



House of Commons  
Procedure Committee

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**Procedure under  
coronavirus restrictions:  
Government Responses  
to the Committee's  
First, Second and Third  
Reports**

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**Second Special Report of Session  
2019–21**

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## Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

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### Committee staff

The current staff of the Committee are Masrur Ahmed (Second Clerk), Martyn Atkins (Clerk), Paul Connolly (Media Officer), and Jim Lawford (Committee Assistant).

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# Second Special Report

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The Committee published its First Report of Session 2019–21, on *Procedure under coronavirus restrictions: proposals for remote participation* (HC 300), on 21 April 2020, its Second Report, *Procedure under coronavirus restrictions: remote voting in divisions* (HC 335), on 8 May 2020, and its Third Report, *Procedure under coronavirus restrictions: the Government’s proposal to discontinue remote participation* (HC 392), on 30 May 2020. The Government’s responses to each of these reports was received on 24 June 2020 and are published as annexes to this Special Report.

## Annex 1: Response to the Committee’s First Report, on proposals for remote participation

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### The impact of coronavirus on the work of the House

**We recommend that proposals to facilitate virtual participation in further categories of House proceeding be developed for implementation as soon as is practicable. We report below on the potential implications of such developments for the House’s procedure and practice. We will keep the operation of all systems for virtual participation under regular review.** (Paragraph 20)

**We strongly recommend that any changes to House procedures introduced in response to the coronavirus pandemic should be strictly time-limited: a period of no longer than six weeks would be appropriate in the first instance. This period should be extended only by express agreement of the House and after consideration by the Procedure Committee.** (Paragraph 25)

From the outset, the Government was clear that the return of Parliament after the Easter recess on 21 April must happen in a way that was safe and allowed continuing scrutiny through oral questions, ministerial statements and urgent questions. The Government was also clear that it was essential that the House could continue to make progress with its legislative programme.

We are extremely grateful to Mr Speaker and to House staff for how hard they worked to provide innovative solutions to the unprecedented situation at the height of the pandemic. We welcomed the work from House staff on the proposed operating model on virtual participation for scrutiny proceedings and were pleased that swift expansion to substantive proceedings was possible.

The Government agrees with the Committee that virtual proceedings were only ever endorsed by the House on the basis that they would be time-limited, and has always acted on that basis. The House agreed with the proposition to extend the temporary Standing Orders until 20 May. On 12 May the Leader of the House set out to the House that he did not expect to further renew these Standing Orders, thereby confirming the Government’s clear intention that, whilst Parliament must act in accordance with public health guidance, the House of Commons should return to primarily physical proceedings after the Whitsun recess. The drawbacks of the virtual system are well documented. It limited parliamentary time, stifled debate and significantly delayed the passage of legislation.

This led to the Government's decision that it was appropriate to seek agreement from the House of Commons to return to Parliament physically once the temporary Standing Orders agreed by the House had lapsed. The Government agrees with the Committee that any longer term reform must be considered by the House only after a thorough review by the Procedure Committee.

In acknowledgment that some Members are still unable to attend Parliament in person owing to their personal circumstances, virtual participation in scrutiny proceedings and the proxy voting scheme were extended on 3 June. The Government welcomes the role of the Procedure Committee in ensuring these procedures work effectively. The Government notes the Procedure Committee's continuing review of proxy voting and looks forward to contributing to the review and considering the Committee's recommendations.

### **Proposed arrangements for oral questions, urgent questions and statements**

**It is essential that the House be facilitated to continue its scrutiny of Ministers as soon as possible. We therefore recommend that the Leader of the House be permitted, exceptionally, to move motions to authorise the new arrangements at the first available opportunity. In this unique instance the practice of the House requiring notice of such motions ought to be dispensed with. (Paragraph 31)**

**We recommend that proposals to allow questions for written answers to be tabled and to be answered on specified days during any periodic adjournment ought to be brought to the House as soon as is practicable. Such arrangements ought to be put in place before any further proposals to vary recess dates from those already adopted are put to the House. (Paragraph 49)**

The Government welcomed the support of the Committee with regard to the recommendation at paragraph 31. The Government also recognised the unique circumstances at play and was pleased that the Committee's recommendation helped to facilitate the swift moving and agreement of the Government's motions after the Easter recess.

The Committee also supported the idea that flexibility be given to the Speaker to manage hybrid proceedings and considered that it may be necessary to confer a reserve power on the Speaker to amend temporary orders without Government having a veto on this. The Government agrees it was important to allow the Speaker and the House sufficient flexibility for proceedings to be arranged so that Parliament could run effectively in the circumstances and the temporary orders were drafted in a way that allowed the Speaker this flexibility. However it was important that any potential changes should happen in consultation with the Government and the motion agreed by the House reflected this.

The recommendation in paragraph 49 relates to the process for written questions. The Government agrees that written questions are an important way that Ministers can be held to account. At the time, the Leader of the House indicated that he would certainly keep under review any future need to bring forward measures to ensure that Members are able to table written questions in the unlikely event that the House needed to adjourn further for any significant period. However, it has been possible, through the incredible work by the House to accommodate hybrid proceedings and then the return to physical

proceedings after recess, for the House to sit largely in line with the previously agreed recess dates. This has meant that Members have been able to table written questions in the usual way. The Government is aware that departments' recent performance in responding to written questions has been affected by the coronavirus and that some replies may not have been satisfactory. The Government is clear that Members should continue to receive timely and complete responses to all queries during this pandemic and the Leader of the House has raised this with all Cabinet ministers.

The Committee also concluded at paragraph 50 that a three day sitting week during hybrid proceedings may reduce opportunity for backbench scrutiny. The Government agrees that this inhibited opportunities for scrutiny of legislation, debate and time for statements and questions. Technological and staffing capacity limitations meant that the virtual Parliament was limited to 3 days a week, so we have now returned to a physical Parliament in line with public health guidance. This has allowed for the return of opposition time, backbench business, debates on petitions and adjournment debates.

### Arrangements to facilitate debate on motions and considerations of legislation

**We recommend that the Government make urgent arrangements for debate on a motion to give retrospective approval to the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 on the basis that all Members will be able to participate virtually and that there will be no requirement for physical participation in what could be a very highly subscribed debate. Should the restrictions continue in whole or in part past the date of the next review, we expect Ministers to give urgent consideration to a mechanism for explicit Parliamentary approval for their renewal.** (Paragraph 62)

The regulations referred to in this recommendation were laid as a made affirmative SI in Parliament on 26 March, and later debated on 4 May as part of the virtual proceedings of the House.

Also, in paragraph 53 of the report, the Committee concluded that the virtual proceedings should be extended to cover more than just scrutiny proceedings. The Government was grateful for this recommendation and fully agreed with the need to facilitate virtual participation on substantive business during the height of the pandemic. The Government therefore brought forward motions to extend virtual proceedings to substantive business and to enable remote voting on 22 April.

The Committee concluded in paragraph 60 that hybrid proceedings do not lend themselves to scrutiny of contentious issues. The Government agrees that one of the central limitations of hybrid proceedings was that it did not allow for robust debate, due to the lack of interventions and the technical time limits. This was a key consideration in the Government's decision not to bring forward a further extension to hybrid proceedings. The Government must be able to deliver on its promises to the electorate and pass essential legislation. This means being able to bring forward contentious business that inevitably benefits from a proper degree of debate and scrutiny. The lack of robust scrutiny during virtual proceedings was at the core of the Government's decision to move back to physical proceedings as soon as it was safe to do so.

## Participation in elections to positions in the House

**The Committee commends the work which has been undertaken to arrange remote balloting for elections to fill two select committee chair vacancies. We recommend that the House make a temporary order to enable the ballots to be held as planned. As with other temporary modifications to procedure, the order must be strictly time-limited.** (Paragraph 72)

The Government agreed that remote balloting was important during the hybrid proceedings in order to fill important select committee chair vacancies. The Government therefore brought forward a motion to enable remote balloting on 22 April. The election of the Chairs of the relevant select committees appeared to take place in a smooth way.

## Annex 2: Response to the Committee's Second Report, on remote voting in divisions

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### Overall assessment

#### The introduction of temporary coronavirus procedures, and arrangements for their extension

**The Leader of the House has indicated that on Tuesday 12 May he will move a motion in the House proposing an extension to the coronavirus procedures agreed to by the House on 21 and 22 April. We recommend that the proposed extension should be timed to expire on a date not later than the end of the first week of June, immediately following the planned Whitsun adjournment. We recommend that during the period of any extension the Speaker, following discussions with the House of Commons Commission, the Leader of the House and opposition parties, review the requirement for the temporary procedures in the light of public health advice and any revision of the secondary legislation governing free movement and association during the pandemic. (Paragraph 4)**

**The Committee appreciates the very hard work undertaken across the House Service and by the broadcasters to ensure the smooth operation of hybrid proceedings to date. We recommend that a review be undertaken—in particular of the possibility to extend the daily time available overall, the balance between question slots or the number of days per week—to ensure that more backbench colleagues are able to contribute to scrutiny and substantive proceedings while also ensuring safe working conditions for staff of the House and broadcast staff. (Paragraph 6)**

The Government agrees with the Committee that virtual proceedings were only ever endorsed on the basis that they would be time-limited, and has always acted on that basis. The House agreed with the proposition to extend the temporary Standing Orders until 20 May. On 12 May the Leader set out to the House that he did not expect to renew these Standing Orders further, thereby confirming the Government's clear intention that, whilst Parliament must act in accordance with public health guidance, the House of Commons should return primarily to physical proceedings after the Whitsun recess. Whilst recognising the Committee's preference that the Orders should have been extended to beyond the Whitsun recess, the Government gave significant notice to the House that hybrid proceedings would not be in place after that recess.

In relation to the recommendation in paragraph 6, the Government agrees that one of the limitations of virtual participation was that it did not allow for backbenchers fully to scrutinise the Government as they usually can. The Government joins with the Committee in commending the work of the House Authorities to get the hybrid proceedings up and running so quickly, but time for questions was limited, debate time overall could not exceed two and a half hours and debate itself was stilted. Only with the return to a predominantly physical Parliament have we been able to see the necessary flexibility to ensure proper scrutiny and debate.

## The Committee's assessment, and the Speaker's authorisation

The Government thanks the Committee for their work to support the successful roll-out of the remote voting system in the unique circumstances. We also pay tribute to the House's digital staff for creating a workable solution in such a short space of time. The Government agrees with the Committee's assessment that the remote voting system was a suboptimal substitute during the pandemic. Now that we have returned to a physical Parliament, not returning to physical voting would be a significant anomaly and the Government welcomes the House's agreement to the Government's approach. Voting is one of the most important functions of a Member of Parliament and a Parliament cannot function effectively without the Government having the ability to take difficult decisions and bring forward, on occasion, controversial legislative measures.

### Arrangements for remote divisions

**We recommend that PDS provide a report to the Speaker in respect of each division to confirm the number of Members who attempted to log in, the number of failed attempts, and the outcomes in each case.** (Paragraph 42)

**We recommend that the House Service and PDS actively seek feedback from Members on the operation of the system following each remote division, to identify any underlying issues with connectivity or system performance which may arise.** (Paragraph 43)

**We recommend that, before he gives leave for any business to be designated as subject to a remote division, the Speaker should receive a report on the number of Members who have not been registered on the system, along with the reasons why.** (Paragraph 45)

**We recommend that the Parliamentary Digital Service accelerate development work as much as is possible under current conditions, with a view to launching the site as soon as possible.** (Paragraph 48)

**In the event that differential decisions are taken on loosening lockdown by any of these authorities, or indeed that the UK Government releases lockdown differentially in some regions, we recommend that the House take these conditions into account so that Members can continue to participate in proceedings in a way that complies with the regulations and guidance relevant for the area they live in and take into account the limited geographical spread and small numbers of Members of some of the parties represented in the House.** (Paragraph 70)

The Government agrees with the principle of the Committee's recommendations in paragraphs 42–45, that any flaws with or concerns about the remote voting process needed to be quickly brought to light and resolved, in order to ensure the system was operable. However, it was for the discretion of the Speaker and the House Authorities what measures were put in place to ensure that virtual proceedings were working. The Committee's recommendations were no doubt of help to the House.

The Government also agreed with the recommendation in paragraph 48. It was important that remote voting was brought forward as quickly as possible during the height of the pandemic. We commend the House for the way in which information about how to vote was communicated and the work done to ensure that Members were registered correctly on Members Hub, in line with the committee's recommendations.

In relation to the recommendation in paragraph 70, the House has now returned to a form of physical voting. It is the Government's view that the measures subsequently brought forward to allow proxy voting for those Members not able to attend for medical or public health reasons related to the pandemic are consistent with the spirit of this recommendation.

## Annex 3: Response to the Committee's Third Report, on the Government's proposal to discontinue remote participation

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### Ceasing remote participation in House proceedings

The Government accepts that covid-19 continues to create challenges for the way in which we do business but notes that the House is now far better equipped to deal with these challenges, including having completed a risk assessment to ensure the estate is covid-secure. The arrangements for physical divisions which have been reinstated since 2 June continue to be kept under review by Mr Speaker, who has recently introduced a new pass-reader system and the time divisions are taking has been decreasing since the first vote. The Government welcomes the Committee's commitment in paragraph 11 of the report to keep the working practices of the House under review, and can assure Members that the Government will be doing the same.

The Government is grateful for the continuing work of the Committee and its swift responses to events.

### The principle of parity of treatment

**We do not think it is reasonable for Members, and by extension the constituents they represent, to be excluded from proceedings of the House because they choose or have been advised to follow Government advice on how to protect their health during a pandemic. We therefore recommend that the House make provision for virtual participation in its proceedings for those Members who consider themselves unable to travel to Westminster for as long as the pandemic persists.** (Paragraph 34)

**In the light of this recommendation the House may find it appropriate to discontinue the strict principle of parity of treatment.** (Paragraph 35)

While those Members who are able to be here in person have a duty to do so, the Government recognises that some Members of the House cannot attend Parliament, for health or other reasons outside of their control. The Government therefore brought forward motions to allow Members who cannot attend for reasons relating to the pandemic to continue to participate in virtual scrutiny proceedings and to vote by proxy. Precisely which Members will be eligible for this is at the Speaker's discretion. The motion of 2 June tabled by the Government and agreed by the House rescinds parity, in accordance with the recommendation of the Procedure Committee.

**The resolution of 21 April made no explicit mention of the staff of the House or of the Digital Service. The Committee has been given assurances about the number of staff Members who will be required in order to facilitate a physical return of Members to the House. We recommend that this is kept under review: should an increase in staffing levels be required in consequence of any changes to House procedures, guidance should be sought from public health authorities on safe levels. We welcome**

**the Speaker’s assurance that, if it is considered at any stage that proceedings are unsafe for staff or Members, immediate action should be taken to halt proceedings and make changes to protect all those on the Estate.** (Paragraph 37)

The Government is clear that the House Authorities must continue to ensure that the Estate is safe and that we ought to work in line with public health advice. The House Authorities have been undertaking risk assessments of various work spaces and are in direct contact with Public Health England on any specific concerns. The Leader of the House is also receiving updates on staffing levels and welcomes the fact that the House Authorities are keeping the number of staff on the Estate under careful review.

**We recommend that the resolution of 21 April be amended to make provision as follows:**

- **Recognition, as before, of the House’s continuing responsibilities in respect of scrutiny, legislation and representation;**
- **A commitment, as before, to balancing these responsibilities with observance of the restrictions imposed by Public Health England and the restrictions placed on all UK citizens;**
- **A commitment that the House will as far as possible allow virtual participation in its proceedings by Members who, by virtue of the coronavirus pandemic, are prevented from attending the House in person;**
- **A commitment to maintaining the digital capacity of those proceedings to ensure the participation of such Members, and**
- **An explicit recognition that staff of the House and the Parliamentary Digital Service who support it in the discharge of its responsibilities ought to be facilitated to work from home wherever possible in line with continuing public health guidance.** (Paragraph 38)

**We further recommend that the Speaker, on the basis of appropriate public health advice and in consultation with the Government and the opposition parties, set a date for review of the resolution. Not later than that date the Leader of the House ought to make arrangements for the House to consider proposals to maintain, amend or rescind the resolution.** (Paragraph 39)

The Government chose to rescind, rather than amend the resolution of 21 April, and this was agreed to by the House on 2 June. However, the decision to return to a physical Parliament was made with the commitment to robust scrutiny in mind and in order to enable the Government to be held to account in debate. The motion which the House agreed on 2 June set out the necessary measures for the return to a physical Parliament, including the commitment to adhering to social distancing guidance from PHE. The Government will continue to work with the House Authorities to support them in keeping these measures under review and to ensure that social distancing is in place throughout the Estate. The additional motions tabled by Government and agreed to by the House on 4 and 10 June allow Members who cannot attend Parliament to continue to participate

virtually in scrutiny proceedings and vote via proxy. This is in recognition of the fact that some Members will not be able to attend Parliament at this time for reasons relating to the pandemic, in line with the Committee's recommendation.

### The continued impact of restrictions

**We recommend that the operation of physical proceedings with social distancing in place be kept under review. We do not know yet how the situation will change as the progress of the pandemic evolves. We will continue to seek the views of all Members on these arrangements, particularly where colleagues believe procedure and practice during the coronavirus pandemic could be improved in order to provide increased scrutiny and representation or better access for Members. (Paragraph 41)**

The Government welcomes the continuing monitoring work of the Committee. The Government understands the need to keep all of the House practices and proceedings under review, just as the Government is keeping under review the guidance released to the country as a whole during the pandemic.

### Divisions

**We do not at present have a detailed system to recommend as an alternative to the system proposed to be used for physical divisions on 2 June which the House is likely to be invited to adopt. Members should nevertheless recognise that we have serious concerns over the operation of this system in practice: it should be treated as strictly interim and for replacement as soon as agreement can be found on an alternative method of voting. We recommend that urgent consideration be given to implementing an alternative system on the basis of the arrangement we outline below. (Paragraph 51)**

The Government agrees that voting must continue to be reviewed and is working closely with the House Authorities to consider how the system can be improved. The Speaker has recently introduced a system involving the use of pass readers in the lobbies. It is clear that the return to the physical Parliament is already allowing for better scrutiny and debate but the Government is open to considering new and better ways of voting, assuming those systems are viable and meet with the approval of the Speaker and the House Authorities.

**The system of remote voting in divisions in effect between 12 and 20 May was itself recommended by the Committee as a strictly time-limited measure. While the system as introduced did not allow Members present at Westminster to participate physically in divisions, we understand that it could be combined with a Chamber voting arrangement to allow Members away from Westminster or not present in the Chamber to record their votes remotely, while Members who wished to participate in a socially-distanced division could use the Chamber voting method described above. In the absence of a form of physical voting that the House is prepared to accept, we recommend that hybrid arrangements for remote voting as set out above should be introduced as a matter of urgency. (Paragraph 52)**

The House itself has now accepted a form of physical voting by agreeing to the motion on 2 June. The House rejected an amendment on remote voting that day. The motion established a framework and it is for the Speaker to determine the exact arrangements

that follow. These arrangements have evolved over time. The Government has brought forward the motion on proxy voting, to allow Members to participate from home under an expansion of the procedures that were in place prior to the pandemic.

### **Public bill committee and oral evidence**

**We welcome the installation of videoconferencing equipment in the Boothroyd Room. Public bill committees will be able to use this room for evidence-taking sessions with witnesses participating virtually. The facility is likely to be particularly useful to take evidence from witnesses unable to attend Committee meetings at Westminster because of coronavirus restrictions or for other reasons. We encourage public bill committees to take every opportunity to use the new facilities to hear evidence from witnesses.** (Paragraph 58)

The Government agrees that the new facilities are welcome and allow for the opportunity to take evidence remotely, which may benefit witnesses who are kind enough to consider giving evidence in this House but unable to attend in person.

The Government also notes the Committee's conclusion in paragraph 64 that the virtual Select Committee system seems to be working well and their support for the Liaison Committee's recommendation that this procedure should continue. We welcome the continued success of virtual working by Select Committees and the Government welcomes Mr Speaker's extension of the approach.