

EXPLANATORY MEMORANDUM TO
THE CORONERS AND JUSTICE ACT 2009 (ALTERATION OF CORONER
AREAS) ORDER 2017

2017 No. 728

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 South Lincolnshire coroner area and the Central Lincolnshire coroner area to create a new coroner area to be known as “Lincolnshire”.

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 sixth Order to be made under this power. 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 for an amalgamation of these coroner areas arose following the resignation of the South Lincolnshire Senior Coroner on 31 March 2016. The Senior Coroner of Central Lincolnshire will become the Senior Coroner for the new coroner area of Lincolnshire.

- 7.2 This amalgamation is 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, creating 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. 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.
- 7.3 The amalgamation of this coroner area supports this policy, creating more fully loaded coroner areas, each under a full time Senior Coroner. Central Lincolnshire has approximately 2,400 deaths reported to the coroner and South Lincolnshire has 1,300 deaths reported each year. The amalgamation of these two areas into one larger one 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 note on mergers that slightly smaller or larger areas may also be appropriate. It is estimated that under the new coroner area there will be approximately 3,700 deaths reported in Lincolnshire each year.

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 Lincolnshire County Council, the local authority which administers South Lincolnshire and Central Lincolnshire coroner areas. The business case considered the impact on service delivery of the coroners' services and those working within and alongside the coroners as well as the impact on resources, the legal implications as well as the risks and mitigating actions from the merger.
- 8.2 The consultation ran for four weeks in early 2017 and asked several questions based on the business case. The consultation was sent to local authorities in the proposed merged areas, local MPs, funeral directors, burial authorities, police forces, prisons and hospitals in the area, as well as coroners' officers, faith groups and volunteer and charity groups who engage with the coroner. Fourteen responses were received in the consultation. These were generally supportive of the proposed merger, although a small number of concerns were raised.
- 8.3 The concerns focussed on two areas: firstly, that coroner services would be centralised in and around Lincoln so bereaved families would have to travel greater distances to attend an inquest. Lincolnshire County Council has, however, committed to maintaining the venues where inquests currently take place across the two areas as well as introducing seven further inquest venues across the newly merged area.
- 8.4 The second area of concern was around resources to support the service given delays in the current coroner areas. However, the merged area will have a strong, full time contingent of coroners: a Senior Coroner, Area Coroner and five Assistant Coroners. Administrative services will be centralised and coroners' officers will work on the same IT system and there will be a more streamlined management system and work allocation system to minimise or remove these concerns.

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. 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. 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.