

Title: Charter for the coroner service Lead department or agency: Ministry of Justice Other departments or agencies:	Impact Assessment (IA)
	IA No: MoJ 086
	Date: 31/03/2011
	Stage: Consultation
	Source of intervention: Domestic
	Type of measure: Other
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Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

There is no national framework that sets out the standards of service that can be expected from the coroner service in England and Wales. The coroner service remains a local public service and there would be variation from area to area, not least because different local authorities provide different levels of support and funding. As a result there are inconsistent levels of service across the country, and evidence suggests bereaved people and others who come into contact with the coroner service often feel uninformed about how they can participate in a coroner investigation. We propose to publish a Charter that would address this by setting out the standards coroners and their staff should meet, and the rights and responsibilities of bereaved people and other coroner service users.

What are the policy objectives and the intended effects?

The Charter would set out the standards of service that bereaved family members, witnesses and other properly interested persons should expect to receive from the coroner service. It is essential that all coroners and coroners' officers in England and Wales know the standards they should meet, and that bereaved people and other service users know their rights and responsibilities. To enhance this, we propose to publish the Charter along with the MoJ's current 'Guide to coroners and inquests', so people can access information about the investigation process, and standards of service, within one document. The aim is to make the access to information about the coroners system much more transparent, which would help to improve the experience of bereaved people and others coming into contact with the coroner system.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

The policy consultation seeks views on 3 options:

(0) Do Nothing.

(1) Publish a national Charter for the coroner service in the same document as the MoJ *Guide to coroners and inquests*. Also involves convening a committee of bereaved organisations to feed back on the impact of the charter.

(2) Publish a national Charter for the coroner service in isolation from the MoJ *Guide to coroners and inquests*. Also involves convening a committee of bereaved organisations to feed back on the impact of the charter. We recommend Option 1 as this means that bereaved people and others coming into contact with the coroner service would be able to obtain information about the coroner investigation process, their role in it, and the standards they should receive throughout that process, simply and efficiently from one information source.

Will the policy be reviewed? It will be reviewed every 3 years.

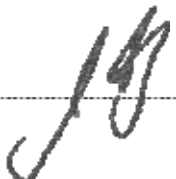
Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?

Yes

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:


 Date: 4/3/11

Summary: Analysis and Evidence

Policy Option 1

Description: Publish a national Charter for the coroner service alongside our 'Guide to coroners and inquests'

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: n/a	High: n/a	Best Estimate: n/a

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low			
High			
Best Estimate	n/a	n/a	n/a

Description and scale of key monetised costs by 'main affected groups'

Other key non-monetised costs by 'main affected groups'

A minority of coroner offices may face costs in adapting to the standards which would be clarified in the charter. There would also be minor costs for coroners associated with compiling a list of local organisations for the charter. There would be costs associated with convening the committee of bereaved organisations for any members of the committee. There would also be a cost of publishing the combined document for the Ministry of Justice.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate			

Description and scale of key monetised benefits by 'main affected groups'

Other key non-monetised benefits by 'main affected groups'

Bereaved people and other service users would find it easier to understand their rights and responsibilities timelines involved in the coroner investigation process. The Charter would help to standardise coroner practice. Coroners should benefit from more certainty over what standards are required. Coroners would be able to devote fewer resources informing people of how the system works. Society may also benefit from increased transparency.

Key assumptions/sensitivities/risks

Discount rate (%)

Compliance is voluntary, the actual effect of the Charter on behaviour is unknown. It is assumed there is no net effect on the costs of the voluntary sector and local organisations. It is assumed most coroners currently fulfil the standards and so there are no adjustment costs for most coroners. It is assumed the assumed that the Charter would be easily accessible to bereaved people and others. It is assumed there is no significant change in the number of appeals and complaints. There are risks that some people who need it may not be able to have either access to the Charter; that the standards it contains are inappropriate and that those standards are not met.

Direct impact on business (Equivalent Annual) £m):			In scope of OIOO?	Measure qualifies as
Costs: n/q	Benefits: n/q	Net: n/q	No	n/a

Summary: Analysis and Evidence

Policy Option 2

Description: Publish a national Charter for the coroner service in isolation from our 'Guide to coroners and inquests'

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: n/a	High: n/a	Best Estimate: n/a
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)
Low					
High					
Best Estimate	n/a		n/a		n/a
Description and scale of key monetised costs by 'main affected groups'					
Other key non-monetised costs by 'main affected groups'					
A minority of coroner offices may face costs in adapting to the standards which the Charter clarifies. There would be minor costs associated with compiling list of local organisations for the Charter. There may also be costs associated with a higher number of complaints. There would be costs to the Ministry of Justice in publishing the Charter as a separate document to the current guide. There would be costs associated with convening the committee of bereaved organisations.					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Benefit (Present Value)
Low					
High					
Best Estimate	n/a		n/a		n/a
Description and scale of key monetised benefits by 'main affected groups'					
Other key non-monetised benefits by 'main affected groups'					
Bereaved people and other service users would find it easier to understand their rights and responsibilities timelines involved in the coroner investigation process. The Charter would help to standardise coroner practice. Coroners would benefit from more certainty over what standards they are required to keep. Coroners would be able to devote fewer resources informing people of how the system works. Society may also benefit from increased transparency.					
Key assumptions/sensitivities/risks					Discount rate (%)
Compliance is voluntary, the actual effect of the Charter on behaviour is unknown. It is assumed there is no net effect on the costs of the voluntary sector and local organisations. It is assumed most coroners currently fulfil the standards and so there are no adjustment costs for most coroners. It is assumed there is no significant change in the number of appeals and complaints. It is assumed the assumed that the Charter would be easily accessible to bereaved people and others. There are risks that some people who need it may not be able to have either access to the Charter; that the standards it contains are inappropriate and that those standards are not met.					
Direct impact on business (Equivalent Annual) £m):			In scope of OIOO?	Measure qualifies as	
Costs: n/q	Benefits: n/q	Net: n/q	No	n/a	

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			England & Wales		
From what date will the policy be implemented?			1/12/2011		
Which organisation(s) will enforce the policy?			MoJ, Coroners and Local authorities		
What is the annual change in enforcement cost (£m)?			n/q		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			No		
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: n/q	Non-traded: n/q	
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			Costs:		Benefits:
Distribution of annual cost (%) by organisation size (excl. Transition) (Constant Price)	Micro	< 20	Small	Medium	Large
Are any of these organisations exempt?	n/a	n/a	n/a	n/a	n/a

Specific Impact Tests: Checklist

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
Statutory equality duties¹	No	14
Economic impacts		
Competition	No	14
Small firms	No	14
Environmental impacts		
Greenhouse gas assessment	No	14
Wider environmental issues	No	14
Social impacts		
Health and well-being	No	14
Human rights	No	15
Justice system	No	15
Rural proofing	No	15
Sustainable development	No	15

¹ Public bodies including Whitehall departments are required to consider the impact of their policies and measures on race, disability and gender. It is intended to extend this consideration requirement under the Equality Act 2010 to cover age, sexual orientation, religion or belief and gender reassignment from April 2011 (to Great Britain only). The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Evidence Base (for summary sheets) – Notes

References

No.	Legislation or publication
1	Draft Charter for bereaved people who come into contact with a reformed coroner system January 2009 http://www.justice.gov.uk/publications/charter-bereaved.htm
2	Guide to Coroners and Inquests http://www.direct.gov.uk/en/Governmentcitizensandrights/Death/WhatToDoAfterADeath/DG_066713
3	
4	

Evidence Base (for summary sheets)

1. Introduction

- 1.1. This Impact Assessment (IA) is a consultation stage IA. It considers the costs and benefits of implementing a national Charter in the current coroner system that will allow users of the service to be aware of the standards of performance they can expect from the coroner service, and their rights of redress if those standards are not met.
- 1.2. The Charter would apply to all service users, which include bereaved family members, witnesses, and other properly interested persons, as defined by Rule 20 of the Coroners Rules 1984. It would explain what can be expected at each stage of the coroner's investigation. It also sets out the rights and responsibilities of the coroner's office and users of the coroner service.
- 1.3. The IA examines the impacts of Option (0): Doing nothing; Option (1) Publishing a national Charter for the coroner service alongside the Guidance to the coroner service (in a single document); and Option (2) Publishing the Charter as a standalone document. Option 1 is the preferred option.

Background

- 1.4. A draft Charter for bereaved people who come into contact with the coroner service in England and Wales was first published for consultation alongside the draft Coroners Bill in 2006. The most recent consultation on the Charter was in summer 2008, and a subsequent draft was published in January 2009, alongside the Parliamentary introduction of the Coroners and Justice Bill. The Bill became the Coroners and Justice Act 2009 in November of that year.
- 1.5. Following the change of Government in May 2010, on 14 October 2010 the Government announced its plans for changes to the coroner system in England and Wales and put forward proposals to improve the system and address current inconsistencies and inefficiencies in the way the coroner service is delivered. The Government announced that, due to the current economic climate, it could not go ahead with plans to implement national leadership from a Chief Coroner or have an appeals system. However the Government confirmed that it was still committed to issuing a national Charter for the coroner service.
- 1.6. In the past, the Charter was limited to bereaved people. However in response to the comments we received to the 2010 consultation on the coroner system,¹ the scope of the Charter has now been extended to include all properly interested persons and witnesses. In this way we aim to ensure that everyone involved in an investigation receives the same standard of service.
- 1.7. With this objective in mind we held discussions with some of our civil society stakeholders as well as coroners, their officers and local authorities in January 2011, to establish how we could best take forward the Charter. The new draft of the Charter is the result of these discussions.
- 1.8. We propose to publish the Charter alongside our *Guide to Coroners and Inquests* (the Guide). We think it would be helpful for those that come into contact with the coroner service to have access to both the Guide and the Charter within one booklet. The two documents would be complementary. The guide is a step by step walkthrough of the process, outlining the role of the coroner and similar areas. The Charter focuses on specifying service standards. The overlap is expected to be minimal.

Problem under consideration

- 1.9. The Shipman Inquiry and the Fundamental Review of Death Certification and Investigation found a number of problems with the current coroner investigation system. These included an inconsistent level of service provided to bereaved people, and lack of involvement of family and friends in coroner investigations.

¹ <http://www.justice.gov.uk/consultations/docs/reform-of-coroner-system.pdf>

1.10. We propose publishing a national Charter for the coroner service to address the following problems in the current system:

- **National guidance**

Currently, there is inconsistency in the way the coroner service is delivered as coroners have no national standards to meet. While many coroner jurisdictions are likely to already meet the standards set out in the proposed Charter, others jurisdictions may fail to do so, which may be because they are not fully aware of them. As a result, the level of service received by service users is likely dependent on which coroner district is responsible for investigating a death and may not meet minimum standards in some cases.

- **Involving families**

Currently, families and other properly interested persons are sometimes not regularly kept updated on the progress of coroner investigation or made aware of reasons for any delay. They have also reported being confused about the investigation process in general and the stages a coroner must go through before an investigation concludes.

- **Disclosure of information**

There is little guidance currently on how bereaved people and others involved in a coroner investigation may access documents and information used in the investigation. This can lead to inconsistent access to documents and misunderstandings.

- **Complaints**

Bereaved people and other interested persons are currently often not aware of their right to complain about a coroner's conduct, or the level of service they have received, or to challenge a coroner's decision. There is also inconsistency in the way in which each coroner's office deals with complaints.

- **Post-mortem examinations**

Currently, bereaved people are not always informed about why a post-mortem examination is necessary. There is also sometimes a lack of clarity as to when a deceased person's body should be released from the coroner's custody to the family, to enable a funeral to take place.

- **Support from bereavement services**

Currently, bereaved people and witnesses are not always aware of where they can go for bereavement support. While some coroner offices keep a list of national and local bereavement services, not all coroner offices do, leading to inconsistency of support.

Policy objective

1.11. The aims of publishing the Charter are to improve the transparency of the coroner service, and bereaved people and other service users' experience of it. We would do this by:

- Publishing the standards that all coroners in England and Wales should already be meeting. This would clarify for coroners, their officers and other staff, and local authorities across the country, the standards of service they should already be providing
- Improving service users' knowledge of how the coroner investigation process works, and who does what;
- Ensuring bereaved people and other service users know what role they can play, and what information and support they can expect to receive, throughout the investigation process;
- Setting out for bereaved people and other service users what they can do if they feel the standards set out in the Charter are not met.
- Making monitoring of the standards of service easier by setting out what those standards are.

Objectives of the Charter

- 1.12. A draft of the Charter has been prepared for consultation. The aim of the Charter is to set out national standards for the following aspects of a coroner's investigation.
- Responsibilities of the coroner's office – The Charter would set out what is expected from coroners and their officers and other staff. For instance, it would state that they must: keep people affected by the investigation informed about progress; consult them where appropriate; treat them with respect; and take account (where possible) of their religious and cultural needs.
 - What happens when a death is reported – The Charter would set out a requirement for the coroner's office to contact the next of kin within 1 working day and explain why the death has been reported and what the next steps would be. The coroner's office would also need to provide information, where possible, on where the body can be viewed.
 - Post-mortem examinations – The Charter would set out that the next of kin, wherever possible, should be informed about the purpose and outcome of post-mortem examinations and to whom families can raise concerns about conducting a post mortem. It would also expressly state that post-mortem reports can be made available to the families but a fee may have to be payable.
 - Keeping in touch – The Charter would set out that the next of kin should be kept updated about the progress of the investigation once every three months. It would also signpost a flow chart that explains the coronial process, which clarifies all the stages that follow once a death has been reported to a coroner.
 - Providing information about inquests – The Charter would set out that the coroner's office should provide the relevant information about the timing and location of the inquest before it starts, taking into account the views of family and other interested persons. It would also explain the position on disclosure of documents and providing waiting facilities (if possible) for bereaved family members and other interested persons.
 - Other rights to participation – The Charter would clarify what to expect if a case is transferred to another jurisdiction; when a body can be released; and when tissues and organs can be retained for additional examinations.
 - What happens when a death occurs abroad – The Charter would explain what to expect from the coroner service if a death occurs abroad.
 - Responsibilities of bereaved people and other interested persons – The Charter would clearly state what the coroner's office can expect from bereaved people and other interested persons, such as providing information promptly, keeping the coroner's office updated about change of contact details, etc.
 - Availability of support and bereavement services – The Charter would set out a requirement for coroner offices to have a list of local bereavement organisations which can be made available to bereaved families and other interested persons.
 - Assessing service standards – As part of wider reforms to the coroner system it is proposed that a committee of bereaved organisations would be convened with the specific remit of feeding back the impact that the Charter has had on the coroner service to the relevant Minister within the Ministry of Justice. The Ministry of Justice would also utilise information about complaints and other statistical data to assess the standards of service being provided.
 - Dissatisfaction – The Charter would also sets out how to:
 - Challenge a coroner's decision or the outcome of an inquest
 - Complain about coroner conduct
 - Complain about standards of service
 - Give feedback on the service

Economic Rationale

- 1.13. The conventional economic approach to government intervention to resolve a problem is based on efficiency or equity arguments. The Government may consider intervening if there are strong enough failures in the way markets operate (e.g. monopolies overcharging consumers) or if there are strong enough failures in existing government interventions (e.g. waste generated by misdirected rules). In both cases the proposed new intervention itself should avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and redistributive reasons (e.g. to reallocate goods and services to the more needy groups in society).
- 1.14. Intervention in this case would be justified primarily on efficiency grounds. At present there are no clear, national guidelines on the standards of service coroners are expected to provide. The Charter would provide this information. This rationale for doing so would be if the value to society of having such guidelines exceeded the associated costs. This value to society might relate to a preference for more transparency and any increased fairness associated with this. In addition this value might relate to avoiding the costs associated with having an unclear system, for example reducing the time and effort needed to access relevant information.

Affected stakeholder groups, organisations and sectors

- 1.15. The proposals are likely to affect the following sectors and groups in England and Wales:
- Bereaved people and other properly interested persons
 - Coroners and coroners' officers and other staff
 - Local authorities who fund coroners
 - Police authorities who employ most coroners' officers
 - Other investigating authorities who come into contact with the coroner service
 - Voluntary organisations working with and supporting bereaved people, including faith groups

2. Costs and Benefits

- 2.1. This Impact Assessment identifies both monetised and non-monetised impacts on individuals, groups and businesses in the UK, with the aim of understanding what the overall impact to society might be from implementing these options. The costs and benefits of each option are compared to the do nothing option. Impact Assessments place a strong emphasis on valuing the costs and benefits in monetary terms (including estimating the value of goods and services that are not traded). However there are important aspects that cannot sensibly be monetised. These might include how the proposal impacts differently on particular groups of society or changes in equity and fairness, either positive or negative.
- 2.2. The IA covers two proposals which have been looked at individually and compared with the base case (Option 0). The base case for this IA has been assumed to be "do nothing".

Option 0 – Do Nothing (base case)

- 2.3. HM Treasury's Green Book Guidance requires that all options are assessed relative to a common "base case". The base case for this IA has been assumed to be "do nothing", which in this case means not publishing the Charter and only updating the existing 'Guide to coroners and inquests, as and when this is needed.
- 2.4. The current lack of clear national guidance on what to expect from the coroner's service has led to an inconsistency of the provision of services to bereaved people and other interested persons. This in turn promotes a variation in the level of expectations that users of the service have between local areas.
- 2.5. If we do nothing the existing problems in the system would remain. Bereaved people and other users of the coroner service would remain confused about what to expect from the coroner

investigation process and would remain unclear about what options they have if they are dissatisfied with the level of service received. Especially for bereaved people who are not supported by national bereavement organisations, this can cause unnecessary concern and distress.

- 2.6. Bereaved people and other people affected by a coroner investigation may be unclear or concerned about the progress of the investigation if they do not receive regular updates. An investigation may legitimately take longer than average but it is necessary for the coroner's office to advise bereaved people and others with an interest of this to avoid the perception of an unnecessary delay or inaction by the coroner or coroner's officers.
- 2.7. The current lack of clear guidance for the disclosure of documents has led to inconsistency in making information available to the bereaved families. So if we do nothing, this inconsistency would continue, as would uncertainty for coroners about what they should and should not disclose, and for interested persons about what they may expect to receive.
- 2.8. Bereaved people and other interested persons would remain unclear about how they can find further information about their local bereavement support organisations, and therefore may not be able to obtain the support they need.
- 2.9. Because the do-nothing option is compared against itself its costs and benefits are necessarily zero, as is its Net Present Value.

Option 1 – Publish a national Charter for the coroner service alongside our ‘Guide to coroners and inquests’

Description

- 2.10. Option 1 is to publish a national Charter for the coroner service as part of the same document as the Ministry of Justice ‘Guide to coroners and inquests’. This would provide national guidance for coroners, their officers and other staff as to the minimum standards they should provide. It would also set out for bereaved people and other interested persons the standards they should expect from the coroner's service, and what they may do if something goes wrong. Further details about what the Charter would contain are provided in the introduction section above. The combined document would only be updated as and when it is needed. After the first publication, the current guide would have to be disposed of and replaced with the combined document containing the Charter and guide.
- 2.11. The Ministry of Justice would plan to publish the Charter and Guide both online and in hard copy. Hard copies would be sent to coroner offices (as the Guide is now), and we anticipate that the cost of printing this would be borne by the Ministry of Justice. The Charter sets out the standards the coroners and their officers and staff should meet. It introduces no new sanctions for coroners who fail to meet quality standards. Compliance with the Charter would be voluntary.
- 2.12. It is also proposed that a committee of bereaved organisations would be convened with the remit of feeding back the impact that the Charter has had on the coroner service.

Costs of option 1

- 2.13. There may be one-off adjustment costs for all affected parties in terms of the time it would take to read the Charter to clarify the standards of service coroners should provide. These costs are not expected to be significant.

Coroners, coroners' officers and other staff

- 2.14. Coroners that do not currently meet the service standards set out in the Charter may have to change some of their processes as a result of publication of the Charter. It is assumed that the majority of coroners are likely to currently meet these standards, and hence only a small minority of coroners' officers would incur these one-off and / or ongoing compliance costs. This is particularly the case given compliance with the Charter would be voluntary.
- 2.15. Regarding availability of support and bereavement services, many jurisdictions already have a list of all their local organisations, but those that do not have it are likely to have a one-off initial

cost in terms of time taken to complete the list. We assume that this should not be a long process and therefore the costs would be minimal. Once the list has been made, there would be minimal costs in updating it when necessary. There may be a small cost impact on coroner offices, both in terms of time taken to copy documents and distribute them, and in terms of physical resources such as copiers, paper and postage

Bereaved people, other interested persons and service users

- 2.16. As a result of publication of the Charter, in theory, some coroners that currently exceed the defined standards may choose to move to a service closer to those standards. This would represent a cost to bereaved individuals and other interested parties that deal with those coroners. The extent to which this would occur is unknown, in particular given compliance with the Charter would be voluntary.
- 2.17. Under the proposal, a committee of bereaved organisations would be convened with the remit of feeding back the impact that the Charter has had on the coroner service. This would have some associated costs such as secretarial costs. It is assumed these costs would be small.

Ministry of Justice

- 2.18. The proposal would involve additional costs for the Ministry of Justice associated with printing the combined Charter and Guide. This would need to be reprinted every time either the Charter or Guide would need to be updated.

Society

- 2.19. Coroners are funded through taxation. Any increase in the costs to coroners, for example if coroners choose to increase service levels to meet the standards set out in the Charter, this would represent a cost to the taxpayer.

Benefits of Option 1

Coroners, coroners' officers and other staff

- 2.20. The charter would provide coroner offices, funded by local authorities and police authorities, clear guidance on the standards of service they should provide. All coroners would benefit from knowing whether their current service met acceptable standards. Some coroner jurisdictions already have local Charters, which would no longer need to be produced.
- 2.21. The publication of the Charter should reduce the time and effort that may currently be required to explain the investigation process and the service that bereaved people and other service users should expect.
- 2.22. Finally, some coroners that currently exceed the defined standards set out in the Charter may choose to move their service standards closer to the defined levels. This again may lead to a reduction in the resources required, which would benefit coroners.

Bereaved people, other interested persons and service users

- 2.23. Bereaved people, other interested persons and service users would benefit from improved information, and a more transparent coroner service. They would become more aware of what to expect from a coroner's office throughout an investigation, and the level of service they should receive. A Charter's flow chart would also help them understand which stage they are currently at. They would also benefit from being made aware of their own rights and responsibilities.
- 2.24. As a result, there may be fewer (perceived) delays in holding inquests. Bereaved people and others involved in a coroner investigation would also be able to more easily see how they can complain if they are dissatisfied with any aspect of the service they have received. These factors may directly increase the economic welfare of those using the service.
- 2.25. By centralising various information in a more accessible format, the Charter will also reduce the costs of acquiring information about service levels. This may lead to more informed decision making from individuals in relation to complaints and appeals.

- 2.26. If coroners that do not currently meet the defined service levels improve their service levels as a result of publication of the Charter, the welfare of users in those areas would increase as a result.
- 2.27. For example, bereaved people in areas where such information is not currently available would benefit from a list of support organisations, as they would be given contact details of their local bereavement organisations, and therefore be able to more easily obtain further support if necessary. Voluntary bereavement support organisations would also benefit, as they would be able to access those bereaved people they wish to support.
- 2.28. The establishment of a bereaved organisations committee with the specific remit of providing feedback on the implementation of the Charter would ensure that representatives of the bereaved, whom the Charter is likely to impact most, would be actively involved in assessing its impact and feeding into the continuous improvement of the service.

Society

- 2.29. If society has a preference for transparency, then the Charter will improve societal welfare.
- 2.30. Coroners in some areas may be providing a standard of service below the defined levels set out in the proposed Charter. If they provide a higher quality service as a result of publication, at higher cost, then this effectively is a transfer from the taxpayer to users of the service (given coroners are funded through taxation). This transfer may be desirable in equity terms.
- 2.31. Equally, if coroners choose to reduce service levels, or if the cost of providing services fall overall as a result of publication of the Charter, then this would represent a benefit to taxpayers.

Option (2) Publish a national Charter for the coroner service in isolation from our ‘Guide to coroners and inquests’

- 2.32. Under this option the Charter would contain the same information as under Option 1. It also proposed that a committee of bereaved organisations would be convened with the remit of feeding back the impact that the Charter has had on the coroner service. However under Option 2 the Charter would be published as a separate document to the MoJ ‘Guide to coroners and inquests’. Compliance with the Charter would be voluntary.

Costs of Option 2

Coroners, coroners’ officers and other staff

- 2.33. The same costs as discussed under Option 1 would apply, given the same information would be published.

Bereaved people, other interested persons and service users

- 2.34. The same costs as discussed under Option 1 would apply, given the same information would be published.

Ministry of Justice

- 2.35. Under this option, the Ministry of Justice would publish the Charter and Guide both online and in hard copy. The Ministry of Justice would print separate copies of the Charter and Guide and distribute these to coroner offices, for distribution to people involved in coroner investigations. The costs associated with this option would relate only to the publication of the Charter.
- 2.36. It is unclear whether this would be more expensive overall compared to publishing a single document as proposed in Option 1. Separate documents would be more expensive to publish compared to a single document, but a single document would need to be updated and reprinted more regularly than would separate documents (in effect, the Charter would need to be reprinted every time the information in the Charter *or the Guide* needed to be updated).

Society

- 2.37. The same costs as discussed under Option 1 would apply.

Benefits of Option 2

Coroners, coroners' officers and other staff

- 2.38. The same benefits as discussed under Option 1 would apply, given the same information would be published. It is assumed that coroners would be indifferent between the Charter being published separately, or as a single document with the Guide.

Bereaved people, other interested persons and service users

- 2.39. The same benefits as discussed under Option 1 would apply. However, the magnitude of the benefits may be lower if publishing information in two separate documents makes it more difficult for individuals to find, access and understand the relevant information, or if individuals have a preference for all information to be contained in a single document.

Society

- 2.40. The same benefits as discussed under Option 1 would apply. However, the magnitude of the benefits may be lower if publishing information in two separate documents makes it more difficult for individuals to find, access and understand the relevant information.

Risk and assumptions

- 2.41. The key risk is that compliance with the Charter is voluntary. The effects on behaviour are not known, but may include service standards increasing or in some cases falling as standards move closer to the published guidelines. The behavioural response of coroners to the proposal are likely to determine the magnitude of the impacts outlined above. It is assumed that the standards set out in the Charter would be adhered to.
- 2.42. It is assumed that there will be no significant change in the number of complaints and appeals made overall as a result of publishing the Charter, although in principle these may be more likely to fall if the majority of coroners already meet the defined standards set out in the Charter.
- 2.43. It is assumed that the proposal would have no impact on the quality of decisions made by Coroners.
- 2.44. It is assumed the Guide and Charter would be complementary. The Guide outlines the role of the coroner and the process involved. The Charter focuses on specifying service standards. The overlap is expected to be minimal.
- 2.45. We have assumed that the Charter would be easily accessible to bereaved people and others, both nationally, via the MoJ website and through other sites like DirectGov, and locally in hard copy from coroners, and that this increased transparency would promote adherence to the published standards.
- 2.46. The Charter would include details of local voluntary groups. This could lead to an increased volume of interactions and requests for help to those voluntary groups. There may be an increased cost to voluntary organisations resulting from these extra requests. However, these organisations may also have to spend less time explaining process as the Charter would set out standards. It is assumed that these two factors would offset each other, and the impact on voluntary organisations would therefore be broadly cost neutral.
- 2.47. There is a risk that coroners may have to adjust the processes and operations to reflect their responsibilities as outlined in the Charter. It is assumed that the majority of firms already meet the standards and would therefore not have to bear any significant ongoing or one-off adjustment costs.
- 2.48. A committee of bereaved organisations would be convened under this proposal. It is assumed that there would be no significant costs associated with this.
- 2.49. There are risks that some people who need it may not be able to have either access to a hard copy or electronic version of the Charter; that the standards it contains are inappropriate; and that those standards are not met. However we believe these risks to be minimal.

- 2.50. The analysis explores the possibility that individuals may find it more difficult to access the information in the Charter if it were published as a standalone document. However, it is assumed that if this was the case any additional costs would not be significant, and hence there would be no significant additional impact on the volume of complaints or appeals, or in general on the transparency introduced by the publication of the information published in the Charter.

3. Specific Impact Tests

Statutory equality duties - gender, disability and race equality

- 3.1. The draft Ministry of Justice Equality Impact Assessment, which is attached at Annex 2, covers these three areas.

Competition Assessment

- 3.2. In our view the Charter on which we are consulting would have no direct impact on business or competition between businesses. This is because it would not:
- Directly limit the number or range of suppliers (or providers)
 - Indirectly limit the number or range of suppliers (e.g. by altering demand)
 - Limit the ability of suppliers to compete
 - Limit suppliers' incentives to compete vigorously

Small Firms Impact Test

- 3.3. The coroner system has limited interactions with three groups of small firms – funeral directors, pathologists and body removers. We anticipate that our proposal to publish a national Charter would not affect the nature or quantity of those interactions and so would have no impact on small businesses.

Carbon Assessment

- 3.4. The Charter would not lead to change in the emission of Greenhouse Gases.
- 3.5. We anticipate no impact of the policy on carbon emissions. This is because there would be no changes in energy use or travel; and no new buildings (or demolishing of buildings).

Other Environment

- 3.6. We anticipate no environmental impacts. This is because the Charter would have no effect on climate change in terms of waste management, air quality, material change to the appearance of the landscape or townscape, water pollution, habitat or wildlife, or exposure to noise.

Health Impact Assessment

- 3.7. We believe there is no health impact, for the following reasons:
- The Charter would have no significant impact on the following wider determinants of health: Income; crime; environment; transport; housing; education; employment; agriculture; social cohesion.
 - There would be no significant impact on any of the following lifestyle related variables: Physical activity; diet; smoking, drugs or alcohol use; sexual behaviour; accidents and stress at home or work.
 - It would not lead to any new demand on the following health and social care services: Primary care; community services; hospital care; need for medicines; accident or emergency attendances; social services; health protection and preparedness response.

Human Rights Impact Assessment

3.8. We do not anticipate any impact.

Legal Aid and Justice Impact Test

3.9. We anticipate no impact on legal aid or the justice system.

Rural Proofing

3.10. We do not anticipate any specific impact on rural circumstances and needs arising from our proposal to publish the Charter. This is because:

- It would not affect the availability of public and private services; result in closures or centralisation; or have a disproportionate effect in rural areas (where services are already more limited)
- It would not affect travel needs or the ease/cost of travel; and the impact would not be different in sparsely populated or remote rural areas where, typically, journey times are longer, public transport is poor, and alternative travel options are limited or expensive, especially for low income groups.
- It would not target disadvantaged people or places.

3.11. MoJ plans to publish the Charter online. There may be an impact on rural areas where broadband quality may be poorer. However MoJ also plans to publish hard copies of the Charter which it would dispatch to coroner offices free of charge (as it does with the current 'Guide to coroners and inquests'). This would mitigate the impact of possible poor broadband quality in rural areas.

Sustainable Development

3.12. The Government has committed to five principles of sustainable development:

- Living within environmental limits;
- Ensuring a strong, healthy and just society;
- Achieving a sustainable economy;
- Promoting good governance;
- Using sound science responsibly.

3.13. Publishing the Charter would contribute to ensuring a strong, healthy and just society; and promoting good governance. This is because it would increase transparency of the coroner system by setting out the standards coroners should be meeting in a way that is easily accessible to those who use the coroner service.

Privacy Impact Test (an MoJ Specific Impact Test)

3.14. We believe a privacy impact assessment is not required in relation to our consultation.

Equalities Impact Assessment (EIA)

3.15. This is attached at annex 2.

Annexes

Annex 1: Post Implementation Review (PIR) Plan

<p>Basis of the review:</p> <p>The Ministry of Justice would review the Charter once it has been implemented after 3 years to see how the coroner service is operating with a Charter.</p>
<p>Review objective:</p> <p>The objective of the review would be to identify whether there has been a change in standards for provision of the coroners service following the publication of the Charter for bereaved people and other interested persons who have come into contact with the coroner service. It would also identify whether the national standards are being met in all jurisdictions, and if not, why that may be.</p>
<p>Review approach and rationale:</p> <p>We would conduct an Implementation Review. This would focus on the impact of publishing the Charter, whether publishing it has led to any difficulties, and / or any additional resources being needed by any affected groups. Most importantly, it would try to identify if there has been a significant improvement in the system.</p> <p>In carrying out this review, views would be obtained from stakeholders. These would include coroners, coroners' officers, local authorities, voluntary organisations etc.</p>
<p>Baseline:</p> <p>We would measure any future change against the current system.</p>
<p>Success criteria:</p> <p>We would look at figures obtained by Ministry of Justice for its annual coroner report, to see if inquests are being held in a timely fashion, and if not, whether those jurisdictions are complying with the Charter, for example, whether those families have been kept up to date regarding the reason for delay and whether they have provided the relevant information requested etc.</p>
<p>Monitoring information arrangements: [Provide further details of the planned/existing arrangements in place that would allow a systematic collection systematic collection of monitoring information for future policy review]</p> <p>We would obtain feedback from stakeholders, through meetings and correspondence to see what impact the Charter has had and would feed this into the committee of bereaved organisations that would be convened with the specific remit of feeding back the impact that the Charter has had on the coroner service to the Minister. We would also find out if complaints against coroners have increased, and the types of complaints that are being made regarding the level of service.</p>
<p>Reasons for not planning a review: [If there is no plan to do a PIR please provide reasons here]</p>

Equality Impact Assessment Initial Screening - Relevance to Equality Duties

Before you complete an Equality Impact Assessment you must read the guidance notes and unless you have a comprehensive knowledge of the equality legislation and duties, it is strongly recommended that you attend an EIA training course.

The EIA should be used to identify likely impacts on:

- disability
- race
- sex
- gender reassignment
- age
- religion or belief
- sexual orientation
- pregnancy and maternity
- caring responsibilities (usually only for HR policies and change management processes such as back offices)

1. Name of the proposed new or changed legislation, policy, strategy, project or service being assessed.

The draft Charter for the coroner service

2. Individual Officer(s) & unit responsible for completing the Equality Impact Assessment.

Elizabeth Knapp and Hazra Khanom - Coroners and Burials Division

3. What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?

Aims/objectives	Outcomes
<p>The Charter will set out the standards of service that bereaved family members, witnesses and other properly interested persons should receive from the coroner service. It will ensure that all coroner offices in England and Wales know the standards they should meet, and that bereaved people and other service users know their rights and responsibilities throughout the investigation process.</p>	<ul style="list-style-type: none"> • People will be made aware of how the coroner investigation process works, and who does what; • The transparency of the coroner service will be improved • Monitoring of standards of service will become easier • Bereaved people and other service users will know who they can contact if they wish to make a complaint about a coroner's conduct or about the level of service received.

4. What existing sources of information will you use to help you identify the likely equality impacts on different groups of people?

(For example statistics, survey results, complaints analysis, consultation documents, customer feedback, existing briefings, submissions or business reports, comparative policies from external sources and other Government Departments).

Before publishing this consultation paper on the Charter, we consulted selected stakeholders representing coroners, their officers, local authorities, and voluntary organisations. No specific issues were raised about equality and diversity impacts.

In the past we have also consulted widely and publicly on a variety of aspects of coroner change, which have included previous versions of the draft Charter, and issues around sensitive reporting in coroner courts. We have also had long term general stakeholder contact in the form of ministerial meetings, meetings with officials and emails and written correspondence. This contact also did not show any specific equality and diversity impacts.

In relation to religion and belief, individuals and groups representing certain faiths, notably Islam and Judaism, have expressed a particular interest in the coroner's timely release of a body for funeral, and also in the use of less invasive post-mortem examinations. However the draft Charter does not propose to change current coroner practice on these issues.

The Ministry of Justice has also worked closely with the Coroner Society on coroner change to ensure that its views, and experience in dealing with people from different equality and diversity groups have been taken account of in drafting the Charter.

We will continue to work with all stakeholders to identify whether or not there will be any equality and diversity impacts from our proposal to publish a Charter

5. Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people. If so what are the gaps in the information and how and when do you plan to collect additional information?

Note this information will help you to identify potential equality stakeholders and specific issues that affect them - essential information if you are planning to consult as you can raise specific issues with particular groups as part of the consultation process. EIAs often pause at this stage while additional information is obtained.

The consultation paper and the impact assessment, which this equality impact assessment accompanies, seek views on the content and impact of our proposals. The responses we receive to the consultation will inform us on how we will need to amend the Charter. So far our existing sources of information, mentioned in section 4 above, have not identified any specific equality and diversity impacts.

In its present form, the Charter attempts to ensure that the coroner system will not discriminate, directly or indirectly, against any specific groups of people. It also aims to ensure that there is a balance between the coroner's statutory duty to investigate certain deaths and the equality and diversity needs of bereaved people and others who come into contact with the service. Most importantly, the Charter tries to set out the minimum standards that a coroner's office will need to comply with to ensure that they are meeting the needs of all different service users.

One of the consultation document's questions asks whether there are any other equality and diversity impacts, which we have not taken into account already, which may arise as a result of publishing a national Charter for the coroner service.

6. Having analysed the initial and additional sources of information including feedback from consultation, is there any evidence that the proposed changes will have a **positive impact** on any of these different groups of people and/or promote equality of opportunity?

Please provide details of who benefits from the positive impacts and the evidence and analysis used to identify them.

Both the Shipman Inquiry and the Luce Review found that the bereaved especially were not always involved in the coroner investigation. They also showed that the needs and expectations of the bereaved are sometimes not given the consideration they deserve, but they did not find that any one group fared any better or worse than any other. Also, consultations carried out in the past on coroner change have not given any indication that any of the groups of people who come into contact with the coroner service are at risk of having less opportunity than others for involvement or engagement in the coroner system.

We believe that that the Charter will have a positive impact in recognition of the needs of particular faith and community groups, as the Charter requires all coroners, where possible, take into account religious and cultural needs.

7. Is there any feedback or evidence that additional work could be done to promote equality of opportunity?

If the answer is yes, please provide details of whether or not you plan to undertake this work. If not, please say why.

There is no evidence that additional work could be done to promote equality of opportunity, but we would like to hear from you, if you believe otherwise.

8. Is there any evidence that proposed changes will have **an adverse equality impact** on any of these different groups of people?

Please provide details of who the proposals affect, what the adverse impacts are and the evidence and analysis used to identify them.

We believe that our proposal to publish a Charter will not have an adverse equality impact on any of the different groups of people.

As mentioned earlier, some faiths and cultures require the deceased's body to be disposed of as quickly as possible. The Charter requires all coroners, where possible, to take into account the needs of community and faith groups.

We are also conscious that coroners are already increasingly aware of the religious and cultural sensitivities and needs in their areas. Many have built up good local links with groups who have specific religious requirements, such as Muslims, Hindus and Jews. We wish to recognise that coroners can respond to the need for, for instance, prompt burial or cremations, and be flexible in making arrangements to meet those needs, for example by scheduling a prompt post-mortem examination.

9. Is there any evidence that the proposed changes have **no equality impacts**?

Please provide details of the evidence and analysis used to reach the conclusion that the proposed changes have no impact on any of these different groups of people.

No differential impact on different groups identified.

10. Is a full Equality Impact Assessment Required? Yes No

If you answered 'No', please explain below why not?

NOTE - You will need to complete a full EIA if:

- the proposals are likely to have equality impacts and you will need to provide details about how the impacts will be mitigated or justified
- there are likely to be equality impacts plus negative public opinion or media coverage about the proposed changes

- you have missed an opportunity to promote equality of opportunity and need to provide further details of action that can be taken to remedy this

If your proposed new or changed legislation, policy, strategy, project or service involves an Information and Communication Technology (ICT) system and you have identified equality impacts of that system, a focused full EIA for ICT specific impacts should be completed. The ICT Specific Impacts template is available from MoJ ICT or can be downloaded from the Intranet at: <http://intranet.justice.gsi.gov.uk/justice/equdiv/equal-impact.htm>, and should be referenced here.

We believe at this stage that a full Equality Impact Assessment is not required. However a final decision will be made after the consultation has taken place and we have considered feedback from it.

11. Even if a full EIA is not required, you are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.

We will continue to engage with our stakeholders to see how the Charter is being implemented.

12. Name of Senior Manager and date approved

You should now complete a brief summary (if possible, in less than 50 words) **setting out which policy, legislation or service the EIA relates to, how you assessed it, a summary of the results of consultation, a summary of the impacts (positive and negative) and, any decisions made, actions taken or improvements implemented as a result of the EIA.** The summary will be published on the external MoJ website.

The Charter for the coroner service will set out the standards of service that bereaved family members, witnesses and other properly interested persons should receive from the coroner service. We have identified no equality and diversity impacts of publishing the Charter but would be grateful for respondent views on this.

Name (must be grade 5 or above): Dr Elizabeth Gibby

Department: Ministry of Justice

Date: 29/3/2011

Note: The EIA should be sent **by email to anthony.shepherd@justice.gsi.gov.uk of the Corporate Equality Division (CED), for publication.**