

**EXPLANATORY MEMORANDUM TO**  
**THE CORONERS AND JUSTICE ACT 2009 (ALTERATION OF CORONER**  
**AREAS) ORDER 2018**

**2018 No. 770**

**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 Teesside coroner area with the Hartlepool coroner area to create a new coroner area to be known as “Teesside and Hartlepool”.

**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 eighth order to be made under this power since it was implemented in July 2013. 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 to amalgamate these coroner areas arose following the retirement of the Hartlepool Senior Coroner on 30 June 2017. The Teesside Senior Coroner will become the Senior Coroner for the new coroner area of Teesside and Hartlepool.

- 7.2 The amalgamation is in line with the long-standing Ministry of Justice policy to support and encourage the merger of smaller or part-time coroner areas wherever possible, creating more fully-loaded caseloads for full-time coroners and helping to bring about greater consistency of practice between coroner areas. 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. 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 these two coroner areas supports this policy. The Teesside coroner area has approximately 2,700 deaths reported to the coroner each year and the Hartlepool coroner area has approximately 300 deaths reported to the coroner each year. The amalgamation of these areas is therefore in line with the Chief Coroner's view that each coroner area should have a caseload of approximately 3,000 to 5,000 reported deaths as there would be approximately 3,000 deaths reported in the Teesside and Hartlepool coroner area each year.

#### *Consolidation*

- 7.4 Consolidation is not appropriate as this instrument does not amend another instrument.

### **8. Consultation outcome**

- 8.1 A targeted consultation was undertaken by the Ministry of Justice based on a business case prepared by Middlesbrough Council (the Teesside coroner service lead authority), in conjunction with Stockton and Redcar Council, Cleveland Borough Council (the other local authorities which fund the Teesside coroner service) and Hartlepool Borough Council. 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. The business case also set out improvements in delivery against targets set out in a business case produced in 2015.
- 8.2 The consultation ran for three weeks in May 2018 and asked questions based on the business case. The consultation was sent to local authorities, local MPs and councillors, cremation and burial authorities in the area, the police force, local prisons, hospitals, coronial office holders and coroners' officers and faith groups who engage with the coroner service. We received 19 responses during the consultation. Eighteen of the responses were supportive of the merger, although two of them sought further clarification and assurance.
- 8.3 The first of these two responses considered that the proposal to merge was sensible but highlighted that there had to be sufficient resources to avoid the delays which had affected the Teesside coroner area in the past. There has not been a backlog of inquests for many years in the Teesside coroner area and in 2017 inquests were concluded on average in Teesside within 11 weeks and in Hartlepool within 15 weeks, both below the national average of 21 weeks. Middlesbrough Council has committed to ensuring that the timeliness of the conclusion of inquests will be maintained in the new combined coroner area.
- 8.4 The second response raised concerns that the larger geographic area would lead to delays and longer waiting times. Middlesbrough Council has given assurances that it

will maintain the current level of resources and that by sharing services the coroner service would be able to handle inquests in a timely manner.

- 8.5 The one response that did not support the merger was from Hartlepool Council, which objected to the merger on the basis that the business case did not provide a reassurance that a coroner service would remain in Hartlepool.
- 8.6 Since the consultation closed, Middlesbrough Council has given a written undertaking to Hartlepool Council that, subject to circumstances outside its control, inquests will continue to be held in Hartlepool and that they would not cease to be held in Hartlepool without the consent of Hartlepool Council. On the basis of this undertaking Hartlepool Council agreed that the merger should go ahead at its meeting on 21 June.
- 8.7 The Teesside Senior Coroner, who has been acting as Hartlepool Senior Coroner since the Hartlepool Senior Coroner retired in June 2017, has confirmed that both she and the Hartlepool Assistant Coroner (who will continue in post after the merger) have held inquests in Hartlepool following the Hartlepool Senior Coroner's retirement and will continue to do so after the merger, both at Hartlepool Crown Court and at the Hartlepool coroner's office.

## **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-no-14-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.
- 10.3 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 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](mailto:tracy.ellis@justice.gov.uk) can answer any queries regarding the instrument.