EXPLANATORY MEMORANDUM TO

THE CORONERS AND JUSTICE ACT 2009 (ALTERATION OF CORONER AREAS) (No. 2) ORDER 2017

2017 No. 1076

1. Introduction

1.1 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 This instrument amalgamates the Preston and West Lancashire coroner area, the East Lancashire coroner area, and the Blackburn, Hyndburn and Ribble Valley coroner area to create a new coroner area to be known as "Lancashire and Blackburn with Darwen".

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 This is the sixth Order to be made by the Lord Chancellor under the power contained in paragraph 2 of Schedule 2 to the Coroners and Justice Act 2009. Before making such an Order, the Lord Chancellor must consult whichever local authorities he thinks appropriate.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is England.

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 The possibility of amalgamating these coroner areas arose following the resignation of the Blackburn, Hyndburn and Ribble Valley Senior Coroner on 30 June 2017. The Senior Coroner of Preston and West Lancashire will become the Senior Coroner for

the new coroner area whilst the Senior Coroner of East Lancashire will become an Area Coroner of the new coroner area.

7.2 This amalgamation is in line with the long-standing central Government policy to support and encourage the merger of smaller or part-time coroner districts wherever possible to create more fully-loaded caseloads for full-time coroners. Larger areas should deliver economies of scale for the local authorities which fund coroner services through, for example, sharing of staff and other resources, while full-time coroners should be able to focus entirely on their coronial duties. It should also help bring about greater consistency of practice between coroner areas. The creation of larger coroner areas should not mean reduced access to local coroner services as inquests will continue to be held in all the locations where inquests are currently heard. This merger will not reduce bereaved peoples' access to local coroner services.

7.3 Each year approximately 2,540 deaths are currently reported to the Preston and West Lancashire coroner area, approximately 660 deaths reported to the East Lancashire coroner area and approximately 1,770 deaths to the Blackburn, Hyndburn and Ribble Valley coroner area. It is therefore estimated that approximately 5,000 deaths will be reported each year to the Lancashire and Blackburn with Darwen coroner area – we do not anticipate any increase in the overall caseload when the three coroner areas are merged. The amalgamation is therefore in line with the Chief Coroner's view that each area should ideally have a caseload of approximately 3,000 to 5,000 reported deaths a year – with the recognition in his guidance note on mergers that slightly smaller or larger areas may also be appropriate.

Consolidation

7.4 This instrument is not being consolidated.

8. Consultation outcome

8.1 A targeted consultation was undertaken by the Ministry of Justice based on a business case prepared by Lancashire County Council, in conjunction with Blackburn with Darwen Council. Lancashire County Council funds the Preston and West Lancashire and East Lancashire coroner areas and Blackburn with Darwen Council funds the Blackburn, Hyndburn and Ribble Valley coroner area. The business case considered the impact on service delivery of the coroners' services as well as on those working within and alongside the coroners and the impact on resource and the risks and mitigating actions from the merger.

8.2 The consultation ran for five weeks in July 2017 and asked several questions based on the business case. The consultation was sent to the local authorities in the proposed merged area, local MPs, burial authorities, police forces, prisons and hospitals, as well as coroners' officers, faith groups and volunteer and charity groups who engage with the coroner. Nineteen responses were received. These were generally supportive of the proposed merger although a few concerns were raised.

8.3 There were essentially three concerns: firstly, that families would have to travel long distances to attend long inquests as the proposal is to hold all such inquests in Preston, and the Enterprise Centre in Blackburn will no longer be used for any inquests. Routine inquests will continue to be held in Blackburn, at the Town Hall. Lancashire County Council has, however, committed to working with the families to come to a mutually agreeable arrangement in cases of long inquests and it has committed to holding inquests at a different venue in Blackburn for routine Blackburn cases.

8.4 The second concern was that the Local Authority intended to move to electronic working with all documents being sent electronically in the new coroner area and that this would disadvantage bereaved people without access to the internet. Lancashire County Council have clarified that engagement between administrators, coroners, registrars, hospitals, doctors and police would be electronic to make information sharing more secure and efficient but all inquest documentation would be sent to the family in hard copy, if that is what the family wanted, at no charge to them.

8.5 The final area of concern was on the provision of an out of hours' service which is particularly important for local faith communities whose faith requires burial very soon after the death. The out of hours' service was withdrawn from Blackburn, Hyndburn and Ribble Valley in early 2017 but has been reinstated by the acting Senior Coroner and there will be an out of hours' service across the merged area.

9. Guidance

9.1 Guidance has been issued to coroners and local authorities on Part 1 of the 2009 Act. In agreement with the Lord Chancellor the Chief Coroner has issued guidance on the merger of coroner areas. This guidance is publicly available on the Chief Coroner's website and can be found at https://www.judiciary.gov.uk/wp-content/uploads/2013/09/guidance-no14-mergers-of-coroner-areas.pdf

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is expected to be minimal. Although the changes will centralise administrative support services the merger will not lead to any job losses. It is not expected that stakeholders such as bereaved people, hospital services, and the police will notice a difference compared with the existing arrangements.

10.3 As such, an impact assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 The changes set out in this instrument aim to bring about greater consistency among coroner areas across England and Wales, and to create coroner areas with more appropriate caseloads for a full time Senior Coroner, thereby creating savings in the long term for local authorities.

12.2 The Department will carry out a review of the impact of this instrument 12 months after it has come into force. This will allow time for the changes to take effect whilst providing the opportunity for any immediate concerns resulting from the merger to be raised at an early stage.

13. Contact

13.1 Tracy Ellis at the Ministry of Justice Telephone: 020 3334 2468 or email: tracy.ellis@justice.gov.uk can answer any queries regarding the instrument.