

MARGAM JOINT CREMATORIUM COMMITTEE

20 JANUARY 2017

REPORT OF THE CLERK

MATTER FOR INFORMATION

WARDS AFFECTED:

All

IMPLEMENTATION OF MEDICAL EXAMINER SCHEME IN WALES

Purpose of Report

1. The purpose of the report is to advise Members of a response to consultation submitted by the Head of Legal Services.

Background

2. Members have previously been advised of proposals by the UK Government to implement a Medical Examiner Scheme in England and Wales. The purpose of the scheme is to secure greater and more uniform examination of documentation prepared by medical practitioners related to the cause of death. Due to the self-evident fact that bodies subject to cremation cannot be subject to later re-examination if some doubt arises as to the cause of death, greater controls have always existed in respect of the submission of remains for cremation than where burial is due to take place. Crematoria have had to appoint Medical Referees whose job it is to examine documentation filled out by medical practitioners where cremation is proposed. The legislation will do away with that specific requirement but it will be replaced by a general regime which will apply in the case of all deaths regardless of whether remains are to be cremated or not. Medical Referees appointed by crematoria will disappear and will be replaced by Medical Examiners the jurisdiction of which will extend to all deaths.
3. In England the Medical Examiners are to be appointed by local authorities but in Wales appointment is made by the Local Health

Boards. The reason for the difference is that, in England, certain public health functions are carried out by local authorities. Despite the fact that this is generally an area which is not devolved, the Welsh Government does have a certain role in making regulations for the Medical Examiner Scheme.

4. Consultation published by the Welsh Government at the end of last year on the proposed regulations is attached to this report in Appendix 1. I have not reproduced the text of the proposed regulations themselves. Due to the fact that no meeting was due to take place before the end of the consultation period, I prepared a response to the consultation after some discussion with the Chair. That response is attached as Appendix 2.
5. Prior to submitting the response to the consultation, I raised several issues with the Welsh Government but did not receive a response to those queries until after the response was submitted. I questioned the cost quoted as being chargeable to families in terms of fees for completion of cremation forms. The consultation indicates that the cost to families is £184. It is now clear that that cost varies from place to place. Two cremation forms are completed by two separate doctors at a cost to families of £82 each (these fees are not approved or regulated by local authorities); the additional cost of the examination of those forms by the current Medical Referees is recovered from families in some areas but not others. At Margam Crematorium the cost is not recovered from families on an individual basis but is treated as an overall overhead of the operation of the Crematorium.
6. I also made the point to the Welsh Government that the consultation did not indicate what the fee was likely to be for new Medical Examiner service. These fees would be recovered from the person who registered the death. The Welsh Government indicated that the Medical Examiner system would be funded from fees (in accordance with the overall England and Wales Scheme) but the level of those fees would be dependent on the service provided including the number of Medical Examiners, their officers, the associated IT and other administrative costs. These arrangements would only become clear at the implementation stage of the project.

7. I also indicated to the Welsh Government that local authorities do not receive specific funding from central government in relation to the Coroner Service.

Financial Impact

8. The local authority will no longer appoint a Medical Referee and fees will therefore no longer be payable by the local authority. In practice the expenditure of the Crematorium on these fees will vary from year to year dependent on the number of cremations.

Equality Impact Assessment

9. Not appropriate in this case

Workforce Impact

10. None in this case since the medical referee is not an employee

Legal Impacts

11. The legal effect of the changes is explained in the report.

Risk Management

12. There are no implications for risk management subject to implants being properly dealt with by the new system.

Consultation

13. This is not required on the part of the local authority

Recommendation

14. The report is for information purposes only.

Appendices

15. Appendix 1 - Consultation published by the Welsh Government
16. Appendix 2 – Response of Head of Legal Services to Consultation

List of Background Papers

17. The consultation and draft regulations.

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