HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence (virtual proceeding): The Government's response to Covid-19: human rights implications, HC 265

Monday 20 April 2020

Members present: Ms Harriet Harman (Chair); Lord Brabazon of Tara; Fiona Bruce; Ms Karen Buck; Joanna Cherry; Lord Dubs; Mrs Pauline Latham; Baroness Ludford; Baroness Massey of Darwen; Dean Russell; Lord Singh of Wimbledon; Lord Trimble.

Questions 1-9

Witnesses

I: Rt Hon Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice; Andrew Waldren, Deputy Director, Human Rights Team, Ministry of Justice.

Examination of witnesses

Robert Buckland and Andrew Waldren.

Q1 **Chair:** This is a session of the Joint Committee on Human Rights, which is a Select Committee of Parliament. In this evidence session we are looking at human rights issues in the coronavirus crisis. We are conducting the evidence session online. Half of the members of the Joint Committee on Human Rights are Members of the House of Commons and half are Members of the House of Lords. We are questioning Robert Buckland MP, the Lord Chancellor and Secretary of State for Justice. He has the responsibility for human rights across government.

Lord Chancellor, I am very grateful to you for your ready agreement to give evidence to us. You have brought with you Andrew Waldren, your deputy director for human rights. Can I start by asking you a factual question before I ask about your general approach to human rights in this crisis? Obviously, the most important human right is the right to life, and there is a particular duty on government to protect those in custody. How many prisoners have died with coronavirus since the onset of the crisis?

Robert Buckland: The number I have so far is 13. We keep a very careful check on that number. The total number of diagnosed cases at the moment is 280 or so, although I readily accept that it might be a higher figure given the fact that some people may be asymptomatic or displaying symptoms that have not been tested.

I think that all but one of the people who sadly died were taken to hospital before they died. One individual died in prison, but he was in the palliative care wing of the establishment where he was in custody and the doctor was in attendance when that person sadly died. I am glad to say that so far we have been able to maintain not only the degree of healthcare you would expect us to apply to individuals who are stricken by this appalling illness but the dignity anybody deserves when they are reaching the end of their life, in whatever circumstances they might find themselves.

Chair: We are very mindful of those in the National Health Service who are caring for those who are ill with the virus, and we are mindful of the prison officers employed by your department. Have there been any deaths of prison officers?

Robert Buckland: Sadly, there have been a number of deaths. I do not have the precise up-to-date figure with me at the moment. I can furnish it to the Committee. Sadly, there have been a number of deaths. Like front-line NHS workers, prison officers are themselves in the front line of public service. We have also lost a number of people in the probation service as a result of this outbreak. Indeed, we should be thinking about their public service too. I am very mindful of the need to support and protect the welfare of staff who work in either the prison or probation service. I have formulated my policies very much with their welfare in

mind, as well as our obvious duties to those in custody in the prison estate.

Q2 **Chair:** We have become used to seeing the Secretary of State for Health and other government Ministers at the daily briefing give an update on the numbers working in NHS hospitals and care homes who have died. I know there has been a call for you to publish on a daily basis the numbers in prison you believe to be infected and the numbers who have died. Perhaps you could think about giving a daily update on those numbers.

Can I ask a general question on your approach to all of this? It goes without saying that we all think this is an unprecedented national emergency. Parliament unanimously agreed to change the law to give the Government enormous powers to try to stop the spread of the virus, protect the NHS and save lives.

With that has come a raft of new criminal offences. It has become a criminal offence to leave your home, subject to certain exceptions. It is a criminal offence for more than two people to gather in a public place, subject to certain exceptions. These are major restrictions on human rights. What is your approach to the issue of human rights during this virus emergency? Are you thinking, "The most important thing is that we do everything we can to save lives and halt the spread of the virus, and we will think about human rights at a later date", or are you monitoring how the police are exercising their powers?

Are you worried about whether human rights are being disproportionately affected, and are you monitoring it? What is your state of mind on it? Is it high on your agenda that you are looking at what your colleagues are doing? Are you on the phone to the Home Secretary concerned about whether there is overstepping of the mark, or do you think that is an issue for a later date?

Robert Buckland: There are a lot of questions in there, but fundamentally human rights are not something that at any time can be put into a little compartment and shoved away in the corner. Although I have particular responsibility as Lord Chancellor for overseeing human rights within government, every Minister should bear in mind the issue of human rights when formulating policy and in its operation. As you know, Chair, as a law officer and now Lord Chancellor I have always felt very strongly that unless the Government reflect human rights throughout their policy-making and absorb it into the bloodstream, as it were, they are failing in their duty.

To answer the question about the boundary, we have to acknowledge readily that in this time of emergency the legislation represents a change, a diminution or infringement, if you like, with regard to human rights as we know them and have seen them evolve. By their very nature, the measures that are needed to deal with the outbreak involve a curtailment of our human rights. If we readily accept and acknowledge that, the next question should be this: what measures are absolutely necessary and proportionate in order, first of all, to achieve the objective of preserving

life, while, secondly, at the same time making sure that we still operate within what we would properly regard as the rule of law in a civilised society?

I talked about protecting life. The right to life is one of the fundamental rights we have under the ECHR and other international conventions that we all know and recognise. Therefore, my primary argument is that the measures we are taking, while we acknowledge that they are a curtailment, also have the ultimate function and purpose of upholding a fundamental human right.

You asked about the operational side of things—my role as the policeman of human rights within government, if you like. I have partially answered that by my enunciation of what I believe the role of human rights within government in each government department should be. It means that in each department Ministers will have legal advice from members of the Government Legal Department working in various departments of state. That legal advice will contain advice on human rights aspects, whether it is the European convention or wider international obligations. Frankly, that is as it should be. It would be a sorry state of affairs if it was up to me and my officials to scuttle around Whitehall, metaphorically, to sweep up or make sure that departments were doing as they should do.

The system we have in place, which has been of long standing, is very resilient and has stood up to the mark here. In each case when legislation is proposed, a legal issues memorandum is drafted. Within that memorandum—I have read the memorandum that relates to the particular Act of Parliament we are talking about today—is a comprehensive analysis of each clause and the human rights aspects of its implementation, in particular the European convention aspects. That is prepared by lawyers in the department.

The guidance they use has been issued by the law officers—the Attorney-General and Solicitor-General—and it is within that rule of law-based framework that each department comes forward with its proposals. It culminates under Section 19 of the Human Rights Act in a declaration by the Secretary of State, in this case Matt Hancock, giving his opinion that the provisions of the legislation are in no way incompatible with the European convention. Then, and only then, should the particular provisions come before Parliament for debate.

My argument is that we have a lot of inbuilt organisational checks and balances. Now the Act is in place, it is incumbent on each operational department to make sure that the provisions have been applied in accordance with the provisions and principles I set out, and, if they are not, corrective action needs to be taken. I am sure that in the course of our discussion this afternoon some examples will be brought to the Committee's and my notice, but the general principle is a sound one and applies very much in this case. During the passage of the Bill, in the conversations and debates we had, in which you and others were involved, the question of the balance between the infringement of rights

and the proportionality of doing only what was absolutely necessary was at the heart of our deliberations.

Chair: The Bill has been passed and is now an Act. As you said, each department has its legal advisers, and they all know the approach of the Government, but do I correctly understand that there is no role you are taking in being responsible for human rights across government? You do not have any machinery or monitoring that reaches in to satisfy yourself, being responsible for human rights in the implementation or operation of these laws, that things are not going awry? Are you just relying on legal advisers in a department? When a department is keen to be doing something, should you not have some machinery that can reassure you that, in the implementation, it is not overstepping the line? If I was in your position, I would certainly want some machinery to know what was going on.

Robert Buckland: There are two points to make on that. First, in the Government Legal Department we have a human rights centre of excellence. Where there are particular problems, tensions and novel points that are perhaps beyond the bandwidth of the normal remit of a government department, they can go to that centre of excellence at the GLD and get further advice.

Chair: Would they then report to you?

Robert Buckland: The Government Legal Department reports to the Attorney-General and the law officers, rightly so, bearing in mind that their status is that they are the lawyers and the Government are the client. That line of accountability is one that we need to recognise.

I see my role much more as the political antennae of government, whereby I pick up day-to-day operational issues. I know everything we have heard about particular cases, events and issues that have taken place. Rather than me acting as an early warning system, it is far better for the responsible Ministers to square up to the consequences of the particular measure and make the necessary adjustments. That very much underlines my strong belief that human rights are for all parts of government, not just for one main Minister or one little compartmentalised approach. That is why I think it is a much better way of dealing with things to encourage all Ministers to follow the rules and the principles I have set out.

Q3 **Ms Karen Buck:** Thank you for coming to this session this afternoon. I want to ask some questions, which flow very much from where you have just finished, about policing and the balance of responsibility there. We are hugely supportive of the work the police are doing. They are front-line public servants and, like so many others, frequently put themselves in harm's way. There is a very high level of public appreciation for that job and for ensuring that the lockdown is enforced effectively, but, as we have already explored in this session, we are using the criminal law, and the consequences of that are profound. If somebody is prosecuted and

found guilty, under the legislation they will have a criminal record, and the consequences of that can be life changing. So it is incredibly important that we are not picking up the pieces later on and that we try to pre-empt problems and make sure we get it right as early as possible.

As is so often the case now, urgent response comes through social media, and it has become clear from social media that there has been confusion between the law and guidance in particular. I want to ask a few questions about that. The first question, which is a good exemplar of it, is about the case of Marie Dinou, who was prosecuted and fined under the coronavirus legislation for an offence that did not exist in law. Are you concerned about that? What did it tell you? What should be your response and that of the Government to a case that seems to illustrate so well that level of confusion?

Robert Buckland: Thank you very much for the question. Without getting into the weeds of the case itself—I do not think it would be appropriate for me to comment on it—where we get examples of, frankly, a failure by a prosecutorial authority or an investigating authority to apply the law and principles properly, thank goodness we have a robust independent judiciary and court system to deal with it and make the necessary rulings without any question of influence from the Government or politicians. It eloquently epitomises the basic rule of law, however regrettable the position and circumstances in which an individual finds himself or herself. That was a deeply unfortunate case for the person concerned. You make the point well about the consequences for individuals.

Very often, the law of England and Wales has developed because of cases such as that and because of obvious wrongs. Individuals have stood up and challenged authority successfully or have been wrongly accused of committing an offence that in this case was not then known to law. That should make all of us sit up and think that, first, we are not infallible and, secondly, we are not above the law. We should remember that the independence of our judiciary and legal system is absolutely vital, particularly at times such as this.

You asked about the difficulty perceived by many as arising from differences and contradictions that may appear to be the case between the regulations as laid down and approved by Parliament and the guidance that is then set out. The Cabinet Office has produced a document that has been regularly updated and refined, and there is guidance applied and used by local police forces, for example. The first thing we need to remind ourselves about is quite reassuring, in that the regulations are drafted in a way that draws a real distinction between the role of the regulations and the guidance.

The regulations are the law; they are the regulations that have to apply. That is the law, not the guidance. That is the first key and clear thing we need to remember. The restrictions on movement in Regulation 6 of the statutory instrument are a list of reasonable excuses where there is a need to perform a particular function. Let us take the example of the

need to obtain basic necessities, such as food and medical supplies, or the need to take exercise. It is the phrase "the need" that helps us understand what the regulations are trying to do. The regulations set out a non-exhaustive list of needs that are then amplified in the guidance on what the advice might be as to the activities that could be carried out to satisfy those needs.

There is a difference between the two stages. The regulations deal with the need, which is stage one, and the guidance deals with the second stage, which is the actual exercise of that need—the way you go about it. If you approach it in that way, in my opinion there is no contradiction between what is said in the rules and what is said in the guidance.

Ms Karen Buck: There may not necessarily be a contradiction, but there is still considerable scope for interpretation, because the level of need may vary according to individual circumstances, thereby allowing quite a lot of room for discretion in the way it is applied by the police. We are asking people to undertake a very difficult task, and we have asked them to undertake it at breathtaking speed. Does that not reinforce the importance of guidance?

We are very grateful for the fact that we have the College of Policing and National Police Chiefs' Council guidance for the country as a whole, but individual chief constables also have their own guidance. We as a Committee asked whether we could see the guidance from the chief constables and the different authorities across the country, and only one provided it. Would you be able to tell me whether you have seen all of those?

Robert Buckland: I have not seen all 43 different guidance documents. I have seen and understood the Cabinet Office guidance, and I have seen some of the National Police Chiefs' Council information. I know there are aspects of particular forces' interpretations that, shall we say, have probably gone beyond what most of us would regard as a reasonable interpretation of the exercise of a particular need. The problem, as you say, is the speed at which this has been done and the sheer range of different scenarios one can have when exercising need, and the question of what is reasonable.

In the Cabinet Office guidance, we have tried to set out a fairly clear set of reasonable activities in pursuance of the particular statutory need. As long as people go back to those needs and start from there, although we will always get differences of interpretation—such is life and such are human affairs—people will not stray too far from the path if they refer back to the basic needs set out in the law.

Ms Karen Buck: But do you not think it would be helpful for you to make sure that you are apprised of the content of local guidance by chief constables, and indeed that they should be documents in the public domain so that we can all understand them? I think the public have enormous sympathy for the task of the police, but that can be maintained

and strengthened only if people are clear about what the differences in guidance may be at local level.

Robert Buckland: We have heard the phrase "policing by consent", have we not?

Ms Karen Buck: Of course.

Robert Buckland: It is well known to many of us in the criminal justice sphere, but I am glad it is being talked about more widely, because these are principles that should apply whether or not we are in an emergency.

Your point about accessibility and transparency is a strong one. While it may not be for me to make decisions on behalf of local police authorities, I do not see the mischief in sharing and publicising guidance that is issued locally. It would help many local people who might want to have a look at it, to search the internet to see what their local police are saying. Like you, as a local MP I have fielded many inquiries from members of the public. I have helped quite a few with interpretation of the guidance to make sure that they feel confident, but anything that can help to increase certainty when it comes to the law is a good thing. Uncertainty is an enemy of the rule of law, and that is why we need maximum certainty even in these exceptional circumstances.

Ms Karen Buck: As a general governing principle, do you think there is a clear understanding that we are policing in the interests of public health and not of public order?

Robert Buckland: There should be. That has to underlie all the policing that goes on in England and Wales in connection with Covid. Sadly, there have been cases where we have seen individuals commit acts of assault or public disorder, and the police have, quite rightly, brought those cases, so clearly there is an element of that. We should thank our police and constantly remind ourselves of the incredible task they have before them. At the same time, it is helpful as a Committee and as a Parliament that we remind everybody that we as the legislators intended to pass the law to help preserve life, support the NHS and do everything we can to minimise the effects of Covid-19.

Ms Karen Buck: Given that there remains some confusion between the regulations and the law and the guidance, although we hope that can be dealt with increasingly, are you at all concerned that there is no easy way for members of the public to challenge fines?

Robert Buckland: Having looked at the structure of it and having been involved in helping to develop the policy, I was naturally concerned from a human rights point of view that there was an avenue for people who wished to dispute the issue of a fixed penalty to pursue the matter in the normal way—for example, as one can with a parking fine and other types of fixed penalty notice. If the individual does not accept the notice, the matter will then, at the discretion of a prosecutor, proceed to court.

There we have due process with all the inbuilt checks and safeguards—the Article 6 rights and all the matters with which we are familiar—that give the individual the protections that allow them to challenge, to know the allegation against them and to have a fair process or a fair trial, which in my view is entirely compatible not just with the convention but with all our English common-law rights. The means of challenge are within the system.

Ms Karen Buck: Can I take it from that that you do not have plans to review that specific aspect?

Robert Buckland: I think we have struck the right balance between the relatively straightforward approach of having a fixed penalty notice and the ability of the citizen to say, "I don't accept that notice. If you want to take the matter further, you will have to take me to court". Of course, it is then for the police and prosecutors to decide, on an independent basis, whether there is sufficient evidence, and then the process will apply, and I have explained the rights that flow from that.

Ms Karen Buck: The last question is about the issue of naming and shaming, of which we have seen some examples, through use of the powers under the Coronavirus Act and through social media. What is your view of naming and shaming? Do you believe it is an effective way to reinforce the public health message, or are there elements that can undermine in some ways the policing by consent that we all agree it is absolutely critical to maintain?

Chair: Is this about naming and shaming by the police?

Ms Karen Buck: Yes.

Robert Buckland: There is a really important principle here. If somebody has been charged, prosecuted and convicted of an offence and due process has occurred, unless there is a particular court order or provision that prevents publication, that individual's name will be in the public domain. If, however, before that stage, there are individuals who, on the face of it, might look in a video as though they have done something wrong but have not been given the opportunity to explain their side of the story or had the benefit of due process, the greatest possible care has to be taken.

If one is singling out and naming an individual, that person has had no opportunity to put their side of the story. That is a very different scenario from perhaps taking a photograph of a large group event where we can see people inappropriately mingling and not observing social distancing. That is making a general point about the ill-advisedness of doing that now, and the fact that it is against the regulations we have passed, but it is not singling out an individual; it is just showing poor behaviour. When it comes to singling out an individual, if in doubt don't. Frankly, most of the time the police should not do that when individuals have not had a chance to explain their side of the story.

Ms Karen Buck: That is very helpful.

Q4 **Joanna Cherry:** Lord Chancellor, I would like to ask some questions about the human rights aspects of the tracing app we have heard about, which will enable us to know if we have been in contact with somebody who has been infected with the virus so that we can self-isolate. Experience in other countries suggests that testing, tracing and isolating using an app may be the way to ease our way out of the lockdown, but it is not an easy solution.

Normally, the risks to privacy and civil liberties that would come with that sort of increased digital surveillance would make many of us loath to contemplate it, but our civil liberties are already restricted because we are in lockdown, so obviously there needs to be some form of balance. Can you tell us whether you have thought about the privacy and civil liberties implications of a tracing app and what work you are taking forward in relation to that?

Robert Buckland: You are absolutely right to raise the issue. On every occasion that the Government or their agencies seek to create a device or mechanism that has the potential to infringe either Article 8 rights or other fundamental civil liberties, the greatest care has to be taken. The lead on this is the Department of Health and Social Care and the work of the NHS itself, in particular NHSX which is developing a contact tracing app. Having asked questions about this, I am satisfied that thus far I see a proper prioritisation of the need for privacy and security when it comes to the data that might be contained within such a tracing device. Clearly, speed is of the essence because of the situation we are in, but the need for an ethical and legal approach is very much at the heart of what the NHS is doing.

There has been consultation with the Information Commissioner, the National Data Guardian's panel and the Centre for Data Ethics and Innovation. The issues of patient data, which are very familiar to us in offline form—the debate has been around for a number of years—are being fully reflected in the development of a tracing app. We are not there yet as regards the finalised design, but the source code will be provided so that there can be some independent scrutiny, so the transparency element will be at the heart of the development. Compliance with the GDPR, the Human Rights Act and the Equality Act has to be at the heart of all this.

It is important for me to reassure members of the Committee that this app is not being designed for enforcement. That is a very important point when considering the potential ramifications. It is all about protecting life and minimising the spread of the outbreak. As you said, we are living in a time when we have accepted—rightly, I think—some curtailment of our liberties, and if we go down this road we do so in a considered and careful way but in a way that is functionally limited and will, I believe, prevent the sort of mission creep that you and I as parliamentarians would both resist and dread.

Joanna Cherry: What I want to know is whether you have in preparation any primary legislation to govern the way this app works, because big data ethicists, civil liberties groups and human rights lawyers think the app can work only if there are protections in primary legislation against threats to our privacy and civil liberties, with independent oversight, such as by our commissioner. Yesterday, on "The Andrew Marr Show", Michael Gove said that the app was in beta testing now, which means that it is in the last stage of testing. Can we assume that legislation is in preparation, and, if not, when will it be prepared?

Robert Buckland: With regard to legislation, colleagues in the Department of Health and Social Care hold the reins on the policy. They have not yet fully developed what the particular app is going to look like. They need to see precisely the ambit and nature of the app before coming to a view about the need for primary legislation, but clearly if there are issues that require greater oversight and a change to the framework in which particular data are held or acquired, there may well be a case for legislation.

It is important to remind ourselves that NHSX already has an ethics advisory board, chaired by Professor Sir Jonathan Montgomery. That provides vigorous independent challenge on the very issues we are talking about, and indeed the ICO and the National Data Guardian continue to be directly involved in the development of an app. I am not able to commit here and now to legislation, but clearly the need or otherwise for it will have to be very much part of the formulation of our policy when any app is finally ready for potential use.

Joanna Cherry: Given your responsibility for human rights across government, do you accept the view taken by data ethicists, human rights lawyers and civil liberties organisations that there will not be adequate protection of the privacy and civil liberties of members of the public without primary legislation to govern use of this app?

Robert Buckland: It is difficult to answer the question without knowing the precise ambit of the app. If the app is created within an existing statutory framework, and the extent of its reach is such that it can already be regulated by existing powers, that is one thing. If it is doing something new and different—I am not a technological expert and do not pretend to be—clearly that is a very reasonable and respectable argument. I am not going to shoot it down today, Ms Cherry, but I and other Ministers will bear that very much in mind when the final product and policy is produced.

Joanna Cherry: Surely, it is something new, because this degree of surveillance of members of the public has never been contemplated before. When we discussed the Investigatory Powers Bill two or three years ago, there was great controversy over the degrees of surveillance already taking place. Do you accept that we need to reassure the public, and that to build confidence for people to use the app—we understand from Matt Hancock that the app is to be optional, not mandatory—there

will have to be primary legislation to protect people's privacy and civil liberties?

Robert Buckland: In a way, you have partially answered one of the fundamental questions. A compulsory app that would not depend on the consent of the individual would clearly be quite a significant and dramatic departure from the norm. I can immediately see alarm bells ringing not just over the need for legislation but over something fundamental happening within our society. Yet if, as the Secretary of State said, it should be based on the consent of the individual, we might be talking about something far short of that.

I am not going to rule out your line of argument at all. It would be wrong of me to do that, but the principle of informed consent of the individual, which clearly underlies the principles of GDPR for example, will have to be at the heart of this. While I am not going to rule out the prospect of further legislation, if we are working within the principles of informed consent, the reach of this is already somewhat qualified in a way that becomes more compatible with the human rights framework within which we operate.

Joanna Cherry: In the literature, the experts say that for this app to be of any use there needs to be uptake of at least 60%. Do you accept that we are unlikely to get to 60% uptake voluntarily if we do not reassure members of the public that their data will be kept private and not used for other purposes, et cetera?

Robert Buckland: Your latter point is hugely important. I have already made the point that this will not be used for enforcement purposes. I am a great believer in the functionality approach. If you are going to go down this road, you have to make the aim and function of the encroachment absolutely clear and then limit it very, very tightly.

I do not believe in a one-size-fits-all approach that allows the creep that could really change the relationship between the individual and the state, which was why 10 years or so ago I was very vigorously against a national identity database. Applying that principle now, I accept that in these exceptional circumstances something of that functionality could be hugely significant in curtailing and circumventing the effects of this deadly virus, but we have to reassure the public who embark upon the use of the app that it will not have unforeseen consequences for them, or for the rest of our society, in the way the Government's relationship with the individual is maintained.

Joanna Cherry: I am glad you mentioned your opposition to the identity database a decade ago. Before we move on to the next round of questions, I want to ask about immunity certificates. My understanding is that part of the idea behind the app is that if we are able to develop an accurate antibody test and people can be certain of immunity if they have antibodies—there are big question marks over that—they might be issued with immunity certificates. What thought have you given to ensuring that

immunity certificates do not become a de facto ID card of the type that has been rejected by Parliament and experts several times in the recent past? Are you thinking about the dangers of having immunity certificates based on flawed data or, worse, self-reported data?

Robert Buckland: All of those are very pertinent questions. All the qualifications you made in your question helped to answer my point, which is that we are still very early in the science when it comes to immunity. Therefore, trying to build some sort of failsafe structure on incomplete or imperfect science at the moment seems to me a bit of a fool's errand. I do not think we should rule out the potential creation of such a limited-use certificate, but, first, we are very early in the stages of the development and understanding of the science, and, secondly, we need to make sure that, if such a certification regime is to be created, the database on which it is generated is consistent and sound.

We have heard a lot about a bad test being worse than no test. Frankly, a bad certificate would be worse than no certificate, in my view. Therefore, one should approach this with the greatest caution. I shall be interested to see how the science develops. There may well be a sound basis for it, but we are nowhere near that at the moment.

Chair: Before we move on to the questions from Baroness Massey, perhaps I might draw your attention to the report on digital privacy that we did in the previous Session. It basically showed that the model of informed consent as a way of protecting people's privacy does not work with the current level of complexity. I hope you will have a look at that.

Q5 **Baroness Massey of Darwen:** I want to ask a few questions about the children of mothers who are in prison. As you know, Lord Chancellor, this Committee has done quite a lot of work on that topic, and I want to get us up to date on it. First, can you answer a few baseline questions? How many women in prison are mothers? How many children are we talking about? How many women in prison are non-violent, as opposed to people who clearly cannot be released?

Robert Buckland: Thank you very much for that question. I have asked for data to be obtained, but I do not have the figure for the number of young children in the estate at the moment. The number of mothers and babies is relatively low; I think it was in the dozens rather than the hundreds. The overall figure, to my recollection, having seen the figures some days ago, was under 100 in total, but I shall furnish the Committee with the most up-to-date and accurate figures.

With regard to the release of pregnant prisoners and those in mother-and-baby units, as of today 17 have been released pursuant to the approach that I announced a couple of weeks ago. You will tell me that that does not sound very many, but it is, because I want to make sure that each has a package of support so that they are not merely released into the community. Some of them will, sadly, have come from abusive relationships and cannot go back to the former family home. I want to make sure that they have accommodation and support generally, not just

for them but for the unborn child or very young child, whose rights—let us face it—are really important and underpin the approach that I have taken in seeking to safeguard that vulnerable cohort.

Baroness Massey of Darwen: Can I explore that a little further? According to the UN Convention on the Rights of the Child, every child has a right to family life. I am talking not just about young children but about children as defined by many authorities as under 18; it is the under-18s that I want to talk about. Has thought been given to releasing non-violent mothers of under-18s as well as mothers of young children, or pregnant women? It is not just young children who are involved; it is children all along the line, up to the age of 18. Some would say that it is those older than 18, too, but let us leave it at 18. I am concerned about those children, especially when children are not now in school. What is the government policy on possibly releasing women who are mothers so that they can take care of their children?

Chair: The particular context that Baroness Massey is exploring is that children are not able to visit their mothers at the moment. Obviously, there is the difficulty at the best of times of the child's right to a family life when the mother is imprisoned, but the point of raising this at the moment and questioning whether you have thought about releasing these mothers is that the children are unable to see their mothers at all at the moment. Would it not be better, if the mother is in prison for a non-violent offence, just to release them, and add them to the pregnancy releases, which are very welcome and which you have already undertaken?

Baroness Massey of Darwen: Can I add to Harriet's question, and join it to my earlier question? What is currently permitted contact between mothers and children in prison?

Robert Buckland: For the longest possible period we kept visiting rights going, because we felt very strongly that the well-being not just of the prisoner but of the child was facilitated by regular visits, but there had to come a time, when the country went into a greater period of restriction, when we had to replicate that in the prison estate as well. It was with a heavy heart that we decided to end visits, but I think it was in everybody's best health interests.

I take your point about family contact and the importance of family ties, which is why, instead of visits, we have now introduced telephony in every cell. Quite a big proportion of cells had controlled telephony, and we have now purchased more telephones and allowed that to happen for everybody, which has helped the situation to some degree.

I am not going to pretend that I can replicate the status quo ante, and I am not going to tell you that I will create a system that would allow blanket release. What we have done, not only for prisoners with particular vulnerabilities, is announce the end of term early release scheme to allow non-violent and non-serious prisoners—non-sexual or

non-high-risk prisoners—to be released when they come within two months of the end of the term to be served before automatic release applies. I do not have the number before me, because that group changes daily, but a significant number of women with family ties will be in that category. Let us face it, a lot of women on the estate are there for short periods and will fall within the ambit of the scheme.

It is through that approach that in some measure we can address the concerns that you and the Committee have raised today. I am afraid that I am not attracted by an approach that would, in effect, treat them as a special category. That gives rise to other questions relating to how I would approach other types of prisoner. The mixed approach that I am taking, even if it does not achieve all the ambitions and aims that you want, will in some measure help to restore and strengthen family ties.

Baroness Massey of Darwen: What is the objection to releasing women who are non-violent? Will you review the situation? It is quite an urgent one when women are in prison and their children are without the support of a mother.

Robert Buckland: I have to balance against those considerations the fact that individuals have been convicted and sentenced to terms of imprisonment. I have to make sure that, even in this emergency, we have a sentencing and penal system that continues to function. I make no apology for that; if the court has made an order that an individual has to serve a term of imprisonment, that is the principle that should be followed.

I am taking the exceptional step of allowing the release of some prisoners because of the public health advice that we have had and because I want to try to manage the prison estate safely in the context of this outbreak. That has to balance a clear public interest in maintaining a justice system that continues to function. While I accept that, in the context of non-violent offenders, public protection issues perhaps do not loom as large as they would with other types of prisoner, there is still a question of confidence and the integrity of the system, and the fact that, whether we like it or not, a sentence has been passed and it is a penal system. I have to maintain the necessary balance between the objectives you have outlined and the need to make sure that the system continues to function.

Baroness Massey of Darwen: Would single mothers be given any priority?

Robert Buckland: It would be wrong of me to sit here and try to create categories of people based on their characteristics. I recognise the particular pressures on the children of single mothers, but at the same time the early release system that we have created and the compassionate release powers that I already had and am using, together with the need to shield the most vulnerable, are the most effective way

for me to strike a balance and in a way that the public will accept and understand.

Chair: Do you think the public would be worried about that? Let us take the example of a three year-old and the idea that they have a right to family life by virtue of being able to speak on the phone to their mother in prison. This is a new thing. If children cannot visit their mother in prison, it destroys family life.

Do you really think that the public's confidence in the criminal justice system would collapse if you looked at the category—it is a category—of young children whose mothers are in prison for non-violent offences? You could look at the category of children and say, "As Justice Minister, I am going to support the rights of those children to a family life that, unfortunately, for public health reasons, have had to be extinguished because of banning visiting, and let those mothers out". I have perhaps more confidence in the public than you have that they would completely understand that.

Robert Buckland: It is not a question of me not having confidence in the public; it is the fact that courts have passed a sentence of imprisonment.

Chair: But they did not know that there was going to be a ban on visiting; when they passed the sentence of imprisonment, they thought the children would be able to visit, and now they cannot.

Robert Buckland: But by taking that grave step and concluding that custody was the only option open to them, sentencers would already have balanced the fact that it meant a natural diminution and deprivation of the normal rights and attributes of family life that would have applied if a non-custodial sentence had been applied. It is quite a step for a court to take in the case of anybody who has care and responsibilities. As counsel myself, and as a former part-time judge, I know the gravity of such a step, but the very fact that such a step has been taken has to be reflected in the policy-making that I undertake.

I am doing the best I can in these very difficult circumstances to strike a balance. A lot of women find themselves in custody for a very short period; the average terms of custody are very short for many women in the penal system. The early release scheme is for low-risk offenders, and they will be able to take advantage of it. In some measure, at the very least it will be able to deal with the genuine concerns that you and the Committee have about the rights of young children in particular.

Q6 **Dean Russell:** Thank you for making time for us today, Lord Chancellor. I sit on the Health and Social Care Committee, so I put similar questions to the Secretary of State for Health and Social Care on Friday.

My questions relate to mental health and, in particular, the report undertaken before my time by the Human Rights Joint Committee last year, which looked into mental health and, in particular, people with

learning disabilities and autism detained in mental health hospitals. One finding from that report, which was quite broad so I shall not go into the details in full now, was that there were abuses of people with mental health issues in those environments. There were several key issues: one was access, and another was hidden aspects of abuse, such as solitary confinement in particular.

Obviously, we are in a time now where visitations across the board around the country are limited, but particularly for those with learning disabilities or autism it must be incredibly difficult to understand why they are not getting visits, and difficult for families with their own mental health concerns and anxieties about that, especially with the backdrop that they may be worried about abuses happening.

My line of questioning is about what is being done to make sure that those abuses, or any potential abuses, are being mitigated. What clarity and what assurances can you give parents and family members about enabling checks on that? What is being done at the moment to verify that the places identified last year are being checked on very thoroughly to ensure that people with mental health issues in those instances are getting the best of care?

Robert Buckland: I want to thank the Committee for the work that it did on that issue. As somebody who has family experience of autism in particular, it chilled me to the marrow; indeed, it had a profound effect on my colleague the Secretary of State for Health as well. Even before this crisis, he and I met to discuss that very issue, because it is our shared will to improve the way people understand mental health, as opposed to autism and learning difficulties. The two are different. Sadly, they are often comorbid, but they are different, and that needs to be understood. It is also about the way people end up being incarcerated in conditions that, frankly, are not fit for the third decade of the 21st century. These questions are very much on my mind on a personal basis as well as on a governmental basis.

The Government are monitoring carefully the impact of the outbreak on those detained in residential settings who have mental health issues or conditions such as autism. Working with NHS England and NHS Improvement, together with the care sector itself and all the charities and organisations that work in the sector, we are collating and publishing data. Getting it more quickly is where we need to be, because it is a fast-moving situation, so the Government are looking at how better to get access to the data to allow us to be more fleet of foot with regard to any abuses that are identified. I cannot think of any other field where we have a more acute need to strike a balance between the natural curtailment of rights at the moment and the protection of the vulnerable in our society.

I want to make sure that carers and those who cannot have access to their loved ones at the moment have the information they need, as well as the control that is so much a part of that. Of course, it has to be qualified by the fact that in many cases, particularly for adults with a

learning disability or vulnerability, the question of capacity looms large. That can be very frustrating for a lot of families who feel that they are at one remove from the decision-making.

At the same time, the crisis has thrown up many hard truths. If there is one thing we can do as a result of this crisis, it is to learn about the importance of communication and the need to keep people informed. That surely must be something that we carry through in our general approach to this area.

In the legislative change we have made, we have not automatically brought in some of those provisions. They are on the statute book; they would be brought in only with changes to the Mental Health Act and the rules about certification, for example. We would bring them in only if we were satisfied that there was an operational imperative for the change to be made, and that is something we look at very carefully. We would not do it lightly or without the firmest evidential bases.

Dean Russell: Obviously, there will be loads of lessons learned at the end of the pandemic, and we will get through it, as we know, but my question is for people right now. There will no doubt be those with autism or learning difficulties in those environments. What is the process for a carer in those environments who is concerned about abuse that is taking place, perhaps extended lengths of solitary confinement and so on? Is there a route, a number or an email address where they can report those issues higher up with impunity, and ensure that they are followed up quickly? Of course, normally, we would probably expect parents, carers or other family members to be able to identify those concerns, but in this instance they do not have the eyes and ears on a weekly or even monthly visitation basis to be able to do that.

Robert Buckland: I accept that at the moment, as with all inspection regimes, the CQC is unable to operate on its normal basis and provide that higher degree of certainty. As we sit here today, I do not have information on whether there is a national helpline or a GOV.UK page on these issues. However, that is something I shall take away from these discussions and consider urgently, because any centralised information that could be quickly obtained by families would be of help. I am sure that you, like me, as a local MP, will be getting queries directly. Using the existing channels, such as where a particular local authority has responsibility for the welfare of a particular adult in care, and following it up directly with that local authority, should be the first port of call.

I take your point, Mr Russell. I shall go away and ask those questions, and see whether we can do even more to provide families with easy-to-obtain information that can give them, if not full peace of mind, at least the ability to ask the right questions and approach the relevant authorities.

Dean Russell: I very much appreciate that, and I am sure that there will be many across the country who appreciate your response as well.

Following up at a slightly further level and going back to the conversations about digital, you noted that telephones are being made available in prisons to enable family members to speak. I have a thought on that, if it has not been considered before. Would there be the opportunity to install camera facilities, iPads or phones, to enable greater communication between family members and those with learning difficulties or autism? I appreciate that in many cases it might not be appropriate, and it might not be helpful in some cases, but for parents or family members to be able to see their loved ones in situ, in the situation they are in, would probably give a great amount of relief, and would additionally support those in care or in the mental health environment.

Robert Buckland: That is a powerful point. I am sure that in some cases it is probably already happening. I think each case will have to be governed by the care plan that might apply. As you say, iPads and connectivity are very powerful, but, again, it will depend on individual need and the appropriateness or otherwise of that. I do not have a universal answer as to the approach, but I am sure that it is already happening on a localised basis. I can ask questions about that and return to you with further answers.

Dean Russell: My final point is about the present situation. What is the process at the moment for an individual who, as you rightly say, may not necessarily have mental health issues but learning difficulties, autism or related things and who may be taken in by the police today? Is there a chance that they could be put into those settings now, or are the rules, regulations and processes on that different in the knowledge that the pandemic is causing more isolation and requiring people not to visit? For example, is there a situation where they may be allowed to stay with relatives, with additional care or monitoring?

Robert Buckland: It will of course depend on the severity of the allegation and the individual case, but I expect the police, many of whom will have had training in awareness of autism and other learning difficulties, to use their discretion carefully. For example, let us say that the allegation was a serious one; it may well be that, to investigate it properly, the individual could be released under investigation to a suitable place of safety or accommodation, which would allow the police to carry on the investigation and return to it in a sensible way. However, if the allegation was very serious, remand to custody would follow, and I would expect the investigating authorities and the police to make sure that an appropriate adult was brought in at all times so that the welfare of the individual was maintained, particularly in interview and at other important stages.

For more minor issues, shall we say, such as a misunderstanding or a literal interpretation by an autistic person of the rules or regulations, I would hope that the police would treat them with empathy and understanding. While we cannot rule out misunderstandings, and cases where individuals with autism and learning disabilities are not understood, in the main we can avoid the unfortunate consequences that

none of us would want to see—namely, the needless incarceration of somebody who has a disability and has not been understood by the authorities.

Chair: The point arising from Dean's question is not just about criminal matters but when there is a family crisis. Somebody taken into residential care at that point will be even more isolated, and there will be even fewer safeguards, because there are no parental visits and no inspections. If there is a crisis in the family, should not extra efforts be made to support them in the community, instead of what might be the normal route of going into detention?

In the current situation, detention leaves the young person more in jeopardy than they usually are because of the lack of parental visits and inspection; they are more exposed to the vulnerability of inhuman or degrading treatment that we charted in our previous report. Should there not be a presumption against taking a young person in if everything can be done to support them remaining at home, which must mean extra resources put into that family?

Robert Buckland: The considerations are somewhat different from somebody who has been convicted as a criminal; it is a very different set of considerations and a different function. While I do not disagree with your observation, one thing I would say is that, where detention for a person's own safety is justified clinically and on clear evidential grounds, there could be an exception. However, I hope that, when that stage has not been reached, there could be accommodation in a community-based setting to allow the individual to have contact with their family, and to be in a familiar setting. That is particularly important with autism, because anxiety levels are naturally much higher than in someone who is neurotypical.

All those considerations must have even greater weight at a time of emergency such as this. It is a very different set of circumstances from the state having to incarcerate or punish as the result of a court order. I would expect a much more individual-based approach for the welfare of a person with a learning difficulty, subject to where detention is sadly necessary for the personal safety of that individual—as sometimes happens, regrettably.

Q7 **Lord Brabazon of Tara:** My questions concern the operation of the justice system during this crisis. The new CPS guidance, published last week, requires prosecutors to take into account the context of the pandemic when applying the public interest test. In other words, prosecutors will have to consider the backlogs, delays and possible prolonged time spent on remand when deciding whether it is in the public interest to prosecute.

Do you have any concerns as to whether justice can really be done in circumstances where the criminal justice system cannot function properly, bearing in mind that it is already under pressure? Are there not real risks to the right to a fair trial under Article 6 of the ECHR, and,

incidentally, under Article 5.3, which provides that, "Everyone arrested or detained … shall be brought promptly before a judge", and, "shall be entitled to trial within a reasonable time or to release pending trial"? Could you give us a rundown on how things are going at the moment?

Robert Buckland: It is right at the outset to acknowledge that the justice system faces an unprecedented challenge. Not even at a time of war has the justice system come under particular pressure like this. I speak for the trial process for England and Wales, and, Ms Cherry would note, for Scotland as well, bearing in mind the pressures that it has been facing.

The trial process is predicated on the presence of people together in a room, and the need for individuals to be close to each other, whether in the jury box or giving evidence, or in counsel's row or solicitors' row. The proximity of people in court is in direct contradiction to the social distancing rules and the restrictions that we have placed on society in general. You cannot find a starker example of the tension between the two, and that has had a dramatic effect on our court system.

Jury trials have ceased to operate in England and Wales, and magistrates' court trials have slowed to a virtual stop. The court system is still functioning, and we are able to deal with a lot of non-trial-based hearings. The work of Her Majesty's Courts and Tribunals Service, and, indeed, of the professions and everybody concerned, has been astonishing in the sense that the technology has been scaled up, which means that many hearings are held by audio or video, or a mix of both. Despite that huge effort, you are right to say that at the moment the system is facing huge challenges, and there is a growing backlog of trials that need to be resolved.

I cannot speak for the independent CPS, but I can understand why, in its new guidance, it has acknowledged the fact that prosecutors, like the rest of us, are living in extraordinarily unprecedented circumstances. However, I have confidence that the public interest test, which is of course the second limb of the CPS test, is taken only after it has considered whether there is a reasonable prospect of conviction. The first, evidential, test is the one that prosecutors will continue to apply.

There is an important observation about the way cases are managed through the system. I know that prosecutors and the courts generally are seeking to manage their lists in a way that means that cases that clearly can be dealt with by way of guilty plea or other disposal are being prioritised. In cases that involve sentencing individuals who are already on remand but have served considerable time in prison and who therefore should be given either a sentence that would result in their immediate release or an alternative type of non-custodial sentence, priority is being given to make sure that those individuals are no longer waiting needlessly in the system. I see a real sense of purpose from everybody to work through those cases to make sure that justice is done and the cases can be concluded.

I am regularly in touch with the Lord Chief Justice, who of course has exclusive responsibility for listing and overall responsibility for the system, and I am impressed by the way in which courts have rationalised their operation. A number of courts have ceased operating, and operations have been concentrated in about half the usual number of courts. Then there is the way the judiciary has embraced technology: things that would have been scarcely believable only two months ago are now being achieved by way of technology.

In a nutshell, while the effects of coronavirus will be felt for some time to come in the system, we are doing everything we can to operate it. I am glad to note that the judiciary is planning for what the recovery might look like and how courts can operate post the immediate lockdown and scale up their operations to try to clear as much of the backlog as possible, working in consultation with me and my officials to make sure that we have a plan for the rest of the year post lockdown.

Lord Brabazon of Tara: I wonder from what you said whether there might be some lessons to be learned on the operation of the system when this is all over.

Robert Buckland: I entirely agree. I have referred already to the status quo ante. I do not think that we should go back to the status quo ante. While it might require further legislative change, because the legislative alterations we made to allow more audio and video hearings were temporary, in accordance with the Act that was passed, it seems that there is now an appetite to make at least some of the changes permanent. When we made the changes, we acknowledged the fact that these are public proceedings; therefore, we passed legislation to ensure that the unauthorised broadcast, dissemination or taking of photographs of proceedings would be a criminal offence, just as happens in a real court. Through this extraordinary response, we have already learned a lot about how we can now bank what we have done and make even greater progress with regard to technology in future.

We have to be careful that, in the race to technology, the solemn nature of court proceedings is not minimised or forgotten. From some of the anecdotal evidence I am hearing, not so much in criminal proceedings but in other proceedings, that is sometimes forgotten by some of the lay people involved in those proceedings. I am watching developments very carefully, and I am keen to adopt the best of them, learn from the worst of them, and make sure that any system that emerges has evolved from the benefit of our experience over the last few weeks and months.

Joanna Cherry: Lord Chancellor, you and I have spoken privately about jury trial issues, and you will be aware that in Scotland my colleagues in the Scottish Government, the wider legal profession and the Scottish Parliament are looking at how to hold jury trials during the crisis, because, as in England, they have been suspended. Some of the proposals being looked at in Scotland are reduced numbers on juries, as I believe happened during the Second World War; social distancing

measures using the public gallery in the courtroom, because there is nobody there at the moment; and empanelling of juries remotely. Those are all under discussion at the moment in cross-party talks involving the legal profession and people representing victims' rights and interests. Could you give us a brief outline of what is under discussion in England at the moment?

Robert Buckland: Can I put on record the fact that I welcome the Scottish Government's change of heart on judge-only courts, or Diplock courts as many of us would recognise them? That was something I did not agree with. I think a move to judge-only courts would be a disproportionate step and have wider consequences that we would all regret. As somebody who practised for many years in front of juries, I am a great believer in the jury system, and I will do everything that I can to preserve it.

Joanna Cherry: We had a rare moment of complete agreement on that.

Robert Buckland: We sometimes have measured agreement, Ms Cherry, but on that occasion it was absolute unanimity.

Joanna Cherry: Complete.

Robert Buckland: The concept of what happened in World War II is worth serious consideration. I know that in England and Wales a lot of work has been done by the organisation Justice, which is working on the piloting of remote jury trials, with a retired judge of some experience and standing presiding and senior counsel conducting mock trials. That work is ongoing and merits very careful scrutiny. I am deeply encouraged by the work of colleagues at the Bar up and down the country, in court centres such as Cardiff, where everybody is getting involved in literally measuring out how courts can operate jury trials safely. A lot of good work is going on across the piece, which hopefully will give us the benefit of choice.

The key thing for me is seeing how quickly we can get jury trials back and running. The most sure-fire way of doing that is to make sure that we have safe space in the court system to do it. If that means that, for example, Cardiff Crown Court, as an eight-court centre, can run a couple of courts in the main building and perhaps a few more jury trial courts in another public building nearby, it would be a real contribution to getting at least some of the shorter and more straightforward jury trials moving once again.

I am watching all this with great interest and talking to colleagues on an almost daily basis. I am looking at what happens in Scotland with great interest as well. We have common cause on this, Ms Cherry, and I very much hope that we can get jury trials running as soon as possible.

Q8 **Fiona Bruce:** Lord Chancellor, given concerns about the increased risk of domestic violence during the lockdown, have you given consideration to particular guidance in such situations, so that people are not afraid to

leave a potentially dangerous domestic situation?

Robert Buckland: It is important for us to remind everybody out there, particularly victims of domestic abuse, that for too long many victims have felt that they had to suffer in silence because they literally had nowhere to go, nobody to turn to and no support. The You Are Not Alone campaign which the Government launched some weeks ago has epitomised the approach that we take. It is an approach that enjoys the support of all political parties and sends a clear message to victims that, if there is no choice for them but to leave the abusive relationship, they will be supported.

The Home Secretary's recent announcement about more funding—£2 million—for more telephone and direct support mechanisms for victims was a very important step. I am actively looking at ways in which, in my department, we can do even more for victims of domestic abuse, sexual violence and the abuses that, sadly, continue, and sometimes have got even worse because of the pressures of the confinement and restrictions that we are all under.

We have seen the excellent announcement by the Government of the £750 million for charities that work in the front line, which includes charities and organisations that work with victims of domestic abuse. Bids are going to the Treasury to access some of that important funding, and I am working on plans in the department to make sure that we can offer a package of support, which means that not only do these organisations continue but they meet what we see as evidence of increased demand in some areas. For example, independent sexual violence advisers are seeing an increase in calls and increased complexity of cases, often from existing victims who are very anxious about the delays to their case being caused by Covid, and from new complainants who are coming forward with complex concerns.

We are seeing an upswing in the use of the system, so we want to respond by providing that all-important financial support. That very much builds on what I was intending and what I was doing anyway, particularly with regard to the needs of the sector. In the light of this emergency, the problem has increased in urgency, and we are working very hard to provide support.

Q9 **Fiona Bruce:** Thank you for that helpful clarification on a very important subject.

My second question is on a separate issue, and as we approach the end of our session with you it brings us back to the very first issue that we raised—the right to life. We have all become more aware during this crisis of how precious every human life is, and we all pay tribute to the health professionals who do all that they can to sustain human life. Can I seek from you an assurance that the Government have no intention of initiating a review of the law on assisted suicide?

Robert Buckland: This is an ongoing issue that will sometimes mean that parliamentarians have a debate on it. I think the last vote on it was

back in 2015, when the Commons by a clear margin rejected legislation on assisted suicide or assisted dying. It remains our view that any change to the law in this area is for individual conscience, and it is a matter fors Parliament to decide rather than one for government policy or for the courts. The courts in their judgments regularly say that it is a matter for Parliament to take into its hands and determine.

I understand the reasons why many people feel that a change in the law is overdue; they do so because they have care and compassion, particularly for those whom they have loved and lost. Personally, I have grave doubts about the efficacy of drafting a law that would prevent the sort of unintended consequences and abuses that none of us would want to see happen. That is my personal opinion. It is not government policy because it is for Parliament to make those decisions. We do not currently have any plans to initiate a review of the law in that area or publish a call for evidence, but it is open to committees of either House of Parliament, including Select Committees, to initiate any such review or call for evidence, should they wish to do so.

Chair: I bring this session to an end, Lord Chancellor, by thanking you for agreeing so readily to come before our Committee. Thank you for being so forthcoming in your answers to our questions. I am sure we all wish you and your Government well in your endeavours on behalf of us all. I thank my fellow Committee members for participating in the session, and I thank the clerks for setting it up, and the digital team for making it all work—at least, I hope it has all worked.