EXPLANATORY MEMORANDUM TO

THE CORONERS AND JUSTICE ACT 2009 (ALTERATION OF CORONER AREAS) ORDER 2020

2020 No. 264

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 (a) Central Hampshire, (b) North East Hampshire, (c) Portsmouth and South East Hampshire, and (d) Southampton and New Forest coroner areas to create a new coroner area to be known as "Hampshire, Portsmouth and Southampton".

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 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 (including by combining two or more areas). This is the ninth Order to be made under this power. Before making such an Order, the Lord Chancellor must consult whichever local authorities (and any other persons) he thinks appropriate.

7. Policy background

What is being done and why?

7.1 The possibility to amalgamate these coroner areas arose following the retirement of the Southampton and New Forest Senior Coroner on 30 April 2014, the North East Hampshire Senior Coroner on 30 April 2019, the Central Hampshire Senior Coroner on 31 October 2019 and the Portsmouth and South East Hampshire Senior Coroner on 31 December 2019. The four areas now share a Senior Coroner who will become the Senior Coroner for the new coroner area of Hampshire, Portsmouth and Southampton.

7.2 The amalgamation is in line with the long-standing Ministry of Justice policy to support and encourage the merger of coroner areas wherever possible, helping to bring about greater consistency of practice between coroner areas. Merged areas should mean economies of scale for the local authorities which provide coroner services through, for example, sharing of staff and other resources. 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 longer distances to attend inquest hearings.

7.3 The amalgamation of these four coroner areas supports this policy. The proposed merger will create a coroner area with around 7,700 deaths reported annually. This will be the largest coroner area in England and Wales by deaths reported but the local authorities concerned are supportive and two Area Coroners have recently been appointed to work across the four existing areas and it is intended that they will be reappointed to the new area, to support the senior coroner and ensure the caseload is appropriately managed.

7.4 Hampshire County Council, Portsmouth City Council and Southampton City Council currently provide funding for the four coroner services. When the areas merge, the three local authorities will be responsible for the funding for the coroner service to the new area

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act

9. Consolidation

9.1 Consolidation is not appropriate as this instrument does not amend another instrument.

10. Consultation outcome

10.1 A targeted consultation was undertaken by the Ministry of Justice based on a business case prepared by Hampshire County Council (which is the lead authority for the North East Hampshire, Central Hampshire and Southampton and New Forest coroner services, and contributes to the funding of the Portsmouth and South East Hampshire coroner service), in conjunction with Southampton City Council (which also funds the Southampton and New Forest coroner service) and Portsmouth City Council (which is the lead authority for the Portsmouth and South East Hampshire coroner service). The business case considered the impact on the delivery of the coroner service and those working within and alongside the coroners as well as the impact on resources, the legal implications as well as the risks of and mitigating actions from the merger.

10.2 The consultation ran for four weeks in September and October 2019 and asked questions based on the business case. The consultation was sent to local authorities, local MPs and councillors, the police force, hospitals, coronial office holders and coroners' officers and faith groups who engage with the coroner service. We received five responses during the consultation. Four of the responses were supportive of the merger, although two of these sought further clarification.

10.3 The first of these two responses highlighted the need for appropriate storage across the county if bodies were to be moved easily around the larger merged area, sufficient IT connectivity to allow for appropriate bereavement care and access to medical records for medical examiners and an improved telephone service for medical professionals. Hampshire County Council does not anticipate any significant changes are needed to current arrangements for storage or services to medical examiners who currently only operate at one hospital. There will be no immediate change to the existing telephone service but new requirements for referrals to be made electronically are expected to reduce the demand for telephone service.

10.4 The second response raised concerns that the larger area could result in a loss of local coronial provision and support and negatively impact professional witnesses who may be expected to travel further to give evidence. Hampshire County Council have given assurance that there will always be an on duty Coroner in Portsmouth, any changes to the location of inquests will be driven by families' wishes and there are no plans to change how inquests are otherwise scheduled. Video links to inquests are already routinely used for inquests in Winchester and it is agreed that this should be available as standard across the merged area.

10.5 The one response that did not support the merger was from the Isle of Wight Council, which objected to the merger on the basis that they were not included. It was not considered possible to include the Isle of Wight coroner area in this merger as there is currently a senior coroner in post in that area.

11. Guidance

11.1 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.uk/wp-content/uploads/2013/09/guidance-no14-mergers-of-coroner-areas.pdf

12. Impact

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

12.2 The impact on the public sector is expected to be minimal. 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.

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

13. Regulating small business

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

14. Monitoring & review

14.1 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.

15. Contact

15.1 David Giles at the Ministry of Justice Telephone: 07784274929 or email: david.giles1@justice.gov.uk can be contacted with any queries regarding the instrument.

15.2 Dominic Lake, Deputy Director for Administrative Justice, Coroners, Burials, Cremations and Inquiries, at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.

15.3 Alex Chalk MP at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.