on the incredible amount of work that was done to enable us to be in that position. I was not well in the debate on one of the motions, so I took part virtually. The care that they took was a bit like mission control in Houston. You were asked, "Are you all set up? Have you checked your background, to make sure that there is nothing personal there?" You were taken through the process really well to enable you to take part virtually. I thought that that was such a nice, easy way to do it. You were muted, and they told you exactly when you were going to be unmuted.

I have done both of them. I agree with Mr Speaker that Ministers and shadow Ministers should be in the House, but I was able to compare the two and to go through the system virtually. I thought that worked. I am sure that Members who have used that system feel that it has worked. It is just that they can only do it for one part of the process and not for the other. That is where the difficulty lies. They should be able to take part in everything, because we are Members and we have a responsibility to our constituents. That is why my view is that we should go back to the previous proceedings and Members should be able to take part in substantive proceedings, too.

Q269 **Liz Twist:** Are there any things that you thought did not work as well, on the route from Amstrad to iPads?

**Valerie Vaz:** It was just a question of people seeing how the system worked and improving and refining it. We never really got a chance to improve the system as it went along, but when you got to the end of it, it actually worked quite well. It was a very good system; hence the shock from everybody when it was switched off. There is always room for improvement and refining, but we never got the chance to do that.

Q270 **Chris Elmore:** As shadow Leader, you will be aware that the hybrid model of electronic, long-distance or e-voting, through the MemberHub, including business of the House during April and May, was all done via cross-party consensus between yourself, Tommy Sheppard and, of course, the Leader of the House. There has been much debate about why that was ended. What is your view on why consensus on the hybrid model and, in particular, on voting broke down?

**Valerie Vaz:** I wish I knew the answer to that.

Q271 **Chris Elmore:** I had a feeling you might say that.

**Valerie Vaz:** We were in the middle of a pandemic. On the Commission, we heard from Public Health England. We heard information on how terrifying this pandemic is. Many of our colleagues had the disease. Members of the Cabinet had it. We did not know what was happening



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next. It is fair to say that there are still lots of unknowns about the pandemic. We all came together, and I thought that was a really good idea. The consensus was excellent. We all had our names on the motions. We discussed it at the Commission. The Speaker was part of it.

I have no idea why, other than what I said in my speech on Standing Order No. 24. A number of myths were being peddled—let me be fair to the Leader of the House—by the Leader of the House, when he said that we were not working, when in fact we were, and that schools had gone back, when schools were always back. My speech laid out all those myths and tried to counter some of them.

While I absolutely understand that the Government had business to get through, I know from working with my Chief Whip that there are the usual channels; there is a way of getting Government business done. Our Chief Whip is extremely experienced. He has worked both in opposition and in government, and there is an element of mutual respect and trust with the Chief Whip of the Government. There is a way of getting business across that was already being done. More of that should have taken place, rather than a unilateral decision to end it.

I was disappointed. I wish that it had not happened, but there it was; it did. I wish the Government would talk to us more. We would help with getting their business through.

**Q272 Chris Elmore:** I do not want to put words in your mouth, but is it very much your view that there was no breakdown, because you were not consulted as shadow Leader? As I think Owen said in an earlier question, the case was that you were not consulted. It was not that you, as the official Opposition and the shadow Leader of the House, or the SNP as the third party, were not willing to work with the Government; it was simply that the Government made the decision that it was not working. End of sports.

**Valerie Vaz:** Absolutely. That is why I was so saddened and, actually, alarmed. I was angry for my colleagues, who may have been shielding or have had other responsibilities or have been doing something else. They were not consulted either. It put us all in a really difficult position. Normally, the debates are done in a fairly light way when it is business of the House, but I was incredibly angry, certainly at the 2 June debate and the SO24 debate, because I did not feel that it was fair. It is not fair. Effectively, it discriminated against other Members. That should not have happened.

**Q273 Jack Brereton:** I want to ask a further question on the points that you have just made, particularly around having cross-party consensus to get business through. Obviously, that worked very well when non-controversial business was coming through, but it seemed to be more difficult when the Government needed to bring forward legislation that was more controversial and could not attract cross-party consensus. Would you agree that it would not have been so easy to ensure that the



Government got time for their business if they were focusing more on some of that controversial legislation?

**Valerie Vaz:** The answer to that is that we do not know, because we have not tried it. If we had tried it, maybe we would have been able to come to some sort of arrangement.

The same thing happens with delegated legislation. Non-controversial legislation will be put through, and we have to find a way to get controversial legislation through. I would say, "Let's have the discussion." That is what always happens in these cases. It is the usual channels—the Chief Whips talking to each other and finding a way around it. That would have been much better than the Government, just because they have a very large majority, unilaterally doing something without discussing it with the other side.

Having been shadow Leader of the House since 2016, I have seen what look like very smooth discussions on the surface. We have been through Brexit, and I have seen the way votes and motions were tabled then and the flurry of activity that goes on. That never stops. The discussions through the usual channels and between the Chief Whips never stop. I feel that those discussions should and could have continued. We might then have got to a different place. It cannot be a good idea for a whole swathe of Members to be excluded from Parliament and from taking part in Parliament. That is a huge constitutional issue and it is worth looking at again.

Q274 **Jack Brereton:** Moving on to virtual participation, you have already made comments about your wish to see it extended further to include debates as well. How would you see that working? There have been concerns about things like interventions and how they would work. How would you see those sorts of things working with virtual participation?

**Valerie Vaz:** I said in my speech that interventions are just something that has grown up. Let's face it—there are helpful interventions to Ministers and there are unhelpful interventions. We have suggested interventions. We are all in a room with grown-ups. We know that people can intervene when they want to, and sometimes it is done in a destructive way. We know that.

Given that we are in the middle of a pandemic and an extraordinary situation where, as I said, people are dying every day, it seems like a luxury to think about whether we can intervene and whether that helps a debate. The fact is that we all want to be here, ultimately. Everybody wants to be here. This is our bread and butter. We want to interact with people. We like doing it on the doorstep. We want to persuade people. I think that you can still persuade people with speeches, without an intervention. At the minute, we have hon. Members and right hon. Members who cannot even take part in a debate, so talking about an intervention is a bit of a luxury.



Q275 **Jack Brereton:** Surely, it is not really a debate if there are no interventions. Are you saying that, if we could have an extension of virtual participation in debates, you would be happy to see interventions got rid of entirely?

**Valerie Vaz:** I didn't say that. What you can do is work towards it, if that is what Parliament wants. All I am saying is that people have worked incredibly hard to get us into a position where we can meet as a Parliament and take part in scrutiny. I think it is important to get hon. Members back debating again. How you do that involves working out a process and a procedure with the broadcasting unit and the digital and other technical people. There is a way of doing it.

In a debate, you are trying to persuade the Minister. The Minister is going to be responding to you, so you want a proper response from the Minister. I think that getting a proper response from the Minister is much more crucial than just being able to intervene. That is the accountability part, and that is what is missing. If you are talking about debates as just people speaking, it isn't that; you are trying to ask the Minister questions. You are trying to persuade the Minister. You are trying to change people's minds when you speak to amendments. That is crucial. At the minute, as I keep saying, a whole swathe of our colleagues cannot even do that.

**Chair:** Sir Christopher Chope has a specific technical question on procedures regarding statutory instruments.

Q276 **Sir Christopher Chope:** I would like to ask the shadow Leader whether she believes that the emergency powers that the Government have given themselves are continuing to be used in a reasonable way. Can I link that with a specific example? When we started off, it was clearly an emergency and there was a need for a lot of urgent legislation that could not be debated before it was implemented through affirmative resolution. We are now in a situation where the Government have announced their intention to make criminal penalties apply to those who go into shops without face coverings from the end of next week.

When I last checked today, the statutory instrument had not yet been laid. I fear that the Government will lay that resolution after Parliament has risen, or at such a stage that it is impossible for Parliament to consider it. In doing that, they will effectively be abusing the position of trust that they have. They have been dispensing with the requirement that affirmative resolutions should be laid, on the grounds of urgency, but here they know exactly what they are going to do. They have announced what they are going to do, but they have not yet given us, as parliamentarians, the opportunity to debate it. I wonder whether you have any comment to make about that.

I link that with some of the affirmative resolutions relaxing the controls. One was laid about a month ago. If it had been debated, it would have given us the opportunity to make representations about the difference



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between beard trimming and facials; or whether there is no difference, and it is just a ridiculous anomaly.

**Valerie Vaz:** On the point about statutory instruments, I hope that the Procedure Committee will come to some view as to whether or not it can be allowed. Certainly, the way the Government are giving out contracts under the emergency legislation is not a good idea and warrants more scrutiny.

I am with you, Sir Christopher. We should have more scrutiny of the Government, certainly in terms of that statutory instrument. I am horrified by that, but I will do whatever I can to ensure that we get a debate on it. We have next week, too, so we could easily ask for the debate to be held then.

**Q277 Sir Christopher Chope:** We cannot ask for the debate until the instrument has been laid. The instrument needs to be laid before the Committee of Selection can choose a group of people to debate it, unless it is going to be heard on the Floor of the House. I hope you will be able to raise the issue during business questions tomorrow.

**Valerie Vaz:** We also have the usual channels, which can do that. Surely the Front-Bench teams, who talk, and have talked during the pandemic, should be able to do that. Thank you for alerting us to that.

**Q278 Chair:** Before we conclude, are there any points that you wish to make that you have not been able to address through the questions? Do you have any thoughts you want to sum up with as regards how Parliament has responded to coronavirus and the pandemic?

**Valerie Vaz:** Thank you, Chair. We must never forget that we are in the middle of a pandemic. The fact that we are sitting, meeting and doing our work is an incredible testament to the people who work here, including all Members, who have had an incredible amount of additional work.

I will share an example with you. There was a debate about whether we should reduce the 2 metre rule to 1 metre. That is a thought and a suggestion, and it was a discussion at the Commission. Mr Speaker is adamant always that we must keep people safe, as we do, certainly in the Opposition parties, hence we encourage our staff to home-work. Public Health England advice is extremely important, and we should listen to it.

There is an element of tension between what the Government want, what the Speaker does administratively and what the Clerk of the House does, in terms of the legal responsibilities. Going forward, one of the things that we could look at, either through your Committee, or through a stand-alone Select Committee, as we did for governance of the House, is ways of bringing out the best practice: what worked and what did not work. A Select Committee would just be Members, but the views of those who did the on-the-ground stuff would be extremely valuable. I think that you should do it anyway, as the Procedure Committee, but you may want



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to expand it slightly and do it in a different way.

I go back to when we wanted to change the times when the House met. That came from a report by the Procedure Committee. Joan Ruddock pulled together some Members, on a cross-party basis, and we put motions to the House. Going back to some of the earlier questions, I think that some of the good things out of these proceedings can be picked up and rolled out. We can then look at the best practice for others.

We did not touch on call lists. I am going to give you that terrible answer: "On the one hand, on the other hand." On the one hand, it is a good idea for people to know. On the other hand, you get to the position where, for example, people just come in and out for their questions, which does not help debate. There are good things, such as knowing that you are going to be called, but when I sit in business questions I notice that the same people ask the questions week after week. Is there an element of their being quick on the draw and getting on to the MemberHub before anyone else? There could be a combination of, say, the speakers' list, so that you know that you have asked a question or spoken in a debate before, and getting on to the MemberHub.

There should be some sort of debate after this. I would like the Procedure Committee to do an inquiry into the good bits and the bad bits. Certainly, we should make sure that our colleagues are never excluded from the democratic process, which is what is happening now.

**Chair:** You can safely say that the Committee will be looking at lessons learned. There are things that we all want never to see repeated and other things we are very proud of and would be happy to bring out of the resilience drawer in the future, if we ever need to.

We are very grateful to you for your evidence and time today. It helps us enormously in our inquiry into both proxy voting and the procedures that have been adopted by the House of Commons in respect of coronavirus. Thank you again.