



House of Commons  
Procedure Committee

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# Procedure under coronavirus restrictions: virtual participation in debate

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**Sixth Report of Session 2019–21**

*Report, together with formal minutes relating  
to the report*

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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

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# 1 The Government's proposal to reintroduce virtual participation in debate

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1. On Monday 16 November the Leader of the House announced, in response to an Urgent Question,<sup>1</sup> that the Government “should seek to do more to support additional virtual participation in the Commons Chamber” and that the Government should work with the House authorities to find a solution to the issue. He announced that he planned to bring a motion before the House to facilitate additional virtual participation.

2. The Leader tabled a motion to give effect to his proposals on Tuesday 17 November, for decision by the House on Wednesday 18 November should the Government choose to move it. No provision has been made for a debate on the motion: if opposed after 7pm it cannot be proceeded with.

3. The text of the motion tabled by the Government is as follows:

That the Order of 4 June 2020 (Virtual participation in proceedings during the pandemic (Temporary Orders)), as amended on 22 October, be further amended by adding at the end the following paragraphs:

( ) The Speaker shall draw up and publish a scheme to permit Members who are certified by a medical practitioner as clinically extremely vulnerable (or equivalent) according to relevant official public health guidance issued in England, Wales, Scotland or Northern Ireland, to participate virtually in such debates as are designated for virtual participation by the Speaker.

( ) The scheme drawn up by the Speaker shall include:

(a) arrangements for demonstrating and registering eligibility for virtual participation in designated debates;

(b) any other provisions the Speaker considers necessary to secure the effective implementation of this Order.

4. When endorsing preparations for the introduction of hybrid proceedings, the House of Commons Commission agreed that any new arrangements “would be kept under regular review, including by the Procedure Committee.”<sup>2</sup> We have kept all such arrangements under review since their introduction.<sup>3</sup> We report below on the Leader's proposals to reintroduce virtual participation in debate, on the assumption that the House will agree to the motion set out above.

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1 HC Deb, 16 November 2020, [col. 24](#). The question was prompted by an announcement, issued from the personal Twitter account of the Leader on the evening of Sunday 15 November, that a change in the Government's policy was under consideration:

[https://twitter.com/Jacob\\_Rees\\_Mogg/status/1328088148396695554](https://twitter.com/Jacob_Rees_Mogg/status/1328088148396695554)

2 House of Commons Commission decisions of 16 April 2020, [item 1](#)

3 The inquiry into Procedure under coronavirus restrictions was opened on 10 April. All inquiry material is published on the Committee's website: <https://committees.parliament.uk/work/266/procedure-under-coronavirus-restrictions/publications/>

5. The change in approach taken by the Leader of the House is welcome, insofar as the Government is now prepared to allow some virtual participation in debate. We nevertheless regret that the approach was not planned in a more measured way so as to enable the fullest possible participation by Members subject to coronavirus restrictions from 5 November, when the present lockdown restrictions affecting travel to and from Westminster were brought into effect.

**6. We consider that Members unable to attend the House because of coronavirus restrictions should be facilitated to participate in debate as soon as possible. For that reason we do not intend to oppose the motion tabled for decision by the Leader of the House on 18 November.**

**7. We nevertheless consider that, on a matter of such importance to the House, the Government should have facilitated a debate and a decision on the proposal before the House in a way which would have allowed Members to test the House's support for alternative approaches.**

### Virtual participation in House proceedings to date

8. Virtual participation in House proceedings, as a means to facilitate participation despite the restrictions imposed by the pandemic, was first authorised by the House on 21 April this year, when it passed a resolution providing for parity of treatment between physical and virtual participation and made a temporary order applying these “hybrid” arrangements to scrutiny proceedings (oral questions, urgent questions and Ministerial statements).<sup>4</sup> The following day the House made a further temporary order applying the arrangements to proceedings on motions and legislation.

9. The temporary orders were initially set to expire on 12 May. Their effect was subsequently extended until 20 May, the day the House resolved to adjourn for the Whitsun recess, whereupon they were allowed to lapse. As part of the Government's COVID-19 recovery plan adopted by the Cabinet on 11 May, Parliament was to “set a national example of how business can continue in this new normal”, and was expected to move, “in step with public health guidance, to get back to business as part of this next step [in the recovery], including a move towards further physical proceedings in the House of Commons.”<sup>5</sup>

10. Upon the House's return from the Whitsun adjournment on 2 June, the Government proposed that the resolution providing for parity of treatment be rescinded, and proposed a revised procedural framework proposed by the Leader of the House.<sup>6</sup> The framework takes into account the substantial restrictions on the use of the Chamber and the division lobbies introduced by the Speaker on the advice of Public Health England. The arrangements were initially given effect until 7 July 2020: their effect has since been extended in duration, first to 3 September 2020 and subsequently to 3 November 2020 and to 30 March 2021.<sup>7</sup>

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4 Votes and Proceedings, [21 April 2020](#)

5 *Our plan to rebuild: The UK Government's COVID-19 recovery strategy*, [CP 239](#), May 2020, p 29

6 Votes and Proceedings, [2 June 2020](#)

7 Orders of 1 July, 2 September and 22 October 2020.

11. The Government considered the proposals to be Government business, and whipped accordingly. Amendments to the Government's motions were tabled by the Chair of this Committee and divided upon by those Members who were in a position to attend the House. The Government's proposals passed unamended.

12. On 4 June the Leader brought a further proposal to the House, for a temporary order to facilitate virtual participation in scrutiny proceedings by Members who had self-certified that they were "unable to attend at Westminster for medical or public health reasons related to the pandemic."<sup>8</sup> The proposal was passed without debate and virtual participation in scrutiny proceedings recommenced on 8 June.<sup>9</sup>

### *The change in Government policy*

13. Until his tweet of Sunday 15 November, the Leader of the House had, despite repeated requests, given little indication that the Government was in practice prepared to contemplate any form of virtual participation in debate. When we questioned the Leader about extending virtual participation on 8 June,<sup>10</sup> and again on 1 July,<sup>11</sup> he indicated that in principle he had no objection to allowing virtual participation in debates, if his concerns could be satisfied:

[H]ow do you make a debate flow, with interventions, when you have people participating remotely? How does the technology work, bearing in mind that it had to be reset every two hours, and Second Reading can be scheduled for six hours? Would you need to have those interruptions? How would the flow of business be affected? How effectively would Ministers be able to respond to interventions that were coming in remotely? It is a question of whether those points can be answered in order to ensure effective debate and proceeding with business, or not.<sup>12</sup>

14. Nevertheless, the day after the House agreed to extend the temporary coronavirus procedures until March 2021, he appeared to rule out any prospect of returning to the hybrid model used for the conduct of debates in April and May 2020.<sup>13</sup>

15. Several colleagues have expressed concern, in oral evidence,<sup>14</sup> written submissions<sup>15</sup> and in responses to a short online survey,<sup>16</sup> as well as on the floor of the House, that they or their colleagues have been unable to participate in debates on motions and legislation because of obligations to stay away from Westminster for reasons solely related to the pandemic.

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8 Votes and Proceedings, 4 June 2020, [item 8](#)

9 HC Deb, 8 June 2020, [col. 2](#)

10 [Q61](#) (8 June 2020)

11 [Q138](#) (1 July 2020)

12 *Ibid.*

13 Letter from the Leader of the House to the Chair of the Liaison Committee dated 23 October 2020, published by the Liaison Committee on 4 November 2020: <https://committees.parliament.uk/publications/3276/documents/30909/default/>

14 [Q325](#) [Dr Philippa Whitford MP]; [Q339](#) [Barbara Keeley MP]

15 For instance Mrs Sharon Hodgson MP ([CVR 095](#)) and Vicky Foxcroft MP ([CVR 105](#))

16 The detailed responses to a short survey of Members undertaken online between 14 and 18 October will be published as an annex to the Committee's subsequent report on aspects of participation in debate under coronavirus restrictions.

16. A Member currently undergoing treatment for breast cancer was unable to participate in a backbench business debate on breast cancer scheduled for 12 November in Westminster Hall because her condition has placed her into the “clinically extremely vulnerable” category: those in that category have been advised by NHS England to work from home and not to attend their place of work.<sup>17</sup> She was able to draw the House’s attention to the anomaly at Business Questions on 12 November, but was not able to participate in the debate itself.<sup>18</sup> It was this intervention which appears to have persuaded the Government that its policy on virtual participation, ostensibly under continuous review, ought to be changed.

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17 Under the official guidance issued by the NHS in England, those in this category are strongly advised to work from home: If they cannot work from home, they should not attend work for the duration of the lockdown restrictions in England introduced on 5 November. The guidance issued to the clinically vulnerable is available at the link below (version of 13 November 2020):<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>

18 HC Deb, 12 November 2020, [cols. 1070–71](#) [Tracey Crouch MP]

## 2 The effect of coronavirus restrictions on participation in debate

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17. Normal activities in the Chamber were in effect suspended on 18 March, when the Speaker announced that informal steps had been taken to limit the number of people “crowded together” in the Chamber during Prime Minister’s Questions.<sup>19</sup> Modifications in the House’s practice have been in effect for some two-thirds of the days on which the House has sat during this Parliament.<sup>20</sup> As the Chairman of Ways and Means has pointed out to us, “anyone who was elected for the first time last December has not seen the House working [ ... ] as it ought to do.”<sup>21</sup>

18. Procedurally, the hybrid model of April 2020, and the principle of parity between physical and virtual participation which underpinned it, placed substantial restrictions on the operation of the Chamber. Even though the hybrid model has been discontinued, several of these restrictions remain in place for debates as well as for questions and statements, because of the restriction on the capacity of the Chamber and the requirement to continue the operation of call lists.

19. Since 2 June, the Speaker (or the Member chairing proceedings in the Chamber) has been authorised to limit the number of Members present in the Chamber at any one time. The number of persons allowed to be present in the Chamber (including the Speaker and House officials) is limited to 50, and the places where Members may and may not sit in the Chamber have been clearly marked out. Members may presently speak from 42 places on Government and Opposition benches: a small number of places are available in the undergalleries beyond the Bar, where Members may observe proceedings but cannot presently be called to contribute to them.

20. The temporary order expressly authorising the Speaker to modify the practice of the House in the conduct of debate as appropriate to facilitate the effective conduct of proceedings was allowed to lapse on 20 May and was not revived on 2 June. On 1 June the Speaker wrote to all Members to announce that he was continuing a number of the practices temporarily adopted for hybrid proceedings, to ensure that presence in the Chamber to participate in proceedings was compatible with the limits on safe spacing. Certain of these changes have had a direct effect on the conduct of debate:

- **Call lists for speakers for debates** are now required, as a basis for ensuring that Members can be present for their contribution, and for the contributions immediately before and after. Members speaking in a debate should not necessarily expect to be able to be in the Chamber for the opening speeches or the wind-ups.
- **Earlier notice** of requests to participate in debate are now required.<sup>22</sup>

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19 HC Deb, 18 March 2020, [col. 993](#): from this date business managers began to place an informal limit on the number of Members in the Chamber, to ensure a form of social distancing.

20 95 out of the 135 sitting days since the State Opening on 19 December 2019

21 [Q356](#) [Dame Eleanor Laing]

22 [Letter from the Speaker to all Members](#) dated 1 June 2020

21. The House has *de facto* accepted the necessity of these arrangements. They make a number of significant temporary changes in the practice set out in *Erskine May* and in the rules of behaviour and courtesies in the House issued by the Speaker and Deputy Speakers:<sup>23</sup>

- The order in which Members are to be called in the Chamber is now announced in advance, and thus the Speaker does not have unfettered discretion over whom to call and when in the course of debate.
- As a consequence, Members wishing to be called to speak do not have to stand at the end of the previous speech to indicate that they wish to be called (“bobbing”).
- Certain requirements to be present as a condition of participation in proceedings have been suspended:
  - Members who have requested to speak in a debate are not required be present for the opening speeches and for most of the debate
  - Members who have spoken in a debate are not required to stay for at least the two subsequent speeches and to return to the Chamber for the winding-up speeches or the conclusion of the debate.

22. We will report separately about the effect of these arrangements on the way debate is conducted under coronavirus restrictions.

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<sup>23</sup> *Erskine May*, 25th edition (2019), [para 21.8](#); [Rules of behaviour and courtesies in the House of Commons](#), November 2018 (reissued December 2019)

## 3 Facilitating virtual participation in debate

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### Technical capacity

#### *The limitations of the hybrid model*

23. When we reported at the end of May on the Government's proposals to discontinue all remote participation, we recognised that the 'hybrid proceedings' model which governed House business between 21 April and 20 May had shortcomings.<sup>24</sup> The model had been developed very rapidly over the Easter adjournment to provide a means for the House to meet and transact business under the lockdown conditions which then prevailed with as many Members as possible given the opportunity to participate.

24. The hybrid model was developed in line with what was known to be possible, in technological and security terms, at the time, and on the basis of the minimum viable product. When implemented it was widely welcomed as a means of allowing core House business to continue, and Government business to be taken, under the extraordinary conditions of a national lockdown, on a basis which allowed every Member to participate. Academic experts have told us that the model was world-leading in its scope, its inclusiveness and the business it facilitated<sup>25</sup>

25. The model had a number of acknowledged shortcomings, largely brought about by limitations on operator capacity and staff support. Under the model as it operated in April, the Commons day was divided up into three blocks of two hours each, with half-hour breaks between each block of time to allow for equipment to be reset and Members participating virtually to be brought online. The first block was dedicated to scrutiny proceedings and the second and third were reserved for substantive proceedings. By the time that the hybrid arrangements were allowed to lapse in late May the model had been improved in the light of experience, with longer blocks of time for questions, statements and debate and shorter suspensions between them.

#### *Moving on from the hybrid model: mixed participation*

26. The hybrid model supporting physical and virtual proceedings in the House, introduced in April 2020, represented the minimum of what was viable to be achieved by the House Service, the Parliamentary Digital Service and the Parliamentary audio-visual team, working in partnership with outside broadcast specialists. As the Clerk of the House reminded us, the technical challenges involved were extremely difficult: the House was the first in the world to engage in hybrid proceedings of any scale, let alone full participation by all Members.<sup>26</sup>

27. Since the discontinuation of the hybrid model on 20 May, the teams engaged in this work have been reworking and developing the capacity and resilience of the hardware

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24 Procedure Committee, Third Report of Session 2019–21, [Procedure under coronavirus restrictions: the Government's proposal to discontinue remote participation](#), HC 392, para 32

25 [Q225](#) [Dr Ruth Fox, Director and Head of Research, Hansard Society]

26 [Q367](#)

and the operating model supporting virtual participation in the Commons and in the Lords. Dr Bengler confirmed to us that this development work had eliminated many of the technical limitations which constrained hybrid proceedings in April and May:

We have a lot more technical resource now than we did then. [ ... ] [I]f you did extend virtual participation to other proceedings, the sorts of constraints that the House had to operate under back in April and May would not now apply. [ ... ] [W]e would not now say, “This is limited to two hours and we need half an hour in between. You cannot do this and you cannot do that”. Far more is possible now than was possible then.<sup>27</sup>

28. Matthew Hamlyn, the Strategic Director, Chamber Business Team, confirmed that the resilience of the broadcasting hub on the Estate had been substantially improved and augmented with additional offsite capacity. As a consequence, the suspensions and time restrictions on hybrid proceedings could now be dispensed with. Giving evidence on 12 October, he described the benefits to be realised from this project:

It would make it easier if the House said, “We would like to run hybrid proceedings all day.” It is now a question of making sure we have enough people to do the engagement with Members, the setting up of calls and all the rest of it. But in practical terms [ ... ] we could do it. There is no conceptual problem in doing that if the House voted next week. Give us a bit of lead-in time.<sup>28</sup>

**29. The substantial work undertaken by the Parliamentary audio-visual service since the discontinuation of hybrid proceedings in May 2020 has resulted in a more resilient broadcast infrastructure, with the capacity to facilitate virtual contributions to debate without artificial suspensions or other restrictions. We commend the House Service and the broadcasters for having put these arrangements in place.**

### *Implementation of mixed participation*

30. While the technical support for uninterrupted mixed proceedings is now in place, we recognise that it cannot be given immediate effect: as Matthew Hamlyn indicated, some lead-in time will be required. A detailed operating model to meet the House’s requirements is expected to be developed, along the lines of the operating model developed for hybrid proceedings in April 2020.

31. As we observed above, the House Service approach to the introduction of hybrid proceedings was based on the minimum viable product. This was a sensible approach, and no doubt contributed substantially to the successful delivery of those proceedings in a highly unfamiliar environment. We would expect a similarly measured approach to be taken to the introduction of mixed virtual and physical participation in debate in this case.

32. Allowing virtual participation in debates in the Chamber without making corresponding provision for virtual participation in debates in Westminster Hall may increase pressure on the scheduling of business in the Chamber, and will doubtless be

27 [Q367](#)

28 [Ibid.](#)

a factor for the Backbench Business Committee in its determination of business to be taken on backbench days in the Chamber and during backbench time on Thursdays in Westminster Hall. We consider this issue further below.

33. **The Clerk of the House has confirmed that the infrastructure necessary to support mixed physical and virtual contributions to debate has been put in place in anticipation of a future requirement. Detailed work on an operating model to support the House's specific requirements was quite understandably not undertaken while there was no immediate prospect of implementation.**

34. **Many Members affected by coronavirus restrictions who have hitherto not been able to participate in debates will of course wish to use any new facilities approved by the House as quickly as possible. While we expect the House Service to make every effort to facilitate participation by all those eligible to do so, we recognise the merits of a measured approach to the detailed implementation of these new arrangements. In our view, it would be prudent if, in the first instance, a quota were placed on the number of Members able to contribute virtually in any one debate, to ensure that successful delivery is not put at risk by a sudden surge in demand.**

35. *We recommend that the Speaker, in consultation with the House Service, arrange for the phased introduction of mixed virtual and physical participation in debate, proceeding initially on the basis of minimum viability. Arrangements to include Members participating virtually on call lists for debates on motions and on legislation should be determined by the Speaker, in consultation with his Deputies, to achieve the most appropriate balance between virtual and physical participation in each debate, taking into account the development of the operating model.*

### **Additional features**

36. As we have noted above, the Leader of the House has repeatedly expressed his concerns about the potential effect of virtual participation on the quality of debate. In particular, he is concerned that interventions are at present not possible by, or on, Members participating virtually:

With debates, we need to have the proper holding to account of Ministers, which is the purpose of the debates, and to have the interventions that make a debate, rather than a series of statements.<sup>29</sup>

37. News that the House Service is in a position to develop a facility for interventions is therefore very welcome. Matthew Hamlyn confirmed that a conceptual framework had been developed to facilitate greater spontaneity in debate, enabling virtual interventions on physical contributions, and vice versa, in mixed proceedings and enabling points of order to be raised by Members participating virtually. The cost involved meant that the commitment to development could not be made until the House had demonstrated that it would be desirable.<sup>30</sup>

38. We share the Leader's concerns about the impact on the quality of debate in the Chamber if too many contributions are read into the record without the challenge and engagement which interventions often provide. Facilitating interventions by, and on,

29 HC Deb, 12 November 2020, [col. 1071](#)

30 *Ibid.*

virtual participants in debates is clearly desirable. To delay the implementation of virtual participation in order to complete this work would clearly be to make the best the enemy of the good: but in our view there is a strong case for the development work envisaged to be undertaken as soon as resources allow.

39. *We recommend that the House Service and the audio-visual team proceed with development of the proposed arrangements to facilitate interventions and points of order in respect of virtual contributions: we look forward to discussing how such arrangements might best be implemented.*

## Virtual participation in Westminster Hall proceedings

40. No physical infrastructure has been installed in Westminster Hall to allow virtual participation in debates, and as far as we are aware no work has been undertaken to configure audiovisual arrangements so as to support virtual participation.

41. Extending virtual participation to Westminster Hall would significantly extend the requirement on the audiovisual service to facilitate such proceedings. Of the 16 hours of a Westminster Hall sitting in a typical week, there are only four hours when there are no concurrent proceedings in the Chamber.<sup>31</sup> Although Westminster Hall sittings are suspended for three hours on Tuesdays and Wednesdays once the House sits, to allow Members to participate in scrutiny proceedings, there are then three hours on each sitting day except Fridays when proceedings in the House and Westminster Hall run concurrently.<sup>32</sup>

42. In principle it would be desirable to extend virtual proceedings to Westminster Hall: many of the colleagues who submitted evidence to us are in favour of this development. In practice, we recognise that support for virtual proceedings under current conditions is not limitless and that choices have to be made about the forms of House activity which can reasonably be supported under pandemic conditions. Extending virtual proceedings to Westminster Hall might, for instance, substantially limit the resource presently available to select committees, without which they are unable to meet in public and take evidence.

43. Allowing virtual participation in debate in the Chamber has consequences for the scheduling of Westminster Hall debates for as long as participation in those debates is limited to physical participation only. The Chair of the Petitions Committee has asked us to consider whether virtual participation in Westminster Hall should be facilitated.<sup>33</sup> We expect that all others responsible for scheduling business in Westminster Hall—the Chairman of Ways and Means, the Backbench Business Committee and the Liaison—will also have a view on whether virtual participation in the business they schedule is desirable under present constraints.

44. The Chair of the Petitions Committee has described to us the innovative e-petition public sessions which the Committee facilitated to allow petitions in effect to be debated in a public forum while sittings in Westminster Hall were suspended.<sup>34</sup> This initiative, in

31 Between 9.30 and 11.30 am each Tuesday and Wednesday.

32 Between 4.30 and 7.30 pm on Mondays, 2.30 and 5.30 pm on Tuesdays and Wednesdays and 1.30 pm and 4.30 pm on Thursdays.

33 Catherine McKinnell ([CVR 0118](#))

34 *Ibid.*

which Ministers and Opposition frontbenchers participated, allowed Members unable to be present at Westminster to participate in debate using the virtual facilities available to select committees.

**45. Virtual participation in Westminster Hall debates is in principle desirable. We recognise that it cannot be achieved immediately in current circumstances, and that if it is to be achieved in the future the House may have to accept a reduction in support for virtual participation elsewhere. We therefore do not recommend the immediate extension of virtual participation to Westminster Hall debates.**

46. There is nevertheless a business resilience case for developing an operating model to support virtual participation in Westminster Hall alongside virtual participation in the Chamber. The case for developing such a model will be strengthened should pandemic conditions persist into 2021 so as to require the present coronavirus restrictions to be continued beyond the end of March 2021.

47. In the absence of facilities for virtual participation in Westminster Hall debates, there may be scope for business normally taken in Westminster Hall to be taken in the Chamber on Monday mornings, or between 9am and 11am on Tuesday and Wednesday mornings, to allow for virtual participation using the Chamber's existing facilities. This would work especially well for 30-minute debates, where interventions are fewer and typically only one backbench Member participates.

**48. We recommend that, as soon as resources allow, the House Service undertake scoping work to ascertain the additional resource and expenditure required to support concurrent virtual participation in proceedings in the Chamber and in Westminster Hall.**

## 4 Eligibility for virtual participation in debate

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49. Introducing his proposals for virtual participation in debate, the Leader of the House indicated that the eligibility criteria for this type of participation would differ from the criteria for virtual participation in scrutiny proceedings (oral questions, urgent questions and statements).<sup>35</sup> The motion tabled by the Leader requires the Speaker to draw up a scheme to permit virtual participation in debate by Members “who are certified by a medical practitioner as clinically extremely vulnerable (or equivalent) according to relevant official public health guidance issued in England, Wales, Scotland or Northern Ireland”.

50. By contrast, to be eligible for virtual participation in scrutiny proceedings, Members must self-certify, under arrangements set out by the Speaker, that they are unable to attend at Westminster “for medical or public health reasons related to the pandemic”. Members are thus not obliged to disclose information about their personal circumstances as a precondition of participation. This position is consistent with the recommendation in our earlier report on the discontinuation of remote participation:

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.

As we observed in our subsequent report on the Government’s initial proposals for proxy voting during the pandemic:

The Committee [has not sought] to identify the circumstances which might cause a Member to consider themselves unable to travel to the House to participate in proceedings. We [have] recognised that to do so would establish circumstances where Members, in order to participate in proceedings, would have to make disclosures of personal medical circumstances which in all other walks of life they would be entitled to keep private. It is for the House to reflect on whether disclosure of such conditions ought under present circumstances to be a precondition for participation in proceedings.<sup>36</sup>

51. On 4 June the House agreed to a Government proposal that only those who were clinically vulnerable or clinically extremely vulnerable should be eligible for a proxy vote. Less than a week later, the House agreed to a further proposal which revised the criteria so as to bringing them into line with the eligibility criteria for participation in scrutiny proceedings.

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35 HC Deb, 16 November 2020, [col. 24](#).

36 Procedure Committee, First Special Report of Session 2019–21, [Procedure under coronavirus restrictions: the Government’s proposal for proxy voting for shielding Members](#), HC 429

52. **The Leader’s proposal to restrict participation in debate to a subset of Members identified by reference to their clinical vulnerability runs directly counter to our general recommendations, and to a principle which the House appears hitherto to have accepted. A requirement to disclose extreme clinical vulnerability to a disease in order to be eligible to participate in a debate appears to us to be an invasion of privacy.**

53. In justifying his proposal, the Leader appears to argue that debates on motions and on legislation are proceedings where virtual participation ought to be more strictly circumscribed. He has further argued that it is possible to introduce the eligibility criteria he proposes because the guidance issued by the NHS in England to the clinically extremely vulnerable has recently changed: those in this category are now advised to stay indoors and not to travel to work. On 16 November the Leader seemed to argue that all Members not specifically under clinical guidance to stay at home ought to come to the House if they wished to participate in debate.

54. During the course of proceedings on the Urgent Question on 16 November, several colleagues expressed concern about the eligibility criterion proposed. For Members resident in England, it was not immediately clear whether their eligibility would be determined on the basis of records of their condition held by the NHS or on the basis of clinical assessments made by medical professionals familiar with their circumstances. Members living with partners in the clinically extremely vulnerable category were advised that they would not themselves be eligible for virtual participation in debate. Members in the later stages of pregnancy were similarly advised.

55. It was not clear how the eligibility criteria might apply to Members in other nations of the United Kingdom, where different advice has been issued: for instance, the NHS England guidance on staying indoors is not reflected in the guidance presently issued to the clinically extremely vulnerable by the NHS in Scotland.<sup>37</sup> The Leader confirmed that eligibility would not be extended to Members following directions to self-isolate issued by the NHS Test and Trace service.

56. The drafting of the Government’s motion has clarified some of the anomalies identified above, but by no means all. It remains the case that, under the Leader’s proposal, Members who wish to participate in debates on motions and on legislation by virtual means are in effect required to disclose that they have a medical condition which is considered to render them clinically extremely vulnerable to COVID-19.

57. We have remarked above on the likely capacity of the system supporting mixed participation in debates in its early days, as the operating model is developed and refined. **In our view it is understandable if the number of virtual participants in a debate is limited from the outset, in the manner we have described above, until the House Service is confident about the capacity of the system in practice. But it is not appropriate to limit participation on the basis the Leader proposes.**

58. **We do not consider that there is a justifiable case for eligibility for virtual participation in debate to be determined by reference to clinical vulnerability. Nor do we consider it appropriate to determine eligibility on a basis different from that for virtual participation in scrutiny proceedings. We therefore recommend that the criteria for eligibility for virtual participation in all House proceedings be made uniform at the earliest opportunity.**

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37 See The Scottish Government, [Extra protection level advice for people at highest risk from coronavirus \(COVID-19\)](#) (undated)

59. *Should the Government not be prepared to put our general recommendation in paragraph 58 above to the House, we alternatively recommend that a Member having received notification to self-isolate should also be permitted to contribute virtually to all House proceedings during their period of self-isolation.*

60. *A Member's self-certification for any form of virtual participation on any sitting day ought to preclude attendance on the Estate that day. Attendance in the House when the dispensation is active flies in the face of the undertaking formally given to the Speaker when self-certifying. We again encourage all colleagues participating in self-certifying arrangements to familiarise themselves thoroughly with the obligations entailed in self-certification.*<sup>38</sup>

61. We note the Leader of the House's argument, set out during his response to the Urgent Question on 16 November, that Members are considered to be key workers and so should attend work unless they are designated as clinically extremely vulnerable. Where divisions are concerned, the Leader has sponsored motions which now facilitate a number of colleagues to participate in scrutiny proceedings, and a very large number of colleagues to cast their votes by proxy, without applying a similarly strict test of eligibility. We consider that voting in divisions is as fundamental a part of the role of a Member of Parliament as attendance in the Chamber to participate. It appears to us that the Government is keen to facilitate the participation of its supporters in divisions, but rather less keen to facilitate contributions to debate from colleagues across the back benches.

## Review

62. *We recommend that the operation of the system supporting mixed virtual and physical participation in debates be reviewed by the Speaker not later than the week of 14 December, and that the Speaker should subsequently communicate his findings to the House.*

63. *We further recommend that the Leader should make time available, as soon as possible after the House returns from the Christmas and New Year adjournment, for a debate on the arrangements for virtual participation, to arise on a substantive motion. This would give the House the opportunity to confirm or amend the arrangements as appropriate. The motion should self-evidently be treated as House business.*

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38 See a similar statement made in the Committee's Fourth Report, [Proxy voting: review of pilot arrangements](#), HC 392, para 87

## Conclusions and recommendations

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### The Government's proposal to reintroduce virtual participation in debate

1. We consider that Members unable to attend the House because of coronavirus restrictions should be facilitated to participate in debate as soon as possible. For that reason we do not intend to oppose the motion tabled for decision by the Leader of the House on 18 November. (Paragraph 6)
2. We nevertheless consider that, on a matter of such importance to the House, the Government should have facilitated a debate and a decision on the proposal before the House in a way which would have allowed Members to test the House's support for alternative approaches. (Paragraph 7)

### Facilitating virtual participation in debate

3. The substantial work undertaken by the Parliamentary audio-visual service since the discontinuation of hybrid proceedings in May 2020 has resulted in a more resilient broadcast infrastructure, with the capacity to facilitate virtual contributions to debate without artificial suspensions or other restrictions. We commend the House Service and the broadcasters for having put these arrangements in place. (Paragraph 29)
4. The Clerk of the House has confirmed that the infrastructure necessary to support mixed physical and virtual contributions to debate has been put in place in anticipation of a future requirement. Detailed work on an operating model to support the House's specific requirements was quite understandably not undertaken while there was no immediate prospect of implementation. (Paragraph 33)
5. Many Members affected by coronavirus restrictions who have hitherto not been able to participate in debates will of course wish to use any new facilities approved by the House as quickly as possible. While we expect the House Service to make every effort to facilitate participation by all those eligible to do so, we recognise the merits of a measured approach to the detailed implementation of these new arrangements. In our view, it would be prudent if, in the first instance, a quota were placed on the number of Members able to contribute virtually in any one debate, to ensure that successful delivery is not put at risk by a sudden surge in demand. (Paragraph 34)
6. *We recommend that the Speaker, in consultation with the House Service, arrange for the phased introduction of mixed virtual and physical participation in debate, proceeding initially on the basis of minimum viability. Arrangements to include Members participating virtually on call lists for debates on motions and on legislation should be determined by the Speaker, in consultation with his Deputies, to achieve the most appropriate balance between virtual and physical participation in each debate, taking into account the development of the operating model.* (Paragraph 35)

7. *We recommend that the House Service and the audio-visual team proceed with development of the proposed arrangements to facilitate interventions and points of order in respect of virtual contributions: we look forward to discussing how such arrangements might best be implemented.* (Paragraph 39)
8. Virtual participation in Westminster Hall debates is in principle desirable. We recognise that it cannot be achieved immediately in current circumstances, and that if it is to be achieved in the future the House may have to accept a reduction in support for virtual participation elsewhere. *We therefore do not recommend the immediate extension of virtual participation to Westminster Hall debates.* (Paragraph 45)
9. *We recommend that, as soon as resources allow, the House Service undertake scoping work to ascertain the additional resource and expenditure required to support concurrent virtual participation in proceedings in the Chamber and in Westminster Hall.* (Paragraph 48)

### Eligibility for virtual participation in debate

10. The Leader's proposal to restrict participation in debate to a subset of Members identified by reference to their clinical vulnerability runs directly counter to our general recommendations, and to a principle which the House appears hitherto to have accepted. A requirement to disclose extreme clinical vulnerability to a disease in order to be eligible to participate in a debate appears to us to be an invasion of privacy. (Paragraph 52)
11. In our view it is understandable if the number of virtual participants in a debate is limited from the outset, in the manner we have described above, until the House Service is confident about the capacity of the system in practice. But it is not appropriate to limit participation on the basis the Leader proposes. (Paragraph 57)
12. We do not consider that there is a justifiable case for eligibility for virtual participation in debate to be determined by reference to clinical vulnerability, Nor do we consider it appropriate to determine eligibility on a basis different from that for virtual participation in scrutiny proceedings. *We therefore recommend that the criteria for eligibility for virtual participation in all House proceedings be made uniform at the earliest opportunity.* (Paragraph 58)
13. *Should the Government not be prepared to put our general recommendation in paragraph 58 above to the House, we alternatively recommend that a Member having received notification to self-isolate should also be permitted to contribute virtually to all House proceedings during their period of self-isolation.* (Paragraph 59)
14. *A Member's self-certification for any form of virtual participation on any sitting day ought to preclude attendance on the Estate that day. Attendance in the House when the dispensation is active flies in the face of the undertaking formally given to the Speaker when self-certifying. We again encourage all colleagues participating in self-certifying arrangements to familiarise themselves thoroughly with the obligations entailed in self-certification.*<sup>38</sup> (Paragraph 60)

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38 See a similar statement made in the Committee's Fourth Report, [Proxy voting: review of pilot arrangements](#), HC 392, para 87

15. *We recommend that the operation of the system supporting mixed virtual and physical participation in debates be reviewed by the Speaker not later than the week of 14 December, and that the Speaker should subsequently communicate his findings to the House. (Paragraph 62)*
16. *We further recommend that the Leader should make time available, as soon as possible after the House returns from the Christmas and New Year adjournment, for a debate on the arrangements for virtual participation, to arise on a substantive motion. This would give the House the opportunity to confirm or amend the arrangements as appropriate. The motion should self-evidently be treated as House business. (Paragraph 63)*

## Formal minutes

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**Wednesday 18 November 2020**

Karen Bradley, in the Chair

Aaron Bell	James Sunderland
Chris Elmore	Owen Thompson
James Gray	Suzanne Webb
Nigel Mills	Liz Twist

The Committee deliberated.

Draft Report (*Procedure under coronavirus restrictions: virtual participation in debate*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 63 read and agreed to.

*Resolved*, That the Report be the Sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 25 November at 2.30 pm

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2019–21

First Report	Procedure under coronavirus restrictions: proposals for remote participation	HC 300 (HC 565)
Second Report	Procedure under coronavirus restrictions: remote voting in divisions	HC 335 (HC 565)
Third Report	Procedure under coronavirus restrictions: the Government's proposal to discontinue remote participation	HC 392 (HC 565)
Fourth Report	Proxy voting: review of pilot arrangements	HC 10 (HC 836)
Fifth Report	Written Parliamentary questions: Departmental performance in the 2017 Parliament	HC 790
First Special Report	Procedure under coronavirus restrictions: the Government's proposal for proxy voting for shielding Members	HC 429
Second Special Report	Procedure under coronavirus restrictions: Government Responses to the Committee's First, Second and Third Reports	HC 565
Third Special Report	Proxy voting: review of pilot arrangements: Government Response to the Committee's Fourth Report	HC 836