

EXPLANATORY MEMORANDUM TO
THE CORONERS AND JUSTICE ACT 2009 (ALTERATION OF CORONER
AREAS) (NO. 2) ORDER 2023

2023 No. 978

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

- 2.1 This instrument amalgamates the:
(a) Stoke on Trent & North Staffordshire and (b) South Staffordshire coroner areas to create a new coroner area to be known as “Staffordshire & Stoke on Trent.”

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The extent of this instrument (that is, the jurisdiction(s) of which the instrument forms part of the law) is England and Wales.
4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to the 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 twelfth 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 opportunity to pursue this merger arose following the retirement of the Senior Coroner for South Staffordshire in October 2021.
7.2 These mergers are in line with the long-standing Government, and more recent Chief Coroner, policy of supporting and encouraging the merger of coroner areas wherever possible. The purpose of the merger policy is to create larger areas which are better placed to provide a consistent standard of service to bereaved families, and to provide

economies of scale for local authorities - for example, in sharing staff and other resources and in contracting for mortuary, pathology and other services. The creation of larger coroner areas should not mean reduced access to local services.

- 7.3 It is estimated that, once this new merged area is implemented, there will be approximately 4,850 deaths reported annually in Staffordshire & Stoke on Trent. This is in line with the Chief Coroner's view that each area should have a caseload of approximately 2,000 – 6,000 reported deaths a year – although there are caveats to this objective, including where a merged coroner area would be coterminous with a large local authority area.
- 7.4 Stoke on Trent City Council will become the relevant authority for the new coroner area of Staffordshire & Stoke on Trent and will share its funding with Staffordshire County Council.
- 7.5 Once this Order is in force, the current Senior Coroner for Stoke on Trent & North Staffordshire, who is also the acting Senior Coroner for South Staffordshire, will become Senior Coroner for the new coroner area of Staffordshire & Stoke on Trent subject to the necessary statutory consents.

Explanations

What did any law do before the changes to be made by this instrument?

- 7.6 It established the two coroner areas as separate entities.

Why is it being changed?

- 7.7 It is in line with Government and Chief Coroner policy to merge coroner areas when the opportunity arises.

What will it now do?

- 7.8 It will amalgamate the two coroner areas into one larger area.

8. European Union Withdrawal and Future Relationship

- 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 In accordance with paragraph 2(2) of Schedule 2 to the 2009 Act, a targeted consultation on the proposed merger was undertaken by the Ministry of Justice between February and March 2023. The consultation was based on a business case for merging, and an accompanying equalities impact assessment, which were prepared by the local authorities currently administering the relevant coroner areas. The business case considered the impact of the proposed merger on delivery of the coroner service (including resource impacts) and on those working within it and in associated functions.
- 10.2 Consultees included relevant local authority officials and Councillors, MPs, coroners (including in neighbouring areas), coroner's officers and administrative staff, police,

hospital trusts, prisons and faith communities. Recipients were asked a number of questions based on the business case, including whether they agreed with the proposed merger and the assessments made and, if they disagreed, what adverse impacts could they identify. Responses were generally positive and any concerns that were raised were satisfactorily addressed through further engagement with the local authorities.

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 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. As such, an impact assessment has not been prepared for this instrument.
- 12.2 The impact on the public sector is expected to be minimal and generally positive. Most of the changes brought about by the merger will focus on streamlining processes, moving to a single platform IT system and the recruitment of additional coronial resource to manage workload effectively. As set out in the equalities impact assessment which formed part of the consultation, it is not expected that external stakeholders, such as bereaved people, hospital services, and the police, will notice a significant difference compared with the existing arrangements.

13. Regulating small business

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

14. Monitoring and review

- 14.1 The Ministry of Justice 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 Any queries regarding this instrument should be addressed to Heather Atkinson at the Ministry of Justice on 020 3334 4204 or at heather.atkinson@justice.gov.uk.
- 15.2 Alison Samedi, Deputy Director for Death Management, Miscarriages of Justice Compensation, Inquiries and Coroners Division, at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Mike Freer MP at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.