EXPLANATORY MEMORANDUM TO

THE CORONERS AND JUSTICE ACT 2009 (ALTERATION OF CORONER AREAS) ORDER 2016

2016 No. 212

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 The Coroners and Justice Act 2009 (Alteration of Coroner Areas) Order 2016 amalgamates the following areas:

- The Somerset East coroner area with the Somerset West coroner area to create a new coroner area to be known as "Somerset";
- The Cornwall coroner area with the Isles of Scilly coroner area to create a new coroner area to be known as "Cornwall and the Isles of Scilly";
- The Powys, Bridgend and the Glamorgan Valleys coroner area with the Cardiff and The Vale of Glamorgan coroner area to create a new coroner area to be known as "South Wales Central".

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 Paragraph 2 of Schedule 2 to the Coroners and Justice Act 2009 (the "2009 Act") allows the Lord Chancellor, by order, to alter coroner areas. This is the fifth Order to be made under this power. Before making such an order, the Lord Chancellor must consult whichever local authorities he thinks appropriate, in the case of a coroner area in Wales, the Welsh Ministers and any other person he thinks appropriate.

5. Extent and Territorial Application

5.1 This instrument extends to England and Wales.

5.2 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 The possibility for an amalgamation of these coroner areas arose following the retirement of the Senior Coroner for Somerset West in March 2015, and the resignations of the Senior Coroner for the Isles of Scilly in December 2013, the Senior Coroner for Cardiff and the Vale of Glamorgan in July 2013, and the Senior Coroner for Powys, Bridgend and Glamorgan Valleys in October 2013.

7.2 Once this order is in force the current Senior Coroner for Somerset East will become Senior Coroner for the new coroner area of Somerset and the Senior Coroner for Cornwall will become Senior Coroner for the new coroner area of Cornwall and the Isles of Scilly. A new full time Senior Coroner for the South Wales Central coroner area will be appointed.

7.3 These amalgamations are in line with the long-standing Ministry of Justice 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 mean economies of scale for local authorities through, for example, sharing of staff and other resources, while full-time coroners should be able to focus entirely on their coronial duties, allowing them to develop their skills and experiences more fully. This 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 services and we would not expect bereaved people to have to travel long distances to attend inquest hearings.

7.4 The amalgamation of these three coroner areas supports this policy, creating more fully loaded coroner areas, each under a full time Senior Coroner. Each of the individual coroner areas currently has approximately between 1,100 and 2,800 deaths reported to the coroner each year. The amalgamation of the six areas into three larger ones is therefore in line with the Chief Coroner's view that each area should have a caseload of approximately 3,000 – 5,000 reported deaths a year – with the recognition in his guidance note1 on mergers that slightly smaller or larger areas may also be appropriate. It is estimated that under the new coroner areas there will be approximately 4,300 deaths reported in South Wales Central, 2,500 in Somerset and between 2,600 and 2,700 in Cornwall and the Isles of Scilly.

Consolidation

7.5 These regulations are not being consolidated.

8. Consultation outcome

8.1 In accordance with paragraph 2 of Schedule 2 to the 2009 Act, the Department carried out a targeted consultation for each of the proposed mergers with the questions and documents sent directly to 182 individuals and organisations identified as being potentially affected or interested in the proposed mergers. This included the relevant local authorities, coroners, funeral directors, local hospitals, faith groups, MPs and local councillors, as well as members of the Welsh Assembly in the case of the

[1] Chief Coroner's Guidance No.14 – Mergers of Coroner Areas (https://www.judiciary.gov.uk/wp-content/uploads/2013/09/guidance-no14-mergers-of-coroner-areas.pdf)

merger of the Powys, Bridgend and the Glamorgan Valleys coroner area and the Cardiff and The Vale of Glamorgan coroner area. The three consultations lasted for four weeks from 20th November to 18th December 2015.

8.2 Each consultation was on a business case prepared by the local authorities which currently administer the coroner areas. Each business case detailed the additional coronial and administrative support to be provided to the Senior Coroner to make sure that the current high quality service could be sustained in the long term, as well as any other practical changes that would be made to the service provided to the area. Seven responses were received in the consultation on the merger of the areas to form the Somerset coroner area, all of which were in support of the merger. Six responses were received in relation to the creation of the Cornwall and Isles of Scilly coroner area and 22 responses received in respect of the creation of the South Wales Central coroner area. In both these cases, those who responded were generally supportive of the merger, although some concerns were raised.

8.3 For the most part the concerns raised for both new areas were about the resourcing and accessibility of coroner and pathology services over the larger geographical areas. These concerns have been passed to the relevant local authorities who are working with the existing coroner services to ensure that these concerns are addressed before the new areas are implemented. Further concerns were raised by MPs in relation to the creation of the new South Wales Central Area, particularly surrounding the impact that existing policies regarding Court closures on the new area, the intended future amalgamation of local authorities in Wales and the availability of Welsh language services. Ministers have written to the concerned MPs to respond to their concerns.

8.4 After consideration of the concerns raised in each of these consultations, and assurances from local authorities that they would be taken into account when planning to implement the new areas, it was not considered that any of the concerns should prevent the mergers from taking place.

9. Guidance

9.1 Guidance has been issued to coroners and local authorities on Part 1 of the 2009 Act. The Chief Coroner has, in agreement with the Lord Chancellor, issued guidance on the merger of coroner areas.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies and it is expected that there will only be minimal impact on the public sector.

10.2 Most of the changes will focus on the centralisation of the administrative support services. It is not expected that external stakeholders such as bereaved people, hospital services, and the police will notice a difference compared to the existing arrangements.

10.3 Given the reasons set out above an impact assessment has not been prepared for this instrument.

11. Regulating small business

11.1 This 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 Michelle English with the Coroners, Burials, Cremations and Inquiries Policy Team at the Ministry of Justice can answer any queries regarding the instrument. Tel: 0203 334 5610 or email: Michelle.English3@cjs.gsi.gov.uk