EXPLANATORY MEMORANDUM TO

THE CORONERS (AMENDMENT) RULES 2010

2010 No. 564

1. This explanatory memorandum has been prepared by The Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These rules amend rule 57A of the Coroners (Amendment) Rules 2008 to require coroners to share relevant information with Local Safeguarding Children Boards (LSCBs) established in Wales to enable then to carry out their statutory functions.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Context

4.1 Coroners Rules are made under section 32 of the Coroners Act 1988, in accordance with the provisions in Part 1 of Schedule 1 to the Constitutional Reform Act 2005, by the Lord Chief Justice with the agreement of the Lord Chancellor.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 LSCBs were established under the Children Act 2004 to ensure that organisations in each area work together to safeguard children and promote their welfare. From 1 April 2008 LSCBs have had a statutory responsibility (regulation 6(1) of the Local Safeguarding Children Board Regulations 2006) to conduct child death reviews for all children who die and who were normally resident in a local authority area in England. Coroners investigate deaths that are reported to them that are violent, unnatural or of unknown cause (section 8 of the Coroners Act 1988). Information gathered during the course of an investigation into a child death would assist LSCBs in fulfilling their statutory responsibilities.

7.2 The Coroners (Amendment) rules 2008 introduced rule 57A of the Coroners Rules 1984 which requires coroners to disclose information relating to child deaths to LSCBs. At the time Rule 57A was drafted there was no requirement for LSCBs in Wales to hold death reviews, pending the outcome of a pilot of child death reviews. It was, however intended that rule 57A should apply equally to England and Wales. As currently drafted, however, rule 57A defines and LSCB as established under section 13(1) of the Children Act 2004 and so only applies to LSCBs established in England as LSCBs in Wales are established under section 31(1) of the 2004 Act.

7.3 The new rule will require coroners in Wales to notify LSCBs of child deaths. The intended effect of this is to that it will allow coroners and LSCBs in Wales to work together to enable LSCBs to meet their obligations to conduct child death reviews and to fulfil their statutory obligations more generally.

7.4 The rule sets up a framework for sharing information only. There will be little interest beyond coroners and LSCBs in Wales.

- ***Consolidation***

7.5 It is not proposed to consolidate this legislation into any other legislation. It will be carried forward into secondary legislation to support the Coroners and Justice Act 2009.

8. Consultation outcome

8.1 A discussion paper to seek views on the proposed 2008 Amendment Rules was issued in early 2008. This was not a formal consultation exercise – the discussion paper was circulated to the Coroners' Society and other Government Departments with an interest. In addition, the department for children, Schools and Families (DCSF) which is responsible for legislation regarding LSCBs circulated the paper to all LSCB chairs. The majority of responses were from LSCBs, which regard information from the coroner as a vital component of the child death review process, and strongly welcomed the new rule. No consultation has taken place on these Amendment Rules as they merely correct an omission. The amendment has been agreed by the Welsh Assembly Government and DSCF.

9. Guidance

9.1 The Ministry of Justice will provide information on the amended rule to coroners in Wales.

10. Impact

10.1 The impact on business, charities or voluntary bodies is none.

10.2 The impact on the public sector is none.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This rule formalises the sharing of information which is currently already happening on an informal basis. It will not be subject to further formal review.

13. Contact

Lynette Hill at the Ministry of Justice Tel: 020 3334 6408 or email: lynette.hill@justice.gsi.gov.uk can answer any queries regarding the instrument.