OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 12 November 2020

The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 12 November 2020

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
20th Meeting 2020, Session 5

CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

DEPUTY CONVENER

*Patrick Harvie (Glasgow) (Green)

COMMITTEE MEMBERS

*Neil Findlay (Lothian) (Lab)
*Jamie Halcro Johnston (Highlands and Islands) (Con)
Gil Paterson (Clydebank and Milngavie) (SNP)
*John Scott (Ayr) (Con)
*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Siwan Davies (Senedd Cymru—Welsh Parliament)
Emily Death (Global Partners Governance)
Professor Cristina Leston-Bandeira (University of Leeds)
Dr Hannah White (Institute for Government)
Sian Wilkins (Senedd Cymru—Welsh Parliament)

CLERK TO THE COMMITTEE

Katy Orr

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 12 November 2020

[The Convener opened the meeting at 09:34]

Scottish Parliament Practices and Procedures (Resilience)

The Convener (Bill Kidd): Good morning and welcome to the 20th meeting in 2020 of the Standards, Procedures and Public Appointments Committee. Our first item of business is evidence taking on the committee's inquiry on the resilience of the Scottish Parliament's practices and procedures. We have apologies from Gil Paterson, who is unable to be with us.

On the first panel of witnesses are Emily Death, Dr Hannah White and Professor Cristina Leston-Bandeira. Our witnesses will make short opening statements, then members will ask questions. I invite Emily Death to give her statement—am I saying your name correctly?

Emily Death (Global Partners Governance): I thank the convener and members of the committee for the invitation to give evidence. I am Emily Death—you were close in your pronunciation of my name, convener, and I can imagine how you landed on it. I am the director of a public development consultancy called Global Partners Governance. Since 2005, the organisation has worked on programmes of support to Governments, Parliaments, ministries, political parties and other political institutions. Our experience is truly international, but we have a particular focus on the middle east, north Africa, central Europe and Asia.

Since the pandemic hit, we have been gathering experiences of parliamentary adaptations to Covid through remote and virtual work, and we have been advising the Parliaments of those countries where we work on how to adapt procedures in relation to their three key functions: representation, legislation and oversight. That work has been undertaken in countries such as Sudan, Iraq, Uzbekistan and Bahrain.

In April, it was reported that more than 2 billion people were living in countries where Parliaments had been suspended or restricted under coronavirus emergency measures. As well as the attention-grabbing stories from countries where emergency powers provided for a headlong assault on democratic principles, there are several examples of less blatant cases of parliamentary

procedures being scaled back or, to some extent, limited—intentionally or unintentionally—as certain procedures became impossible.

There will always have to be compromise in a situation such as this and, at the same time, several opportunities for much-needed parliamentary innovation have presented themselves. As Parliaments are places where there can sometimes be quite a slow pace of change, that could have positive longer-term effects.

The adaptations in several Parliaments, including the Scottish Parliament, that have allowed parliamentary and committee business to continue to an almost normal degree have been extremely impressive, considering the enormity of the challenge that the institutions have faced.

I am more than happy to expand on my opening remarks and, in particular, to provide greater detail on relevant experiences from international Parliaments.

The Convener: Thank you, Emily. Just to be clear, my name is not pronounced Bill "K'idd", either—I apologise for breaking up your name as "De'ath".

We will now hear Dr Hannah White's statement.

Dr Hannah White (Institute for Government): Good morning, everyone. I am deputy director of the Institute for Government, which is a non-partisan think tank that is based in London. Our remit is to make government more effective.

Before I joined the institute, I was a clerk in the House of Commons for 10 years. I now lead the institute's work on Parliaments, and I have been keeping a close eye on how the Westminster Parliament has been adapting to the coronavirus pandemic. I have had some involvement with an organisation called the Study of Parliament Group, which one of your other witnesses, Professor Cristina Leston-Bandeira, chairs. We have been considering the response of many different Parliaments to coronavirus, so I will be able to draw on that in talking to you today.

Overall, I echo what Emily Death said. It is clear that the pandemic has had a dramatic effect on the world and on legislatures, which has come at a time when many countries' executives have imposed dramatic restrictions on their citizens. Therefore, it is an important time to reflect on how effectively legislatures have been working on behalf of citizens.

Generally speaking, we saw at the beginning of the pandemic that there was a voluntary shift of power from legislatures towards their executives, because it was clear that those powers were needed. The executives had a tendency to take a maximalist view of the powers that they might

need and, in some instances, legislatures are now finding that it might be slightly harder than they thought it would be to reclaim some of the powers that they think that they have given away.

There is a really important point to review at this stage. We must think about which of the innovations that we have seen are beneficial and are ones that we want to retain, and which ones we think may have advantages for some groups but not for others. We should not reflexively return to the status quo or adopt measures just because they happen to be convenient to people now that they have been adopted—by that I specifically mean more convenient to the executive than to the legislature.

Like Emily Death, I would be very happy to expand on any of that.

The Convener: Thank you very much. That is extremely useful.

Professor Cristina Leston-Bandeira (University of Leeds): Good morning, and thank you very much for inviting me to speak to you.

My impressions are very similar to those of Emily Death and Hannah White. I am professor of politics at the University of Leeds and a co-director of its centre for democratic engagement. I am also chair of the Study of Parliament Group, which has been looking at how Parliaments around the world have been reacting to Covid-19.

My area of research is very much about public engagement and Parliament, so one element that I would like to focus on is how Parliaments have reacted to public engagement, particularly in times of crisis, such as that which we have had with the pandemic.

The reactions that we have seen from Parliaments and executives—Emily Death and Hannah White have already referred to this—have been to restrict core business to core emergency powers and essential powers, which executives have tended to maximise as much as possible. That has perhaps led to poorer scrutiny, but it has also led to a sideline of public engagement and listening more effectively to the public.

If there is a time for listening to the public and using that for better scrutiny, that time is during a pandemic—a time of crisis that affects many citizens in many different ways, from health and economics to all sorts of areas of society. The public engagement role that Parliament can perform can be really important in improving scrutiny and keeping an eye on the Government.

If we look at how Parliaments have reacted, we see that there have been lots of innovations and a lot of really good practice. It is interesting that Parliaments that have reacted the best or have had the most effective and innovative practices are the ones that already had more embedded engagement practices—the Scottish Parliament is a good example of that—and not necessarily the ones that were very digitally able. We might talk a little more about that later, but the National Congress of Brazil is quite often given as an example of that. It is a good illustration of how doing things digitally does not necessarily always mean understanding how to do engagement. At a time of pandemic, it is important to understand how Parliaments can carry on engaging with the public and feeding that into the scrutiny of the executive.

I would, of course, be happy to talk a little more about any of those elements later on.

The Convener: Thank you very much. That is also extremely useful.

We have a number of questions. It would be useful for our witnesses to indicate if they would like to be the first to answer a question. John Scott has a question about the initial reaction and how Parliaments made arrangements to continue their work.

09:45

John Scott (Ayr) (Con): Dr White said that the pandemic has had a dramatic effect on Parliaments all over the world. Were any of them prepared for a pandemic? The Scottish Parliament was not prepared, although I think that we have reacted quite well. Can you give examples of Parliaments that were not prepared and the difficulties that they encountered? We will move on to the positives after that.

Dr White: In the first instance, I will talk about Westminster, which was not well prepared. The crisis that Westminster had prepared for for a long time—I remember preparing for it when I worked there—involved the unavailability of its premises. There was a lot of contingency and business continuity planning about having to move away from Westminster and meet somewhere else, but no one had really thought about a crisis in which it would be difficult for people to be physically close to each other. That is a salutary lesson for us.

It is excellent that the committee is thinking about drawing lessons from the crisis and how the Scottish Parliament could be better prepared next time round, but we need to be really careful not to prepare only for the previous crisis. Arguably, Westminster was preparing for what happened in world war two, when MPs could not sit in the chamber. That was what was seared on people's consciousness.

We will all now think a lot about social distancing and how we function in a world where people have to social distance, but—just to make

everyone feel cheerful this morning— there are lots of other things that could go wrong. For example, our response to this crisis has been to go digital, and we have all thought about how to enable parliamentary proceedings to take place digitally, but what if there a crisis involving a denial-of-service attack on a Parliament that meant that nobody could do anything digitally? Where would we be then? How would you prepare for that?

A salutary thought is that we need to think broadly in relation to preparation. I am interested to hear whether Cristina Leston-Bandeira or Emily Death know of Parliaments that have been better prepared.

Emily Death: It is fair to say that the pandemic has been unprecedented in scale and that most legislatures were not fully prepared. The Scottish Parliament should not single itself out; I do not think that anyone was ready for the scale of the challenge facing them.

That said, some legislatures were in advance of others, because various factors were already in place. Cristina Leston-Bandeira referenced a couple of those factors in her initial remarks. First, legislatures that did not have to amend legislation or the constitution to allow them to meet virtually had a bit of a head start on those that had to make those changes.

The second point relates to Parliaments that already had good planning in place and that might have begun significant digital transformation projects. The Maldives is an example that is often cited. It obviously has a very different Parliament; nonetheless, there are useful lessons that we can pick up on. The Maldives had already rolled out the relevant technologies in early 2019, which enabled it to be the first Parliament to hold a virtual meeting, on 30 March this year. It also already had in place and had practised with an interactive voting system, which was used quite successfully.

As Hannah White rightly said, we might well face a different crisis or situation in the future. However, in any case, digital and virtual planning should be a huge part of what all organisations are doing. Those that had already given forethought to that were much better prepared than others to move quickly.

Professor Leston-Bandeira: Most of the main points have already been made, so I will just emphasise the fact that some Parliaments were better prepared than others. A lot of that was because the procedures were more flexible or because the Parliaments were more digitally able. Those points are not necessarily exactly the same. For example, the New Zealand Parliament moved quickly not necessarily because it had the digital tools, but because it had thought about its procedures and how to react to the pandemic.

Sometimes, it is important to think about the procedures and how the business is managed to know how to adapt to a crisis. As Hannah White said, we do not know what the next crisis will be. Therefore, it is important to think about flexibility. An example of that is the Parliament in Ireland, which did not meet because of a lack of flexibility and an inability to change the rules about how to meet as a Parliament.

If anything is to come out of the crisis, it is important that there is a reflection on flexibility and how to adapt procedures.

The Convener: John Scott can come back in later. Because of time constraints, we have to move on to considering plenary business, which Maureen Watt has questions about.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): What strategies have the legislatures that you have looked at adopted to ensure that elected members can still vote? Have there been block votes, weighted voting or proxy voting, which I think is more common? Do you have any thoughts on how those approaches reflect on the democratic process and democratic representation?

Dr White: My best knowledge is about Westminster, so I will again talk about it. Voting in Westminster is pretty inefficient at the best of times. We once calculated that, because MPs in Westminster vote using an in-person lobby system, on average, they spend a week of their year voting. As was fairly widely publicised around the world, Westminster actually moved quickly to produce an effective and efficient remote voting system, which treated all members completely equally and enabled them to vote from anywhere, rapidly and safely. However, that system was abandoned only a month after it was introduced, for a number of reasons, which we can talk about if you want to do so.

The United Kingdom Government's proposal was that MPs should use the pairing system, which, as members will know, is an informal system whereby the votes of two members that would have cancelled each other out are not recorded. That would have been organised— [*Inaudible*.] Many MPs thought that that was unsatisfactory and so pushed back against it with the Government.

The UK Government then wanted to return to an in-person voting system using the lobbies, but that was not possible because of safety reasons, so a system of queueing to vote in the chamber, and then in the lobbies using voting machines, was introduced. Under pressure from MPs, the Government decided to introduce a proxy voting

system, which had been experimented with previously for new parents in Westminster and was being trialled. That was extended first to MPs who could prove that they had a health reason for using it and then, quite quickly, the Government conceded that MPs should be able to self-certify and have a proxy vote.

That is the current situation. Indeed, things have moved on even further. It used to be that if members could not get to Westminster, they could have a proxy vote, but they can now have one even if they are on the estate. That is because some MPs are uncomfortable with the system of queuing up and going into the chamber.

On the point about democracy that Maureen Watt raises, proxy votes are better than pairing in that respect, but they cause me some concern. The system puts a lot of power in the hands of the party whips and means that, potentially, MPs are less engaged in the decisions that they make because they have handed over the possibility of voting to their whip. That really strengthens the power of the executive in Parliament.

My view is that Westminster has ended up in a pretty unfortunate position. MPs who are able vote physically can do so, but they have to queue up for that, which is unsafe and inefficient and, as far as I am concerned, is a very poor example to the public. Hundreds of members are using proxy votes instead.

Emily Death: Parliaments have taken a wide variety of approaches to ensuring that their members can continue to vote. In some middle eastern Parliaments, for example, there are already established processes for using block voting for parties. In countries where that is not established practice but it has been used, it has raised some consternation. There are serious questions to answer about how the representatives are selected. As Hannah White has said, there can be a risk that loyalty to the party is enhanced and we lose out on dissenting individual voices. There are also risks with those kinds of group voting mechanisms that underrepresented groups such as women might lose out even more and we lose the diversity of voices.

That being said, there always has to be a degree of compromise, as I said earlier. Not selecting certain groups of individuals to vote might mean that other groups just get excluded by default, such as people who are not able to travel to the Parliament, perhaps because they are older or more vulnerable from a health perspective.

There have also been a lot of virtual initiatives to enable people to vote. I mentioned the polling online system of the Maldives Parliament—Polly. Cristina Leston-Bandeira alluded to the Brazilian

Congress, which has a sophisticated online system called Infoleg. I should also refer to the European Parliament, which you might have heard about, as it was given some coverage. It came up with a rather low-tech but nonetheless secure system in which voting papers were sent out by email completed by members, and then scanned or photographed and returned by email. We can see a variety of different approaches there.

Professor Leston-Bandeira: Emily Death has already referred to the main aspects that I wanted to cover but, to add to that, I note that the block voting system is often used in many Parliaments already. For some Parliaments, it was not unusual to use it in the current situation.

I believe that the committee is speaking later to officials from the Welsh Assembly, which is an interesting Parliament. I believe that, when the Assembly went online, it moved to block voting, which it does not usually use. It is interesting to explore the way in which block voting reinforces the power of the whips and the party groups, which I think it does, when it is being used in a context in which is not usually used.

I agree with everything that Hannah White said, but I just want to remind the committee that the House of Lords is still using digital remote voting. It is working well, so it is odd that the House of Commons is not using it. There is a big contrast between the chambers. In the Lords, where the members are more elderly than the average in other Parliaments, remote voting is an obvious thing to use and might be an example of how that sort of tool can be an inclusive and progressive way of dealing with business in a situation such as the one we are in.

Jamie Halcro Johnston (Highlands and Islands) (Con): I am conscious of time, so I will bring my two questions together. I imagine that it is easier for committees to meet given the small numbers involved. If you disagree with that statement, please feel free to highlight that. Also, what advantages have you seen from committees meeting virtually, perhaps in engagement with the public and the like?

Professor Leston-Bandeira: Committees were much quicker to adapt to the pandemic, so we have seen them using really good practice. If you want to see how Parliaments have reacted well to the pandemic, you need to look at committees. Because they are much smaller units, they are much more flexible. They are also much more theme focused, or issue focused, so they can focus straight away on the issues. Their members have the expertise and interest in their area, so committees were able to understand the problems of the pandemic straight away.

Westminster has some very good examples in that area. Although the chamber took some time to adapt, the committees adapted very quickly. The lockdown in the UK happened on 23 March, and on 25 March committees were already taking evidence online. They were also using innovative methods such as bringing in the chairs of other committees to talk in their committees. For instance, the House of Commons Health and Social Care Committee has brought in the chairs of the Home Affairs Committee and the Science and Technology Committee as guests in its first hearing after the beginning of lockdown, in order to have their expertise and to scrutinise the Government more effectively.

10:00

Committees are also an example of why this sort of thing sometimes does not work. The National Congress of Brazil is quite often referred to as a good example of somewhere that has adapted to the digital approach. However, its committees are still not meeting—some ad hoc committees meet virtually, but its core business committees are not. That is because the digital tools were not ready to facilitate the handling of committee business. As a consequence, although it is a highly digital Parliament, it is currently managing a very low level of scrutiny because it does not have the flexibility to scrutinise the various areas of governance.

There have been quite a few innovations. The House of Commons Petitions Committee is a good example. It has moved quickly, for example putting questions from members of the public to public officials. At the beginning, it realised that a lot of the petitions and queries showed that the public did not really understand the lockdown rules or what was happening, apart from the negative effects on their own lives. At its first meeting during the pandemic period, public officials involved in health, employment and schools appeared before it, and members put questions from the public to the officials.

Alongside that, committees across the UK, including in the Scottish Parliament, have utilised digital tools to bring in evidence from people who might not be local. Today, we see an example of that. I do not know where Emily Death and Hannah White are based, but I am based in east Yorkshire. That approach has enabled evidence to be sought from a wider pool of people. There are lots of examples in that area, as well as in the area of outreach to schools and so on.

There are some challenges in all that, but I will stop there, because I know that we do not have much time.

The Convener: Emily Death, do you have anything to add?

Emily Death: Just a couple of brief remarks. First, I am calling from London, although I would have been delighted to come to Edinburgh in different times.

I agree that committees have adapted much more readily and easily. We have seen examples of certain Parliaments that, because of their constitutional rules or legislative arrangements, have not been able to move the seat of their plenary but which have, nonetheless, been able to move their committee practices online—that is the case in Germany, for example.

There have also been certain changes in some Parliaments where committees were not valued as highly. In some newer institutions, committees have been able to meet a lot more regularly and feed into the process more. That has been the case in Bahrain, for example. Further, as Cristina Leston-Bandeira said, a variety of Parliaments have taken advantage of the ability to call witnesses from a wider pool, including international experts.

Dr White: I agree with what Emily Death and Cristina Leston-Bandeira have said. In Westminster, committees have been able to meet during the recess because they have been meeting virtually—they have done that to a much greater extent than they have done during previous recesses. That is particularly important because the Government controls the power of recall in Westminster, so back benchers and Opposition members cannot get Parliament back during recess without the Government agreeing to it. However, in this crisis, committees have been able to hold the Government to account in quite a detailed way by meeting virtually during the recess. That has been an important tool in their box.

This is an impressionistic point, as I have not done the necessary data analysis, but I think that virtual meetings have led to greater participation by members. More members in each committee have been able to attend committee meetings that are held virtually because the fact that they do not have to get to Westminster to attend those meetings means that they have been better able to balance their other responsibilities, such as their constituency commitments.

Finally, I would say that one advantage for committees has been that meeting online is more egalitarian. Everyone is on a screen, so there is less theatricality. There is less temptation to use the fact that people have had to come to Parliament to give evidence in a very formal way as a means of intimidating witnesses—that is not always the intention, but the experience can be

intimidating for witnesses, and that is sometimes exactly what members want, because they are trying to hold people to account. However, in sessions such as the one that we are having today, when people are offering their expertise, it can often feel like a more equal process if everyone is participating online. That can be positive for the quality of evidence that is gathered.

The Convener: Thank you—you elicited some smiles round the committee table here with some of your controversial statements.

Patrick Harvie has questions on training issues.

Patrick Harvie (Glasgow) (Green): I reacted a little to those last comments that Professor White made, because my first experience of the Scottish Parliament was as a committee witness when I was a youth worker, and it was quite intimidating. I think that a lot of members could reflect honestly on the truth of what she said.

However, there is a flip-side, which is that the online and remote experience that we have had produces a different set of barriers for some people. I ask any of our three witnesses to reflect on what different institutions have done to provide either kit or training and skills development to ensure that everybody—members, witnesses, members' staff and parliamentary officials—can use the sort of new systems that we have had to adapt to in an effective way that genuinely reduces barriers to equal participation.

Emily Death: I have a couple of examples of that. First, technological accessibility is an issue, particularly in certain countries. For example, in Angola, where members dialling in or accessing services from home might well have internet or electricity challenges, members have the ability to dial in to parliamentary meetings from local government buildings, if it is possible to facilitate that. That is an example of an ingenious way to deal with accessibility challenges.

One point that follows on quite well from the points about committees is that the greater flexibility has enabled training to expand in certain cases. I will again use the example of the Bahraini Parliament, which we work with closely. It has a training department and has always sought to prioritise training. We have had international experts participating in training sessions. However, the challenge has always been that, during parliamentary days when members are actually present, they are so busy with numerous other things that they have rarely been able to find time in their schedules to dedicate to training. However, during the pandemic and the period in which the members were working from home, the parliamentary training centre saw an explosion in the uptake of training for members, parliamentary

staff and members' staff. The demand for training has increased significantly. That has given a solid base for training that was not there before.

I do not deny that using new technologies is a challenge. A lot of people have had to adapt to technologies very quickly, especially where they might not have been used at all in Parliaments. However, the situation has given a degree of flexibility, because there has perhaps been a bit more space and time for training to take place.

Professor Leston-Bandeira: I know that we are running out of time, so I will quickly make the point that, in many instances, training has been very ad hoc and flexible. For instance, the clerk of the States Assembly of Jersey has talked about going to individual members' houses to explain how to use laptops and that sort of thing. There is a bit of everything.

My main point was that training is sometimes not just about digital skills; it is also about how to be digitally. For example, it is about providing evidence while also keeping contact. By going to digital, you lose the spontaneity of the informal contacts that people have before and after an evidence session. When we talk about training, therefore, we have to remember that training is not just about information technology skills; it should also be about how to conduct digital conversations in a way that feels more natural, which is not always the case.

The Convener: We will just take a word from Neil Findlay on the back of this and then we will go to Dr Hannah White.

Neil Findlay (Lothian) (Lab): Have the restrictions that we have seen across different nations altered the balance of power between executives and legislatures, and are there examples of Governments using emergency legislation to bypass scrutiny, or to bypass Parliament?

I have a couple of examples. In Scotland, we have daily press conferences from the First Minister, who often announces major policy initiatives and changes to the media before there has been any parliamentary scrutiny or discussion. Also, under the emergency legislation, major changes were made to freedom of information legislation. Those are examples of what we are experiencing in Scotland. What is happening elsewhere?

The Convener: We will wrap up with Dr White and then we can come back to Neil Findlay's question, because there was not quite as much crossover as there could have been. Dr White, if you do not mind, could you finish off by answering the training questions first?

Dr White: I totally agree that training at Westminster has been pretty ad hoc. Yesterday, I ran a training session for a House of Lords committee, so some training is happening online—it was the normal sort of training, but it was transferred online.

The crisis has shown that, if members are to be asked to participate for a long period using technologies that they and their staff are not otherwise used to, Parliaments will need to invest in support for those members, including on-going technical support.

I totally appreciate that the point was made to pushback on one of my own. We all need to think about the dynamics that are created through people being online, and how they influence inequalities. It is ironic that it is the younger digital natives who are much more comfortable online than those of us who are slightly longer in the tooth and who have had more trouble, although I was very impressed by their lordships yesterday and how comfortable they are with using the technology now. Perhaps some of the power dynamics have been reversed.

The Convener: Thank you for those replies on how training can be implemented.

We will go back to Neil Findlay's question about the ability of legislatures to hold Governments to account. Emily Death, would you like to comment on that first, please?

Emily Death: As I mentioned, there are several examples of blatant attacks on the democratic instruments of Parliament that have been brought in under the cover of the emergency powers that are necessary to fight the pandemic. One thinks of examples such as Hungary and Serbia. Although they grab a lot of attention, we should also be aware of more subtle shifts in the balance from legislature to executive, and some of those shifts have been referred to already.

The issue is what we do not see, what is not happening and who is making some of those choices. Where power is delegated to a smaller number of people, who decided that? When something has been prioritised, who decided what was to be prioritised? In some cases, that has been blatant and clearly intentional. It is a cause for concern, and it needs to be monitored. Some cases are being monitored by the Inter-parliamentary Union, which is also referred to in the Scottish Parliament information centre paper for the meeting.

In other cases, it is potentially slightly less intentional. It might just be that certain pre-existing modalities of interaction and communication have slipped away and been replaced by others. However, we need to be very aware of what those are, and continue to monitor and ask questions.

10:15

Dr White: We have seen a lot of smaller examples of things shifting in favour of the executive at Westminster. To begin with, that was very much with the acquiescence of the legislature, but I think that back benchers and the Opposition are now starting to try—[*Inaudible*.]

We have certainly seen the same thing with press conferences happening outside Parliament. The Government would argue that it wants to be able to show its charts and figures and all those sorts of things, and that that is not possible in Parliament. Maybe that is a cause for reflection for legislatures. As things develop and we have more digital capability, could Parliaments use visual aids, and could they be entered into the record so that that would not be such a problem and Governments would not have the excuse that they have now to do those things externally? Undoubtedly, members' scrutiny in questioning the Prime Minister, the First Minister or other ministers is better than press questioning. The press aim for a soundbite, but members aim to elicit certain detailed information. Parliamentary scrutiny is therefore preferable.

At Westminster, we have also seen some resistance from ministers to giving evidence to committees that are looking into coronavirus-related topics. They say that the inquiry is not taking place yet, so they do not want to be put on the spot with such questions. That is potentially quite troubling. Those on the front benches have certainly controlled what business has been a priority for the House of Commons to consider, and that has disempowered back benchers on both sides.

There have been a lot of complaints at Westminster about the Government's use of urgent and emergency procedures to pass secondary and primary legislation respectively. Although it is clear that that was necessary initially, the question is whether the Government has got into the habit of using those expedited powers, which minimise parliamentary scrutiny, and why it is doing that now, at a time when it could pay more attention to giving Parliament a say on some of the regulations that it is bringing into effect.

Professor Leston-Bandeira: Emily Death and Hannah White have already touched on the main issues; I will add to what they have said.

This might be a time for reflecting on moving to the future and how we can ensure that scrutiny can be improved through Parliament. As we know, the imbalance between the executive and the legislature is already there; the crisis has simply amplified it. In the context of the crisis, there is a need for Parliaments to reflect on how they can

use their procedures much more flexibly and move much more quickly to keep the scrutiny going. However, there has been dominance from the executive, with the executive issuing press releases and communicating directly with the public, the press and so on—we have seen that around the world; it is not unique to Scotland or Westminster. At the extreme, executive powers in Hungary, which Emily Death referred to, were reinforced quite seriously.

Parliaments need to think about how, in a future time of crisis, they can make their procedures much more flexible and move much more quickly. Parliaments tend not to do that very easily; they tend to adapt very slowly for lots of different reasons.

John Scott: Professor Leston-Bandeira has touched on and possibly dealt with the point that I want to raise. There certainly has been a transfer of power to the executives at Westminster and in Scotland. How can back benchers get that power back? Can you cite examples of best practice around the world on not just that but other aspects of the digital future?

The Convener: On the basis of the witnesses' biographies, I think that Emily Death might want to come in first on that.

Emily Death: I have a couple of brief points; I am sure that my fellow witnesses will have more to add. Especially over the summer months, when we had some relaxation of the very strict Covid rules, quite a lot of Parliaments managed to go back to their old procedures relatively rapidly.

Cristina mentioned the example of New Zealand, which is a special case because it dealt very effectively with the pandemic. It immediately set up an Epidemic Response Committee, which was chaired by the leader of the Opposition and had a majority of Opposition members on it, and it was able to sit even when the rest of Parliament was not able to. However, as soon as New Zealand moved down tiers, the decision was taken to wrap the committee up.

We have seen a number of other examples, such as time-limited approaches or certain things that needed to be renewed to allow the new pandemic environment of a Parliament to continue not being renewed. That meant that people were meeting in person again a lot more—a lot of the back-to-normal procedures were allowed to take place.

I do not know whether I have specific advice for members, but although it is challenging and there are inevitably functions of Parliament that can be done much more conveniently and suitably in person—perhaps plenary debates are one example—it has been possible to do a lot of sophisticated things online.

In Paraguay, the Senate managed to elect a new President in a completely virtual process. I am sure that that could have been done more quickly and conveniently in person, but it was done online. It is about seeing what is possible with the technology that we have; inevitably, we will reclaim some of what we previously had.

The Convener: Is Neil Findlay still with us? Do you want to come back on that, Neil?

Neil Findlay: No—that is what I was expecting to hear.

Jamie Halcro Johnston: I have a quick question. When we talk about the Parliament, we are probably talking about voting, committees and politicians, but it is also about so many other people. It is about all our staff, the clerks, broadcasting—I better not forget them—and everybody that makes up the building and the support services, including the civil servants. Are there positive examples of wider engagement by Parliaments? How have other Parliaments reacted to ensure that the working practices of the entire staff that make up the building and its institutions are considered, so that the staff are able to do their jobs as normally as possible?

Dr White: Early on at Westminster, a lot of the staff of both Houses of Parliament were working remotely and only a skeleton staff of those who were required to be there to enable the hybrid house to operate were there. That has continued; staff such as the clerks and so on already had some tools in place to work remotely. Those who do the jobs that you have to be there in person to do—for example, the doorkeepers, cleaners and catering staff—did not have that opportunity. We have seen that the reintroduction of in-person voting has meant that more staff have had to be present in the House of Commons to facilitate that.

In general, the feedback that I have had from people who work in the House of Commons is that it has been made a very Covid-secure workplace, although members feel that queuing up to vote in person is the least safe thing that they are still required to do.

Professor Leston-Bandeira: One of the key issues that has been forgotten has been the need to bring all the staff in a Parliament together. I come back to the point that I made earlier: there has been such a focus on digital that we have sometimes forgotten about what the institution is, the people who make up the institution and how to keep them all together.

A good example of trying to keep the staff together comes to mind. It is not just about how to support the core business; it is also about keeping staff part of a team, so that they still feel part of an institution. In the Brazilian Senate, the secretary general introduced something quite interesting. A

Monday morning surgery is held, where staff come in digitally—or attend face to face, when they are in the building—to raise any issues that they might be facing. That keeping in touch week on week has been very valuable as a way of picking up on issues with which staff might be struggling. On the back of that, the secretary general has introduced bakery competitions, for example, with people baking cakes at home, and other such things.

The secretary general is the equivalent of a chief executive; she is right at the top of the Senate. The only way that she was able to keep an eye on the morale of the staff and to keep everyone together was by holding weekly surgeries where people come in and say how things are going. That is really important. It is about keeping all the staff in an institution together, particularly when there is no physical space where people can see other people day in, day out. It is important to take into account how to keep all the staff together and ensure that they are all working for the same thing when they do not see one another every day.

Maureen Watt: It has been fascinating to hear about what has been happening across the world, so I thank the witnesses for that.

Has anyone cracked the process for allowing interventions? If people are working virtually or in a hybrid system, with even ministers sometimes delivering their contributions remotely, it is quite difficult to have a debate rather than just a series of speeches. Have you come across any legislature that has managed to allow interventions from other members during debates?

The Convener: We will go first to Emily Death on the question about what is happening internationally.

Emily Death: To be honest, trying to emulate on screen the environment that we would be able to have in real life has been a challenge—if not the biggest challenge—with which everyone has struggled. From the examples that I have seen, I do not think that anyone has cracked it to allow the natural exchange that people are able to have in person.

A lot of Parliaments have very sophisticated systems—such as the one that we are using—that enable people to have a good-quality discussion, but it is challenging to have an in-and-out debate and, in particular, the discussions or negotiations that people might be able to have on the side of a debate. That has been challenging for everyone. We have seen technological challenges that have affected everyone and all workplaces, not just Parliaments.

I would not say that there is a magic solution for allowing interventions. Nonetheless, some of the systems that are in place are impressive.

Professor Leston-Bandeira: I agree that allowing interventions and a more natural process of debate, such as would take place in a Parliament, is one of the key difficulties. A chamber that has particularly struggled with that is the House of Lords, which is a self-regulating chamber in which members usually do not sign up to speak and so on. There is a great frustration that the proceedings in the Lords have become a series of members' speeches, which is very different from the environment and feel of a normal Lords debate. There is a similar issue in the Commons. However, particularly in the Lords, the more regulated debates and the structured way of having speeches and interventions do not feel natural.

As Emily Death said, all sorts of systems are being used. I have not seen one that has completely cracked it, because they all mean that you lose spontaneity, eye contact and many other things. I am afraid that that issue is still to be sorted out. I always say that digital contact is never like face-to-face contact. Although it presents lots of opportunities, we have to accept the challenges and what it does not allow us to do.

10:30

The Convener: Dr White, do you have any comments?

Dr White: I do not have anything to add.

The Convener: We have one last question, which is from Patrick Harvie.

Patrick Harvie: Thank you, convener. Can I squeeze in an extra question?

The Convener: Yes—as long as it is not too long.

Patrick Harvie: It is brief. We have talked a lot about how to conduct parliamentary business, but we have not talked about the other half of parliamentarians' work, which is engaging with constituents. You might not have looked at that aspect—you might have focused on parliamentary business—but does any of you have reflections on how Parliaments have responded to the additional demand in responding to constituents' needs, which at some points has been quite extraordinary? Do you have any comments on resources at a local level, practices that have worked well or pitfalls that have been encountered? During the pandemic, the level of demand for casework and support has at times peaked strongly.

Professor Leston-Bandeira: The increase in correspondence in postbags or casework from constituents has been huge everywhere. At Westminster, there is testimony from MPs offices that the work has increased fivefold.

That is one area where Parliaments have not adapted so well and have been much slower in supporting members. Some Parliaments do not have the constituent-to-member relationship that exists in the legislatures around the UK, so there might not be so much need for that support, which explains why Parliaments have not done much work on that.

In the House of Commons, at Westminster, there was an attempt to deal with the issue financially by increasing the budget for members' offices so that they could purchase new equipment and deal with the higher demand. In some ways, that came out in the press completely wrongly, because it was reported as again giving more goodies to members who do not do anything. That was the sort of image that was put across, rather than an explanation that the purpose was to enable members' offices to deal with constituents' issues.

The other issue is training of staff. More equipment and a higher budget will not have helped staff mentally to deal with the issues that are coming through the post and with the very long hours that they are working to deal with the abrupt increase in constituency correspondence.

Perhaps Emily Death knows of some good examples internationally, but I do not know of any good examples of Parliaments adapting to that.

Dr White: I will make a more theoretical point, which is that, at Westminster, constituency work can be seen as less important not by members but by the powers that be in Parliament. We often see in press reporting that it is recess and MPs have gone off on holiday, but MPs say that, actually, they are back in their constituencies and working very hard.

Unfortunately, the Government might have inadvertently reinforced that narrative when it said that the reason why it needed to abolish the hybrid house and the remote voting system was that MPs needed to show the country that they were coming back to work. However, a lot of MPs said that they were working harder than they had ever worked in their constituencies. The constituency work is a very important part of their role, and they do not have to be at Westminster to be working hard.

That unfortunate narrative emerged through the justification for coming back to Westminster. However, many MPs felt that doing so was counterproductive, because it meant that they had to travel backwards and forwards between Westminster and their constituencies when the rest of the country was being told not to travel, and because they felt that their constituency work was extremely important at the time.

Emily Death: It has been an enormous challenge. There is a great increase in casework coupled with a decrease in the face-to-face interaction opportunities with constituents through advice surgeries, which have just not been possible.

It is a little difficult to make international comparisons, as Cristina Leston-Bandeira mentioned, because the constituency representation system of the very formal type that we have in the UK, which is well established, is not extremely common across the Parliaments that I have been looking at. Nonetheless, all the informal opportunities for interaction have not been there, whether through local meetings, events or gatherings in constituencies. It is certain that constituents and MPs have missed out on that.

As Hannah White rightly says, there is always an emphasis on the work that is done in Parliament, but, actually, MPs are often elected because of what they do outside Parliament and their reputation in their local community. In some cases, we might not see the effects of that until a bit further down the line, at the next elections.

The Convener: Thank you. We have run out of time. The session went very quickly because there were a lot of extremely useful and interesting answers. I thank Emily Death, Dr Hannah White and Professor Cristina Leston-Bandeira. You have been very helpful to us. When things change and you are allowed to come to Edinburgh again, we will be pleased to see you here for another session.

I suspend the meeting for a few minutes.

10:37

Meeting suspended.

10:41

On resuming—

The Convener: We had a very useful first session and I am certain that that will also be the case for this session. We are joined by Siwan Davies and Sian Wilkins from the Senedd. Siwan Davies is director of Assembly business and Sian Wilkins is head of the chamber and committee service. I welcome you both—sorry that we were held up slightly in coming to you. We would like to ask you a few questions and get your opinions. The Senedd was the first of the UK's legislatures to hold a formal virtual meeting—how did that come about? Was there planning for it previously, or did it come about in a bit of a rush?

Siwan Davies (Senedd Cymru—Welsh Parliament): Good morning. Thank you for inviting us both. I will answer the question by explaining the rationale for having a virtual meeting. The

Senedd was clear that it wanted to continue to meet during the pandemic. The motivation came from the Llywydd, who is our Speaker, from our First Minister and from across the parties. The feeling was that there should not be a break in the proceedings of the Senedd during the pandemic, for two reasons: from the point of view of the Parliament, the need for oversight of the unprecedented nature of the executive powers being given to Welsh ministers; and, from the point of view of the Government, the need to have the Senedd discussing matters to do with the situation in Wales, which might be different from the situation in the rest of the UK.

It was agreed that there would initially be a socially distanced emergency Senedd so that we could continue to meet when the lockdown hit us. At that point, we agreed a raft of changes to our standing orders that enabled us to continue to meet. The changes were premised on holding physical meetings, but they enabled us to go online. We then had a virtual meeting of the Senedd—as you say, the first such one in the UK, if not the very first. We were pipped at the post by the Maldives by a day; we went live on 1 April. Initially, it involved a small number of members but, by June, all members of the Senedd were able to participate, so we now have the ability for all members of the Senedd to meet on a virtual platform.

Initially, there was weighted voting, but now there is a facility for all members to cast their own vote electronically from any place. Over time, we have moved into having hybrid meetings; currently, our default position is hybrid meetings, with up to 20 members in the chamber and the remaining 40 online. However, we retain the flexibility to go back into a virtual meeting should there be a change in the travel restrictions. For example, in the recent firebreak lockdown in Wales, we went back to meeting in a virtual environment for a week.

You asked whether we had planned for it; as you heard in your earlier session, along with most legislatures, we had not planned for disruption of this nature to the continuity of business. Our business continuity had always been premised on relocation to another physical environment. However, for us, because we are a digitally enabled establishment and legislature, being able to move back on to a virtual platform quickly was very much part of the move. There was a political will for it, as we have a very can-do attitude among members and staff. If there is not a reason not to do something, we just get on and do it. Also, our procedures do not tie us to a place; they just require there to be participation.

10:45

We also have a provision to have temporary standing orders, and that enabled us to make the changes to the standing orders to bring into force our emergency standing orders, which have stood us in good stead to meet as a virtual and now as a hybrid Senedd. We would be happy to answer more questions about the detail of that along the way, but that is a summary of how we ended up meeting as a virtual Senedd—the first legislature to do so in the UK.

The Convener: Thank you very much. That is extremely useful and what you have said answers a couple of questions that were coming up, so that is useful too. Sian Wilkins, do you want to add anything else, because I know that you have a great deal to do with the chamber and committee service?

Sian Wilkins (Senedd Cymru—Welsh Parliament): I do not have anything to add to the general thrust of how we got to where we are now, which felt very quick. It is possibly worth noting, much like the Scottish Parliament I think, that, since 1999, because we are so young, we have been a digitally enabled Parliament. I think that you were talking earlier about whether everyone had the right kit and equipment. In our case, members and staff had all that, which enabled us all to go home one day and carry on the next day, because we had all those systems in place.

That is not to say that our information and communications technology staff have not had to work extremely hard to make sure that we have all been using the best systems. We might come on to why we chose the platforms that we did for various meetings. There was a lot of work involved in organising that side of it.

The Convener: It is extremely useful that you said that, because Patrick Harvie has a question on platforms.

Patrick Harvie: Good morning. Could you lay out your experience of using online platforms for video meetings and for formal sessions of the Senedd? Also, concerns were expressed in the early days about the security of Zoom—other platforms are available. Have you had either real or perceived problems in relation to security?

My experience here at the Scottish Parliament is that we have so many platforms to deal with. We use Microsoft Teams for some sessions and we use BlueJeans for others. We have Citrix for when we are meeting Government; lots of people use Zoom; and others use GoToMeeting or Google Meet. Has the proliferation of these different platforms caused a problem for members or officials in trying to adapt to these new ways of working?

Siwan Davies: We have a statutory requirement in the Government of Wales Act 1998 to conduct our proceedings bilingually in English and Welsh. That was the only requirement that we had to take into account when we were planning to go online, because we did not have a requirement to meet in a physical setting. In the choice of which digital platform to use, that very much narrowed our options to one that could provide simultaneous translation. For example, we have MS Teams rolled out across the organisation but, currently, that cannot provide that level of functionality, so we used Zoom. The rationale for that was that it was widely used by people, members were familiar with it and it did not take too much technical adaptation to be able to integrate it with our broadcasting infrastructure.

As you say, there were perceived concerns about the security of the platform, which we overcame by using a licensed version of Zoom, so that people have to log in and it is not open access. We use Zoom only for meetings that are publicly broadcast. We took a risk-based approach and said that we would not use Zoom for any confidential meetings or meetings that had a particularly high security element. That approach has been reviewed on an on-going basis in consultation with the relevant security experts in Wales and the UK and we have also established communication channels with the Zoom organisation to ensure that our needs are met.

We are also moving forward with the likes of Microsoft to try to increase the functionality of bilingual working for things such as Teams, given that we use it for our internal purposes. On your question about the proliferation of platforms, members engage not just with others in the organisation but with people in lots of other organisations, including local authorities and health authorities, as well as with their constituents, and there are a lot of platforms out there. We have tried to enable members to use platforms that are useful to them, using our infrastructure where there is not a security implication for that. However, for our own business, we are using Zoom for the public and broadcast meetings and Teams for the internal, private meetings. So far, I think that members have coped remarkably well with that and, in fact, were probably pretty digitally savvy to begin with, along with their staff. We would be complimentary of their skills in adapting quickly to meeting in a virtual environment.

Maureen Watt: I have a question about weighted voting, I think that I understand how it works, but maybe you could explain. Does it not just give an awful lot of power to the whips and to the party machine rather than allow for individuals to vote and for individual members to make up their own minds? I know that that does not happen often, but does weighted voting not compound the inability to do that?

Siwan Davies: Weighted voting was a stop-gap measure. It was part of our provisions when we first went online and we had a limited number of members attending. It enabled party groups to cast the vote of their whole group on behalf of the group and independent members to vote on behalf of themselves. We are currently utilising an online voting system that means that all members can cast their own votes, so we no longer have weighted voting. The provision for it is there as a fallback if the technology were to fail.

However, as you say, part of the rationale for introducing an online voting system was the reasons that you raised: individual members wanted to be able to cast their votes. Also, in our particular case, the Government is comprised of more than one party, so the individuals making up the Government who are not part of the Labour Party wanted to retain their ability to vote independently if required, although, for the emergency provision, they were happy to cast their votes along with the Labour Party to ensure the continuity of business. It was very much about the continuity of Parliament in the first instance, whereas now we have moved back to a more normal business routine.

For example, on Tuesday evening, we had stage 3 of the Local Government and Elections (Wales) Bill. We had 15 groups and 174 amendments and it was essential that all members could cast their own individual votes. Also, in relation to other categories of business—for example, standards of conduct of members—it has been important that members have been able to cast their individual votes. The Business Committee, for example, held back on allowing debates on standards motions until we had a capacity for members to cast their individual votes, given the nature of the business.

Maureen Watt: I am getting the impression that a virtual meeting is the standard, so that everybody is attending virtually, but when members come into the Senedd, how is that decided? Is it the same people who are coming in all the time—those who are nearer Cardiff?

Siwan Davies: Currently, the default is a hybrid meeting in which up to 20 members can attend the chamber in a socially distanced way and the remainder can participate online. However, sometimes more members are participating online and not everybody is taking up their allocation in the chamber. The Business Committee has agreed an allocation based on the numerical distribution of groups and then each group determines the details. It is a matter for the whips and they work that out. It is based on a combination of factors: some members have been

shielding and they have not been attending at all, so they would not put their names forward; others, for periods of time, might have been in a locally locked-down area and did not want to travel.

Further, there is often a discussion between members about the nature of the business, and members who have a big speaking role but a less reliable broadband connection at home might prefer to go to the chamber, although, in other circumstances, they might prefer to be at home, because they are balancing committee activity and other factors. The matter is very much left to the parties to determine, and they provide information about who is attending. It tends to be different people each time.

We also provide an opportunity to have shifts during the day, so that personnel can change three times, for example. We have short breaks between items to enable members to swap places and log on virtually in their office in the Senedd estate. Giving members that choice helps us to maximise the number of people who can participate if they want to.

Maureen Watt: Are you working on the same system as here, with members of staff working from home? If so, are some members finding it difficult not having someone to hand them questions or speeches and so on?

Sian Wilkins: The Assembly building was closed for a period of time. When it reopened, all members were allowed to come in on any given day during the week, and each one was allowed to bring a member of staff with them. The capacity of the building is set at 30 per cent to keep it Covid secure. That allows us to have all the staff we need to run business and allows the members to come in, each with a member of staff. Not all the members can take part in the chamber, but they can be in their offices with their staff, and, to greater or lesser degrees, they have taken advantage of the ability to have that support. We also still have ushers available, and members can use that service if they need something brought into the chamber, for example.

You asked the previous panel about interventions. The Llywydd introduced a provision for interventions to be made at the end of the debate, before the minister replies. That was used more frequently at the beginning of the period but has been used less and less often latterly.

Jamie Halcro Johnston: How has the provision for temporary rule changes facilitated the response to the Covid-19 pandemic restrictions?

Sian Wilkins: As Siwan Davies outlined earlier, what we did initially was take away the barriers, because we did not know in the early days how things would pan out. We were already able to meet outside the physical space of the siambr, so

that was not a barrier, but issues such as the quorum, public access to the meetings and weighted voting were barriers, so we changed those requirements.

The temporary standing orders cease either at dissolution, in May, or if there is a motion of the Parliament before then.

Siwan Davies: I know that the committee is interested in our ability to make temporary rule changes. Our standing orders have a provision that enables the Senedd to agree to a rule that is of a temporary or time-limited nature. We have done that on several occasions, so introducing a whole new standing order and emergency provision for the continuity of Parliament was not extraordinary for us. Although not to do with the global pandemic, the Senedd is used to having to make time-limited changes.

As Sian Wilkins says, those changes were rolled out when we saw the lockdown coming. It is fair to say that our business continuity was derived from a concern about there not being many people who could participate, so it was about ensuring that we could continue with the business of the Senedd if fewer members were available. For example, our Llywydd tested positive for Covid and had to self-isolate so, on the eve of lockdown, she chaired the meeting of the Business Committee from her home virtually. The next day, when the Senedd met for the last time physically, it was chaired by the Deputy Presiding Officer.

11:00

We had temporary rule changes on things such as having a reduced quorum, a temporary Presiding Officer and a temporary chair of the Senedd Commission. We made a decision with the Senedd Commission and the Business Committee to shut the building, so we made changes to the requirement for the public to have physical access to proceedings of the Senedd and committees, while making sure that access was available online. We also provided that the Llywydd could make determinations on not continuing with the normal pattern of business without requiring the suspension of standing orders.

There was a raft of things that we could do, therefore, that stood us in good stead for socially distanced, virtual and then hybrid meetings during the pandemic. There was flexibility around the place and format of meetings and the nature of the business being conducted. That enabled us to keep going without having to suspend standing orders every day, which would otherwise have been the way to take away the requirement to have questions to ministers and debates of committee reports, and to focus on the Covid

business, which is what we did initially. We are now back to a more normal programme of business.

The Convener: Thank you. Would you like to continue, Jamie?

Jamie Halcro Johnston: I do not know how much time we have.

The Convener: We have a couple of minutes.

Jamie Halcro Johnston: Were any particularly controversial decisions taken that were contested by members? We are all in a state of hopeful euphoria about potential vaccines, and Wales has just come out of a lockdown, but should the situation continue longer than we expect, are any other changes that you would look to introduce?

The Convener: Siwan, as director of Assembly business, do you have something to say on that?

Siwan Davies: On the lessons learned, certainly from the point of view of flexibility, I think that we will retain the ability to meet across a range of platforms. We might not end up with fully virtual meetings, but I think that members have appreciated the flexibility that hybrid meetings offer. The committee was discussing diversity and increased engagement with the earlier witnesses. If members can participate remotely, that increases the ability of those who cannot travel for whatever reason or who are confined to a certain place to participate as members of the Senedd.

All committees are still meeting on a virtual platform and the Chairs Forum recently reviewed how that was working. The chairs said that they could imagine retaining virtual or hybrid committee meetings in the sixth Senedd. That would be beneficial because of the diversity of witnesses that the chairs have managed to attract, and because it would give flexibility to programming business across the parliamentary week.

There are therefore a number of things that we will continue with from a business perspective to provide for flexibility in moments of crisis, however we might define those, such as provision to change the order of business and that sort of thing.

To answer the start of your question about things that were controversial, the things that were a bit more difficult to manage included determining the allocation of members who would be present physically or virtually. That sort of thing was perhaps more politically controversial, but we fell back on the rules that we already had about how the Business Committee operates and how we allocate committee places. We defaulted back to our existing practice and procedures and, even if they do not like it, everybody recognises that that was a fair way of operating. We moved back to that position and always operated through

consensus on the Business Committee. Different members will have different views on how satisfactory things were but, in the main, the fact that we have continued to operate and people have just gone along with it demonstrates that there is, in general, political buy-in for what has happened.

The Convener: Do you think that the current crisis will have an enduring impact on the way in which the Senedd functions? Will many of the changes that have been brought about during the pandemic be retained because they have made the Senedd work more efficiently? Perhaps Sian Wilkins can answer that first, as she is involved in committee business. Will the changes help with regard to bringing in members of the public more often and so on?

Sian Wilkins: The situation with regard to how committees meet is interesting. At a recent meeting of our Chairs Forum there was a discussion of what the future might look like. The chairs feel that the virtual approach works well for committees. Some of them like the idea of being in the chamber for full plenary meetings but are quite comfortable running their committees on a virtual platform. Anecdotally, with regard to the ability of witnesses to access proceedings, a virtual meeting feels more equal and less intimidating for people—I think that Hannah White mentioned that earlier. Members have valued that during this period.

The other model that we have, which we have used for plenary and committees, is to have the chair and clerks physically in the Senedd building and the members attending on a virtual platform. We used that for stage 2 of the Local Government and Elections (Wales) Bill, when the bill committee had to manage a lot of amendments, and the chair thought that that would be difficult to manage from the sofa. That represents a sort of interim model.

Like you, we have an election in May, and it will be interesting to see whether a new batch of members will engage with the process in the same way or whether they will want to come into the building and be part of the proceedings in that way. However, I think that chairs generally see a lot of benefits in the virtual model.

The other thing to mention is that committees have had to think very differently about their wider engagement. They routinely have stakeholder events and mini-conferences, and some of that has moved online, with the result that they have had far more take-up of places. For example, recently, the Public Accounts Committee held an event in relation to one of the commissioners' reports. About 60 people took part in that session, and we would not usually get those sorts of numbers for a stakeholder event.

For plenary, our business continuity arrangements have come on in leaps and bounds. Previously, our plans involved moving to another building, but now they involve going online, which we can do the next day, if we need to. Of course, there are various hybrid versions of that in between, depending on how many members are around and so on. That has given us a stronger sense of the resilience of the Parliament, in committee and plenary.

John Scott: Looking to the future, is consideration being given to making some of the standing order rule changes permanent? If not, do they still need to be reviewed at the beginning of the next session? How will that be dealt with? Also, what are your top two suggestions from what you have learned from your experience that you think we could benefit from?

Siwan Davies: Our Business Committee, which I think is the equivalent of your business bureau, reviews standing orders in the period leading up to an election, so we are in the process of doing that now. The committee will review the effectiveness of all standing orders as well as which emergency provisions will be taken forward to a more permanent environment. As I said earlier, the flexibility to be able to change operations to meet the needs of crisis situations might well continue into the future.

Your second question was about anything that we might recommend to the Scottish Parliament. Having the provision to make temporary standing orders might be useful. It would mean that you would not be required to suspend particular provisions in your existing standing orders, but could instead just put in a new, temporary provision. Also, because we are not tied to a physical place, we have a great deal of flexibility in how we can conduct our business. As you know, other legislatures do not have that. If you are tied to a particular location, you have to make changes. That flexibility could be useful. Those are the main points around the provisions in our standing orders.

We also introduced the provision that recall does not have to be done at the request of the First Minister. The Llywydd can now agree to it if the majority of the Business Committee agrees. To go back to your discussion with the previous witnesses about putting power back in the hands of the legislature, that was something that had support. It does not have to be a Government request if there is enough political demand for the Senedd to be recalled. It might be useful to look at that in light of some of the comments that were made earlier about announcements and the like. I suppose that that was a political point.

The Convener: Sian Wilkins, do you have anything to round up with?

Sian Wilkins: Our Business Committee is also our procedures committee, so our set-up is slightly different from yours, in that party whips sit on our committee and examine any changes to standing orders. That sometimes means that changes can be made more quickly, but sometimes it means that we do not get the breadth of different ideas that we might get from the set-up that the Scottish Parliament has. I will just leave you with that thought. I am not sure that either is the right way to go—there are merits to both, I guess.

The Convener: Thank you for that.

I thank Siwan Davies, director of Assembly business, and Sian Wilkins, head of the chamber and committee service at Senedd Cymru. You have a lovely building down there; I hope that you are enjoying it as much as you can during this difficult time. Thank you for being with us.

Subordinate Legislation

Scottish Elections (Details to Appear on Election Material) Regulations 2020 (SSI 2020/297)

Scottish Elections (Details to Appear on Election Publications) Regulations 2020 (SSI 2020/298)

11:14

The Convener: Our second item is for members to consider two pieces of subordinate legislation. The papers have been circulated. Do members have any comments?

Jamie Halcro Johnston: I do not know who can answer my question, but I wonder whether the regulations essentially allow for dual mandates. I know that the regulations are focused on the online side. Let us say that somebody is standing for a party on the list. My question is whether the regulations allow for a dual mandate, or whether they simply take the regulations that apply to normal paper leaflets and reproduce them for online material.

The Convener: We can forward any questions to the minister, so your question was useful; otherwise, the legislation would just pass straight through. We will get that question to the minister and get a reply for you and for the committee.

Does anyone else have anything to ask?

Neil Findlay: It would probably be helpful for us to have the minister before the committee to answer some questions. Has there been any consultation with the political parties? Has there been consultation with local government? Some clarity is required, particularly around what would constitute "an individual's personal opinion" and what would fall within the scope of the regulations that would require an imprint.

There are a few other questions that it would be worth asking the minister that I might need to have answered. For example, it appears that the regulations apply to paid statements, but do they apply only to paid statements or to other statements?

The Convener: Thank you. Time is an issue for the committee, because we have a huge amount of work to cover before Christmas. Would it be possible, in the first instance at least, for members to send their questions to the clerks, who can forward them to the minister? We will see how that works.

Patrick Harvie has something to say.

Patrick Harvie: I appreciate that this is the first time that the issue has come to the committee, but the instruments give effect to something that was debated repeatedly during the passage of the first independence referendum legislation and the more recent framework legislation on referendums.

A significant amount of discussion has been had with the Electoral Commission throughout the UK, including in Scotland. Every time that the issue has been discussed, there has been a fairly clear consensus that what the regulations propose ought to happen.

My instinct is that we should not do anything that holds up approval of the regulations. I do not see a problem with members exploring questions in parallel with that, but I do not think that we should do anything to hold up approval of the regulations.

The Convener: At its meeting on 6 October, the Delegated Powers and Law Reform Committee considered the regulations and made no comment on them. I do not know whether that says something about that committee's position and that it thinks that the regulations should go forward. However, if members of this committee have questions, we need to make sure that they are raised as quickly as possible. We should collate our questions and send them to the minister for his reply. That would speed things up and keep up the tempo.

John Scott: I agree with Patrick Harvie. Is there not a requirement on us to approve the regulations fairly urgently to make changes to election rules? Changes have to be made six months before an election, so there is a huge sense of urgency. If we are to have the minister in front of us, we might need to have another meeting to facilitate that.

I regret the shortness of the timescale that we have been given, but I do not think that we can rely on the fact that the DPLR Committee has no objections to the regulations. It has no objection to the technicalities of the instruments—its role is to look at the technicalities—but I do not think that any lack of objections from the DPLR Committee is an endorsement of the regulations.

Nonetheless, I agree with Patrick Harvie. I do not think that we should hold up the regulations if we want to have the election at the usual time.

The Convener: I thank everyone for those contributions. The regulations were on the agenda and we have to discuss them. However, the fact is that we need to stick to the timetable for the Parliament's sake and for the elections that we have coming up in May next year, which is not very far off.

Do members agree that we should write to the minister with members' concerns? That would keep the tempo up, as long as members can get their concerns about what we have been presented with to the clerks, which can then go forward to the minister. Is that okay? I think that everybody seems to be okay with that.

We now move into private to consider the next two items on the agenda.

11:21

Meeting continued in private until 11:49.

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