

# Constitution Unit

## Monitor 75 / July 2020



## The constitution under COVID-19

As the last issue of *Monitor* went to press in early March the idea that COVID-19 might change everything was only just dawning. In the subsequent four months, its impact on politics as well as daily life has been transformational. Just as the UK hoped to exit one torrid period of politics dominated by a single issue, a new, still bigger challenge eclipsed it. Brexit has barely featured in the past few months' political news. Instead, Boris Johnson rapidly shifted from the Prime Minister who would 'get Brexit done' to the one who needed to steer the nation through a health crisis, and perhaps in due course through an economic crisis as well.

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COVID-19 has touched almost every aspect of how politics is done, and raised new questions about the functioning of some aspects of the UK constitution, as this issue of *Monitor* sets out. The [Coronavirus Bill](#) was rushed through both chambers of parliament – with consent from the devolved legislatures – in just six days in March. Simultaneously the official 'lockdown' was just beginning. At the outset this barred most workplaces from opening and confined most people – except when undertaking limited activities – to their homes. The Prime Minister spoke to the nation in a [televised address](#), and daily Downing Street [press conferences](#) involving ministers and (usually) government scientists became the norm, seven days per week. On 6 April Boris Johnson himself was [hospitalised with the virus](#), leaving Foreign Secretary Dominic Raab to deputise (see page 12). Other key ministers and officials – notably including [Johnson's chief adviser Dominic Cummings](#) – also fell ill.

At the start of the crisis there was widespread support for the government's position, within the governing party, across the parties and among the devolved administrations. Public approval for the government's handling [was high](#), in what political scientists would see as typical of the 'rally round the flag' effect often found in national crises. But since that time, tensions have gradually grown.

Image above: [Boris Johnson Digital Cabinet Meeting](#) (CC BY-NC-ND 2.0) by [UK Prime Minister](#).



The Constitution Unit is 25 this year! Click [here](#) – to find out more about how we're celebrating on page 21.

As discussed on page 4, COVID-19 presented a particular challenge to parliament, which normally brings together hundreds of members from across the UK. After an early Easter recess there was cross-party consensus on bringing the Commons back in ‘hybrid’ form, with members able to participate remotely. But, while the Lords has continued such arrangements, virtual working in the Commons ended amid acrimony in early June – with serious concerns expressed not only by opposition parties, but also by numerous Conservative MPs. Many of those same MPs [had already been angered](#) by Johnson’s refusal to sack Dominic Cummings when it emerged that he had broken the lockdown. That moment was also seen as a [turning point in the public’s views](#) of the government’s handling of the crisis.

In a similar way territorial relationships across the UK became more fractious as the crisis proceeded, with the devolved governments complaining of poor communication and consultation, and increasingly taking their own decisions independent of those in England (see page 16). The initial tolerance of last-minute decisions from Downing Street has waned on all sides. Of the more than 100 statutory instruments agreed to respond to the pandemic, very few have received parliamentary oversight ahead of implementation (see page 5), which not only frustrates parliamentarians but risks ill-thought-through policies reaching the statute book. The Downing Street press conferences, which ended on 23 June, have also caused frustrations that journalists were conducting questioning that should arguably [have taken place in parliament instead](#). All of this risks building up resentments for the future.

In the meantime, COVID-19 has had profound effects in other spheres. The backlog of cases facing the courts has increased dramatically (see page 14). Labour unveiled its new leader, Keir Starmer, not at a conference but online (see page 16), and some of the autumn party conferences will now also be held in that format (see page 16). The Brexit negotiations too, which continued with little public attention, have largely taken virtual form (see pages 2–3).

Some achievements have been made, notwithstanding the crisis. The government’s [Parliamentary Constituencies Bill](#), which legislates to retain the number of Commons seats at 650, and to revise the arrangements for boundary reviews, is working its way through the Commons (see page 9). In May, [Climate Assembly UK](#) concluded its work, having shifted rapidly online in light of the pandemic (see pages 11–12).

In late June, the Commons agreed new arrangements for handling bullying allegations against MPs following the 2018 Cox report – though in part only by defeating the government’s initial proposals, with opponents even including former Prime Minister Theresa May (see pages 7–8). In addition, several pieces of Brexit legislation have started to progress through their parliamentary stages (see page 3).

But some other developments have led to legitimate concerns. The UK government refused, despite the COVID-19 crisis, to seek an extension to the Brexit transition period before the 30 June deadline, raising concerns that the country could leave EU structures without a trade deal (see page 3). Meanwhile, the Prime Minister and his team appeared to take a significant further step towards greater political control over the civil service, following the resignation of Cabinet Secretary Mark Sedwill, the fourth senior civil servant to leave government since the start of the year (see page 13).

Closer to home, the Constitution Unit is celebrating its own achievements. First set up by Robert Hazell in 1995, its 25<sup>th</sup> anniversary falls in 2020. We have initially marked this with a [celebration of 25 key achievements](#) – ranging from influencing the 1998 devolution referendums to promoting women’s representation in politics, informing the ‘Wright committee’ on reform of the House of Commons, spearheading citizens’ assemblies and making proposals for improving discourse in election and referendum campaigns. We are encouraging supporters to join our celebrations by [donating to support our work](#). In the autumn we will turn to reflections on what has changed in the UK constitution over the past 25 years. It has been an eventful period, right up until the last.

Brexit



## EU–UK negotiations

The EU–UK future relationship negotiations have made scant progress, hampered by the COVID-19 pandemic. The original, ambitious schedule of face-to-face meetings was initially replaced by four rounds of week-long video conferences – [a sub-optimal alternative](#). Meanwhile, both lead negotiators – David Frost and Michel Barnier – had to self-isolate in March after showing symptoms of the virus. Negotiating and

agreeing the terms of a complex new relationship in such a short time frame was already immensely difficult; the pandemic has made it seem almost impossible.



The UK's chief Brexit negotiator, David Frost (CC BY-NC-ND 2.0) by UK Prime Minister.

Boris Johnson and European Commission President Ursula von der Leyen met virtually in mid-June for a high-level stock-taking exercise. While they [struck a positive tone](#), there were no major breakthroughs. Indeed, [significant distance](#) remains on key issues including [level playing field provisions](#) and the governance structures for the new relationship. Real progress in these areas seems unlikely before the autumn, when EU leaders are expected to re-engage seriously with the negotiations ahead of a summit on 15 October.

The involvement of the EU27 leaders – currently fully occupied with the pandemic – will be welcomed in London, where the hope is that they will be more amenable to compromise than Barnier. His assessment at the end of the fourth negotiating round [was bleak](#): the talks were approaching ‘stalemate’ with ‘no significant areas of progress’. But blaming Barnier is misplaced: he is executing the negotiating mandate agreed by the EU27. They are [prioritising Europe's economic recovery](#) and the next Multiannual Financial Framework (the EU's seven-year budget) ahead of Brexit. Even if they did change the mandate, it could result in harsher, not kinder, demands of a country considered economically vulnerable as a consequence of the pandemic.

Could the transition period be extended? The [Withdrawal Agreement](#) allows for a one-off extension of either one or two years, but the UK government [formally declared it](#)

[would not consent to one](#). The deadline for an extension has now passed; whether an extension can be agreed after the date specified in the Withdrawal Agreement is debatable. Some, such as Jean-Claude Piris, former Director-General of the EU Council's Legal Services, [maintain](#) that the Withdrawal Agreement makes it impossible. [Others](#) feel that, if the political will exists, a way can be found.

A final agreement by the end of 2020 therefore seems the only show in town. On 12 June the Commission updated [its terms of reference](#) to allow for a more intensive timetable of in-person negotiations over the summer. The first round began on 29 June but [broke up a day early](#), with little sign of progress. Expect more weeks of intense negotiating and brinkmanship – and yet more talk of ‘no deal’.

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## Brexit and parliament

The transition deadline means that [Brexit-related legislation](#) cannot be postponed. Parliament's legislative and scrutiny work on Brexit has therefore continued, even if the media's attention has understandably been elsewhere. The [Immigration and Social Security Co-ordination \(EU Withdrawal\) Bill](#) and the [Trade Bill](#) passed Commons second reading during the chamber's ‘hybrid’ phase. Both are now in committee – indeed, the claim that physical public bill committees were needed to deal with Brexit legislation was one of the main arguments used by the Leader of the House, Jacob Rees-Mogg, to justify ending the hybrid arrangements (see page 4). Although not wholly convincing, this suggests that committee stage of the [Environment Bill](#) – last held on 19 March – will soon resume. The [Agriculture Bill](#), meanwhile, had its [Commons report stage and third reading](#) under hybrid arrangements, and is now progressing through the Lords.

Commons select committees have continued with their Brexit work, often alongside new COVID-related inquiries. The Committee on the Future Relationship with the EU has heard evidence from [Michael Gove](#) and [David Frost](#), and the International Trade Committee held a number of hearings as part of its [inquiry on post-Brexit trade](#). The European Scrutiny Committee requested a debate under the [EU \(Withdrawal Agreement\) Act](#) for the first time, which took place [on the EU's negotiating mandate](#). There is an irony here, as the Act gave the Commons no formal role in scrutinising the UK negotiating position.



# Parliament



## Parliament and coronavirus: virtual, hybrid, physical

The pandemic's impact on parliament has been substantial, and frequently in the news. Initially, in early March, there were rumours (ascribed to 'senior government sources') that parliament might shut down altogether for [as long as five months](#), for fear of MPs acting as '[super-spreaders](#)'. These claims thankfully subsided quickly in favour of plans for parliament to work through the crisis, thereby maintaining essential accountability. In both chambers, the Speaker and Lord Speaker offered valuable leadership.

As charted by former Clerk of the House of Commons David Natzler on our blog on [23 March](#) and [5 April](#), Commons Speaker Lindsay Hoyle began correspondence with the Procedure Committee, now chaired by former Conservative minister Karen Bradley, at an early stage, and [wrote to members](#) in late March setting out the first essential steps. Both chambers rose a few days early for the Easter recess, but Commons select committees [began meeting virtually](#) (using Zoom) during that recess. On MPs' return on 21 April, Leader of the House of Commons Jacob Rees-Mogg [proposed a motion](#) to facilitate 'hybrid' proceedings, whereby members could participate either virtually or in person. This was extended on 22 April via other motions, including the approval of [online voting](#). At this initial stage changes were agreed on a cross-party basis, with the House of Commons Commission taking on a new role in brokering arrangements. Hybrid proceedings ran smoothly, barring minor technical hiccups, as did online voting.

As former Clerk of the Parliaments David Beamish [summarised on our blog](#), the Lords initially took a slightly different path. The Lord Speaker, Norman Fowler, offered leadership by pledging to work from home, encouraging other members (many of whom are over 70) to do the same. Virtual-only proceedings were introduced after the Easter recess for much Lords business, with some limited physical-only business remaining, and no voting taking place. In early June the Lords moved to hybrid arrangements, similar to those previously adopted in the Commons, and online voting. The Lords also agreed in May to establish a [COVID-19 Committee](#) to consider the broad societal implications of the virus.

Ironically, at almost the same moment that the Lords went hybrid, the Commons dropped its own hybrid arrangements. The orders facilitating these were temporary, and [expired on 20 May](#). Leader of the House Jacob Rees-Mogg confirmed that he had no intention of renewing the orders, despite protests from his Labour and SNP shadows. The cross-party agreement had clearly broken down. [On 2 June](#), a government motion proposed new arrangements for physical voting, as the [Speaker had indicated](#) that conventional use of the division lobbies had been ruled out on health grounds. An amendment from Karen Bradley aimed at retaining online voting was defeated. However [only 427 members took part](#) in the vote – as many had stayed away from Westminster, including those who were 'shielding' due to health conditions. The controversy continued, with an [emergency debate](#) and an [appearance by Rees-Mogg](#) in front of the Procedure Committee, both on 8 June. A group of senior experts, headed by the Unit's Meg Russell, [wrote an open letter](#) to the Leader of the House protesting that the withdrawal of the hybrid arrangements breached the fundamental democratic principle of equality, given some MPs' inability to vote. The government [gradually rowed back](#), introducing motions to allow continued virtual participation in some proceedings (but not legislation or voting), and extending proxy voting, for those unable to get to Westminster. But these responses were partial and grudging, and – with 122 of 150 proxy votes requested [having gone to whips](#) – risk significantly strengthening the party machines.



First virtual PMQs (CC BY-NC 2.0) by UK Parliament.

## Parliamentary scrutiny of the pandemic response

Much of the initial legislative response to the pandemic raised concerns about the government's ability to take drastic measures without proper parliamentary scrutiny. The [Coronavirus Act](#) completed all of its parliamentary stages [in just three days](#), after being initially introduced on 19 March. It made wide-ranging changes to the law in all four parts of the United Kingdom, including the postponement of upcoming elections (see page 9), broad new powers for ministers and relaxed regulatory requirements for social care and the conduct of inquests. It created the 'furlough' scheme, placed a temporary moratorium on evictions and modified the rules on statutory sick pay to make it more available to people unable to work due to the need to self-isolate. Whilst there was wide recognition of the need for urgent action, there were also concerns about broad changes being enacted with minimal scrutiny. The government [bowed to Commons backbench pressure](#) and inserted a requirement for six-monthly reviews into the bill, going beyond the original two-year sunset clause, which the [Lords Constitution Committee](#) said 'would have been too long for these powers to have operated without reapproval by Parliament'. Subsequently the Commons Public Administration and Constitutional Affairs Committee [announced an inquiry into the Act](#) on 15 May.

Many of the changes instituted following the lockdown were made by statutory instrument (SI), which received even less parliamentary scrutiny. According to real-time data from the Hansard Society's [Coronavirus Statutory Instruments Dashboard](#), of the coronavirus-related SIs that had been laid before parliament by 24 June, only 5% were laid in draft; 8% were 'made affirmatives' (which require parliamentary debate and approval but can be in force for weeks first); and 87% were 'made

negatives' (which do not require parliamentary approval at all). The volume and far-reaching nature of such SIs has highlighted just how much law the government can pass without parliamentary approval. Moreover, the government sometimes [appeared to make unnecessary use of the flexibility afforded by delegated legislation](#). Of the 97 'made negative' COVID-related SIs, 81 breached the convention that they be laid 21 days before coming into force. Nine were brought into force before being laid; and five were made over a weekend and brought into force by the immediately following Monday. In some cases, the changes made had been mooted for weeks beforehand, and in other cases, a significant level of opposition to them [on the part of Conservative MPs](#) was clear.

The use of SIs was criticised by the Hansard Society, which had [previously called for more robust scrutiny](#) of the delegated powers given to ministers in primary legislation, and a wholesale reform of the House of Commons' current system for scrutinising SIs themselves. Even when SIs require parliamentary debate and approval, debates are often perfunctory. The Brexit process [heightened awareness](#) of the shortcomings of the current delegated legislation system at Westminster. If there is to be a parliamentary silver lining to the COVID crisis, one element of it may therefore be to give added force to the key question of delegated legislation scrutiny reform.

## Coronavirus legislation and the rule of law

The legislation passed in response to the COVID-19 crisis also raised wider questions about the rule of law. Rather than use the [Civil Contingencies Act \(CCA\) 2004](#) – specifically designed in advance to deal with an emergency – or the Coronavirus Act itself, the government instead chose to use a wide range of

### The Constitution Unit

## The Constitution Unit is 25 this year!

To mark the Unit's 25<sup>th</sup> anniversary, we have launched a 25-years fundraising campaign, encouraging our supporters to make a one-off or regular donation incorporating the numbers 2 and 5. Donations provide a crucial source of funding for our outreach activities, such as [Monitor](#), our [blog](#), and our [seminar series](#).

Find out more about the 25 years fundraising campaign [here](#).

Find out more about our 25<sup>th</sup> anniversary [here](#).

other legislative vehicles. For example, the lockdown regulations in England were made in accordance with the [Public Health \(Control of Disease Act\) 1984](#), whilst rules for the government's furlough scheme were made [using Treasury Directions](#). The decision not to make use of the CCA and the lack of proper reporting requirements in the Coronavirus Act were [criticised](#) by public law experts, including the Bingham Centre's Ronan Cormacain, in evidence to the Commons Public Administration and Constitutional Affairs Committee on 16 June.

There was also a [blurring of boundaries](#) between the law and the government's official guidance, which [raised the question](#) of what 'rules' people were actually required to follow. Ministers often gave contradictory answers to questions about social distancing or simply got the law wrong, such as when Transport Secretary Grant Shapps gave guidance on how often shopping was permitted, [only to be corrected by Downing Street later the same day](#), or when the Cabinet Office's Michael Gove [corrected his own statement](#) about travelling with children. Ministers were not always clear about when they were making statements that only applied to England, which led to [confusion and tensions with devolved governments](#) (see pages 16–17).

Convincing the public to abide by such stringent restrictions on personal freedom was undoubtedly made more difficult by the government's [staunch defence](#) of Dominic Cummings' decision [to travel to Durham during lockdown](#), in what seemed to be a [clear breach](#) of both the law and the government's own guidance. Meanwhile concerns about the equal application of COVID-related laws were also raised by evidence that black and ethnic minority people were [substantially more likely](#) to be fined for breaching lockdown.

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## A new Commons Liaison Committee – at last!

Another Commons procedural controversy concerned electing a chair for the Liaison Committee, which brings together the chairs of all other select committees. It has a strategic role in overseeing the committee system, but is most visible as a forum which occasionally questions the Prime Minister. [Early rumours](#) suggested that Number 10 would 'appoint' senior Conservative Brexiteer Bernard Jenkin to the position. He had chaired the Public Administration and Constitutional Affairs Committee in the last parliament, but [lost out](#) in the election for chair of the Defence Committee to Tobias Ellwood in January.

However, the government cannot simply parachute in a chair: the Commons must agree a motion on the Liaison Committee's membership. In recent years the committee has chosen its chair from among the chairs of other select committees – most recently Sarah Wollaston, chair of the Health Committee until December 2019. As set out in an [excellent briefing by the Hansard Society](#), prior to 2010 the Liaison Committee chair was not the chair of a select committee (with some good arguments for that, in terms of workload), but included as an additional name in the government's motion. But there were generally 'soundings' among committee members prior to this motion being laid, as the person named would need to be formally elected by committee members.

On 17 March the [Commons order paper](#) included the requisite government motion, which explicitly named Jenkin as chair – thereby removing the committee's discretion. Proposed as unopposed business, the motion fell [due to an objection](#). The matter was then repeatedly delayed due to the coronavirus lockdown, with a debate finally taking place [on 20 May](#). The government's motion remained unchanged, and an amendment supported by a group of opposition committee chairs that 'the chair of the Liaison Committee shall be a current chair of a Select Committee' was [defeated by 262 votes to 323](#) (with 16 Conservatives rebelling). An alternative amendment, [from Conservative Peter Bone](#), that the chair should instead be elected by the whole House (like other select committee chairs) was not selected for debate, despite support from the Hansard Society (see above). Jenkin therefore took over the position, and [keenly emphasised his independence](#). As a long-serving committee chair, he is in many ways well-qualified for the position, but this acrimonious saga may lead to a review of how future Liaison Committee chairs are elected.

Boris Johnson first appeared in front of the committee [on 27 May](#), more than 10 months after he became Prime Minister. Previous sessions were prevented due to the long summer recess, the abortive autumn prorogation, the general election, and [cancellations](#). Notably, the Prime Minister was resistant to Jenkin's suggestions that he should appear again before the summer break.

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## Rumours of Lords appointments and reform

The coronavirus crisis may have delayed announcement of new peers by Boris Johnson. Two members (Lord Grimstone of Boscobel and Lord Greenhalgh) were introduced in the Lords on 21 April, to serve as ministers,



but no [dissolution or resignation honours](#) list has yet emerged. As reported in [Monitor 74](#) (page 6), there have been various press rumours as to who is [likely to be appointed](#) (e.g. former Conservative MPs Ken Clarke, Philip Hammond and David Lidington); some now [suggest](#) that all three of Jeremy Corbyn's nominees (said to include former Speaker John Bercow and former Labour Deputy Leader Tom Watson) have been blocked by the House of Lords Appointments Commission. But all of this remains unsubstantiated. A long list of appointments would reignite arguments about the size of the House of Lords which, despite all of the efforts of the Lord Speaker, still stands at not far under 800.

Discussion of moving the Lords to York (see [Monitor 74](#), page 6), has disappeared amidst the crisis. However the advanced age of many peers has led to some new wild suggestions, with [one report](#) that Number 10 is considering introducing a retirement age of 65. Like the mooted relocation, this would be considerably easier said than done – requiring legislation, which would doubtless meet stiff resistance, and would likely attract many troublesome amendments. Reform of the Lords was on the manifesto wish list for the government's Commission on the Constitution, Democracy and Rights, whose establishment may also have been delayed by the coronavirus.

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## Restoration and Renewal

On 8 April, responsibility for the Restoration and Renewal (R&R) of the Palace of Westminster [transferred](#) from the parliamentary authorities to the Parliamentary Works Sponsor Body. This milestone, six months after royal assent was granted for the governance legislation, makes the Sponsor Body the single R&R client; it will oversee the completion of the work by a delivery authority.



A 'grotesque' cleaned as part of the Restoration and Renewal project (CC BY-NC 2.0) by UK Parliament.

One of the first tasks for the substantive Sponsor Body, however, reflects the continued difficult political climate for R&R, as discussed in [Monitor 74](#) (page 7) and noted in the National Audit Office's April [report](#) on R&R. In his first appearance as Sponsor Body spokesperson in the Commons, Damian Hinds MP [announced](#) a review of the 2018 decision that MPs and peers will move out of the Palace of Westminster for the duration of the building works – known as 'the full decant' – to assess whether this still offers the 'best and most cost-effective' option. While a general review of the R&R plans had been envisaged as part of the development of a business plan for the programme, the Sponsor Body [stated](#) that 'given the completely altered political and economic landscape, the review will need to be both deeper and more wide-ranging'.

Two parts of this context were specified. The first was the impact of the coronavirus – specifically its effects on the economy, rather than on how working practices might change. The second was the election of a new House of Commons and government since full decant was approved in the last parliament. The two are linked: ministers have been reported to be seeking ways to [cancel](#) or [downgrade](#) R&R due to the costs involved. The outcome of the Sponsor Body's review, due in the autumn, will reveal whether they have been successful.

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## Commons approves new complaints arrangements

The House of Commons Commission launched a [public consultation](#) in February on proposed changes to the [Independent Complaints and Grievance Scheme](#) (see [Monitor 74](#), page 7). The consultation showed [overwhelming support](#) for the creation of an [Independent Expert Panel](#) (IEP) to determine sanctions against MPs found guilty of misconduct by the Parliamentary Commissioner for Standards, as recommended by the 2018 [Cox report](#).

On 16 June it was [reported](#) that Leader of the House Jacob Rees-Mogg was to propose that any expulsion or suspension recommended by the IEP should be debated in the chamber. This prompted public condemnation from [the FDA union](#) and [former Commons employees](#), with current staff complaining to MPs [in private](#). Rees-Mogg tried to allay concerns by proposing a motion strictly limiting any such debate to matters of process. During [a debate to approve the proposals](#) on 23 June, almost every speaker – including [Liaison Committee](#)

[Chair Bernard Jenkin](#), [former Attorney General Jeremy Wright](#) and [the Commission's Pete Wishart](#) – expressed strong support for an amendment tabled by Chris Bryant, Chair of the Committee on Standards, which proposed that any sanction should be voted on without debate. An [amendment](#) to allow a debate by Bryant's committee was tabled by former Commons Leader Andrea Leadsom, but not selected. Bryant's amendment passed narrowly, [by 243 to 238](#). Leadsom, Cabinet Office minister Penny Mordaunt and former Prime Minister Theresa May were among 45 Conservatives – many of them from the 2019 intake – who supported the amendment in a free vote, despite being [encouraged](#) by their Deputy Chief Whip not to do so. How well the new process will work is largely dependent on who is now appointed to the IEP; the new measures provide that they will be appointed by the Commons for non-renewable terms of no longer than six years, and they must never have served as an MP or peer.

## Maternity cover for MPs

Stella Creasy, the MP for Walthamstow, returned from maternity leave at the end of May, ending the tenure of Kizzy Gardiner as [the first ever 'locum MP'](#). Gardiner's [role](#) was to ensure that the 'casework, campaigns and community concerns of the residents' of Walthamstow were covered. The role was limited to constituency work, as a locum MP cannot speak in debates, table amendments or take part in votes. Voting is covered by a [temporary standing order](#): Peter Kyle MP acted as Creasy's proxy during her leave.



[Stella Creasy and daughter Hettie \(CC BY 3.0\).](#)

[Speaking to the Guardian](#), Gardiner explained that she and Creasy were in regular contact: she needed to know how Creasy was using her proxy vote in parliament, while the MP needed to be updated on constituent concerns that might affect her voting.

Creasy [described the application process as very difficult](#), stating she had to provide written evidence to demonstrate how her constituents would be affected by her absence, which she said implied that IPSA didn't see her constituency work as a key part of her job as an MP. After Creasy's application, IPSA changed its processes in July 2019 to make funding for constituency office cover 'pre-approved', creating a new application form designed specifically for parental leave cases. This makes it less of an administrative burden for MPs.

*Editor's note: This article has been updated since publication to correct an error in the original version concerning the funding of, and current process for, applying for parental leave.*

## Parliamentary committee reviews of the Fixed-term Parliaments Act

The Conservative manifesto promised to 'get rid of the Fixed-term Parliaments Act' 2011. This legislation provides that general elections are normally held every five years – though, since its enactment, two early elections have been held, in 2017 and 2019. Two parliamentary committees have been reviewing the performance of the Act, though by the time of writing neither had reported. The [inquiry by the House of Lords Constitution Committee](#) began back in July 2019, and has gathered significant evidence. Its report is expected soon. Meanwhile in March, the House of Commons Public Administration and Constitutional Affairs Committee (PACAC) [announced a new inquiry](#), 'to review the operation of the Act and make recommendations for possible amendment or repeal'. The Unit's Meg Russell and Robert Hazell are amongst those to have [submitted written evidence](#), arguing that the core purpose of the Act was to reduce prime ministerial prerogative powers, in line with recent trends and international experience. The Act allows early elections, but its existence ensures that such an election can only happen with parliament's assent. Similar points have been strongly made by [early witnesses to the inquiry](#), who have included Professors Alison Young, Gavin Phillipson, Petra Schleiter and Philip Cowley.



## Elections, referendums and democratic engagement



### Postponement of May 2020 elections

The UK government [announced](#) on 13 March that the local, mayoral, and Police and Crime Commissioner elections scheduled to take place throughout England and Wales in May would be postponed for a year because of COVID-19. Both the [Electoral Commission](#) and the [Association of Electoral Administrators](#) had called the previous day for postponement to the autumn, and they welcomed the decision. The [Coronavirus Act 2020](#) placed the delay in law and provided that all those elected at postponed votes in 2021 will serve for terms of only three years (rather than the usual four). The Act also postponed by-elections to the Scottish and Welsh parliaments and to Scottish local councils for up to a year. And it empowered ministers to postpone local by-elections and referendums in England, Wales, and Northern Ireland by secondary legislation – which ministers in both [England](#) and [Wales](#) subsequently did.

Though unusual, the changes were not unprecedented. In 2001, local elections were [delayed by five weeks](#) because of an outbreak of foot and mouth disease. In 2011, the [Fixed-term Parliaments Act](#) extended the terms of the existing members of the Scottish Parliament and Welsh Assembly by a year so that the next elections to those bodies would not coincide with the 2015 UK general election.

For the most part, the delayed elections mean that the politicians affected will serve for five-year rather than four-year terms, which is within accepted democratic norms in the UK. In [Buckinghamshire](#) and [Northamptonshire](#), however, the 2019 elections had already been postponed to this year due to local government reorganisations, so councillors elected in 2015 will have held office for six years. The change also effectively extended the campaign period for these elections by 12 months, prompting at least one prominent candidate – Rory Stewart, who was running as an independent to be Mayor of London – to [withdraw](#).

### Reform of Westminster constituencies

The UK government has pressed rapidly ahead with one part of its electoral reform agenda (see [Monitor](#)

[74](#), pages 9–10), introducing the [Parliamentary Constituencies Bill](#) to the House of Commons in May. If passed, this will keep the number of MPs at 650, cancelling a cut to 600 that was [legislated for in 2011](#) but never implemented. It will also alter the procedures for drawing up Westminster constituency boundaries in four main ways: by reducing the frequency of boundary reviews from five- to eight-year intervals; by shortening the duration of the next review from 34 to 31 months so that it can be implemented in good time for a 2024 election; by moving public hearings slightly later in the review process; and, most importantly, by making implementation of new boundaries automatic, removing parliament's current blocking power.

The bill received its [second reading](#) in the Commons on 2 June. Abandoning the cut in MPs' numbers was universally welcomed, as were the more technical changes to review processes. There were two main areas of contention. First, many opposition MPs, including Labour's shadow minister on the bill, Cat Smith, argued that the 5% variation permitted in most constituency sizes above and below the average was too restrictive. That margin was introduced in 2011, and the bill does not propose to change it. But there are concerns that it could force division of local communities and necessitate excessive upheaval in constituencies at each review.

Second, both Labour and SNP spokespeople opposed automatic implementation of review outcomes, [branding it an executive 'power grab'](#). [Writing on the Unit's blog](#), and in [written](#) and [oral evidence](#) to the public bill committee scrutinising the bill (see page 22), Unit Deputy Director Alan Renwick and former Director Robert Hazell [argued](#) that automatic implementation is to be welcomed: boundary reviews should be conducted independently of political interests, which the requirement for parliamentary approval violates. But there should be tighter safeguards to ensure the continuing independence of the four boundary commissions.

### Electoral Commission report on 2019 election

Meanwhile, pressures for wider reform of how elections and election campaigns are conducted have continued. Leading the way, the Electoral Commission published its [report on the 2019 UK general election](#) in March. While concluding that the election was 'generally well-run' and that large majorities of voters were mostly satisfied, it also raised concerns.

Regarding the delivery of the election, it noted that local election officials were often severely stretched. This was the second unexpected election of the year (following the European Parliament vote in May). The timing so close to Christmas limited staff and venue availability, and numerous voter registration applications – including 660,000 on the deadline day – added to pressures. Some overseas voters also experienced difficulties, their voting packs reaching them too late to be returned on time.

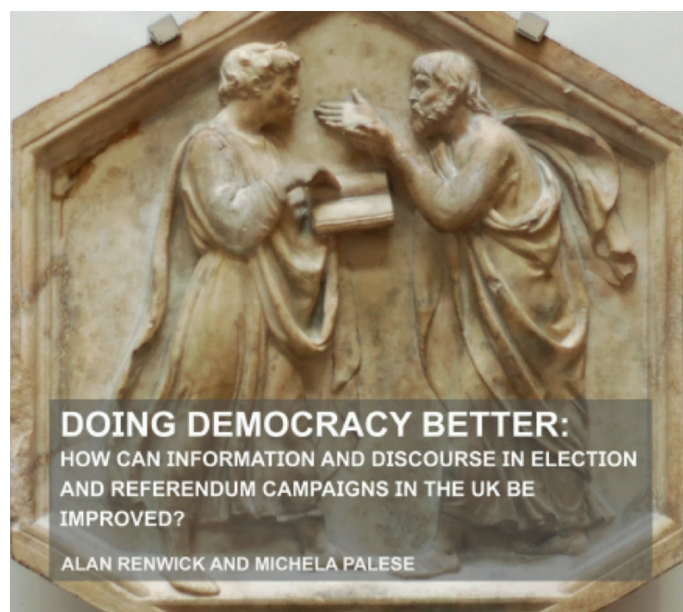
The Commission reserved its strongest words for the conduct of the campaign. It noted, ‘If voters lose trust and confidence in political campaigning, democracy as a whole will suffer’. It found that 58% of survey respondents agreed that, in general, ‘campaigning online is untrue or misleading’. Examples included misleading branding of campaigners’ social media pages, leaflets designed to look like local newspapers, and incorrect or misleading use of statistics. It issued a forceful rallying cry for action: ‘We cannot afford to miss the window of opportunity between now and the next scheduled general election. There needs to be real change to protect trust and confidence in campaigns at future elections and the integrity of our democracy. It will take governments, parties, campaigners, social media companies and regulators to work together to agree new laws or standards of conduct.’ In particular, it reiterated its existing proposals to increase the transparency of online campaigning.

## Lords committee report on democracy and digital technologies

The House of Lords Select Committee on Democracy and Digital Technologies published a major report on [Digital Technology and the Resurrection of Trust](#) in late June. This addressed the challenges posed to democracy by the shift in political communications from print and broadcast to online. It argued that, while digital technologies had increased participation and empowered many citizens, they had also ‘introduced new opportunities for individuals and organisations with malign intentions to manipulate the flow of political debate’ and ‘shifted power toward a very small group of new gatekeepers’ in the technology platforms. The committee’s chair, Lord (David) Puttnam wrote in his foreword that ‘a pandemic of “misinformation” and “disinformation” would, if unchecked, ‘result in the collapse of public trust’ and democracy’s ‘decline into irrelevance’.

The committee recommended multiple counter-measures, including an enforceable code of practice for political advertising, greater transparency of online algorithms, modernisation of electoral law, substantial investment in digital media literacy, and the extension of online platforms’ duty of care under the government’s planned online harms legislation to ‘actions which undermine democracy’.

Building directly on last year’s [Doing Democracy Better](#) report, the Unit’s Alan Renwick gave [oral](#) and [written](#) evidence to the committee in March, the latter submitted jointly with Joe Mitchell and former Unit researcher Michela Palese. Their core proposal was the development of an independent ‘democratic information hub’. The committee endorsed this fully, recommending: ‘The Government should establish an independent democratic information hub. This would be both a public-facing hub that provides information about democracy, starting with basic information about democratic procedures, and a means of sharing best practice in digital democracy between policymakers and civil society organisations.’



[The Unit's Doing Democracy Better report.](#)

## Wider pressures to reform campaign conduct

Other organisations share such concerns. In June, the Committee on Standards in Public Life launched a [review](#) of election and referendum campaign finance. This will seek to ‘[i]dentify the principles and values that should underpin the regulation of donations and campaign expenditure by candidates, political

parties and non-party campaigners in election and referendum campaigns'. It will also examine the Electoral Commission's remit regarding campaign finance and the system for enforcing campaign finance rules. In launching the review, the Committee's Chair, Lord (Jonathan) Evans said, 'digital campaigning has revolutionised the way parties and campaigners engage with voters. It has made it harder to track how much is being spent, on what, where and by whom. This review will look at the system for the regulation of election finance and whether it meets the challenges of elections in the 21st century'.

Also in June, the Chief Executive of the Advertising Standards Authority (ASA), Guy Parker, [signalled a significant shift](#) in the organisation's thinking on the regulation of political advertising. The ASA has never regulated political advertising in the way it does other advertising, and since 1999 has not regulated it at all. Its previous statements on the matter – including just [after the 2016 Brexit referendum](#) – simply set out why such regulation is not possible, highlighting the importance of free speech, the tight timetable of an election campaign, and the need for buy-in from political parties. By contrast, the new statement, while reiterating these difficulties, emphasised the need to find solutions. Parker wrote, 'We at the Advertising Standards Authority agree that claims in political advertising should be regulated.' He argued that the ASA cannot take the lead on this. Rather, 'it needs to be the political parties and campaign groups who take the all-important first step: agree to be held to the same standard of truthfulness that society expects from companies'.

This shift took place against the backdrop of considerable change in how governments, broadcasters, social media companies, and others dealt with misinformation in the pandemic context – as [analysed on the Unit's blog](#) by Michela Palese and Alan Renwick.

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## Reforming electoral law

The Law Commission of England and Wales and the Scottish Law Commission published their long-awaited joint [final report on modernising electoral law](#) in March. The focus here was on the technical efficacy of the law, and the changes proposed – across 106 recommendations – would mostly simplify and tidy up existing provisions.

The Commissions highlighted four key problems: existing law is outdated, overly complicated, characterised by gaps where it has not kept up with new developments, and fragmented across a plethora of statutes and regulations.

They recommended that current electoral laws be rationalised into 'a single, consistent legislative framework which applies to all elections and referendums' under the competence of each of the UK, Scottish, and Welsh parliaments (electoral law in Northern Ireland is not devolved). Further recommendations included: simplifying candidate nomination processes; updating the circumstances in which a poll can be suspended; modernising and simplifying the system for challenging elections; and simplifying and consolidating the set of electoral offences. Significantly, the Law Commissions, in line with the Electoral Commission, recommended that digital imprints be required on online campaign materials and that election expense rules be clarified.

The report was welcomed by the Electoral Commission and by Minister for the Constitution and Devolution Chloe Smith, [who said](#) that the government would consider the recommendations carefully.

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## Investigations of election expenses

As previous editions of *Monitor* have tracked, several investigations into alleged irregularities in campaign spending for the 2016 Brexit referendum have dragged on for years. It appears that all have now concluded. In April, the Electoral Commission and Arron Banks, leading funder of the Leave.EU campaign group, [announced](#) that they had 'agreed amicable terms of settlement' of a complaint by Mr Banks against the Commission over its decision to refer his case to the National Crime Agency. In May, the Metropolitan Police [ended its investigation](#) of Darren Grimes of BeLeave and another campaigner from Vote Leave.

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## Deliberative democracy under COVID-19

As reported in [Monitor 74](#) (page 10), two major citizens' assemblies were under way in early 2020: the UK-wide [Climate Assembly UK](#), sponsored by six Westminster select committees, and the [Citizens' Assembly of Scotland](#), established by the Scottish government. In March, however, lockdown halted their face-to-face deliberations.



Climate Assembly UK was already well advanced in its work: it had completed three of its planned four weekends and reached conclusions on many issues. This made it relatively easy to shift the final weekend to an online format, staggered over three weekends to reflect what is feasible when members participate from home.

The move online was explained by Sarah Allan, Head of Engagement at Involve and the assembly's design and facilitation lead, in the Unit's [first ever webinar](#) and in posts on the [Involve blog](#). Moving online appears to have been successful, and provides lessons for how post-lockdown citizens' assemblies might be conducted – though doubts about fully online deliberative formats remain. The Assembly published an [interim briefing](#) on its conclusions in June.

The Citizens' Assembly of Scotland had more still to do when lockdown intervened, increasing the challenges of shifting online. It therefore initially suspended its operations, hoping to resume face-to-face meetings later in the year. As the likely duration of social distancing became clearer, however, it [signalled in June](#) that it was preparing to move online.

Other planned citizens' assemblies have also been affected. [Coronavirus legislation in Scotland](#) allowed Scotland's Citizens' Assembly on Climate Change – which was due to begin operating in the autumn and report by February 2021 (see [Monitor 74](#), pages 10–11) – to report later. The Welsh Parliament's Committee on Senedd Electoral Reform had planned an assembly in the summer to inform its work on the parliament's future size, but [it concluded in April](#) that this was no longer viable.

In June, the Welsh Parliament debated a Plaid Cymru [motion](#) calling for 'a citizen's assembly to discuss how Wales should "Build Back Better" following the experience of the crisis'. But the government's response was sceptical: Minister Ken Skates [said](#), 'whilst we are not ruling out the potential role for a citizens' assembly, it shouldn't undermine or duplicate the social model of partnership that we have been able to develop here in Wales'.

Beyond the UK, Ireland's [Citizens' Assembly on Gender Equality](#) has been suspended indefinitely, whereas France's [Citizens' Assembly for the Climate](#) moved online and concluded its deliberations in June.

## Executive



### The government and the coronavirus

Coronavirus has arguably tested the government more severely than any crisis since the Second World War. An Institute for Government [reunion of former Cabinet Secretaries](#) agreed that it is far bigger than any crisis which they had to handle. A new and inexperienced Prime Minister has had to deal with three crises at once: the COVID-19 pandemic; its drastic consequences for business, the economy and the public finances; and preparing for Brexit and the possibility of 'no deal' (see pages 2–3). On top of this the Prime Minister was seriously ill for a month, leaving the government in the hands of the (equally inexperienced) Foreign Secretary Dominic Raab, with [speculation](#) about the extent of his authority, and about [what would happen](#) if Johnson failed to recover. Health Secretary Matt Hancock, Cabinet Secretary Mark Sedwill and the PM's Chief of Staff Dominic Cummings also contracted the virus (or were suspected to have done so), restricting their effectiveness at a critical time.



[Dominic Raab fills in for the Prime Minister during his illness \(CC BY-NC-ND 2.0\) by UK Prime Minister.](#)

Not surprisingly these multiple crises have seriously tested the machinery of government. It was often hard to tell what the central coordinating machinery was, given that the [public list of cabinet committees](#) – half of which were devoted to Brexit – was not updated until 29 June, when the worst of the first crisis may have passed. There appeared to be an inner (all male) cabinet, comprising the Prime Minister, Chancellor Rishi Sunak, Dominic Raab, Matt Hancock and Michael Gove, the minister

responsible for the Cabinet Office. Home Secretary Priti Patel was a notable absentee, a fact remarked upon by [political commentators](#) and [her predecessor, Jacqui Smith](#). Following growing criticism of the government's response, the Prime Minister [announced](#) on 3 June that he would chair a new, larger COVID-19 Strategy Committee, and that Michael Gove would chair a COVID Operations Committee.

There has also been growing criticism of Number 10. The annual [list of special advisers](#) shows that 44 out of 108 are based there – an unprecedented number. At least 45 Conservative MPs [called](#) for Dominic Cummings to resign for breaching the rules of lockdown, and Boris Johnson's former adviser Tim Montgomerie has [described Cummings' style](#) as a 'reign of terror'. To try to restore order, Simon Case – a former Principal Private Secretary to David Cameron and Theresa May – was [brought back to Number 10](#) to take on the resurrected role of Permanent Secretary. The effectiveness of the coordination at the centre will be one of the main issues in any subsequent inquiry; as will the balance between central government, devolved governments and local authorities.

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## Government reform of the civil service

Chancellor of the Duchy of Lancaster Michael Gove [set out some of the key aspects of his vision for reform of the civil service](#) during a speech to the Ditchley Foundation on 27 June. He warned that the government too often succumbed to 'group think' and a 'metropolitan' outlook which meant the consequences for people in many parts of the UK were not properly considered when key decisions were made. He said that government required a 'wider spread of decision-making across the country' and 'a broader and deeper pool of decision-makers', with increased numbers of people from science and technology backgrounds.

The day after Gove's speech, it was announced that [Mark Sedwill would retire from the civil service in September](#). Although his successor as Cabinet Secretary is yet to be confirmed, it was immediately announced that his replacement as National Security Adviser [would be Boris Johnson's Brexit 'sherpa', David Frost](#). Former Head of the Home Civil Service Lord (Bob) Kerslake responded to the news by [criticising the government's treatment of Sedwill](#). Lord (Gus) O'Donnell, a former Cabinet Secretary, also spoke critically of the changes, [warning](#) that the appointment of Frost to a

post normally occupied by a career diplomat risked the 'politicisation' of the civil service. Similar concerns were raised in parliament by [former Prime Minister Theresa May](#), whilst the FDA union urged the Commons Public Administration and Constitutional Affairs Committee [to commence an inquiry](#) into the government's use of special advisers, which a committee spokesperson said is under consideration.

If ministerial appointees are recruited as temporary civil servants on short-term contracts, the Civil Service Commission will be alert to any breach of the rules about appointment on merit and open competition. Advising Gove on such matters will be Alex Chisholm, [appointed in March](#) to succeed John Manzoni as the new Permanent Secretary in the Cabinet Office, and Chief Operating Officer for the Civil Service.

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## Non-executive directors

With the government's plans for reform of Whitehall still far from clear (see above), some clues may have been provided by the appointment of [four new non-executives](#) to the Cabinet Office in May. These were Gisela Stuart, Gove's co-chair of Vote Leave; Baroness (Simone) Finn, special adviser to former Conservative minister Francis Maude; Henry de Zoete, tech entrepreneur and former special adviser to Michael Gove at the Department for Education; and Lord (Bernard) Hogan-Howe, former Metropolitan Police Commissioner.

As the Unit's [2018 report](#) showed, departmental non-executives have normally been appointed from the worlds of business and finance, using their commercial experience to challenge the feasibility of departmental plans, and to advise on the delivery of individual projects. But Gove has long preferred to bring political allies into such roles, something he did as both Education Secretary and Justice Secretary. This may be an indication that he and Cummings want to see more external appointments in other government departments. Depending on what such people are asked to do, there is a risk of blurring the separate roles of ministers, officials, special advisers and non-executive board members.

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## Government departments to merge

The government has announced a [merger of the Foreign and Commonwealth Office and the Department for International Development](#). It has also been [suggested](#)

that the Department for International Trade could join the new ‘super-department’, although this was [denied](#) by the Foreign Secretary, Dominic Raab. The plan has been [criticised by aid agencies, three former Prime Ministers](#), and two former Conservative Secretaries of State for International Development, [Andrew Mitchell](#) and [Rory Stewart](#). As the Institute for Government has pointed out, big government reorganisations [are expensive and can cause short-term disruption, as well as job losses](#).

## Former civil servants take legal action

Philip Rutnam, who resigned as Home Office Permanent Secretary in February (see [Monitor 74](#), page 12), has [commenced an employment tribunal claim](#) for constructive unfair dismissal and unfavourable treatment as a result of making protected disclosures (also known as ‘whistleblowing’). In his [resignation statement](#), he said that his handling of allegations that Home Secretary Priti Patel had bullied staff created ‘tension’ between the two of them, which had led directly to his resignation. This prompted a Cabinet Office inquiry into whether Patel had breached the [Ministerial Code](#) during her time as a minister at the Home Office, the Department for International Development and the Department for Work and Pensions. On 28 April, the *Telegraph* reported that [the inquiry had found insufficient evidence](#) to uphold the allegations; however no official finding has been released. Labour’s Rachel Reeves, who shadows Cabinet Office minister Michael Gove, has [called for the report to be published](#). The FDA union has [argued](#) that the allegations show the need for a complaints mechanism for officials that is independent of ministers.

Sonia Khan, the Treasury special adviser dramatically sacked last August – [without the knowledge of her minister, then-Chancellor Sajid Javid](#) – is also taking legal action: [she lodged claims for unfair dismissal and sex discrimination](#) in February. As is common employment tribunal practice, the government (as his employer) applied to have Dominic Cummings removed as an additional respondent to the discrimination claim; this was reportedly [rejected by an employment judge](#) in June, and means he could be found personally liable for a portion of any compensation award. Khan’s case has been listed for December, and raises the prospect of the Prime Minister and his most senior adviser giving evidence at an open hearing. Given the delays in the employment tribunal system (see page 15), Rutnam’s claim is unlikely to be finally decided before this time next year.

## Courts and the judiciary



### The court system struggles to adapt to COVID-19

On 30 March, the work of all courts and tribunals in England and Wales was [consolidated into 157 priority buildings](#) permitted to conduct face-to-face hearings for urgent matters that could not be dealt with remotely. [Guidance](#) was issued on how to use the courts during the pandemic, but each part of the court system has its own practices, procedures, and – in some cases – buildings, making a one-size-fits-all approach to any aspect of the pandemic impossible.

Although remote – telephone – hearings in some practice areas have been in place for some time, the extent to which they were suddenly required was unprecedented, and things did not go smoothly. The Family Court received [significant criticism](#) about conducting sensitive cases remotely, and participants across the court system complained of [problems with internet access](#), judges [turning off their cameras](#) and [difficulty finding somewhere confidential to attend private hearings](#). As for open justice, the Supreme Court and Court of Appeal have been broadcasting live, but journalists have had [mixed results](#) when attempting to attend proceedings elsewhere.

The lockdown caused particular problems for the criminal courts. Trials longer than three days [were abandoned](#) in England and Wales, whilst Scotland [temporarily halted jury trials altogether](#). As the existing, pre-pandemic backlog worsened, some [lawyers](#) and judges – including the Lord Chief Justice for England and Wales, [Lord Burnett](#) – openly considered the merits of temporarily having smaller juries, or expanding the types of case where no jury is required. Lord Chancellor Robert Buckland told the Justice Committee [on 23 June](#) that he is considering such proposals, but cautioned that the required legislation would need to be passed before the summer recess if it is to be effective in reducing the backlog. Buckland acknowledged that the amount of time-sensitive legislation already before parliament would make this ‘a tall order’. Plans for trials without juries in Scotland were [heavily condemned](#) before being [dropped](#), but are apparently [not totally off the table](#).





[Lord Chancellor Robert Buckland \(CC BY-NC-ND 2.0\) by UK Prime Minister.](#)

Many parts of the court system were facing a huge backlog of cases before the lockdown. The pandemic made this even worse, especially in the [criminal courts](#) and [employment tribunals](#), prompting reports that the government is [considering reintroducing court fees](#) for the latter. The process of reopening courts commenced in April and has continued steadily since then. However, the need for social distancing means that remote hearings and the use of alternative premises will be required for some time yet.

## Change in the Supreme Court

The Supreme Court adapted more easily to remote proceedings than other parts of the system. Lord Kerr delivered its [first remote judgment summary](#) on 25 March, and numerous hearings have [taken place via videolink](#). Lord Wilson, who retired in May, received a [video tribute](#) from Supreme Court President Lord Reed in place of the usual valedictory event.

Wilson's departure was expected, but the [announcement](#) that Lord Kerr will step down in September was not – unusually, he is leaving two years before his mandatory retirement age. He is to be replaced by someone with experience of the law of Northern Ireland, but natural successor Sir Declan Morgan, Lord Chief Justice of Northern Ireland, is on the selection panel, [ruling him out as a candidate](#). Kerr is the last [Law Lord](#) to retire and therefore the last Justice with an automatic right to participate as an active member of the House of Lords, alongside former judicial colleagues such as Lady Hale, Lord Hope and [Lord Mance](#), Chair of the Conduct Committee.

Kerr's departure will mean another change in personnel for a Court that already looks radically different compared to just six months ago. His replacement will be the fourth new member – out of 12 – in 2020, including Lord Burrows, the first Justice [never to have served as a full-time judge](#). In addition, both the President (Lord Reed) and Deputy President (Lord Hodge) have been in post less than six months. It is hard to predict how all this change will affect the Court, but the lack of female perspectives is a cause for concern. Lady Hale retired in January and Lady Arden must retire in January 2022, meaning Lady Black could soon find herself the only woman in a Court of 12 – a significant backward step.

## Monarchy, church and state



### The monarchy and the coronavirus

The Queen spent the coronavirus lockdown at Windsor, which is where she made a national [broadcast in April](#), only the fourth occasion – other than her annual Christmas message – on which she has addressed the public in this way. She paid tribute to the NHS and other key workers, thanked people for following the government guidelines, and promised that 'we'll meet again'. Similar broadcasts were made by all [the other European monarchs](#), exemplifying the role that they play as head of the nation, rather than simply head of state.

With much of that role being performed through royal visits and other public engagements, it has been difficult for the monarchy to properly fulfil its function during lockdown. Prince Charles issued a [video appeal](#) to support the Pick for Britain campaign, while Prince William revealed in an interview that he has been [volunteering on a crisis helpline](#). The Queen's regular audiences with the Prime Minister – interrupted by his illness – have been [taking place by telephone](#) since the lockdown began in March.

After the easing of the lockdown in June, the Queen made her first public appearance since March at [a slimmed down Trooping the Colour](#), and Prince Charles [visited NHS staff in Gloucestershire](#), his first outing since he was [forced to self-isolate in Scotland](#). As lockdown eases, the royal family is slowly resuming its duties.

## Parties and politicians



### New Labour leader and deputy leader

[Monitor 74](#) (page 13) reported on the nominations received in the Labour leadership and deputy leadership contests, with Keir Starmer and Angela Rayner respectively very far ahead of other candidates. The [election results](#) were announced (under lockdown conditions) on 4 April. Starmer was resoundingly elected as leader in the first round of voting, on 56% of total votes cast, with Rebecca Long-Bailey on 27%, and Lisa Nandy on 16%. He won a clear majority in all sections, but an overwhelming 79% among 'registered supporters'. The deputy leadership contest went to three rounds, and ended with Rayner winning on 52%, against Rosena Allin-Khan on 26%, and Richard Burgon on 21%. Dawn Butler and Ian Murray were eliminated in earlier rounds. The conference at which the results were due to be announced was cancelled due to the coronavirus crisis, and instead of a speech, Starmer marked his victory with [a video message](#).



[New Labour leader Keir Starmer at the first virtual PMQs](#) (CC BY-NC 2.0) by [UK Parliament](#).

Several of the contenders were subsequently appointed to the frontbench. Nandy became Shadow Foreign Secretary and Allin-Khan Shadow Minister for Mental Health. Emily Thornberry (eliminated from the leadership contest at the nominations stage) became Shadow International Trade Secretary, and Jess Phillips (who withdrew from the contest at an earlier stage) became Shadow Minister for Domestic Violence and Safeguarding. Ian Murray is the Shadow Secretary of State for Scotland. Angela Rayner sits in the Shadow Cabinet as Deputy Leader and Chair of the Labour Party.

Former leadership contender Rebecca Long-Bailey initially became Shadow Education Secretary, but was [sacked on 25 June](#) for retweeting an article containing allegedly anti-Semitic remarks. For other relevant appointments, see page 20.

### Party conferences

In light of the COVID-19 crisis, all of the parties have had to rethink their conference plans for the autumn. As things stand, the Conservatives [plan to go ahead with their annual conference](#) in Birmingham. But both [Labour](#) and the [Liberal Democrats](#) have abandoned their traditional face-to-face conferences and announced plans to move online instead. [Labour](#) is expecting to hold as-yet unspecified 'online events', while the [Liberal Democrats](#) are hoping for an online conference incorporating 'speeches, policy, training and fringe meetings'.

### Lib Dem leadership election

In response to the worsening COVID-19 crisis, the Liberal Democrat Federal Board initially [postponed](#) the party's upcoming leadership election to May 2021. But it later [brought the contest forward again to August 2020](#) following a [ruling from the party's Federal Appeals Panel](#).

Acting co-leader Ed Davey and Oxford MP Layla Moran have both [secured the necessary nominations](#) to appear on the ballot paper. They were almost certain at the time of writing to be the only candidates, after [Wera Hobhouse](#) and [Christine Jardine](#) dropped out.

In addition to [internal splits](#) over the party's history in coalition, and between the preferences of older and newer members, the leadership debate will likely be informed by the findings of the party's [2019 election review](#), which criticised the leadership's mishandling of messaging and policy, for pitching to too small a section of the electorate, and targeting too many constituencies.

## Nations and regions



### Territorial governance and coronavirus

In the early stages of the crisis, key decisions were [agreed UK-wide](#), despite health policy being a devolved

matter. From the beginning of March the leaders of the devolved administrations were, unusually, [invited](#) to attend meetings of the COBRA emergency committee, as was [London Mayor Sadiq Khan](#). [Boris Johnson's TV broadcast](#) on 23 March announcing a formal lockdown was immediately followed by similarly-worded statements from the heads of government in [Scotland](#), [Wales](#) and [Northern Ireland](#). Cooperation was underpinned by the [participation](#) of devolved medical and scientific advisers in meetings of the Scientific Advisory Group on Emergencies (SAGE). All three devolved governments also supported [legislative consent motions](#) for the [Coronavirus Act](#) (see page 5) – in contrast to their refusal to do so for the Brexit legislation passed a few weeks previously (see [Monitor 74](#), page 4).

As the UK's response to the pandemic started to elicit growing criticism in both parliament and the media, however, the devolved governments gradually [began to diverge from Westminster](#). This was underlined when all three devolved administrations [retained](#) the 'Stay at Home' messaging instead of adopting the 'Stay Alert' slogan [unveiled by Boris Johnson](#) on 10 May. Each government published its own plan for easing lockdown, on [different timetables](#). While much of the divergence has been relatively minor, and often short-lived, the general trend has been for restrictions to be eased more slowly in Scotland and Wales than in England or Northern Ireland. As policy differences increased, cooperation declined. No intergovernmental COBRA meetings took place after 10 May, causing Scottish Health Secretary Jeane Freeman to [complain](#) of a 'vacuum in terms of shared discussion and decision making'.

The context of greater divergence has [highlighted](#) the dual role of Johnson's government, which is both the UK's central executive and the *de facto* government of England. The devolved administrations have been [irritated](#) by announcements that do not make clear they apply to England only. Concerns that this would lead to confusion proved justified, with [numerous English travellers fined for entering Wales in mid-May](#) unsuccessfully citing [Johnson's 10 May statement](#) as a defence. Consequently, in the Prime Minister's [announcement on 10 June](#) of a further easing of lockdown, he was careful to emphasise that the measures applied in England only, and that the devolved governments should 'move at the right pace for them, according to their circumstances'. Increasingly his administration appeared to be more focused on its English role, giving much less priority to unity across the UK than at the start of the pandemic.

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## England

Policy towards English devolution has been largely put on hold. Just before the outbreak, the government announced a [new devolution deal for West Yorkshire](#), but there have been few additional indications of its future intentions. No further news is available on the promised [White Paper on English devolution](#), and the government has [postponed](#) the Fair Funding Review, both of which were expected this year.

Since the coronavirus outbreak began, local authorities have sought to funnel immediate support to businesses and individuals. The government has funded [major business rate relief](#) and grant schemes, and provided [£4.3 billion in emergency funding](#). But the scale of the crisis has had huge consequences for councils' balance sheets and for cash flow: these are likely to become more evident over the next 12 months. This is particularly true in deprived areas, but many councils in wealthier areas are also struggling due to a collapse in income from sources such as leisure centres and parking.

Many authorities have stated publicly that [they could need to issue a section 114 notice](#) declaring that they may be unable to balance their budget. The sector has [claimed](#) that the Ministry for Communities, Housing and Local Government has given mixed messages regarding what emergency expenditures will be reimbursed by Whitehall.

Local elections due for May 2020 were postponed until May 2021 (see page 9), when elections to eight mayoralities and 26 English county councils are now due to take place. Some mayors have managed to raise their profile during the outbreak, but most of their interventions have been to [call for changes](#): the outbreak has exposed their [relative lack of power](#) and vulnerability to the whim of Westminster, [which largely controls the purse strings](#).

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## Northern Ireland

The inquiry into the Renewable Heat Incentive (RHI) – [divisions over which](#) had precipitated the collapse of the power-sharing institutions in 2017 – presented its long-awaited [report](#) in March. The report criticised civil servants, special advisers and ministers, including First Minister Arlene Foster. The recommendations were not far-reaching, and the report was quickly overshadowed by the seriousness of the COVID-19



crisis. Whether serious lessons will be learned about public administration in Northern Ireland is unclear.

Initially, the Executive was [severely and publicly divided](#) about how to respond to the pandemic; the extent to which it should follow Westminster's lead was a key point of contention. However, a much more united front developed as the crisis worsened, and Sinn Féin's deputy First Minister Michelle O'Neill [credited the crisis with having 'fast-tracked' the rebuilding of relationships with the DUP](#). Northern Ireland, like other devolved areas, ended up taking a different track from England (see pages 16–17).

[Polling](#) suggested that the public thought the Executive had on balance handled the crisis well. There was much less enthusiasm about London, [especially among nationalists and centrists](#). The impact on broader perceptions was unclear.

[Disputes over legacy issues](#) continue and future challenges, such as Brexit, may test the Executive's unity further. The UK government set out its [Approach to the Northern Ireland Protocol](#) in May. There is concern among businesses about the [impact of the protocol](#) and the December 2020 deadline for any Brexit deal. The Northern Ireland Assembly [voted in favour](#) of extending the transition period, but Whitehall has firmly declared it will not permit this (see page 3). EU lead negotiator Michel Barnier [warned](#) that 'no deal' could mean a hard border within the island, which could have a dire impact on Northern Ireland and its broader stability. It would also create acute difficulties for the new coalition government in Ireland, which only took office on 27 June (see page 20).

## Scotland

COVID-19 has had the same overwhelming impact in Scotland as elsewhere in the UK. As in England, [experts are now asserting](#) that thousands of deaths could have been prevented had the lockdown in Scotland commenced as little as two weeks earlier. The economy has also taken a severe hit; the wages of approximately [one-third of Scottish workers](#) are being paid by the UK government via the [Coronavirus Job Retention Scheme](#). As the furlough scheme is [scaled back](#) – something over which the Scottish government has no formal control – unemployment rates can be expected to rise further. This demonstrates how First Minister Nicola Sturgeon has little choice but to manage the economic impact of the virus with the assistance of the UK government,

which holds the macroeconomic and day-to-day levers needed to right the economy. Despite the drift away from intergovernmental cooperation (see pages 16–17), there is therefore a continued need for such an approach. However, [relations over Brexit remain problematic](#), and [tensions about the UK government's handling of this new crisis](#) have damaged an already strained relationship.



Scottish First Minister Nicola Sturgeon (CC BY-NC 2.0) by [Scottish Government](#).

The pandemic has meant that normal politics has been put largely to one side, and democratic exercises such as the Citizens' Assembly of Scotland postponed (see page 12). Opposition parties have generally supported the government – which retains public confidence and is [more popular in Scotland than the UK government](#) – although a reluctance to open schools is a [recent cause of dissension](#). Independence has [temporarily dropped from the agenda](#), but differences of approach remain within the SNP (see [Monitor 74](#), page 13). Some members, such as MP [Joanna Cherry](#), see the lockdown as providing 'additional bandwidth' for the party to reconsider its approach and make a 'fresh case' for independence. However a second referendum currently seems a long way off.

## Wales

The [Senedd and Elections \(Wales\) Act 2020](#) is now in force, meaning the Welsh legislature is now officially the Welsh Parliament (Senedd Cymru), and 16- and 17-year olds are able to vote in Welsh elections. In June, Gareth Bennett MS made his view of the Senedd's future known when he [joined the Abolish the Welsh Assembly Party](#), giving them their first Member of the Senedd.

The Senedd was quick to alter its procedures in response to COVID-19. On 1 April, it became the first UK legislature to hold a [virtual plenary meeting](#); the [first vote](#) in an online session took place a week later. Initially, all non-essential business was suspended, but with an election less than a year away, the Welsh government has [decided](#) to prioritise two pieces of non-pandemic legislation: the [Local Government and Elections Bill](#) and the [Curriculum and Assessment Bill](#).

The pandemic has led to [unprecedented](#) levels of additional funding for the Welsh budget and the Welsh government has [called](#) for greater borrowing powers for Wales to aid its economic recovery. This follows its [demand](#) in February for the UK government to increase funding for Welsh infrastructure and devolve control over Welsh rail.

Meanwhile, considerable constitutional legwork is underway in the Senedd's committees. The Committee on Senedd Electoral Reform has completed a public consultation as part of its inquiry on Welsh electoral systems and boundaries. The inquiry examines the relevant [recommendations](#) of the Expert Panel on Assembly Electoral Reform, which reported in late 2017.

The renamed Legislation, Justice and Constitution Committee has commenced its [work](#) on 'Making Justice work in Wales', building on the landmark report of the Commission on Justice in Wales published [last year](#) (see [Monitor 73](#), page 17). The inquiry will be carried out in two parts: it will first examine current justice arrangements in Wales before moving on to consider how the system could operate more effectively. The committee also continues with its [inquiry](#) on 'Wales' Changing Constitution', which is analysing the various changes to Welsh devolution that have followed from Brexit.

## International



### Parliamentary responses to the pandemic

As the pandemic has taken hold worldwide, parliaments have grappled with an unenviable dilemma: how to fulfil their democratic role – and deal with the urgent demands of a pandemic response – without placing their members and staff, and the wider public, at undue risk (see page 4

for the UK's approach). Individual parliaments' decisions – [compiled by the Inter-Parliamentary Union](#) – have been influenced by many factors: not least the constraints imposed by available technology and the requirements of national constitutions. As [Australia](#) and [Ireland](#) have shown, constitutional interpretation has not always been straightforward.

Perhaps the most significant dilemma has been whether parliaments should continue meeting physically. A number – including those in Argentina, Brazil, Angola and the Philippines – have moved plenary sittings wholly online or adopted a hybrid model. More have moved committee meetings online, including Canada, which created a special committee comprising the entire House of Commons in lieu of holding virtual plenary sessions. Sierra Leone even [held a virtual state opening](#).

Those retaining wholly physical proceedings have adapted in different ways. Austrian party leaders, for example, agreed to limit the number of MPs attending parliament to ensure proper social distancing. The Swiss parliament held its early May emergency session in the spacious Bern Expo centre, whilst the Latvian Saeima split its plenary between multiple rooms, linked by videoconference. The Irish Dáil also approved use of an alternate venue (see page 21). Latvia, Ireland and Switzerland were therefore able to retain physical proceedings without excluding members.

Many parliaments have restricted business to urgent pandemic-related matters. This, of course, begs the question of who decides what is urgent – which depends on a parliament's governance arrangements, and in particular its relationship with the executive. Limited business often corresponds with limited sittings; the French Senate, for example, reduced to only holding plenary sittings once per week.

Some parliaments also established special bodies to examine the pandemic response, such as New Zealand's [Epidemic Response Committee](#). Created early in the outbreak, this has now been [disbanded](#), after the COVID threat level was reduced and the parliament returned to normal functioning.

Looking ahead, the question of how to return to normality – and what if anything to retain from this extraordinary period – may prove just as difficult as determining how to adapt to the crisis itself.

## New Irish government

Negotiations to form a coalition government in Ireland made slow progress after the [general election](#) on 8 February. Leo Varadkar's government [remained in office despite many of its ministers having lost their seats](#), but the Oireachtas (Irish parliament) was unable to pass legislation as its upper house, the Seanad, [could not meet](#) until the incoming Taoiseach nominated 11 of its members. The COVID-19 crisis created a further political headache, as a [dispute over the wording of Ireland's Constitution](#) blocked an attempt to set up a 'virtual' parliament. In April, the Dáil Business Committee [approved](#) use of the Dublin Convention Centre for proceedings, allowing all members to be present whilst abiding by social distancing rules.

Despite Sinn Féin's surprise first-place finish in the popular vote, it soon became clear that it [would not have the numbers](#) to form a coalition of the left, or be contemplated as a partner in government by either of the two traditional main parties, Fine Gael and Fianna Fáil. These two parties, who had never shared power and [whose origins lie in Ireland's bitter civil war](#), hence formally announced a '[Framework Agreement](#)' in April with an intention to form a government. This preceded negotiation of a new programme for government with the smaller Irish Green Party, last in coalition with Fianna Fáil in 2011. Other smaller parties, including Labour and the Social Democrats, rejected invitations to take part.

The [programme document](#) was approved following what could have been a difficult ratification process among the respective party memberships. Fianna Fáil leader Micheál Martin was then [elected Taoiseach by the Dáil](#) on 27 June and his predecessor, Leo Varadkar, became Tánaiste (Deputy Prime Minister). A '[rotating Taoiseach](#)' agreement will see Varadkar return to the premiership in December 2022.

The programme for government included plans for a new unit within the office of the Taoiseach 'to work towards a consensus on a shared island', a reflection of the [increased public discussion](#) about a united Ireland. The Unit has established a [Working Group on Unification Referendums on the Island of Ireland](#) to discuss how any future referendum on the constitutional status of Northern Ireland could be made.

One of Martin's first official acts was to nominate 11 new Seanad members. Nine of the nominees were women, but the new Taoiseach was criticised by the new Leader of the Opposition, Sinn Féin leader Mary Lou McDonald, [for including no one from Northern Ireland](#).

## People on the move

**Douglas Ross** resigned as Parliamentary Undersecretary of State for Scotland in protest at the government's response to the alleged breach of lockdown by Dominic Cummings (see page 6). Milton Keynes MP **Iain Stewart** and **David Duguid** (who will also serve as a Whip) were jointly appointed to replace him.

**Keir Starmer** was elected Leader of the Labour Party, succeeding **Jeremy Corbyn** as Leader of the Opposition (see page 16). **Angela Rayner** replaced **Tom Watson** as Deputy Leader, and was appointed Chair of the Labour Party and Shadow First Secretary of State.

**Rachel Reeves** was appointed to shadow the Chancellor of the Duchy of Lancaster, Michael Gove. **Jo Stevens** replaced **Tracey Brabin** as Shadow Secretary of State for Digital, Culture, Media and Sport. **David Lammy** was named Shadow Justice Secretary and Shadow Lord Chancellor; **Richard Burgon** returned to the backbenches. **Lord (Charlie) Falconer** replaced **Baroness (Shami) Chakrabarti** as Shadow Attorney General.

**Steve Reed** took over from **Andrew Gwynne** as Shadow Secretary of State for Communities and Local Government. **Ian Murray** is the new Shadow Scotland Secretary and **Louise Haigh** is the Shadow Northern Ireland Secretary; **Tony Lloyd** had been sharing both roles and has returned to the backbenches. **Nia Griffith** was appointed Shadow Wales Secretary: her predecessor, **Christina Rees**, left the Shadow Cabinet.

**Jackie Baillie** was elected Deputy Leader of Scottish Labour; **Lesley Laird** resigned from the post after losing her Westminster seat at the 2019 general election.

**David Evans** was elected as General Secretary of the Labour Party following the resignation of **Jennie Formby**.

**Chris Bryant** was elected as Chair of the House of Commons Committee on Standards after **Kate Green** rejoined the Labour frontbench.



The House of Lords has created a COVID-19 Committee, chaired by **Baroness (Martha) Lane-Fox of Soho**.

**Alex Chisholm** has replaced **John Manzoni** as Permanent Secretary to the Cabinet Office and Chief Operating Officer for the civil service (see page 13).

**Simon Case** has been appointed Permanent Secretary at 10 Downing Street (see page 13).

After being initially appointed on an interim basis, **Jeremy Pocklington** has been confirmed as Permanent Secretary at the Ministry for Communities, Housing and Local Government.

**Lord Burrows** and **Lord Leggatt** have been sworn in as Justices of the Supreme Court. They replace the retiring **Lord Wilson of Culworth** and **Lord Carnwath** (see page 15).

**John Larkin's** term as Attorney General for Northern Ireland came to an end on 30 June. **Brenda King** was appointed to the role on an interim basis.

**Jack Simson Caird** has returned from the Bingham Centre on the Rule of Law to the House of Commons, where he is the new Assistant Counsel for the Justice Select Committee.

**Joe Owen** has stepped down as Brexit Programme Director at the Institute for Government. **Maddy Thimont Jack** is his replacement.

## Constitution Unit news

### The Unit turns 25

The year 2020 marks the 25<sup>th</sup> anniversary of the creation of the Constitution Unit by its founding director, Robert Hazell. The Unit is marking this milestone by [launching a campaign](#) celebrating 25 of its many achievements, through policy influence, projects, publications and events in different fields. We have also launched a

[25<sup>th</sup> anniversary fundraising campaign](#), through which those who support or benefit from our work are encouraged to make a donation incorporating the numbers 2 and 5. Later in the year we plan to add other activities, including looking back on what has changed in the constitutional landscape since the Unit's establishment in 1995.

*Monitor* readers are encouraged to join our celebrations by taking a look at our list of achievements, keeping an eye out for future events and publications, and of course, for those who feel able, by supporting our fundraising drive.



### New publications: parliament and Brexit

Two significant publications since [the last issue of \*Monitor\*](#) focus on the somewhat troubled relationship between parliament and Brexit.

In March we launched an edited report, simply entitled [Parliament and Brexit](#), jointly with the UK in a Changing Europe and the University of Leicester. This included 22 short chapters, largely written by researchers from universities and think tanks such as the Hansard Society and Institute for Government, plus a chapter by Hilary Benn MP on the chairing of the House of Commons Exiting the EU select committee. Chapters covered the place of parliament in the constitution, the effect of Brexit on the parliamentary parties, the procedural controversies surrounding Brexit, and the future scrutiny challenges. Shortly before the report was published, the Unit partnered with the same two bodies on a [conference at the QEII centre in Westminster](#) on the same topic, with speakers including various parliamentarians and journalists. Videos of the conference are available online, and the report is free to download.

In June, Unit Director Meg Russell [published a paper](#) in the journal *Parliamentary Affairs* entitled 'Brexit and Parliament: the Anatomy of a Perfect Storm'. This argued

that four key factors contributed to matters getting so heated in parliament during 2017–19: the nature of the 2016 referendum, minority government, splits within the parties, and the inability of the parliamentary rules to cope. This led to a regrettable slide into populist ‘parliament versus people’ rhetoric. Essentially, the paper argues, there was a major disagreement over Brexit inside the Conservative Party, but parliament got the blame. A summary of the arguments can be found [on the Unit’s blog](#).

### Alan Renwick gives evidence to Lords committee on digital democracy

On 10 March, Alan Renwick gave [oral evidence](#) to the [House of Lords Select Committee on Democracy and Digital Technologies](#). The committee’s [report](#), published in June, fully endorsed his central proposals (see page 10).



Unit Deputy Director Alan Renwick gives evidence to the Democracy and Digital Technologies Committee.

### Meg Russell appears at Parliamentary Assembly of the Council of Europe

On 29 May, Meg Russell appeared as an expert witness at the Committee on Political Affairs and Democracy of the Parliamentary Assembly of the Council of Europe, discussing the response of parliaments to the pandemic. She noted that parliaments have reacted in different ways (see page 19): some limiting their proceedings or the number of members who can attend, some going virtual, and some setting up new structures. These responses have raised tricky questions, about how inclusive key procedural decisions in parliaments are, and to what extent new mechanisms (particularly virtual proceedings) should be retained once the crisis is over. A summary of her presentation, and a link to the video, [can be found on the Unit website](#).

### Unit experts give evidence on the Parliamentary Constituencies Bill

Alan Renwick and Robert Hazell made a [written submission](#) to the [Public Bill Committee](#) scrutinising the Parliamentary Constituencies Bill, and gave [oral evidence](#) on 23 June. They expressed strong support for removing from government and parliament the ability to block implementation of boundary reviews. While it is wholly proper for politicians and political parties to make submissions to the review, they must not be able to influence the final decisions.

To ensure that the Boundary Commissions remain independent and impartial, Alan and Robert recommended that Commissioners should be appointed for a single, non-renewable eight-year term; they should be subject to requirements of political neutrality; the deputy chair of each commission (a High Court judge) should sit on the appointments panel for remaining members; and the appointing minister should be required to appoint only from the names recommended by that panel.

### Meg Russell gives evidence to Lords Constitution Committee about the hybrid parliament

On 24 June Meg Russell, alongside former Clerk of the Commons and Unit Honorary Senior Research Associate David Natzler, gave evidence to the House of Lords Constitution Committee as part of its wide-ranging [inquiry](#) into the constitutional implications of COVID-19.



Unit Director Meg Russell gives evidence to the Constitution Committee.

In a session focused on parliament’s workings during the pandemic, Meg argued that the UK parliament had been an early world leader in its move to hybrid and virtual proceedings. But whilst the Lords continued to

build on this strong start, the Commons descended to become an international bad example, as the government attempted to end the hybrid proceedings in a way which disrespected the fundamental democratic principle of equal participation. Procedural decisions about managing the crisis should be made in an inclusive, cross-party way – as this episode demonstrated, the extent of government control over Commons procedure needs urgent review. A summary of Meg's evidence is available [here](#).

## Unit research assistant Sam Anderson secures PhD funding

In May, Unit research assistant Sam Anderson was awarded funding from the Economic and Social Research Council (ESRC) for an MSc in Democracy and Comparative Politics, followed by a PhD supervised by Unit Director Meg Russell and Deputy Director Alan Renwick. His project will aim to develop a theory of cross-party working in the House of Commons. Sam will therefore remain at the Unit for four more years – a very welcome development.

## Staff changes

The Unit was delighted to welcome back [Rebecca McKee](#) in March, following her six-month secondment to work on [Climate Assembly UK](#) (a ground-breaking citizens' assembly on how the UK can reach [net zero](#), sponsored by six parliamentary committees – see page 12). Rebecca has resumed her work as a postdoctoral researcher, [focused on parliamentary representation](#). In April, we were sad to say goodbye to Rachel Cronkshaw, at least on a temporary basis, as she takes up a secondment opportunity to work as Departmental Manager at the UCL Institute of the Americas. We hope to welcome her back to the Unit in spring 2021.

## Research volunteers

The Unit is, as always, grateful for the excellent work done by its research volunteers. A big thank you to former volunteers Sacha Butler and Jessica Wallace.

Research volunteers make an incredibly important contribution to the work of the Unit, and we recruit new volunteers regularly to assist with our research on parliament, elections and referendums, the executive, and the monarchy. The next application deadline is 16 August: [see here](#) for more information and how to apply.

# Bulletin Board

## Events

To sign up for our events, please visit the Constitution Unit [events page](#). Webinars are free and open to all.

You can view previous events on the Unit's [YouTube page](#).

## Unit in the news

Meg Russell appeared on the UK in a Changing Europe's [Brexit Breakdown](#) podcast (26 March) to discuss the findings of the Unit's latest joint report, [Parliament and Brexit](#) (see pages 21–22).

Meg Russell was quoted in an article by [Wired](#) (12 March) about the possibility of parliament being shut down because of the coronavirus pandemic.

Meg Russell wrote a [joint blog post](#) with Ruth Fox, Director of the Hansard Society, which discussed the implications of a move to a virtual parliament. This was quoted in the [New European](#), [Metro](#), [Evening Standard](#), [Mirror](#), [Herald](#) (all 14 April) and [KCW London](#) (15 April). The blog was also mentioned on [Dayton 24/7 Now](#) (21 April), and in the [Arkansas Democrat Gazette](#) (22 April).

Articles in the *Express* discussing the titles Prince Charles, Prince William and the Duchess of Cornwall might adopt should the Prince of Wales become the monarch ([5 March](#), [16 May](#), [30 May](#) and [10 June](#)) quoted the Unit's [report](#) on the next royal coronation. An article in the *Express* (3 June) about the likely format of Prince Charles' coronation service also quoted the report, as did a similar piece in the *International Business Times* (12 June). An article in the *Express* (1 July) about Prince George's potential regnal name also quoted the report.

A [blogpost](#) by Robert Hazell and Bob Morris about the apolitical role of the Queen during a period of crisis was quoted in the *Express* (2 June).

Meg Russell was one of several signatories to a letter in the *Times* (8 June) that argued ending the hybrid



# Bulletin Board

House of Commons breached fundamental democratic principles. The letter, and the [Unit blogpost](#) which expanded on its arguments, were quoted by [Left Foot Forward](#) (3 June) and the [New Statesman](#) (10 June). The letter was also mentioned during a [debate in the House of Commons](#) (8 June).

Meg Russell appeared on a [UCL School of Public Policy symposia broadcast](#) (16 June) to discuss how parliaments have coped with the COVID-19 crisis.

Unit analysis of the extent to which MPs' proxy votes during the crisis have been handed to party whips was cited in the [Sunday Telegraph](#) (21 June), which also quoted Unit Director Meg Russell.

The Unit's research on the monarchy was referred to in an [Express](#) article (23 June) about what would happen if the Queen were unable to carry out her royal duties, and in a separate [Express](#) report (25 June) about the popularity of the royal family.

## Parliamentary committee appearances

Alan Renwick gave evidence to the House of Lords Democracy and Digital Technologies Committee on the increased use of digital communications in politics ([10 March](#)).

Meg Russell gave evidence to the Committee on Political Affairs and Democracy of the Parliamentary Assembly of the Council of Europe on the roles played by parliaments during a crisis ([28 May](#)).

Alan Renwick and Robert Hazell gave evidence to the Commons Public Bill Committee scrutinising the Parliamentary Constituencies Bill ([23 June](#)).

Meg Russell gave evidence to the House of Lords Constitution Committee on the constitutional implications of COVID-19 ([24 June](#)).

The Constitution Unit



Constitution  
Unit Blog  
[www.constitution-unit.com](http://www.constitution-unit.com)

## Unit publications

[Parliament and Brexit](#) (Constitution Unit report, published jointly with UK in a Changing Europe and University of Leicester, March).

Meg Russell, '[Parliament and Brexit: Anatomy of a Perfect Storm](#)' (*Parliamentary Affairs*, June).

## Publications to note

Mark Elliott and Kirsty Hughes (editors), [Common Law Constitutional Rights](#) (Hart, April).

Rodney Lowe and Hugh Pemberton, [The Official History of the British Civil Service Volume II: The Thatcher and Major Revolutions 1982-97](#) (Routledge, May).

Rodney Brazier, [Choosing a Prime Minister: The Transfer of Power in Britain](#) (Oxford University Press, July).

## Contributors to Monitor 75

Sam Anderson, Dave Busfield-Birch, Ronan Cormacain, Greg Davies, Brigid Fowler, Jim Gallagher, Robert Hazell, Lisa James, Conor Kelly, Charlotte Kincaid, Rebecca McKee, Oli Maddison, Alexandra Meakin, Michela Palese, Hedydd Philip, Alan Renwick, Meg Russell, Mark Sandford, Jack Sheldon, Alan Whysall and Nick Wright.

The issue was edited by Dave Busfield-Birch.

The Constitution Unit

## The Constitution Unit is 25!

To mark the Unit's 25<sup>th</sup> anniversary, we have launched a 25-years fundraising campaign, encouraging our supporters to make a one-off or regular donation incorporating the numbers 2 and 5. Donations provide a crucial source of funding for our outreach activities, such as [Monitor](#), our [blog](#), and our [seminar series](#).

Find out more about the 25 years fundraising campaign [here](#).

Find out more about our 25<sup>th</sup> anniversary [here](#).