Procedure Committee
Journal Office, House of Commons London SW1A 0AA
Tel 020 7219 3351/3319 Fax 020 7219 2269 Email proccom@parliament.uk Website www.parliament.uk

From the Rt Hon Karen Bradley MP, Chair of the Committee

Rt Hon Lindsay Hoyle MP
Speaker of the House of Commons

5 May 2020

Mr Speaker —

Earlier today I received formal notification that, in the opinion of the Parliamentary Digital Service and the House Service, the remote voting system developed to facilitate the House's temporary orders on remote voting of 22 April is now ready for deployment.

In the course of debate on the motions for these temporary orders on 22 April I undertook to write to you and to the Leader of the House within two sitting days of the notification to give the Committee's view on the workability of the proposed system. Thanks to the very constructive engagement of all members of the Committee I am pleased to be able to set out the Committee's assessment below.

The assessment which follows is of the remote voting system proposed to be introduced under the arrangements already agreed to by the House on 22 April. It is not an assessment of the most effective means for Members to cast votes in divisions under the extraordinary conditions of the COVID-19 pandemic. The motions proposed by the Government on 22 April envisaged a system of remote digital voting. Hence the Committee has only assessed the system developed by the House Service and PDS for this purpose. The assessment has been made on the basis that the 22 April orders have a strictly temporary and time-limited effect.

The Committee has already reported on the proposals for procedural change to allow the House to operate under pandemic conditions. As you know, the Committee has opened an inquiry to evaluate the operation of these temporary procedural arrangements. During that work, we may consider whether a different form of voting, such as extending the existing proxy arrangements, would be more appropriate in the light of developing public health advice and any changes to secondary legislation regarding freedom of movement. We will also examine any other procedural adaptations that may be appropriate as and when lockdown conditions are modified. We are also clear that this assessment is based on the system for remote voting being a temporary measure that will have to be agreed to by the House.

Making the assessment to this timescale would not have been possible without the assistance of the staff of the House Service and PDS involved in the development of the system. The Committee is very grateful to them for the time they have taken in explaining and demonstrating the operation of the system, and in responding swiftly and positively to the suggestions made by Committee members, at a time when both services are under considerable pressure. The Committee has received detailed briefings on the operation of the system and on the outcome of the live tests conducted with all Members on 30 April and 1 and 4 May. Responses to some specific concerns raised by Committee members are set out in the annex to this letter.

The Committee is satisfied that the proposed system is suitable for use by the House in recording the votes of Members in remote divisions or remote deferred divisions under the arrangements agreed to by the House on 22 April, but only for as long as those temporary orders have effect. I expect you will wish to take the Committee's view into account when authorising the arrangements for divisions to be conducted remotely.

The Committee has the following observations on the system:

- The system is based on the existing MemberHub platform, which is presently used for the remote tabling of questions and motions by Members and by accredited staff. Access to the system is via a single sign-on, with multi-factor authentication. The Committee is satisfied with the assurances it has been given about the security of the system.

- The existing level of assurance as to the identity of Members participating in divisions in person cannot be fully replicated under the remote system without (a) development work which could not be undertaken to the timescale demanded and (b) expenditure which cannot be justified by the temporary nature of the system. The integrity of the remote system depends on the care taken by each individual Member over authentication. For this reason the system can only be a temporary means to allow Members to cast votes in divisions for as long as the extraordinary conditions which prevent many from coming to the Chamber persist.

- Members have a personal responsibility to ensure the integrity of the system. It is highly likely that any action by a Member which led to an unauthorised person casting a vote in a division would constitute a contempt of the House and a breach of the Code of Conduct, and would be likely to be punished accordingly.

- The formal and informal arrangements for conducting remote divisions with Members present at Westminster and working remotely will be significantly different from the arrangements for conducting divisions in person. Familiarisation with and confidence in the temporary system are both essential. Following the successful live tests of the system, it is strongly recommended that the first use of the new system ought to be on a whippable motion which does not relate to legislation: in the absence of Opposition business, a division on a Government motion would be suitable.

- As Members adapt to a further aspect of remote participation in House business, it is vital that they are able to keep in touch with proceedings in the Chamber. Members are able to receive notifications of remote divisions through a number of channels provided by the system, and may also receive alerts from party whips. The ParliamentNow app which is in development, intended to replicate the content carried on Commons and Lords annunciator channels, would be an important additional means of notification, and the Committee recommends that it be rolled out to Members as a matter of urgency.

- You and your Deputies can be assured that there are robust arrangements in place for monitoring the system during each remote division, with a means of alerting the Chair swiftly should system failures be identified. The temporary order on conduct of remote divisions of 22 April explicitly authorises the Chair to suspend a remote division in case of technical issues, and to void and re-run a division should technical issues be reported which might have affected the result. In cases where individual Members have difficulties with accessing the system, arrangements have been put in place for votes to be recorded manually.

- Members taking parental absence who have proxy voting certificates in effect may wish to suspend the certificate for the period of the operation of the temporary orders, in order to be able to vote remotely in person. If a proxy voting certificate remains in effect, the proxy will be able to cast their own vote and the proxy vote over the remote system.

- In most instances it is likely that the temporary remote voting system will replace the need for pairing. Pairing may still be required in certain circumstances, for instance when Ministers undertaking official engagements are unlikely to have remote access to MemberHub for a period, or when Members have constituency or other engagements of a similar nature.

The Committee is likely to make a report to the House on the operation of the temporary system to set out these issues in greater detail before any designation of business subject to a remote division.

As with all other aspects of the temporary coronavirus procedures, the Committee will keep the operation of the remote voting system under constant review during the period that the temporary orders on remote divisions have effect.

I am writing in similar terms to the Leader of the House.

Yours ever —

Karen Bradley MP

ANNEX: Responses to specific issues raised by Committee members

Will Members who are denied access to the system through communications or IT failure to be able to contact staff to request manual recording of their vote?

Members' confidence in the new system will be greatly enhanced if they know there is a robust fall-back mechanism in the event that a Member is having a major connectivity problem. A Member who is having technical difficulties voting on MemberHub will be able to text or email the relevant House office, leaving a phone number. House staff will immediately call the Member back on that number and, once they have performed the necessary checks, and are satisfied that it is indeed the Member, arrange for the Member's vote to be recorded. This system is intended to be used only when there has been a demonstrable failure of access.

What system monitoring will be undertaken during each division, and under what circumstances will poor system performance result in a report to the Chair?

System monitoring will be undertaken during the progress of each remote division, This will allow House staff to alert the Chair in the event of a serious problem arising in the progress of a remote division. The setting of a particular threshold is a sensitive issue and we would seek the view of the Speaker on what an appropriate threshold should be, rather than setting one at official level. Any threshold should probably be regarded as a guideline for the Chair rather than an absolute trigger, as there may be circumstances where the number of Members affected is just below the formal threshold but in the Chair's judgment it would still be sensible to re-run the division.

What testing remains to be undertaken with Members who have not yet used the system?

559 Members successfully voted in the trial on 1 May, and 550 in the one on 4 May. 37 Members have not participated in one of the three trials; a further test, focused on those who have not yet participated, is scheduled for 7 May. A team of more than 60 volunteers from across the House Service has been working hard to contact Members who have never used MemberHub before. They contacted hundreds of Members to make sure that they knew how to login to MemberHub and add their mobile phone number. A dozen Members have not yet used MemberHub: every effort will be made to introduce them to the system before the 7 May trial.