



REGISTRATION MODERNISATION

A position and consultation paper on the delivery of the
local registration service in England and Wales

November 2005

TABLE OF CONTENTS

1. Introduction.....	1
2. Background	3
3. Taking forward the reform and modernisation agenda.....	5
4. Other proposals for change.....	8
5. The consultation process.....	10

Annexes:

1. Actions Required To Progress The KeyProposals.....	12
2. New Arrangements For Storage Of Registers.....	15
3. Part 1 Draft Model Scheme.....	16
3. Part 2 Draft Code Of Practice.....	18
4. Cabinet Office Code Criteria On Consultation.....	24
5. Questions For Public Consultation.....	25

1. Introduction

1.1. Modernisation of civil registration in England and Wales is long overdue and widely supported. First introduced in 1837, the system was designed to suit the needs and expectations of society at that time. The process has since changed very little. Information for the registration of a birth or death continues to be given in person to a registrar for entry in a bound register using pen and ink, from which certificates are issued.

1.2. The administration of the service also remains broadly unchanged with responsibility shared between the Registrar General, local government and registration officers. Registration officers are statutory post holders, appointed by the local authority, but not employed by them. In fact registrars and superintendent registrars have no legal employer.

1.3. Overall responsibility for civil registration in England and Wales rests with the Chancellor of the Exchequer, with Ministerial responsibility assigned to the Financial Secretary to the Treasury (FST). In 2002 the Government published the White Paper 'Civil Registration: Vital Change' (cm 5355). This set out the agenda for a modern, effective and high quality registration service in keeping with Government's wider reform agenda and four guiding principles to improve customer service:

- setting national standards within a framework of clear accountability, designed to ensure that citizens have the right to high quality services wherever they live
- devolution and delegation to the front line, giving leaders responsibility and accountability for delivery, and the opportunity to design services around the needs of local people
- more flexibility so that public service organisations and their staff are better able to provide modern public services
- greater choice for the customer and the ability, if provision is poor, to have an alternative provider.

1.4. To underpin the changes, the White Paper proposed:

- that local authorities be given responsibility for delivering the local registration service
- that superintendent registrars and registrars of births and deaths become local authority employees
- that couples should have greater choice on where and when to marry
- that it should be possible to register births and deaths on line or by phone, in addition to continuing to have the choice of doing so in person
- the creation of a central database which would form the legal record in place of bound registers, and allow electronic transmission of information to and from the Registrar General
- the introduction of a new regime for accessing registration information and different arrangements for storing the original registers.

1.5. Some, but not all the changes would have required legislation. Those relating to births and deaths, and associated organisational changes, were presented before Parliament in July 2004 as a draft Order¹ to be made under the Regulatory Reform Act 2001. In December the Regulatory Reform Committees reported that the proposed changes were too large and complex to be taken forward by means of a regulatory reform order.

1.6. This paper sets out how the Government now intends to take forward the modernisation of civil registration (section 3) and invites comments on specific proposals relating to the governance arrangements between central government and local authorities for the delivery of the local registration service (section 4).

¹ The draft Regulatory Reform (Registration of Births and Deaths) (England and Wales) Order 2004

2. Background

2.1. Civil registration plays a vital role in securing and protecting basic human rights, and supporting community wellbeing and social inclusion. It provides individuals with:

- a name and status within society
- a facility for marriage
- evidence of paternity
- evidence of entitlement to inheritance, insurance, pensions and certain state services and benefits
- information of historical significance, both for family research and genealogical purposes.

2.2. It is essential that civil registration continues to record high quality information and to play its part in protecting human life and in upholding the rights of individuals on access to information. The statistical information derived from civil registration is also important to policy making and in allocating national and local resources. Information from death registration is essential in monitoring the health of the nation.

2.3. The Registrar General ensures the quality of registration and statistical information, and monitors the delivery of the service throughout England and Wales. She is also responsible for the administration of the Marriage and Registration Acts.¹

2.4. The Registration Acts also place certain responsibilities on all county, metropolitan and unitary authorities, and London Boroughs. These include the provision of register offices and record repositories, and a requirement for a 'Proper Officer' - a senior officer within the authority with responsibility for day to day management of the service. Each local authority is also required to prepare a local service delivery plan (known as a 'scheme') for approval by the Chancellor of the Exchequer.

2.5. Registration officers – superintendent registrars and registrars of births and deaths - are appointed and paid by the local authority. However, registration officers have no legal employer, and by virtue of their statutory postholder status can only be dismissed by the Registrar General. Many statutory officers and local authorities regard each other as staff/manager/employer in every other way except in the strict terms of the law. The employment status and demarcation of responsibilities of registration post holders can hinder management and effective deployment of resources, and does not offer the officer any legal safeguard or protection in relation to their employment status.

2.6. The Registrar General has limited powers to intervene where a local authority is not meeting the standards required by legislation. The principal remedies relate to individual registration posts and post holders, and extend to the appointment of registrars and superintendent registrars where a local authority fails to do so.

¹ The Registration Service Act 1953, the Births and Deaths Registration Act 1953, and the Marriage Act 1949.

2.7. In addition to the power of dismissal, the Registrar General is also responsible for any disciplinary issues which arise from a statutory officer's performance. In this respect the Registrar General monitors and reports on the performance of registration officers via an Inspectorate.

3. Taking forward the reform and modernisation agenda

3.1. The White Paper contained a comprehensive set of measures aimed at providing a high quality, efficient and modern registration service. While most require changes to primary legislation, some can be progressed by amending secondary legislation. Many others can, and are being progressed under existing legislation.

3.2. A detailed list of the changes proposed in the White Paper is at Annex 1. This also contains our assessment of how these can best be progressed in the near future.

The key issues are described in more detail in the following sections.

Changes being progressed under existing legislation

3.3. The Registration Acts are based on Victorian legislation and contain very detailed instructions on the day to day delivery of the local registration service. The way in which the Acts are interpreted has to take account of modern-day expectations and practices. The Registrar General has reviewed the current advice provided by the General Register Office to local registrars and Proper Officers and proposes to introduce more modern processes where it is possible to do so. This will allow front line staff greater flexibility to deliver local services and better meet customer expectations.

3.4. At present superintendent registrars are required to store registers in a repository within the register office. In future, registers will be allowed to be kept elsewhere provided they remain secure, accessible to, and in the custody of the superintendent registrar. Further details of the proposal are at annex 2. The development of guidance on the preservation of records will be taken forward together with the National Council on Archives and the Association of Chief Archivists in Local Government.

3.5. At present information for birth and death registration is collected electronically using locally run computer programs supplied and supported by the General Register Office (GRO). The information collected by registrars is sent to GRO periodically both electronically and in paper form. With such a system it is difficult to make changes and cumbersome to maintain when problems arise. Other organisations have introduced web based systems for comparable processes and GRO intends to move in the same direction.

3.6. The local IT application system will therefore be replaced over the next year by a web based system. This will enable registrars to enter details of birth and death registrations on-line, and allow local printing of individual register pages and certificates. This will speed up the registration process and deliver improved customer service, whilst maintaining the quality and integrity of the information provided by the parent(s) of a new born child and the bereaved.

3.7. The web based system will provide GRO with electronic copies of all birth, still-birth and death registrations which has advantages in allowing more efficient production of certificates and provision of information to other government departments where this is provided for in law. There will also be benefits in making electronic copies of existing registration records. In particular this will allow the

Registrar General to continue to meet increasing public demand for certificates for family history research and other administrative purposes. The GRO has explored the benefits and costs associated with such an exercise and concluded that there is a strong financial case for proceeding. Accordingly GRO has now embarked on a project to digitise all birth, death and marriage records dating back to 1837. This will also bring improved public service benefits in that users of the existing GRO indexes will in future be able to search electronically.

Changes to be progressed through secondary legislation

3.8. Many aspects of the registration service are still based on paper documents even though comparable processes in other organisations have moved on to electronic records and data transfers. This is largely because current legislation was passed in a time well before electronic records had been dreamt of. To remedy such situations the government passed the Electronic Communications Act in 2000 to also allow electronic records and data transfers in specific circumstances. The Registrar General now intends to seek an Order under Section 8 of the Electronic Communications Act 2000 to allow copies of the local register to be sent to the GRO electronically, and at more frequent intervals, thus eliminating the need for local preparation and submission of paper returns. This means that registrars will no longer need to send paper copies of all births and deaths registered by them in the previous three months to the Registrar General on a quarterly basis.

3.9. The Order making powers of the Electronic Communications Act 2000 will also be used to modernise the system of publication of notices of marriage, and to provide for registration information to be made available electronically.

3.10. Service delivery improvements to be taken forward by amendment to regulations include the information which may be collected at the registration of a birth or death (for example, to include details of the widow of the deceased; currently only a widowers details are recorded), to modernise the terminology which is used when a notice of marriage is given (i.e. 'Single' to replace 'Spinster' and 'Bachelor'), and to simplify the way corrections to records are made.

Changes requiring primary legislation

3.11. Several changes that were proposed for implementation using the powers of Regulatory Reform Act 2001 will, in the absence of such an approach, require primary legislation. The position on these is as follows:

- Regularisation of the employment position of registration officers. Registrars currently have no legal employer. The White Paper proposed that they should become employees of the local authority. Discussions have been held with the relevant local authority representative bodies (Local Authorities Coordinators of Regulatory Services [LACORS] and the Employers Organisation), and with the Society of Registration Officers and UNISON, and agreement reached on the scope of the legislation required to make the change. The Government will seek an opportunity to bring forward legislation to achieve this

- Delivery of the local registration service to become the responsibility of local authorities. This is consistent with the Government's commitment to improve customer service by delegating responsibility and accountability to those who deliver the service. This consultation sets out a basis for taking this forward within the existing legislative framework, which, if successful, can be consolidated and extended in future legislation
- Registration of births and deaths by internet and telephone. The White Paper proposed that with appropriate safeguards it would be appropriate to allow citizens the choice to register births and deaths by internet or telephone in addition to registration in person. The Regulatory Reform Committees argued that this was premature as appropriate safeguards are not currently available. In the light of this the Government has decided to delay such legislation until suitable safeguards have been developed
- Creation of a central database which would form the legal record in place of registers. The White Paper set out how an electronic system for the recording and storage of the legal record would provide opportunities to provide a simpler and more flexible process for gathering, managing, correcting and updating registration information. Legislation to achieve this will be introduced once the government is satisfied that robust safeguards are in place to maintain the integrity of the information
- Death registration. The White Paper proposed a limited number of changes to death registration but noted the interaction with wider changes required as a result of the review of procedures following the Shipman Inquiry. Any changes to death registration will now be taken forward in tandem with changes arising from the Shipman Inquiry and the fundamental review of the coroner system
- Marriage laws. The White Paper proposed further extending the choice of marriage venues available to couples, and removing the time restrictions that currently apply. The Government accepts that this now requires primary legislation to enact. This will be considered in the context of any further changes required to the Marriage Act 1949
- Other issues. The White Paper proposed some detailed changes to the registration of births, records management, and collection of registration statistics. These changes will be taken forward as and when opportunities for primary legislation arise.

4. Other proposals for change

4.1. Taken together, the changes described in Section 3 have significant implications for the management of the delivery of the local registration service. A working group of GRO and LACORS representatives has taken these as a basis for developing a more modern governance framework for consultation. The proposals, which the Government endorses, are described in the following section.

4.2. Currently local authorities are required to prepare a Scheme for the management and delivery of the local registration service. These schemes follow a standard format and contain the following details:

- the boundaries of registration districts and sub districts, and the location of register offices and other service points
- the number of registration officer post holders and the hours which they should be appointed
- salaries and condition of service
- powers of the Proper Officer.

4.3. Once a scheme has been approved by Ministers, local authorities are required to operate within those arrangements, with no discretion to vary the terms of the scheme without a formal amendment being made to the scheme or a new scheme being made.

4.4. The White Paper envisaged a more customer focused service requiring local authorities to meet national standards of service and to consult locally on customer expectations and needs. The GRO and LACORS joint working group has recommended that the current scheme arrangements be modified to make them more customer focused, and to provide local authorities with more discretion to adjust staffing levels in the light of actual demand. The key change would commit local authorities to publish a Customer Charter and deliver local registration services to at least national minimum standards as set out in a Code of Practice.

4.5. A model scheme and draft of the proposed Code of Practice are at annex 3. The Code would be supplemented by a Good Practice Guide which would contain advice on how the Code should be applied, and more generally on national standards, records management and best practice in service delivery. Compliance with national standards should not generally involve additional expenditure for local authorities. Further information about the Good Practice Guide is set out at Section 2 of the draft Code of Practice.

4.6. The proposal would remove redundant controls and allow local authorities greater flexibility to deliver local services within an overall framework which ensures national standards are maintained and local community needs are met. This would see a relaxation of many rigid elements of the current arrangements, and the development of a more customer focused approach whereby the Proper Officer has greater responsibility and accountability for the delivery of the local service. Essentially this would achieve many of the policy changes advocated in the White Paper, and allow the new arrangements to 'bed in' at local level in advance of the introduction of a statutory regime at a later date.

4.7. Subject to making a new scheme and committing to the Code of Practice, local staffing levels would be decided by the local authority. Advice on this will be included in the Good Practice Guide.

4.8. The new web enabled IT system and introduction of individual register pages for births, still births and deaths (see para 3.6) will also provide scope for greater flexibility in the use of resources within a sub-district. For example more registration staff will be able to use the system at busy times. Currently this is limited to the number of registration posts and the availability of birth and deaths registers. In the future it will not be necessary to maintain multiple sets of registers at the same location. Provided sufficient numbers of trained and competent staff are available in support, this could mean that only one registrar may need to be appointed for each area or location.

4.9. A new compliance regime would be needed to support the new arrangements, and in particular to provide the Registrar General with reassurance that national standards are being met across England and Wales. This would see a shift away from inspections of individual registration officers to a local authority wide assessment of the delivery of registration services.

4.10. This would be undertaken centrally by analysing local data from the new web enabled registration system, and supplemented by local authority self assessment returns to the Registrar General and field visits as necessary. In particular the Registrar General would retain the right to visit local services if it appeared that standards were not being met. Such arrangements would be less invasive and more in line with the protocols currently in place for other local authority services.

4.11. Although based on the existing legislative framework, the proposed governance arrangements are consistent with the policy intention of the 2002 White Paper, and with the responsibilities already placed on local authorities in the Civil Partnership Act 2004. The proposal should not therefore be considered to be an interim or compromise arrangement, but as a foundation for the future delivery of the full range of local registration services.

5. The consultation process

5.1. Treasury Ministers and the Registrar General have agreed that the proposals outlined in Section 4 should be opened up for public consultation in line with the Cabinet Office's Code of Practice (see annex 4).

5.2. To assist the consultation process a number of questions have been asked at Annex 5. All local authorities who provide local registration services are encouraged to respond, as are local registration managers and practitioners, and representative bodies. Respondents are asked to make clear in what role they are responding.

5.3. Individuals or groups responding to the consultation should include their name and full contact details, and say whether they are representing an organisation or group of bodies. Individual contributions will not be acknowledged unless specifically requested.

5.4. The information you send us may be passed to colleagues within the General Register Office and/or published in a summary of responses received in response to this consultation. It may also be published on the GRO website. We will assume that you are content for us to do this, and that if you are replying by email, your consent overrides any confidentiality disclaimer generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us. Please ensure your response is marked clearly if you wish your response or name to be kept confidential. Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

5.5. Responses should be sent by Monday, 20 February 2006 to:

Gwyn Hughes
Registration Modernisation Project (Room 106)
General Register Office
Trafalgar Road
Southport
PR8 2HH.

Or by e-mail to gwyn.hughes@ons.gsi.gov.uk.

5.6 Electronic versions of this document in English and Welsh can be found at the General Register Office's website at: www.gro.gov.uk, (from the link in the 'news' box).

5.7 .Comments or complaints about the handling of this consultation process should be made in writing to:

Dennis Roberts
Deputy Registrar General
Room D407
1 Drummond Gate
London SW1V 2QQ.

5.8. The following groups will each receive copies of this consultation paper.

- Association of Chief Archivists in Local Government
- Association of Registration and Celebratory Services
- Audit Commission and Audit Commission in Wales
- Civil Ceremonies Ltd
- County Councils, Unitary and Metropolitan Authorities in England and Wales
- Credit Industry Fraud Avoidance System (CIFAS)
- Employers Organisation
- Federation of Family History Societies
- General Municipal and Boiler Makers (GMB)
- Improvement and Development Agency (IDeA)
- Local Authority Coordinators of Regulatory Services (LACORS)
- Local Government Association and Welsh Local Government Association
- London Borough Councils, and the Council of the City of London
- London Metropolitan Archive
- National Council on Archives
- REaD Group
- Registration Officers in England and Wales
- Registrars General for Scotland and Northern Ireland
- Society of Genealogists
- Society of County Treasurers
- Society of IT Managers
- Society of Registration Officers
- Society of Local Authority Chief Executives (SOLACE)
- UNISON
- Welsh Assembly Government
- Welsh Language Board

ACTION REQUIRED TO PROGRESS THE MODERNISATION OF CIVIL REGISTRATION

1. Governance and delivery of the local registration service

Changes being taken forward under existing legislation (and subsequent changes to primary legislation):

- delivery of the local registration service to become the responsibility of local authorities
- development of a national standards framework
- local authorities to decide in consultation with interested parties, and within national standards framework, how the service is delivered and the number and location of public access points
- current national standards to be strengthened by a statutory code of practice and good practice guide
- relaxation of provision which requires local authority to prepare a 'Scheme'
- inspection processes to reflect the provision of local authority performance assessment frameworks.

Changes to be progressed by secondary legislation:

- classes of persons disqualified from appointment as registration officers to no longer be prescribed
- removal of provision which prohibits a superintendent registrar from being appointed as a deputy registrar.

Changes requiring primary legislation:

- registration officers to become local authority employees
- Registrar General to no longer have the power of dismissal of statutory officer.
- Registrar General to no longer approve the appointment of deputies
- local authorities not required to provide the service directly
- compliance and intervention powers which reflect government policy
- repeal requirement on Registrar General to provide fireproof register boxes
- repeal penalty provision on post holders who fail to give up records
- repeal provision which allows Registrar General to recover cost of providing emergency accommodation
- repeal provision which provides for non salaried registrars.

2. Registration of births, deaths and still-births

Changes being taken forward under existing legislation

- Introduction of a web based system for recording registration details by registrars
- Local printing of computer generated register pages

Changes to be progressed by secondary legislation:

- minor changes to the information recorded at registration.

Changes requiring primary legislation:

- removal of geographic restrictions on where a birth, still-birth or death may be registered by allowing information to be given at any register office
- creation of a central database for the recording of the legal record of births, still-births and deaths (provided robust safeguards are in place to maintain the integrity of the information)
- Registrar General to be able to register births, still-births and deaths
- provide alternative means for giving the information for registration e.g. via the internet or by telephone (following development of a satisfactory authentication framework)
- standardise the procedure for the registration of a birth up to twelve months from the date of birth
- allow unmarried parents to give information separately as well as jointly where the father's details are to be recorded in a birth entry
- extend the time limit for registration of a still-birth from three to twelve months
- provide for the unmarried father of a still-born child to act as informant for the registration
- introduce extracts from registers, for example shortened form of death certificate, Welsh only certificates from bi-lingual registrations and 'clean' certificates from corrected records
- extend the facility for registration in both the Welsh and English languages to events that take place in England
- provide for name changes to be recorded.

3. Preliminaries, solemnisation, and registration of marriages

Changes being taken forward under existing legislation

- Introduction of a web based system for recording marriage preliminaries by registrars.

Changes to be progressed by secondary legislation:

- modernise the system of publication of notices of marriage
- modernise the wording of information collected at notice of marriage.

Changes requiring primary legislation:

- couples able to give notice of marriage in any registration authority
- make the central database the legal record of notice and registration of marriage
- statutory power to see evidence of address
- collection of statistical information at the time notice of marriage is given
- introduce a 'schedule' system that would act as the authority for the marriage to take place, and for registration purposes
- introduce a 'celebrant' system for the solemnisation of marriage
- remove the time restriction on when marriages may take place

- remove the requirement for set declaratory and contracting words to be spoken during a marriage, and replace with a requirement for the couple to make a public declaration that they accept each other as husband and wife
- the adoption of joint church/state preliminaries by the Church of England
- removal of the restriction where religious marriages can take place
- extend to all Armed Forces serving overseas the current provision which allows notice of marriage to be given on board Her Majesty's ships.

4. Records Management

Changes being taken forward under existing legislation (and subsequent changes to primary legislation where necessary):

- digitisation of existing records held by GRO to facilitate a better service to customers for certificates
- more flexible approach to achieve suitable arrangements for storage of local registers
- provide for sharing of registration information within Government
- Registrar General to provide List Cleaning Services.

Changes to be progressed by secondary legislation:

- allow local certified copies of births and death records to be sent electronically to the Registrar General.

Changes requiring primary legislation:

- develop a system where records relating to the same person can be linked – ‘a through life record’
- extend the definition of registers held by the Registrar General, and enable other records to be added to the central database, and to link these records to birth, marriage and death records
- the introduction of a new framework for accessing records.

5. Statistics

Changes being taken forward under existing legislation:

- Registrar General to pilot and test questions for the collection of new statistical information.

Changes requiring primary legislation:

- enable the range of statistical information required to be collected at birth and death registration to be varied more easily
- consider including within a legal framework the information currently collected voluntarily at birth and death registration.

NEW ARRANGEMENTS FOR STORAGE OF REGISTERS

The Registrar General recognises that an increasing number of local authorities are experiencing difficulty in providing suitable repositories to meet the demands of the current interpretation of the Registration Service Act 1953. The incessant flow of filled registers and registration district amalgamations, with the subsequent merging of repositories, are the underlying causes of the problem. There is also some evidence to suggest that the increase in certificate applications is causing operational difficulties.

Historically, registers have only been allowed to be stored outside the register office in exceptional or emergency circumstances, for example, during temporary renovations. Temporary approval has recently been given to a number of local authorities to allow registers to be located in an annex to the register office. This flexibility is considered to be important for the wider restructuring and modernisation of the local registration service.

Any new local arrangements must allow superintendent registrars to fulfil their statutory responsibilities over deposited registers including stock control and accounting arrangements. The Registrar General is committed to work with local authorities to develop a local service that better reflects the need for a flexible approach within the confines of the Registration Acts.

The use of modern repositories should also provide improved storage facilities, thus protecting the heritage represented by the registers. In the longer term the traditional access arrangements to registers for certificate production will eventually cease, or at least be considerably reduced with the digitisation of records thus reinforcing the need for a more far-reaching approach to the storage of registers.

The Council of, in exercise of the powers conferred upon them by section 14 of the Registration Service Act 1953 and of all other powers enabling them in that behalf, hereby make the following Scheme:-

TITLE

1. This Scheme may be cited as “The.....Registration Scheme 2005.” and shall come into operation on theday of2005

INTERPRETATION

2. (1) In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:-

“the 1953 Act” means the Registration Service Act 1953;

“the Council” means the Council of;

“the Code of Practice” means the Registrar General’s Code of Practice for Local Authorities in place at the time of the making of this scheme;

“principal officer” means superintendent registrar or registrar of births and deaths and “principal office” shall be construed accordingly;

“the Proper Officer” means the officer appointed by the Council for the purposes of the 1953 Act.

REGISTRATION DISTRICTS AND SUB-DISTRICTS

3. The area of the Council shall be divided into the number of registration districts and sub-districts as determined by the Council in accordance with the Code of Practice.
4. The Council shall determine the location of the offices and stations. The Council shall provide, equip and maintain sufficient offices and stations to meet the service delivery targets in accordance with the Code of Practice and appropriate legal requirements.

OFFICERS

5. The Council shall determine the number of superintendent registrars, registrars of births and deaths and other officers. There shall be a minimum of one superintendent registrar and one registrar of births and deaths for each registration district and sub-district respectively. The Council shall provide sufficient staff resource to ensure delivery of services in accordance with the service standards contained in the Code of Practice.

SALARIES AND CONDITIONS OF SERVICE

6. The Council shall fix the salary and allowances of all officers attached to each office in accordance with the Code of Practice.
7. The Council shall fix the conditions on which an office is held in accordance with the Code of Practice.

FUNCTIONS OF REGISTRAR OF MARRIAGES

8. Every registrar of births and deaths appointed within the area is hereby empowered to perform the functions of a registrar of marriages.

EXTENT OF SERVICE

9. The Council in accordance with the Code of Practice shall determine the extent of service for each principal officer.

MISCELLANEOUS SERVICE PROVISIONS

10. The Council shall put in place such service provisions regarding security, ordinary, sick and maternity leave and travelling or removal expenses as determined in the Code of Practice .

POWERS OF THE PROPER OFFICER

11. There shall be vested in the Proper Officer, subject to any regulations that may from time to time be in force under section 20(b) of the 1953 Act, such powers as determined by the Code of Practice.

INCIDENTAL TRANSITIONAL PROVISIONS

12. Full details to be inserted as appropriate (as in current schemes) to address specific issues. This will ensure the practical aspects of scheme changes are dealt with at a local level.

REVOCATION

13. TheRegistration Scheme is hereby revoked without prejudice to anything done or suffered or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

REVISION TO THE CODE OF PRACTICE

14. The local authority may adopt any revision to the Code of Practice by means of the Proper Officer confirming their acceptance to the Registrar General.

1. Preface

Civil registration is a vital service that affects everyone at some point in their lives. It provides a name and identity within society; a facility for marriage and civil partnership; evidence of parentage; and evidence of entitlement to inheritance.

The organisation of the service in England and Wales is based on the Registration Service Act (RSA) of 1953. It establishes the post of Registrar General (RG), whose role is to oversee the standard of the service, including the making of regulations and the issuing of guidance on performance of registration functions.

The RSA places a duty on each local registration authority to prepare a local "scheme" for the approval of the Chancellor of the Exchequer, and to appoint a "Proper Officer". The Proper Officer provides the Registrar General with details of organisation and coverage of registration services within the authority. The Proper Officer also manages the local service.

The Scheme commits the local authority to comply with the service delivery standards contained in this Code of Practice. Taken together, the Scheme and the Code provide a formal governance agreement between the Registrar General and local authorities, the framework of which enables the local authority to plan, develop and deliver a registration service which meets the needs of the local community.

The Code of Practice is supplemented by a Good Practice Guide which contains guidance on both the application of the Code, and more generally on national standards and best practice service delivery. In this respect the Code has a strategic focus whereas the Good Practice Guide advises on application and operational delivery.

The Code of Practice also reflects the need for a customer focused, output driven local registration service, one which is delivered sensitively, economically and efficiently to the satisfaction of users.

The principal outputs from the service are accurate and timely:

- registrations of births deaths and marriages
- marriage notices and ceremonies.

In relation to records, registers and information, the principal outputs are:

- safe and secure custody of records and registers, and certificates issued.

The Code of Practice does not extend to other statutory duties such as civil partnerships, citizenship ceremonies, or to discretionary / non statutory registration services. However, authorities are recommended to adopt and apply common standards for all statutory, partnership, discretionary and non statutory services, and to include all such services in the Customer Charter.

2. Application

2.1. Each authority is required to consult locally and commit to the delivery of a registration service which meets both local needs and national standards, and to publish a Customer Charter. The Registrar General will expect to be satisfied on this before he recommends approval of a Scheme to the Chancellor of the Exchequer (or approves a Scheme with the Chancellor's agreement where there have been no objections to the proposals).

2.2. The Code of Practice is complemented by a Good Practice Guide that provides further information on:

- specific minimum standards that authorities must meet
- better performance standards that authorities should aim to meet
- best performance standards representing the highest levels of registration service that an authority could meet
- guidance and advice on applying the requirements of the Code of Practice.

2.3. The Good Practice Guide will be developed jointly, and periodically reviewed, by the General Register Office and LACORS, and agreed by the Registrar General. The minimum standards which an authority must achieve will contain both national and local elements. The former must ensure that users of the registration service across England and Wales are able to discharge their statutory responsibilities within the timescales set out in the Marriage and Registration Acts, and have reasonable access to all statutory registration services.

2.4. A formal commitment to the Code of Practice will result in the adoption of a 'lighter touch' inspection regime by the Registrar General, with greater reliance on central monitoring, self assessment and annual reporting. This approach will allow risk based assessments of performance to be used to direct inspection effort to those authorities that would most likely benefit.

3. Service Responsibility

3.1. The Proper Officer is the person appointed by the local authority to manage the service, and is the link between the Registrar General and the registration authority, especially in relation to governance issues and the Scheme.

3.2. The Proper Officer has the following key responsibilities:

- development of a registration service strategy and customer charter for the authority
- consulting, assessing and periodically reviewing the effectiveness of the service
- assessing and managing the resources needed to deliver a registration service which meets customer needs
- stakeholder management of related services
- staff discipline (other than dismissal of statutory post holders)
- ensuring records are stored safely and securely
- liaison with the Registrar General on service delivery and issues related to the Code of Practice and the authority's registration service customer charter
- application of the Good Practice Guide - as appropriate - to improve customer service standards.

4. Service Delivery

Service delivery includes all the aspects of the registration service that deliver registration services to its customers, including structure, location, service availability and accommodation.

4.1. *Structure*

A registration authority will determine, taking into account the Good Practice Guide, the number and boundaries of registration districts and sub-districts that will best meet local requirements.

4.2. *Location of Offices*

The registration authority will determine, taking into account the Good Practice Guide, the number and location of registration service outlets (including mobile offices) within each district and sub-district that best meet local requirements.

4.3. *Access and Service Availability*

The registration authority will:

- establish customer demand and preferences
- develop and publish a Customer Charter that reflects customers requirements and reasonable expectations
- publish service delivery targets and results
- assess accommodation requirements that reflect customer needs and delivery standards
- provide registration services that are accessible and available to the public at reasonable times
- ensure safe and secure custody of registers and other records in accordance with the Good Practice Guide.

The service commitments contained in the authority's Registration Service Customer Charter must be such that the public are able to provide information for the registration of births and deaths within the statutory time limits. Furthermore, that the public's reasonable expectations are met in respect to the giving of marriage notices, marriage ceremonies, and the issue of certificates.

4.4. *Good Practice Guide – Service Delivery*

The Good Practice Guide sets out specific targets and standards that a registration authority must meet as a minimum together with preferred 'better' and 'best' service standards. It also provides advice and guidance on how to meet each of the headings above, and in respect to the development and content of a Registration Service Customer Charter.

5. Quality

Quality refers to the standards of registration service that the customer expects and receives and how satisfied they are with them. Also, quality management should include consideration of compliance, accuracy, customer service and complaints.

5.1. *Quality - Compliance*

Delivery of the local registration service shall be undertaken in accordance with the Marriage and Registration Acts and regulations, and in line with the Good Practice Guide.

5.2. *Quality - Accuracy*

A registration authority will ensure that accurate registration records are made and maintained.

5.3. *Quality - Customer Charter*

A registration authority shall include in its Customer Charter:

- registration office opening times (including emergency and out of hours arrangements)
- complaints procedures
- consultation procedures
- service delivery monitoring and reporting procedures.

5.4. *Quality – Complaints*

A registration authority shall record and monitor complaints and other responses received and be prepared to show how it has taken account of customer feedback.

6. Staffing

A sufficient number of staff, trained appropriately in registration service matters is essential to meeting statutory and customer aspirations.

6.1. *Staff numbers*

A registration authority must ensure that sufficient staff are appointed or employed to deliver the local registration service to the standards set out in the authority's Registration Service Customer Charter.

6.2. *Staff salaries*

A registration authority shall determine the grades and salaries of its registration staff having regard to:

- any existing NJC arrangements and
- any local conditions and agreements that apply.

6.3. *Training and Development*

Registration staff shall be trained so that they can demonstrate an appropriate level in the knowledge and conduct of registration matters and the law and regulation applying to them.

6.4. *Staff - Disqualification*

A registration authority shall enforce appropriate disqualifications as advised by the Registrar General and included in the Good Practice Guide.

6.5. *Staff - Conflict of interests*

A registration authority shall adopt a policy that ensures registration service staff conflicts of interests are avoided.

7. Information Technology

7.1. A registration authority must provide appropriate hardware, software and communications links to allow reliable access to the central national database through the use of GRO applications software and an appropriate level of technical support to ensure a high standard of local systems availability.

7.2. A registration authority shall exercise reasonable measures to protect the integrity of the national database and access to it. The Registrar General will issue specific guidance in this respect.

CABINET OFFICE CODE CRITERIA ON CONSULTATION

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

QUESTIONS FOR CONSULTATION

1. Do you agree that a new governance framework is needed for the delivery of the local registration service?

Yes / No

Comments

2. Do you agree with the proposed revised framework?

Yes / No

Comments

3. Do you have any comments on the draft model scheme or code of practice?

Draft model scheme: Yes / No

Comments

Draft Code of Practice: Yes / No

Comments

4. Do you have any other comments or views on this subject?

Yes / No

Comments

Additional question for local authorities

5. Authorities who 'sign up' to the new model scheme (and code of practice) will benefit from the new governance arrangements. In principle, would your authority wish to do so?

Yes / No

If 'yes', please give an approximate date (no earlier than July 2006) when you would wish such a scheme change to take effect