

FINAL DRAFT

REGULATORY IMPACT ASSESSMENT

1. INTRODUCTION

1.1 This draft Regulatory Impact Assessment (RIA) supports and is being issued with the Explanatory Document on the proposed Draft Regulatory Reform (Registration of Births and Deaths) Order. It is divided into four sections -

- Organisation and Finance
- Births and Deaths
- Records
- Statistics.

1.2 In respect of the registration of births and deaths and associated services, it is estimated that after 5 years the annual income for the local registration service could reduce by a maximum of 50% to £8m and costs by up to £23m to £16m. However these are maximum income /costs reductions. Efficient authorities should have already reduced their costs and for these authorities the savings will be significantly less - possibly 50% less than this. Similarly authorities that offer additional replacement services are more likely to preserve their income streams (and the associated costs) depending on the effort they are prepared to make. These are total effects of all the changes discussed in this Regulatory Impact Assessment. The financial effects of individual changes and any underlying assumptions are discussed under the individual options.

2. ORGANISATION AND FINANCE

2.1 Purpose and intended effect of measure

2.2 Objective

2.2.1 To establish a database to hold details of registration events to replace the system of hand written registers.

2.2.2 To modernise the organisation of the local registration service in England and Wales by giving responsibility for the provision of face-to-face registration services to unitary and county local authorities.

2.2.3 To regularise the employment position of statutory post holders (Superintendent Registrars, Registrars of Births, Deaths and Marriages and Additional Registrars) by making them local authority employees.

2.2.4 To establish a means of funding the local registration service that secures accessible face-to-face services and provides a basis for the likely shift in work as take-up of remote registration facilities increases.

2.2.5 To revise the compliance and control regime to minimise the use of legislative powers and promote self-regulation, supportive inspection together with necessary and proportionate intervention powers.

2.3 Background

2.3.1 The registration service is headed by the Registrar General under the provisions of the Registration Acts. The changes discussed in this section are all included in the Registration Service Act 1953 (RSA 1953). The main function of the Registrar General is to regulate the service such that all events are recorded consistently, accurately and promptly, and to ensure that the records are secured safely. Currently records are entered in hand written registers and events verified by the issue of paper certificates. Although there has been a system of duplicating the records on computer based files for some years the law still requires each entry to be recorded in a hand written register.

2.3.2 Statutory post holders are appointed to carry out specifically defined registration functions. These staff are paid by local authorities but not employed by them. In fact they have no employer. The RSA 1953 establishes the statutory posts and assigns duties to each role in a prescriptive manner.

2.3.3 Local authorities have to:

- prepare a 'local registration scheme' (this provides details of how the local service is to be organised and provided within the local authority area)
- provide accommodation
- appoint staff
- appoint a 'Proper Officer' to regulate the local service.

The scheme has to be approved by the Financial Secretary to the Treasury. The Registrar General makes regulations under s20 of the Registration Service Act 1953 to regulate these

matters. Local authorities have no discretion as to what services are provided or the charges made for them.

2.3.4 The RSA 1953 provides sanctions where local authorities do not provide accommodation, appoint staff or where officers do not hand over records to their successors. It is proposed that most of these are replaced with proportionate measures based on self-regulation, a code of practice or applying existing compliance regimes (such as Best Value)

2.3.5 The existing management framework allows the local authority no discretion as to how services are provided. Customers have no choice as to where or how they register life events. Statutory post holders do not enjoy the benefits of the full range of employment protection measures because of their statutory post holder status.

2.4 Risk Assessment

2.4.1 There are 172 registration authorities currently administered as 349 registration districts. The total cost of the local registration service (including marriage related functions) is estimated at £70 million per year. It is not known how many staff are employed partly because of the split responsibilities but it is estimated as 7,500.

2.4.2 Throughout the course of their lives all citizens will need to use registration services. It is hard to overestimate the importance of this vital service. Registration records provide an important resource at an individual level in terms of confirmation of identity and entitlement to the privileges and duties for citizens. In aggregate they serve to define and inform understanding of national characteristics. They provide an invaluable historic archive that is vital to historians, social researchers and genealogists.

2.4.3 The main risk arises from perpetuating a system that relies on hand-written and copied records, a split responsibility management framework and statutory post holders who are unaccountable and denied the protection of modern employment legislation. In addition if the service were not to modernise it would be increasingly isolated and anachronistic in a society driven by electronic data storage and processing frameworks.

2.4.4 Failure to implement the changes proposed in this section would also impact on the implementation of the proposals throughout this document. These rely on the provision of a national database maintained by the General Register Office (GRO) and populated with records captured by a locally provided face-to-face service and on a remote registration service provided on a national basis to national standards.

2.5 Options and Benefits

2.5.1 Objective: *to implement a national (for England and Wales) database that stores details of all events and allows verification of those events by electronic means replacing paper based registers.*

2.5.2 Option 1 Do nothing.

2.5.3 The current system has served us well – the records are highly accurate and provide a significant contribution to the national heritage. However to do nothing would frustrate the Governments Modernisation Agenda and prevent the achievement of the aim of making all government services accessible by ‘electronic’ means. It is not possible to implement a modern access framework that respects a person's right to privacy with hand written records. Recording events by hand and issuing certificates manually that have to be copied by hand from the registers and indexes maintained from them is slow, inefficient and expensive.

2.5.4 Option 2 Provide a database to store details of events

2.5.5 A national database facilitates the changes outlined throughout this document. It means that hand written registers and certificates are no longer required. These are expensive and inefficient to maintain and store. It would allow Other Government Departments to verify events by linking to the database. It would facilitate an access framework that respects a person's privacy and facilitates fast searching and retrieval of records for data subjects, family historians and commercial organisations that had permission to view the data. Additionally a national database would play a role in the prevention of identity based fraud. These aspects are covered in more detail in the section on records.

2.5.6 Implementation of the national database will generate savings for the local registration service of up to £9.4m per annum. For many authorities the savings will be less where they have already realised savings available from existing electronic systems. Although local registration services will over time lose certificate income they will have the option should they decide to do so of offering commemorative certificates. This could replace the lost income or part of it depending on demand and how effective the authorities market the product.

2.5.7 Objective - To modernise the organisation of the local registration service in England and Wales by giving responsibility for the provision of face-to-face registration services to unitary and county local authorities.

2.5.8 Option 1 - Do nothing

2.5.9 It is not a credible option to make no legislative changes. The changes to the organisation of the service facilitate the achievement of the other objectives and are justified in their own right because of the improvement in effective management and accountability introduced.

2.5.10 Local authorities can only legally do things that they have specific powers to do. To do nothing about putting in place the legal responsibility for face-to-face service provision would not be satisfactory. Because of the pressure on their resources local authorities may not deliver this service if it was not compulsory for them to do so. It would be possible to do nothing but this would frustrate the regularisation of the employment status of registration officers and any progress towards e-government and other desirable service developments described elsewhere in the RIA.

2.5.11 The baseline costs for that part of the local registration service that deals with births and deaths have been assessed to be £37m. per annum and attract income of £16 m. per annum.

2.5.12 Option 2 - Provide a national Registration Service managed and provided by the GRO

2.5.13 The existing relationship with local authorities works well. Selecting this option would lead to the loss of that goodwill. It would be expensive. It would bring about the most profound realignment of responsibilities for little extra benefit that could be achieved by this option.

2.5.14 The option would give the Registrar General total control of the service but he would need to introduce a whole new bureaucratic organisation to manage a national service. It would be uneconomical to do so. Although the existing statutory post holders would benefit from this option as it would allow the regularisation of their employment position, it would bring the need to additionally transfer existing staff working in registration services that are not statutory post holders. It would also place on the Registrar General, and hence the Exchequer, the significant burden of establishing a national network of local offices and of managing that network.

2.5.16 This option has not been formally costed. However such a costing would need to include all the costs that the LRS currently bears plus the costs of establishing, maintaining and administering a service throughout England and Wales including acquiring buildings and recruiting a management structure. In our view these would be prohibitive.

2.5.17 Option 3 - Provide a totally devolved service run by the local registration authorities

2.5.18 It is not considered feasible to devolve the whole service. Registration is a national service for good reason. The data recorded needs to be recorded consistently and to a high standard. It requires an infrastructure that can only be developed and managed effectively and economically on a national basis. Moreover, the role of the Registrar General in monitoring and developing policy to deal with issues such as the collection of information and access to it, can only be effective and consistent on a national basis.

2.5.19 This option has not been costed - it was rejected because the consequences of fragmentation so undermine the key principles of a civil registration system.

2.5.20 Option 4 - Split the responsibility for providing the service between local authorities for face to face-to-face services and the GRO for remote services.

2.5.21 This option allows local authorities to continue to provide a high quality service that they have shown they are capable of. It addresses the anomalies in management highlighted throughout this assessment. It allows the remote services to be provided to a consistent national standard. The remote services could not be provided economically or effectively at the local level. Registration matters are complex and need to be dealt with professionally.

2.5.22 The option allows local authorities to 'join up' registration services with other customer facing services and provide improved access. It allows development of the role of registration in supporting the community and confirming its sense of identity. It would also facilitate the transfer of statutory post holders to 'regular' employment status and does not

disturb the role of non-statutory workers in the registration service. The users of the service including those registering events and those accessing registration information would be beneficiaries of this option. Other Government departments and insurance companies benefit from the automated access to data and the avoidance of the need to check paper certificates.

2.5.23 There are no direct costs of this change in itself. Each local registration service can provide the service in the way it thinks best subject to national minimum standards but it is not required to make any changes that have financial implications.

2.5.24 Objective - *To regularise the employment position of statutory post holders (Superintendent Registrars, Registrars of Births, Deaths and Marriages and Additional Registrars) by making them local authority employees. Local authorities will be able to manage the service more effectively and to integrate it with other locally provided services.*

2.5.25 Option 1 - Do Nothing

2.5.26 As statutory post holders, registration officers do not have the same rights as other employees. They cannot use an industrial tribunal to pursue a complaint of unfair dismissal or discrimination. As registration officers' duties are prescribed by law, there is not a proper basis for supervision or making the best use of resources. For registration related performance issues they are responsible to the Registrar General and for non-work discipline issues they are responsible to the local authority. The local authority is responsible for providing the accommodation and management planning but does not have direct control over how duties are allocated. It is not a suitable framework for local authorities to include registration in a seamless way with other customer-focussed services.

2.5.27 The baseline staff costs of registration staff involved in birth and death registration, records management and organisation and finance work are estimated to be £25m.

2.5.28 Option 2 - Treat statutory officers as other local government employees.

2.5.29 Regularising the position of statutory registration officers would remove an anomaly for this group of workers. It would enable the usual management practices and procedures to be applied to staff that work in civil registration within local authorities. These staff would enjoy an analogous position to those who work within other local government functions. They would be able to enjoy the rights and responsibilities given by employment protection legislation.

2.5.30 The costs of this change would be minimal. There would be some transitional work but this should be met from within existing resources. There are no cost implication of the change as the staff would transfer on existing terms and conditions and no redundancies would result from the transfer itself. The staffing effects of the other changes are discussed under the appropriate options.

2.5.31 Objective - *To establish a means of funding the local registration service that secures accessible face-to-face services and provides a basis for the likely shift in work as take-up of remote registration facilities increases.*

2.5.32 Option 1 - Do Nothing.

2.5.33 The present funding model is based on legal service delivery arrangements that impose geographical constraints and is not responsive to shifts in demand. Once citizens are able to choose how and where to access registration services, this model would not deliver a reduction in public expenditure that is expected to be a feature of electronic registration.

2.5.34 Option 2 - Funding to be based on a flat rate for each local authority that would have to be re-evaluated annually.

2.5.35 This option would require central Government to annually re-evaluate funding for each local authority to take account of the expected shift in demand from face-to-face to remote registration services. As funding for local authorities reduced overall, it would be used to pay for those services provided centrally that would be cheaper per registration.

2.5.36 Option 3 - Funding to be based on the numbers of births and deaths registered in each local authority area.

2.5.37 This option would mean that funding for the registration of births and deaths in each local authority would be based on the number of events registered in, say, the previous year. It would reward those authorities who have large numbers of events registered in their area and penalise those with very few. It would not take account of the need to provide an accessible service across England and Wales so that there was no social exclusion or rural discrimination.

2.5.38 Option 4 - Funding to be a mixture of options 2.5.34 and 2.5.36.

2.5.39 This option is a hybrid approach and seeks to derive the benefits of the two former options. Each local authority would receive a flat-rate payment to ensure the delivery of face-to-face services for births and deaths registration within its area and an additional payment per event to encourage competition and investment as the more business they attracted the more funding they would receive.

2.5.40 There are no cost implications as these schemes generally seek to re-distribute existing funding. They would in the longer term allow funding to be adjusted to reflect lower costs for local registration services in a fair and measured way.

2.5.41 Objective - *To revise the compliance and control regime to minimise the use of legislative powers and promote self-regulation, supportive inspection together with necessary and proportionate intervention powers.*

2.5.42 Option 1 - Do nothing.

2.5.43 This option would mean that central Government would have to continue to rely on the Registrar General's Inspectorate - an administrative function - and the limited intervention powers in RSA 1953. It would demarcate civil registration from other local authority functions and is not sustainable following the fundamental organisational changes.

2.5.44 The current costs of the Inspection services provided under administrative arrangements are £0.6m per annum.

2.5.45 Option 2 - Introduce a unique enforcement regime for local face-to-face registration services.

2.5.46 Given that civil registration services are proposed to be delivered by both local and central Government, it may have been possible to conceive of a unique enforcement regime. Given the Government's policy to reduce the number and frequency of Inspection regimes that monitor local authorities, it would not be desirable to create one just for local face-to-face civil registration services.

2.5.47 This option would have no additional financial implications or savings.

2.5.48 Option 3 - Apply the existing enforcement regime for other local authority functions to local face-to-face registration services.

2.5.49 This option utilises the existing Best Value and Comprehensive Performance Assessment regimes for monitoring performance standards and improving the quality of services and can be applied to local face-to-face registration services. It achieves the policy objective of supporting local authorities to develop their services while providing necessary and proportionate intervention powers. The transfer of the Inspectorate to the Audit Commission, where it would continue in a dedicated role, reinforces the independence of the function.

2.5.50 It is unlikely that the current level of Inspection would continue under an Audit Commission regime. While some residual compliance functions could remain with the Registrar General it is nonetheless likely that some savings overall would result from the change.

2.6 Costs

2.6.1 The compliance costs fall largely on the Registrar General to establish the National Database including the web-enabled front-end for birth and death registration, contact centre and supporting infrastructure.

2.6.2 The Exchequer is expected to fund the development of the national database for the capture of new registrations (c£5m) and the conversion of the records of the active population (c£20m). Access to the national database would be based on web technology. The system would be designed to enable access from PCs with a reasonable specification but there should be no need to ensure compatibility of technical platforms. Provision of necessary hardware, access to a secure network service and/or Internet for local access points would remain the responsibility of each local authority. As local authorities have to meet e-Government targets, for which funding is available, there should be only low additional costs (c£1m) in establishing access for their staff and customers.

2.6.3 There are no significant costs arising from the transfer of staff to local authority employment as local authorities are already responsible for salary and ancillary costs.

2.7 Equity and fairness

2.7.1 There are no key groups that could be disproportionately affected by the proposals relating to organisation and finance.

2.8 Small firms' impact test

2.8.1 It is believed that the proposals relating to Organisation and Finance of the civil registration service will have no impact on small businesses.

2.9 Competition Assessment

2.9.1 See Appendix 1.

2.10 Enforcement and Sanctions

2.10.1 To ensure that at least a minimum standard of service delivery is available locally, current national standards, that have been developed by the Local Government Association for self-monitoring, would be developed and underpinned by a statutory code of practice. The code of practice would include, for example, the standard of accommodation, availability and accessibility of services, IT installation and services, performance indicators etc. The Registrar General would have responsibility, in consultation with stakeholders, for developing and maintaining the national minimum standards that would be specified in the code of practice. Additional best practice standards would not be mandatory but would be taken into account by the Inspectorate and also may influence Best Value review conclusions.

2.10.2 To ensure these standards are met there would continue to be an Inspectorate that would be responsible for monitoring adherence to the code of practice, sharing good practice, and reporting on standards. Where necessary the Inspectorate would invoke further action to ensure services are improved. Section 15 of the Local Government Act 1999, that provides for the Secretary of State to intervene where a local authority function is failing, would automatically apply when the responsibility for local registration services transfer to local authorities. More specifically, where the Secretary of State is satisfied that an authority is failing to comply with requirements he may direct it:

- To prepare or amend a performance plan.
- To follow specified procedures in relation to a performance plan.
- To carry out a review of its exercise of specified functions.

2.10.3 To provide the necessary independence for the monitoring of local registration services, it is proposed that the Inspectorate should no longer be a direct administrative arm of the Registrar General. It has therefore been agreed in principle that the newly constituted Inspectorate will be part of the functions of the Audit Commission (and Audit Commission in Wales) who will work in partnership with the Registrar General. The transfer of the Inspection service to the Audit Commission would allow registration inspection to be co-ordinated with other inspection regimes. The inspection processes would reflect the provisions of the Best Value and performance assessment frameworks including ensuring that a risk based approach to inspection is adopted.

2.10.4 National minimum standards are initially set at similar levels to the prescriptive measures they replace and thus there are no additional financial implications for the local registration service from the proposed compliance regime.

2.11 Consultation

2.11.1 Within Government

2.11.2 There has been wide consultation across relevant Government Departments and Agencies about civil registration reform. In respect of our proposals about the Organisation and Finance of the civil registration service, amongst those departments from whom ONS has had input are Office of the Deputy Prime Minister, the Home Office, the Cabinet Office and the Audit Commission.

2.11.3 Public Consultation

2.11.4 Previous consultation on aspects of those proposals was carried out in 1999 in "Registration: Modernising a Vital Service". The responses indicated widespread support for providing more wide-ranging registration services in new ways, for better integration with other public services, for improving the use of technology to capture, store and share registration information and for determining national standards. Many respondents also emphasised the need to maintain the high level of professionalism, customer service, quality and accuracy in the Registration Service.

2.11.5 The relevant findings from the consultation exercise were:

- widespread support for providing birth and death registration services in a variety of ways ie post, internet, telephone as well as in person;
- strong support for civil registration services to be better integrated with other public sector services;
- overwhelming support for better use of technology to facilitate the transfer of information electronically and to provide a database with differing levels of access;
- widespread support for the determination of national standards and for these to be monitored by central agency/inspectorate;
- support for removing the requirement for the collection of registration information to be tied to local geography; and,
- no support for splitting local provision of births, deaths and marriage services. There was a mixture of views on the preferred organisational arrangements to deliver those services.

2.11.6 A fuller analysis of the responses is in Appendix 2.

2.12 Monitoring and review

2.12.1 Given the scope of the draft Regulatory Reform (Registration of Births and Deaths) Order, the proposed legislative changes will be phased in over a number of years. Only when all the proposed changes have been implemented will it be possible to measure the effectiveness of the legislation, although it may be possible in the interim, to assess the impact of the changes in a particular area eg births, deaths, etc.

2.12.2 Measures might include take-up rates for Internet or telephone registration, timeliness of registration, availability of central database, etc. For the purposes of the financial estimates presented throughout this assessment an estimated take up of remote services has been used that is based on research carried out by several registration authorities.

3. BIRTH, STILL-BIRTH AND DEATH REGISTRATION

3.1 Purpose and intended effect of measure

3.2 Objective

3.2.1 To provide a more responsive service with more choice in ways to register a birth, still-birth or death making full use of modern technology.

3.2.2 To remove the geographical constraints within the present arrangements to registering an event.

3.2.3 To recognise the changing shape of society by e.g. allowing a partner to register a death and extending the options for unmarried fathers' details to be recorded in birth entries

3.3 Background

3.3.1 The registration of births and deaths in England and Wales is regulated primarily by the Births and Deaths Registration Act 1953. This Act has its roots in Victorian legislation with the result that the introduction of modern technology and the ability to meet the needs of modern society are severely restricted.

3.4 Risk Assessment

3.4.1 The public and users of civil registration information are constantly frustrated by the inability of the service to meet their needs as a result of tightly drawn Victorian legislation. This is the first fundamental reform of civil registration in England and Wales since its creation. It represents a unique opportunity to not only modernise the service but also to provide a framework with sufficient flexibility to adapt as necessary to future needs.

3.4.2 While the recording of births and deaths could continue in its present format for many years to come its failure to meet the needs of an ever changing society would become more acute. Failure to reform would result in the Government's 2005 target for electronic services being missed with little prospect of being realised in the foreseeable future. This would have a detrimental effect on both the public and stakeholders in terms of access and integration with other Government services. The opportunity to create a modern, efficient civil registration system would be lost.

3.5 Options and Benefits

3.5.1 Objective - *To provide a more responsive service with more choice in ways to register a birth, still-birth or death making full use of modern technology.*

3.5.2 Option 1 - Do nothing.

3.5.3 This option would mean no change to the current method of recording life events. It would perpetuate a paper-based system of birth and death registration with inherent inefficiencies. Access to the service would be by personal attendance only and restricted to office opening hours that are often part-time. The potential for service improvement through electronic recording and transfer of information would be lost due to the severe restrictions on the application of modern technology inherent in current legislation.

3.5.4 The baseline costs for that part of the local registration service that deals with births and deaths, have been assessed to be £37m. per annum and attract income of £16 m. per annum.

3.5.5 Option 2 - Extend the choice in ways to register by, in addition to face-to-face registration, providing a national contact centre and an on-line service making full use of modern web technology.

3.5.6 This option would achieve the efficiencies and effectiveness associated with an electronic system of civil registration whilst extending the choice of ways to register. The introduction of a central database would remove the need for local, paper records to be the focal point for recording vital life events. Remote registration would be possible. Citizens would be able to give information in person, on the telephone to a national contact centre or via the internet. The availability of remote registration would mean that help and guidance could be available twenty-four hours a day, seven days a week.

3.5.7 It is estimated that after 5 years there could be 44% of births registered on line and 9% of deaths. At this level of take up local authority costs would reduce by up to £3.5m per annum

3.5.8 Option 3 - In addition to on-line and telephone registration, allow postal registration.

3.5.9 Citizens could be given an additional choice of ways to register by providing registration by post. It could be done either as an alternative, or in addition to electronic and telephone registration. On the surface the option of a postal system would be relatively easy to implement though it would perpetuate a paper based system. Maintenance of the accuracy and integrity of the records of births and deaths must form a cornerstone of any reform. Transferring data from paper to computer carries an additional element of risk in this respect. Moreover, there is a danger that instances of postal registrations being rejected would be high unless the standard of acceptable information is lowered.

3.5.10 It would not be expensive to facilitate registration by post however it is unlikely that additional 'remote' registrations would take place if was offered. Therefore there are no additional costs or income effects over and above those discussed above at 3.5.4.

3.5.11 Objective - *To remove the geographical constraints within the present arrangements for registering an event.*

3.5.12 Option 1 - Do Nothing.

3.5.12 This option defeats one of the main aims of civil registration reform that is to improve service delivery. The nature of today's society - increasingly mobile and more demanding of public services generally - dictates that old-fashioned geographic boundaries should not inhibit service delivery.

3.5.14 Option 2 - Remove the present geographical constraints and allow information to be given in person to any registration officer.

3.5.15 This option demands the removal of geographic boundaries that, in turn, underpins the development of a centralised electronic system for the registration of births and deaths. It would mean that the legal provisions that necessitate the need for personal attendance for the purpose of registering a birth or death would continue though it would be satisfied more easily by attendance at any registration office in England or Wales. Citizens would benefit from a greater choice of face-to-face services that would enable them to choose the service that best suited their circumstances.

3.5.16 There would be no need for double processing of declarations if this change is introduced. Costs for local authorities would reduce by up to £1m per annum.

3.5.17 Objective - *To recognise the changing shape of society by allowing a partner to register a death and extending the options for unmarried fathers' details to be recorded in birth entries.*

3.5.18 Option 1 - Do Nothing.

3.5.19 It is widely acknowledged that the system for the registration of births and deaths is out of step with the needs of society. The changes in recent decades of family formation and the increasing complexity of personal and family relationships are difficult to ignore. Legislation based on nineteenth century morality is inappropriate in the modern era.

3.5.20 There are no significant financial implications identified resulting from the options related to this objective.

3.5.21 Option 2 - Extend the list of those persons who are legally able to give information for the registration of a death to include the deceased's partner.

3.5.22 This option demonstrates the responsiveness of the legal framework to the list of people who are qualified to give information for the registration of a death. Currently, the partner of a deceased person is only able to register a death if he or she was present at the death or is making the funeral arrangements. He or she is not qualified by virtue of any personal relationship to the deceased even if that relationship has subsisted for many years.

3.5.23 Option 3 - Remove fully the distinction between the registration of births of children whose parents are married to each other and those who are not.

3.5.24 There is a rebuttable presumption in law that a child born to a married woman is a child of the marriage. In practice this means that either the mother or the father of a child whose parents are married can register its birth. For unmarried parents the situation is different; the mother is regarded as the primary informant and the father can only register the birth if he does so jointly with the mother. To fully remove this distinction and allow unmarried fathers to register births without any corroboration of their paternity of a child would overturn the presumption of legitimacy. This is unacceptable.

3.5.25 Option 4 - Within certain parameters better facilitate the recording of father's names in birth entries of children whose parents are not married.

3.5.26 Notwithstanding the presumption explained in 3.5.11, it is possible with a centralised system of registration to allow unmarried fathers to give sole information about a birth first.

Their paternity could be later confirmed by the mother thus enabling a registration that contains details of both parents.

3.6 Costs

3.6.1 There would be start-up costs, estimated at £5m, in respect of the development of the necessary software for the registration of births and deaths. There would also be on-going software maintenance and updating costs for future years. Implementation costs will be incurred in staff training and production of guidance material (estimated at £0.5m). Extensive publicity would be required on implementation and there would be a one-off cost in adapting/updating current information and advice material (estimated at £0.25m). Offsetting savings would be made through efficiencies related to the electronic recording and transfer of vital event information.

3.6.2 There would be no associated compliance costs on business, charities or voluntary organisations. The registration of births and deaths is a function of central and local Government and will continue as such. The affects on competition of the introduction of an underpinning central database in support of an electronic registration system are considered in Appendix 1.

3.7 Equity and fairness

3.7.1 There are no key groups that could be disproportionately affected by the proposals relating to the registration of births, still-births and deaths.

3.8 Small firms' impact test

3.8.1 It is believed that the proposals relating to the registration of births and deaths will have no impact on small businesses.

3.9 Competition Assessment

3.9.1 See Appendix 1.

3.10 Enforcement and Sanctions

3.10.1 To ensure that at least a minimum standard of service delivery is available locally, current national standards, that have been developed by the Local Government Association for self-monitoring, would be developed and underpinned by a statutory code of practice. The code of practice would include for example, the standard of accommodation, availability and accessibility of services, IT installation and services, performance indicators etc. The Registrar General would have responsibility, in consultation with stakeholders, for developing and maintaining the national minimum standards that would be specified in the code of practice. Additional best practice standards would not be mandatory but would be taken into account by the Inspectorate and also may influence Best Value review conclusions.

3.10.2 To ensure these standards are met there would continue to be an Inspectorate that would be responsible for monitoring adherence to the code of practice, sharing good practice,

and reporting on standards. Where necessary the Inspectorate would invoke further action to ensure services are improved. Section 15 of the Local Government Act 1999, that provides for the Secretary of State to intervene where a local authority function is failing, would automatically apply when the responsibility for local registration services transfer to local authorities. More specifically, where the Secretary of State is satisfied that an authority is failing to comply with requirements he may direct it:

- To prepare or amend a performance plan.
- To follow specified procedures in relation to a performance plan.
- To carry out a review of its exercise of specified functions.

3.10.3 To provide the necessary independence for the monitoring of local registration services, it is proposed that the Inspectorate should no longer be a direct administrative arm of the Registrar General. It has therefore been agreed in principle that the newly constituted Inspectorate will be part of the functions of the Audit Commission (and Audit Commission in Wales) who will work in partnership with the Registrar General. The transfer of the Inspection service to the Audit Commission would allow registration inspection to be co-ordinated with other inspection regimes. The inspection processes would reflect the provisions of the Best Value and performance assessment frameworks including ensuring that a risk based approach to inspection is adopted.

National minimum standards are initially set at similar levels to the prescriptive measures they replace and thus there are no additional financial implications for the local registration service from the proposed compliance regime.

3.11 Consultation

3.11.1 Within Government

3.11.1 There has been wide consultation across relevant Government Departments and Agencies about civil registration reform. In respect of our proposals about the registration of births and deaths, amongst those departments from whom ONS has had input are Office of the Deputy Prime Minister, the Home Office, the Department of Health, the Department of Work and Pensions, the Office of the E-Envoy and the Cabinet Office.

3.11.1 Public Consultation

3.11.2 Previous consultation on aspects of those proposals was carried out in 1999 in "Registration: Modernising a Vital Service". The responses indicated widespread support for providing more wide-ranging registration services in new ways, for better integration with other public services, for improving the use of technology to capture, store and share registration information and for determining national standards. Many respondents also emphasised the need to maintain the high level of professionalism, customer service, quality and accuracy in the Registration Service.

3.11.3 The relevant findings from the consultation exercise were:

- widespread support for providing birth and death registration services in a variety of ways ie post, internet, telephone as well as in person;

- strong support for civil registration services to be better integrated with other public sector services;
- overwhelming support for better use of technology to facilitate the transfer of information electronically and to provide a database with differing levels of access;
- support for removing the requirement for the collection of registration information to be tied to local geography; and,
- no support for splitting local provision of births, deaths and marriage services. There was a mixture of views on the preferred organisational arrangements to deliver those services.

3.11.4 A complete analysis of all the responses is in Appendix 2.

3.12 Monitoring and review

3.12.1 Given the scope of the draft Order, the proposed legislative changes will be phased in over a number of years. Only when all the proposed changes have been implemented will it be possible to measure the effectiveness of the legislation, although it may be possible in the interim, to assess the impact of the changes in a particular area eg births, deaths, etc.

3.12.2 Measures might include take-up rates for Internet and telephone registration, timeliness of registration, availability of central database, etc.

4. RECORDS

4.1 Purpose and intended effect of measure

4.2 Objective

4.2.1 To modernise the system for capturing and holding civil registration information relating to births and deaths.

4.2.2 To modernise the system for accessing and updating civil registration information relating to births and deaths; and

4.2.3 To put in place arrangements for archiving existing paper birth and death records held locally.

4.3 Background

4.3.1 Fundamental to the reform is the proposal to move from a paper-based system to an electronic one. The proposals would affect the Registrar General, who has ultimate responsibility for registration in England and Wales, and registration authorities who would be responsible for records held locally. The reforms to the access framework would also impact on all users of registration information (which include central and local Government, private sector organisations, genealogists and the not-for-profit sector, researchers and the public) as well as some business who supply goods and services to the Registration Service.

4.3.2 The Registration Acts (Births and Deaths Registration Act 1953, Marriage Act 1949 and Registration Service Act 1953) are specific about the way registration records should be held and the means by which registration information can be accessed. The Acts apply to records held centrally by the Registrar General and locally by the local registration service. The existing legislative framework is based on principles first developed in the 1830s and does not take into account the changes to society or the developments in modern technology.

4.3.3 The law currently allows anyone to purchase a certificate of any birth or death that has taken place in England and Wales as long as the entry has been identified in an index. The law also covers the birth and death records of British citizens that have been registered overseas by British registering authorities, events relating to HM Forces and those that have taken place on British registered planes, ships and installations. Unless provided for in other law, registration information cannot be disclosed in any other way.

4.3.4 The Registration Acts also prescribe how and when registration records can be corrected or when events can be re-registered. There are general provisions for the archiving of records.

4.3.5 This system allows for public scrutiny of the records but does not protect the privacy of individuals or their families. It treats all records the same and does not take into account the age of the record or the use that is being made of the information. It can and has led to the fraudulent use of registration records. The fraudulent use of certificates affects other Government Departments and Agencies such as UK Passport Services (UKPS), the Driver and Vehicle Licensing Agency (DVLA) and the Department of Work and Pensions (DWP) as well as other public and private sector organisations and individual members of society.

4.3.6 It is proposed to move to an electronic system for civil registration in England and Wales. Central to this would be the creation of a national database to hold registration information for England and Wales that would be accessible centrally and locally via the Internet. New registrations would be captured directly onto a national database. Existing records for people born in the last 100 years would also be electronically captured and included on the database. Where possible, records relating to the same person would be linked to create a 'through life' record.

4.3.7 An electronic system has the potential to make finding, identifying, matching and accessing records about individuals easier, quicker and more straightforward. In turn, it could impact on the privacy of individuals and their families and make the potential for fraud greater. It is therefore necessary to ensure there is an appropriate access framework in place for that system.

4.3.8 The original paper records (the registers held locally) are important historic records and form part of the national heritage. The register entries are the legal record of an event. Once registration records have been electronically captured it would be important to ensure the long-term preservation of these paper records.

4.4 Risk Assessment

4.4.1 The current access system potentially impacts on the privacy of individuals and their families. Without proper safeguards, the move to an electronic system would exacerbate this as it would make finding and matching information from different sources and different records easier and quicker. Almost everyone in England and Wales comes into contact with the registration system at some point in their lives. In 2001 there were approximately 595,000 births and 530,000 deaths in England and Wales.

4.4.2 There are risks for individuals, society, Government and the public purse associated with leaving in place an out-dated system for civil registration. The current legislation does not properly reflect the changes to society, the formation of families and the advances in technology that have evolved over the last century. There is a risk that the legislation may not meet the needs of people and organisations it was intended to serve and could lead to a loss of trust in the system.

4.4.3 The Government has set stretching targets for modernising public services and delivering joined-up Government services to citizens. It has also introduced e-government initiatives to drive forward the availability of services electronically. Registration information is at the centre of many Government services (passports, driving licences, benefits). Failure to modernise civil registration would mean that some these targets may not be met not only for GRO but also for other Government Departments and Agencies who use birth and death information as part of their processes.

4.4.4 Identity and benefit fraud is a major problem for individuals, society, Government and the public purse. It can be traumatic and emotionally distressing for those people whose records are used and for their families. It can have long ranging effects on credit-worthiness. Benefit fraud alone is estimated to cost approximately £2 billion per year. The current system for accessing registration records can and has resulted in information being used for fraudulent purposes.

4.4.5 Removing all birth and death information from the public domain would be unacceptable. Registration information is used widely for all types of research, including medical and demographic research. Developing a closed system for civil registration could result in valuable information being taken out of the public domain.

4.5 Options and Benefits

4.5.1 This Regulatory Impact Assessment concentrates on looking at the impact of changes to the framework for accessing birth and death records. This is a fundamental issue and will have wide-ranging implications. All the other policy reforms relating to records fall out of this issue. Five options have been identified for the development of an access framework:

4.5.2 Option 1 - Do nothing.

4.5.3 There are few advantages from maintaining the current paper-based system for accessing modern birth and death records, other than the benefit for users of having a familiar system. There are, on the other hand, substantial disadvantages. These include perpetuating a system that does not reflect the needs of modern society or of the users of the information, that is slow to react and does not make use of modern technology. Maintaining the status quo would mean failure to meet Government targets for modernising services and for the introduction of electronic services. This option does also not fully address issues of fraud.

4.5.4 Option 2 - Restricted system.

4.5.5 This option assumes that birth and death records are held electronically. It would mean that access to these records would be limited to the individual, their next of kin, those given permission or those with prescribed access. It would help to reduce fraud and protect the privacy of individuals and their families.

4.5.6 It has the benefit of protecting the privacy of those named in the records and their families. It also has the potential to reduce fraud by taking out an important source of information from the public domain. The proposal is in line with the principles of the Data Protection Act 1998 and would go some way to meeting the modernising and e-government targets. Government Departments and Agencies and other bodies such as financial services companies would continue to have access to the information they require. However, this option does not recognise the public interest in registration information. It is also goes against the drive towards openness and could be difficult to understand from the public's point of view.

4.5.7 Option 3 - Open system.

4.5.8 Like the option above, it would allow anyone to access birth and death records, but in an electronic environment. With the move to an electronic system, access to individual records would be possible more quickly through search engines. This option would protect the public interest in registration information but would not guarantee the right of individuals to privacy.

4.5.9 It has the benefit of familiarity for users and transparency. It treats everyone the same with regard to access. It would allow public scrutiny of the records and recognises the public interest in registration records. It follows the underlying principles of the Freedom of

Information Act 2000. It would continue to give all users of these records access to the information they require. The move to an electronic platform would help to meet modernisation and e-government targets. However, this option does not address the issues of privacy, and would be difficult to justify in a fully computerised system where finding and accessing information is much easier. It also leaves the information open to fraudulent use by removing any safeguards.

4.5.10 Option 4 - Hybrid system.

4.5.11 This option would allow open access to most of information on modern birth and death records, namely those that identify the event. It would restrict access to information that is personal, could cause harm, embarrassment or distress to those named in the registration or related to them. The restricted information would be addresses and cause of death. This framework would continue to give access to the full record to those who needed it.

4.5.12 The benefits of this option are that it allows open access to most of the information recorded in these records, namely those that identify the event. This option balances openness and the public interest in registration information with the rights of individuals to privacy. It allows users of the information to access most of the record without going through special procedures whilst restricting access to sensitive data to those who have a right and a recognised need to it. It follows the principles of both the Data Protection and Freedom of Information Acts. The restricted information could be used as a check for fraud prevention by organisations that use registration information as part of their processes.

4.5.13 Option 5 - Opting out system.

4.5.14 This option would restrict the availability of some of the information in birth and death records. It would allow individuals to opt out of making information about addresses and cause of death confidential.

4.5.15 The system would be complex to administer and difficult to understand for users and would therefore be unrealistic. It would be difficult, if not impossible, to obtain consent from everyone named in the records, particularly for existing records. Once someone had opted out of the restriction and the information was in the public domain, it would be almost impossible to then restrict that information if the person later changed his or her mind. The complexity could lead to discrepancies and problems that could, in the long run, undermine confidence in civil registration.

4.6 Costs

4.6.1 The main compliance costs for businesses are described below.

4.6.2 Given the proposed arrangements for accessing records, including restricted information, on the central database, it is important to assess the likely impact of this significant change. Moving from a culture where the citizen may be expected to support an application for a service with evidence of a birth or death to one where he/she is more likely to rely on business etc checking for such evidence electronically should not be underestimated.

4.6.3 The cost of supplying birth and death information currently falls mainly on the public who supply certificates when obtaining public and private sector services and benefits. Under the proposed system, the costs would transfer to businesses, as they, rather than the public, would be charged for accessing records on the national database. Although on the face of it, there would appear to be a transfer of costs from the public to businesses, it is in fact possible that businesses would pass on that cost to their customers rather than absorb it. This would not so obviously be the case for public sector businesses where charges for a service are based on the actual cost of delivering it. The proposed cost for accessing a record on the central database has initially been set at £2.00 and is therefore cheaper than the current cost of a certificate (£7.00).

4.6.4 The impact of this proposal would depend on the size and nature of the business. For large users of registration information, such as banks and insurance companies, the costs could be quite significant.

4.6.5 Despite this additional cost, businesses are likely to make financial and other savings under the proposed model. It is likely that they would receive information more quickly and they would be able to streamline their processes by not having to handle paper documents and by moving to an electronic system. This would result in efficiency savings and lower unit costs per transactions that would go towards offsetting any additional costs. In many cases, businesses would also make savings from not having to return original documents to customers. There would also be potential savings and other benefits from reducing the incidence and potential for fraud.

4.6.6 Professional genealogists (including probate researchers) already bear the costs of purchasing certificates and pass these costs on to customers. The proposed system would therefore have minimal financial impact on their business. The proposed fee for accessing records on the national database, may actually result in savings if not for them, for their customers. This group could also benefit from making improvements to their process and from quicker and easier access to records.

4.6.7 There would continue to be statutory arrangements for some Government Departments and Agencies to receive registration records directly. For these organisations, there may be some costs in respect of developing system that are capable of receiving electronic information, otherwise, it is unlikely that the proposals would not result in any new costs. They would, however, be able to take advantage of the some of the other benefits, such as those related to efficiency savings.

4.6.8 Modifying business processes to reflect the new system and access arrangements.

4.6.9 It has been described above that the proposals would allow business to streamline and simplify their business proposals. In the short term, there would be costs to business from making such modifications. For example, there may be costs associated with providing Internet connections or from modifying existing software to reflect the new processes. It would be difficult to quantify what those costs would be as they would depend on the circumstance of the individual business. Most of the larger users of registration information already have well-developed technological systems so the impact may be small. However, these costs could be seen as an investment and would be beneficial in terms of improvements to service and responsiveness.

4.6.10 Cost of obtaining consent to access records.

4.6.11 Under the proposed system businesses would have to obtain consent to access the restricted information in birth and death records on the central database. In theory, this could result in additional costs to them. In practice, consent could be obtained via application forms or even directly at the time of registration so that the overall impact on businesses would be small.

4.6.12 The benefits of having a system whereby individuals give consent for business and organisations to access their records include the potential to reduce fraud. It would also ensure compliance with the provisions of the Data Protection Act 1998. Combating fraud is in the wider public interest.

4.6.13 Cost of applying to become Authorised Users.

4.6.14 Large volume users of birth and death records would be able to apply to become Authorised Users. Authorised Users would benefit from having the technological tools to access the national database. The system would not remove the need to obtain consent to access records. The costs of applying to become Authorised Users would be minimal. The costs of accessing records on the database would still apply.

4.6.15 Other costs

4.6.16 Making birth and death records available electronically over the Internet would give users more choice about how and when they access these records. For some groups such as genealogists, this could result in a reduction in travel (currently they need to travel to places where they can access indexes to the records). For users based abroad it would reduce postage and other costs and improve responsiveness and availability.

4.6.17 Compliance cost for a typical business

4.6.18 It is difficult to identify what a typical business would be in relation to civil registration. Many of the large users of registration information are Government Departments or Agencies or institutional users such as banks and insurance companies. Other business and organisations may only use registration information infrequently, such as to verify the birth records of applicants during a recruitment drive. Professional genealogists are likely to be affected in the greatest numbers.

4.7 Equity and fairness

4.7.1 The move to an electronic system is unlikely to affect any groups disproportionately as most businesses and organisations (including small businesses) already have electronic systems and Internet connections.

4.7.2 In our initial view, individual businesses that have contracts with GRO would not be disproportionately affected by the proposals as any such contracts are not critical to their overall business. The effect on Government Departments and Agencies and business such as those in the financial and insurance sectors of the proposals would be offset by the benefits that they would be able to derive from improvements to their processes and to the services they deliver.

4.7.3 Professional genealogists would argue that they would be disproportionately affected by changes to the access framework, particularly if these involved restrictions to the information. They would argue that birth and death information is key to their business and cannot be obtained elsewhere. Restricting some information in birth and death records would have the most significant impact on genealogists as it would make searching and identifying more difficult. The list of those who would be able to give consent to access the records may also affect them. All the options would allow birth and death information to be available for legal purposes, for example, to prove cases of intestacy.

4.8 Small firms' impact test

4.8.1 The family history and genealogical industry has a large number of small companies many of them sole traders. The costs of obtaining a birth or death record are proposed to reduce once records have been digitised and certificates are no longer the sole source of information. These reduced costs have to be balanced against the proposed access framework for modern records that includes entitlement criteria. It may be more expensive for a small firm to administer the obtaining of the necessary consent to access restricted information.

4.8.2 More general information about the costs of these proposals is included in section 4.6 above.

4.9 Competition Assessment

4.9.1 See Appendix 1.

4.10 Enforcement and Sanctions

4.10.1 To ensure that at least a minimum standard of service delivery is available locally, current national standards, that have been developed by the Local Government Association for self-monitoring, would be developed and underpinned by a statutory code of practice. The code of practice would include for example, the standard of accommodation, availability and accessibility of services, IT installation and services, performance indicators etc. The Registrar General would have responsibility, in consultation with stakeholders, for developing and maintaining the national minimum standards that would be specified in the code of practice. Additional best practice standards would not be mandatory but would be taken into account by the Inspectorate and also may influence Best Value review conclusions.

4.10.2 To ensure these standards are met there would continue to be an Inspectorate that would be responsible for monitoring adherence to the code of practice, sharing good practice, and reporting on standards. Where necessary the Inspectorate would invoke further action to ensure services are improved. Section 15 of the Local Government Act 1999, that provides for the Secretary of State to intervene where a local authority function is failing, would automatically apply when the responsibility for local registration services transfer to local authorities. More specifically, where the Secretary of State is satisfied that an authority is failing to comply with requirements he may direct it:

- To prepare or amend a performance plan.
- To follow specified procedures in relation to a performance plan.

- To carry out a review of its exercise of specified functions.

4.10.3 To provide the necessary independence for the monitoring of local registration services, it is proposed that the Inspectorate should no longer be a direct administrative arm of the Registrar General. It has therefore been agreed in principle that the newly constituted Inspectorate will be part of the functions of the Audit Commission (and Audit Commission in Wales) who will work in partnership with the Registrar General. The transfer of the Inspection service to the Audit Commission would allow registration inspection to be co-ordinated with other inspection regimes. The inspection processes would reflect the provisions of the Best Value and performance assessment frameworks including ensuring that a risk based approach to inspection is adopted.

4.11 Consultation

4.11.1 Within Government

4.11.2 There has been wide consultation across relevant Government Departments and Agencies about civil registration reform. In respect of our proposals about issues relating to registration records, amongst those departments from whom ONS has had input are Office of the Deputy Prime Minister, the Cabinet Office, the Office of the E-Envoy, the National Archives, UKPS and DVLA.

4.11.4 Public Consultation

4.11.5 Previous consultation on aspects of those proposals was carried out in 1999 in "Registration: Modernising a Vital Service". The responses indicated widespread support for providing more wide-ranging registration services in new ways, for better integration with other public services, for improving the use of technology to capture, store and share registration information and for determining national standards. Many respondents also emphasised the need to maintain the high level of professionalism, customer service, quality and accuracy in the Registration Service.

4.11.6 The relevant findings from the consultation exercise were:

- widespread support for providing birth and death registration services in a variety of ways ie post, internet, telephone as well as in person;
- overwhelming support for better use of technology to facilitate the transfer of information electronically and to provide a database with differing levels of access;
- strong support for making better use of civil registration information to reduce the incidence of fraud and, perhaps, to use that information in proving identity;
- full support for improving access to older registration records and for linking more recent records. There was a range of views on balance between public and private interest in these records; and,
- support for removing the requirement for the collection of registration information to be tied to local geography.

4.11.7 A complete analysis of all the responses is in Appendix 2.

4.12 Monitoring and review

4.12.1 Given the scope of the draft Regulatory Reform (Registration of Births and Deaths) Order, the proposed legislative changes will be phased in over a number of years. Only when all the proposed changes have been implemented will it be possible to measure the effectiveness of the legislation, although it may be possible in the interim, to assess the impact of the changes in a particular area eg births, marriages, etc.

4.12.2 Measures might include take-up rates for Internet and telephone registration, timeliness of registration, availability of central database, etc.

5 STATISTICS

5.1 Purpose and intended effect of measure

5.2 Objective

5.2.1 To modernise the legal framework under which statistical information relating to births and deaths is collected and disseminated so as to provide more flexibility and better harmonisation with National Statistics.

5.3 Background

5.3.1 Civil registration is recognised by the United Nations as the foundation of a legal system for establishing the rights and privileges of individuals. Records from that system are also the main and preferred source of continuous vital statistics on live births, foetal deaths, marriages, divorces, legal separations and deaths. Mortality statistics are one of the principle sources of health information and in most countries, they are regarded as the most reliable source of health data on the whole population. They, together with birth statistics, are also an essential component of information for estimates and projections of the number and characteristics of the population.

5.3.2 Much of the information collected at the registration of births, deaths and still-births in England and Wales is used in the production of National Statistics and in medical and social research. These uses date back to the introduction of civil registration in 1836 and before (for example, to the Bills of Mortality introduced in the 17th Century).

5.3.3 The information currently used for statistical and research purposes is obtained from information that is

- recorded in the register
- required by law under the Population (Statistics) Acts 1938 and 1960 (the 1938 and 1960 Acts)
- notified by health professionals (doctors and midwives) and coroners, and
- provided voluntarily by the informant.

5.3.4 Cause of death statistics have been developed, with the help of the medical profession, since 1837. The first Registrar General (Thomas Lister) enlisted the help of William Farr who did much to secure recognition of the importance of uniform nomenclature and scientific classification in medical statistics. Cause of death statistics are used widely internationally, by Government departments and the National Health Service. They are used for priority setting, performance management, monitoring progress towards targets and research into specific diseases or social conditions.

5.3.5 Statistics on births and deaths are an essential component in counting the changes that occur in national and local populations. They feed directly into mid-year population estimates as well as providing information on past trends that are used in producing future projections of population numbers.

5.3.6 The demands for statistical information of the sort described above have increased in this country over recent years. Some of the needs of Government (both central and local), the Health Service, other public bodies and social and economic researchers are described above.

The general public, individually or via pressure groups, make increasing use of this information to understand what is happening to their local areas, to campaign more effectively on specific issues and to be able to make links between local and national trends.

5.3.7 There has also been an increase in requests for statistical information by international organisations, to assist in making comparisons between countries. As well as the various organisations of the United Nations (e.g. WHO, UNSD, UN/ECE) and the Council of Europe, EUROSTAT (the Statistical Office of the European Communities) is now a key customer for detailed information on births and deaths.

5.3.8 Under Section 5 of the Census Act 1920, the Registrar General has a duty “to collect and publish any available statistical information with respect to the number and condition of the population in the interval between one census and another, and otherwise to further the supply and provide for the better co-ordination of such information, and the Registrar General may make arrangements with any Government Department or local authority for the purpose of acquiring any materials or information necessary for the purpose”. All of the four types of information, as described above, collected at vital registration are used in fulfilling this obligation. The power is principally used to make information available in aggregate form, or to enable others to do so.

5.3.9 Information from the registers may however be supplied in identifiable form, under specific legislation, to improve the management of public services. For example, the National Health Service Act 1977, as amended by the Health Act 1999, gives the Registrar General the power to provide any information 'entered in any register kept under the Births and Deaths Registration Act' which he considers appropriate 'for the purpose of assisting the Secretary of State in the performance of his functions in relation to the health service'. The supply, for these purposes, includes playing a role in maintaining accurate waiting lists and improving the quality of public service statistics (e.g. mortality rates following hospital treatment).

5.3.10 Information collected under the 1938 and 1960 Acts is required to be held in complete confidence and can only be used by the National Statistician to produce anonymised, aggregate statistics. Dissemination of information supplied on a voluntary basis is not subject to the specific constraints of the 1938 and 1960 Acts and is collected in order for the Registrar General to meet his duties under Section 5 of the Census Act 1920. The items collected on a voluntary basis are made available for the production of statistics and aggregate research results in accordance with the National Statistics Code of Practice and research ethics requirements. At registration, informants are made aware of the confidentiality of items collected under the 1938 and 1960 Acts and of the voluntary nature of other statistical items.

5.4 Risk Assessment

5.4.1 As is stated above, almost everyone in England and Wales comes into contact with the registration system at some point in their lives. In 2001 there were approximately 595,000 births and 530,000 deaths in England and Wales. There are risks for individuals, society, Government and the public purse associated with leaving in place an out-dated system for the collection and dissemination of statistical information associated with births and deaths. The current legislation does not properly reflect the changes to society, the formation of families and the advances in technology that have evolved over the last century. There is a risk that

the legislation may not meet the needs of people and organisations it was intended to serve and could lead to a loss of trust in the system.

5.4.2 There is a risk that the diverse needs of National Statistics will not be met unless the range of topics on which information is collected is increased. As these requirements evolve, there is a need to make continual improvements to what is collected and to manage the burden by ensuring that appropriate linkage of information can be achieved, to make best use of what is already provided by the citizen.

5.4.3 In view of the significant changes in society and demographic patterns and trends, and in the uses now made of statistical information, the legal basis for collection and dissemination is very inflexible. The legal bases for the items collected differ, raising questions about the most appropriate legal framework for collection and dissemination. In particular, issues of trust and the release and sharing of confidential statistical information are important. Any proposals need to be consistent with the National Statistics Code of Practice and related protocols.

5.4.4 Putting all birth and death statistical information in the public domain would be unacceptable. This information is used widely for all types of research, including medical and demographic research. It is essential therefore to develop a system that will provide relevant and timely statistical information to those who have a legitimate need for access.

5.5 Options and benefits

5.5.1 This Regulatory Impact Assessment concentrates on looking at the impact of changes to the framework for collecting and disseminating birth and death statistical information. This is an important issue relevant to the continuing development of National Statistics. Four options have been identified for the development of a framework:

5.5.2 Option 1 - *Do nothing*.

5.5.3 There are few advantages from maintaining the current arrangements for the collection and dissemination of statistical information relating to the registration of births and deaths other than the benefit for users of having a familiar system. There are, on the other hand, substantial disadvantages. These include perpetuating a system that does not reflect the needs of modern society or of the users of the information, is inflexible and does not make use of modern technology. Maintaining the status quo would mean that it would not accord with National Statistics Policies and Protocols on, for example, confidentiality.

5.5.4 Option 2 - *To modernise the legal framework under which statistical information relating to births and deaths is collected and disseminated so as to provide more flexibility and better harmonisation with National Statistics*.

5.5.5 It is generally agreed that the range of topics on which information is collected is no longer sufficient to meet the diverse needs of National Statistics to describe modern society, inform public policy, track changes or support and monitor the delivery of public services. The provision of a more modern framework would mean more flexibility in what is collected and an ability to make changes more quickly through the use of pilots to test public acceptability. It would enable fuller use of technology to use information already collected for other purposes subject to appropriate consent eg. by the NHS. Follow-up surveys could be

used to obtain detailed information about small groups where it was not appropriate to collect information on a national basis.

5.5.6 The disadvantages of this option relate to the public's willingness to accept, and confidence in, a change in the legal bases for the collection and dissemination of information. In particular, issues of trust and the release and sharing of confidential statistical information are important. Any arrangements need to be consistent with the National Statistics Code of Practice and related protocols.

5.5.7 Option 3 - To modernise the legal framework under which statistical information relating to births and deaths is collected and disseminated but to treat such information in a similar way to other information collected at registration.

5.5.8 This option would subsume the legal arrangements for the collection and dissemination of statistical information into those for information entered in and accessed from the register. It would therefore be analogous to the census of population. It would have the advantage that the citizen would be under the same obligation to provide information say, about his place of birth, as about his date of birth. All such information would be mandatory and there would be sanctions and penalties for failing to render it.

5.5.9 Such a system would also mean that the proposed arrangements for access to birth and death records would be extended to include the statistical information. It would be necessary to decide whether this information would be restricted (like address and cause of death) or would have no confidentiality constraints. Under this option, it would seem inevitable that some statistical information would have to be classified as restricted given its sensitivity. Not doing so would jeopardise the almost 100% success in collection.

5.5.10 This option would not accord with National Statistics Policies and Protocols. It would prevent the Registrar General from reducing the burden on the citizen by eliminating the additional collection of information that might be available from other sources. It would also mean that access to birth and death statistical information would be inconsistent with access to other statistical information collected under National Statistics.

5.5.11 Option 4 - To modernise the legal framework under which statistical information relating to births and deaths is collected and disseminated so as to provide better harmonisation with National Statistics.

5.5.12 This option is similar to that discussed in paragraphs 5.5.5 to 5.5.6 above. It assumes that the information collected at birth and death registration would be updated in legislation but there would be no simple mechanism for changing it again. The main advantage of this option is that it would represent a clear statement of the range of information to be collected that would reflect the needs of today's society. There would follow a public acceptance that the law set out exactly what statistical information a citizen was expected to provide at the registration of a birth or death.

5.5.13 The main disadvantage of this option is that it does not provide the Registrar General with the means to quickly respond to changes in society or public policy. Not including a power that would allow the Registrar General to modify the range of information collected following a pilot to test public acceptability and the scope of the questioning severely restricts his responsiveness.

5.6 Costs

5.6.1 There would be the necessary investment costs in respect of the development of the software for the collection and dissemination of statistical information relating to births and deaths. There would also be on-going software maintenance and updating costs for future years. Implementation costs will be incurred in training and production of guidance material. Publicity would be required on implementation and there would be a one-off cost in adapting/updating current information and advice material. Offsetting savings would be made through efficiencies related to the electronic recording and transfer of statistical information. All these costs would be met by the Exchequer.

5.6.2 There would be no associated compliance costs on business, charities or voluntary organisations. The collection of statistical information relating to births and deaths is a function of central and local government and will continue as such. The affects on business of the introduction of a central database in support of an electronic registration system are considered in Appendix 1.

5.7 Equity and fairness

5.7.1 There are no key groups that could be disproportionately affected by the proposals relating to the collection and dissemination of statistical information relating to births and deaths.

5.8 Small firms' impact test

5.8.1 It is believed that the proposals relating to statistics will have no impact on small businesses.

5.9 Competition Assessment

5.9.1 See Appendix 1.

5.10 Enforcement and Sanctions

5.10.1 To ensure that at least a minimum standard of service delivery is available locally, current national standards, that have been developed by the Local Government Association for self-monitoring, would be developed and underpinned by a statutory code of practice. The code of practice would include for example, the standard of accommodation, availability and accessibility of services, IT installation and services, performance indicators etc. The Registrar General would have responsibility, in consultation with stakeholders, for developing and maintaining the national minimum standards that is specified in the code of practice. Additional best practice standards would not be mandatory but would be taken into account by the Inspectorate and also may influence Best Value review conclusions.

5.10.2 To ensure these standards are met there would continue to be an Inspectorate that would be responsible for monitoring adherence to the code of practice, sharing good practice,

and reporting on standards. Where necessary the Inspectorate would invoke further action to ensure services are improved. Section 15 of the Local Government Act 1999, that provides for the Secretary of State to intervene where a local authority function is failing, would automatically apply when the responsibility for local registration services transfer to local authorities. More specifically, where the Secretary of State is satisfied that an authority is failing to comply with requirements he may direct it:

- To prepare or amend a performance plan.
- To follow specified procedures in relation to a performance plan.
- To carry out a review of its exercise of specified functions.

5.10.3 To provide the necessary independence for the monitoring of local registration services, it is proposed that the Inspectorate should no longer be a direct administrative arm of the Registrar General. It has therefore been agreed in principle that the newly constituted Inspectorate will be part of the functions of the Audit Commission (and Audit Commission in Wales) who will work in partnership with the Registrar General. The transfer of the Inspection service to the Audit Commission would allow registration inspection to be co-ordinated with other inspection regimes. The inspection processes would reflect the provisions of the Best Value and performance assessment frameworks including ensuring that a risk based approach to inspection is adopted.

5.10.4 There are further sanctions in the Population (Statistics) Act 1938. Specifically, if anyone refuses to provide the information asked for under the Act or makes any statement that, to the informant's knowledge, is false that person is liable on summary conviction to a fine of £50. Further, any person authorised to handle data collected under the Act who refuses to comply with the provisions of the Act or any of the relevant regulations can be found guilty of an offence and is liable to a fine of up to £100 or imprisonment for up to two years.

5.11 Consultation

5.11.1 Within Government

5.11.2 There has been wide consultation across relevant Government Departments and Agencies about civil registration reform. In respect of our proposals about the collection of statistical information relating to births and deaths, amongst those departments from whom ONS has had input are Office of the Deputy Prime Minister, the Home Office, the Department of Health, the Department of Work and Pensions, the Office of the E-Envoy and the Cabinet Office.

5.11.3 Public Consultation

5.11.4 Previous consultation on aspects of those proposals was carried out in 1999 in "Registration: Modernising a Vital Service". The responses indicated widespread support for providing more wide-ranging registration services in new ways, for better integration with other public services, for improving the use of technology to capture, store and share registration information and for determining national standards. Many respondents also emphasised the need to maintain the high level of professionalism, customer service, quality and accuracy in the Registration Service.

5.11.5 A complete analysis of all the responses is in Appendix 2.

5.12 Monitoring and review

5.12.1 Given the scope of the draft Regulatory Reform (Registration of Births and Deaths) Order, the proposed legislative changes will be phased in over a number of years. Only when all the proposed changes have been implemented will it be possible to measure the effectiveness of the legislation, although it may be possible in the interim, to assess the impact of the changes in a particular area eg births, marriages, etc.

5.12.2 Measures might include take-up rates for internet and telephone registration, timeliness of registration, availability of central database, etc.

COMPETITION ASSESSMENT

Introduction

1. Preliminary research suggests that the proposed changes will affect the following markets:-
 - There will be less demand for registers and other paper forms by the local registration services.
 - Eventually there will be less demand for certificate paper by the local registration services.
 - The proposed changes will require different computer equipment from that currently used.
 - There is a potential opportunity to improve List Cleaning services for the deceased.

Paper forms

2. There are a limited number of large companies supplying paper of this type, and so market dominance is potentially a concern. However, the size of the contract affected is very small relative to the size of the market and so the market structure will not be affected. Since the contract is awarded through open competition for a limited period, in the long run no firm will be affected more than the others. Since the effect of the change is to end the demand for this type of form, the changes would not have a differential effect on existing printing companies compared with potential entrants and would not impose restrictions on firms choices. Whilst there has been change in printing methods there is unlikely to be rapid technological change in the future.

Certificate paper

3. The proposed changes will mean that eventually proof of birth etc. will be done by accessing a website rather than providing a certificate, and so the need for these certificates will eventually cease. The paper used to certify births and deaths is rare, with many advanced security features, perhaps best compared with bank notes.

4. In the UK there is only one company that supplies paper of this type and therefore market dominance may be an issue. However, it is likely that the market is larger than the UK and that other firms compete with the UK firm for contracts. The UK firm has contracts with other bodies for similar products and it is hard to say how significant the contract affected by this regulation is to the firm. It is known that several other bodies that have contracts with the company are also looking at moving to electronic documentation and that the company is looking to diversify into products linked to electronic documentation, such as smart cards. We do not, therefore, believe that the loss of this contract will seriously affect competition in the market for certificate paper.

Computer equipment

5. Software providers will be affected both through the need for new equipment to control the electronic storage and access of records and through the removal of the need to transfer filmed images of registration entries onto printed certificates.

6. The current equipment to transfer filmed images of registration entries onto printed certificates is supplied and maintained by one company. However, the size of the contracts is very small relative to the size of the company, so the impact on the company, and the market in which it operates is likely to be very small.

7. The new infrastructure for the web-enabled registration system, data capture etc. will be decided by open procurement.

List cleaning for the deceased

8. Currently, local authorities may have a contract with one of a small number of companies who, via informed consent by the recently bereaved, ensure the removal of the deceased from mailing and other contact databases. Under the proposed changes this service is planned to be included amongst those value-added services featured in the open procurement process.

9. The size of this market is uncertain as is the number of firms in this market. All existing and potential firms will be affected equally by the proposed changes, and the regulation could change the market structure. However, it is not clear how many firms that carry out list cleaning are involved in other markets.

10. The benefits to the consumer of the change include lower cost and greater availability of the service, as it will automatically be available in all areas, whereas now it depends on the local authority having a contract with a private company. As much of the work will be done automatically by software, once the register is updated, the procedure will be at a lower cost than at present. Along with economies of scale and the possibility of the list cleaning being done by a not-for-profit-monopolist this suggest that the consumer will face lower costs and so will benefit from the changes. However, the lack of competition in the long run may have an impact on productivity and innovation.

Data Withdrawal

10. We have been able to identify three markets that may be affected by the proposed changes:-

- Family history researchers
- Probate researchers
- Marketing companies using information that is no longer available

Family history researchers

11. This is a large and diffuse market, with the vast majority of firms being sole traders and so market share is unlikely to be an issue. The proposed changes may make it harder for

firms to identify people, as there will be less information available from the records, although some of this will be available in other ways. However, the changes are likely to affect all firms equally and are unlikely to affect market structure. Thus we have been unable to identify any areas where competition may be adversely affected, although it is possible that prices will increase given the increase in time needed to carry out the research.

Probate researchers

12. This market has three or four large player and so market share is likely to be an issue. The proposed changes may make it harder for firms to identify people, as there will be less information available from the records, although some of this will be available in other ways. It is possible that the higher costs of obtaining certain types of information will make it harder for small companies to operate in this market and so will alter the market structure as well as affect firms differently. It is possible that there will be some restriction on the ability of firms to choose the quality of their products if some information is not available elsewhere. Technology employed in the market, particularly IT and the Internet, has changed markedly over the past ten years and this is likely to continue in the future.

13. The fundamental questions about the effect on competition are whether there will be a change in market structure and whether large firms will be affected more than small firms. The key point is whether the proposed changes raise the cost of undertaking probate research and whether this will disadvantage small firms. There were no responses on this issue.

Marketing

14. It is possible the way that some companies market their products will be affected by the proposed changes. The two most obvious ways are companies that use birth and death information for direct mailing and companies that place promotional material in register offices.

15. The use of this information for direct mailing to promote, for example, childcare products, is not an issue because of the way that the information is made available solely in the form of individual certificates. Therefore there is no significant impact on direct mailing from the proposed withdrawal of information.

16. The proposed change to permit birth and death registration online or by telephone will make the promotion of products by placing promotional literature in register offices less effective. However, this is currently not a significant part of any firm's promotional work and there exist other more common ways of placing literature, for example through the NHS. Therefore there is no significant impact on competition from the proposed withdrawal of information.

Conclusion

17. The markets where the proposed changes will have a significant impact on competition are probate research and list cleaning. Probate research is affected due to the relatively concentrated market and the higher cost of obtaining certain types of information under the proposed changes. List cleaning is likely to be affected as a monopoly will be effectively imposed though this will be able to provide benefits to consumers outweighing the loss to existing firms.

**SUMMARY OF THE VIEWS EXPRESSED BY RESPONDENTS TO
"REGISTRATION: MODERNISING A VITAL SERVICE"**

Individuals, groups and representative bodies submitted almost 1000 responses to the public consultation exercise with over 9000 replies to individual questions. The following is a summary of their views.

Q1. Should it be possible to register births and deaths in a range of ways? (2.2)

There were 450 responses to this question. Of these, 300 (67%) were in favour of making it possible to register births and deaths in a range of ways.

The general feeling was that although alternative methods should be made available, personal attendance should still be an option for those who prefer it. Suggestions included a registration system without geographical boundaries, hospitals and coroners entering data for registration onto a central database (without the need for an informant). Also, basing registrars in hospitals and having multi-functional officers whose duties are not solely registration duties were suggested. Those not in favour of the idea cited loss of quality of data as the main reason.

Q2. Should electronic links be developed with hospitals, coroners, undertakers, crematoria and government departments? How should they be used? (2.3)

Of the 359 responses to this question, 335 (93%) expressed support for the development of electronic links. The general feeling was that such links would speed up and improve service delivery for the customer. It was stressed that there would need to be appropriate safeguards in the system to prevent fraud. Suggested links included UKPA and DSS.

Q3. Should the registration service offer people a facility to notify the birth/death or marriage to public and private sector organisations? (2.3)

Of the 244 responses 220 expressed the view that the registration service should offer people a facility to notify events to public and private sector organisations. The consensus was that the private sector should be charged for such notifications.

A number of those in favour felt that the passing on of information to other agencies should be on the basis of informed consent while a few thought it should be mandatory.

Q4. Should the registration service become a focal point for services linked to birth and bereavement? (2.3)

This question elicited 237 responses of which 218 were in favour of the registration service becoming a focal point for services linked to birth and bereavement. The most popular view was that the registration service should become a one-stop-shop for such services. Also, that the service need not provide counselling but could provide leaflets or direct people to the relevant services or experts.

Q5. Should there be national standards for birth and death registration services and if so what should these be? How should they be enforced? (2.4)

Of the 252 responses, 241 (96%) supported the idea of national standards. Ideas on standards included privacy, confidentiality, staff accessibility and availability, provision of equipment, accommodation, quality of training, customer care, technical knowledge and accuracy.

Suggestions for enforcement included a system of inspection/audit, severe fines, regional inspectorate, 'Ofreg' or independent inspectorate, inspection agency drawn from practitioners and GRO.

Q6. Would quality of information be affected by changing the system? (2.4)

There were 201 responses to this question. The majority of respondents (72%) expressed concern that the quality of information would be affected. The remainder thought that quality could be maintained if proper controls were put in place.

Q7. Should people be able to marry anywhere? (3.1)

There were 373 responses to this question. The majority of respondents (83%) thought that people should either be able to get married anywhere or, more popularly, that a greater choice of venues should be provided.

The main arguments against marriage anywhere were the need to consider health and safety, accessibility for the public and the need to maintain the solemnity of the ceremony. The most popular suggestions for retaining some control were for the introduction of one-off licences or introducing approved celebrants in line with the Scottish system.

There was strong support from registration officers for the introduction of universal civil preliminaries and the removal of the residential requirement for marriages in registered buildings.

Q8. Should there be national standards for civil marriage ceremonies and what should these be? (3.1)

Of the 240 responses to this question, 227 (94%) expressed the view that there should be national standards. Suggestions for the national standards included standards set by the couple, accommodation, length of ceremony, enhancements offered routinely and a reasonable service at a reasonable price. Several respondents suggested that the hours between which a marriage could take place should either be extended or the restriction removed altogether.

Q9. Should it be possible for the preliminaries to marriage to be undertaken in a range of ways? (3.2)

Sixty four per cent of respondents thought that it should be possible for marriage preliminaries to be undertaken in a range of ways. The remainder preferred the retention of the need for notice to be given in person. Among the responses to this question there was a call for universal civil preliminaries and the removal of the residential qualification for church marriages. There was also support for adoption of the Scottish schedule system.

Those against offering a range of ways for giving notice felt that this would not sit well with the changes being introduced by the Immigration and Asylum Act 1999. The Act requires both parties to give notice in person to the superintendent registrar. They also felt that personal attendance meant that there would be greater commitment on the part of the couple.

Q10. Should the registration service provide supportive services eg baby-naming, reaffirmation of vows, information on coping with bereavement or bringing up children or the legal status of unmarried parents?

Of the 396 responses to this question, 348 (88%) supported the idea of a wider role for registrars.

Although there was an overwhelming majority for the provision of supportive services there was no consensus as to what these services might be. Some respondents felt that baby-naming ceremonies were acceptable but not secular funerals and vice versa. Many felt that the registration service should not provide counselling but should direct customers to existing counselling services. The issues of proper training and funding for these services were also raised.

Q11. Is there scope for a more integrated approach for marriages? (3.5)

Of the 192 responses to this question 92% favoured links being created with divorce and birth and death databases to help verify details in marriage notices. The electronic notification to other public and private sector agencies following the marriage was also mentioned subject to proper safeguards being in place. Those against felt that the onus should remain with the couple.

Q12. What level of access should be available to registration records of varying ages? What uses are acceptable? How should historic records be defined? (4.3)

There was overwhelming support for greater access to historic records. Suggestions included using the Internet or copies on CD-ROM, microfilm or microfiche being made available at county record offices or register offices. Respondents opined that giving access to the historic records and removing the need to purchase a certified copy of an entry should greatly reduce costs and hence the fee.

Respondents to this question were fairly evenly divided on how historic records should be defined. 50% thought that it should be records over 75 years with 46% opting for 100 years. The remainder suggested different definitions depending on the type of event eg 100 years for births, 50 years for marriages and deaths. Those in favour of the 100 years cut-off reasoned on the basis of peoples increased life expectancy and the parallel with census data.

Q13. Should paper certificates, other than for personal commemorative use, be replaced by electronic transfer of information to approved users on request? (4.3)

76% of those who responded to this question did not wish to see paper certificates disappear altogether. They felt that there would continue to be a need for certificates for official

purposes eg for use abroad. Many of those respondents acknowledged that electronic transfer of registration was inevitable but felt that customers should be able to choose.

Q14. Should birth registration records be updated and if so with what information? (4.4)

Of the 396 responses 357 (90%) favoured some form of updating or linking of registration records. Suggestions for updates included linking deaths with births, marriages with divorces and change of sex. The adoption of the birth entry as the basis for a life record, showing any changes of name or status, was the most popular suggestion put forward.

Q15. What contribution should civil registration make to proving identity and how? (4.4)

80% of the respondents to this question said that registration could have a vital role to play in providing proof of identity. The most popular suggestion was to use the 'life record' suggested at Q14. Others included issuing a unique identifier to each individual at birth, issuing an ID card at birth and issuing the NI number at birth.

The remaining 20% felt that the matter of identity was either outside the scope of this review or that the registration service should have no part in it. A few expressed the fear that the review could founder if it was linked to the question of identity.

Q16. How should the balance be struck between an individual's privacy and public interest in registration records?

The most popular suggestion (40%) for balancing privacy with public interest was to restrict access to the recent records. Many respondents also said that there should be no exploitation of registration records for commercial purposes. They felt that access to records should be for official purposes with the public fully informed about who had access and why. Access by approved users or with the consent of the individual was also suggested by a small number of respondents. A few respondents expressed the view that full access to the records should be allowed unless a good reason could be given as to why privacy should be maintained.

Q17. What should the arrangements be for historic registers? (4.6)

This question attracted 539 responses. The overwhelming view was that the historic registers are part of our national heritage and should be open to the public in microfilm, microfiche or digital format. There was almost unanimous agreement that the original records should be stored locally at county record offices, local register offices or in other local archives. A number of respondents said that the records should be accorded public record status and become the responsibility of the Public Record Office.

Q18. Should birth registration cater for a wider variety of circumstances. If so, what should they be? (5.2)

90% of respondents supported a more flexible system for registering births.

The most popular suggestions for change included simplifying late birth registration, making it possible for a registration officer to attest a declaration equivalent to the present form 16,

providing better access to the service by offering different ways of registering (referring back to question1) and extending or offering more flexible opening hours.

Q19. Should death registration cater for a wider variety of circumstances. If so, what should they be? (5.3)

90% of respondents supported the idea of a service able to cater for a wider variety of circumstances. The most popular idea was for a life partner to be accepted as a qualification for a death informant. Several responses included reference to same-sex partners and also executors being allowed to register. Other popular suggestions were for an out of hours (on-call) service to be made standard, extension of opening hours generally and facility to register certain deaths at sea. Over 50 respondents said that a deceased man's wife's details should be included in the death entry (see question 20).

Q20. What information should be recorded in the register and on certificates? (5.5)

The most popular ideas elicited by this question related to marriage entries. Over 30% wanted to see the mother's details as well as the father's being included in the entry and 25% suggested including stepparents where applicable. The inclusion of the date and place of birth of the parties and the addresses of witnesses were also mentioned.

Suggestions for additions to the birth register included time and day of birth, date and place of marriage of parents [if applicable], NHS no of parents, parents' dates of birth, and donor information [where applicable] and subsequent changes to parents (eg step-parents).

Suggestions for inclusion in the death register included the NI and NHS number of the deceased, time and day of death, details of the deceased parents and the intended place of disposal. Other suggestions for inclusion were the marital status of the deceased, details of a deceased man's wife and the last known address of the deceased. The option of a shortened form of death certificate with the cause of death excluded was a particularly popular idea.

Q21. Should there be greater flexibility to correct errors in registration records? (5.6)

Of the 249 responses to this question over 95% contained the view that there should be greater flexibility to correct errors in entries particularly by way of local discretion/authority. Several respondents mentioned specifically minor spelling errors copied from medical certificates of cause of death. Other suggestions were that marriage corrections should be treated the same as birth and death corrections, that certificates should be free from correctional notes and that a fresh registration should be offered where the error was embarrassing or sensitive.

Q22. Should there be a more flexible and integrated approach to the collecting and sharing of information within government? (6.2)

155 of the 164 respondents to this question were in favour of a more flexible and integrated approach. The majority view was that the collecting and sharing of information in this way was a legitimate use of the registration system particularly as it would help detect and prevent fraud. Other views expressed were that questions should not become too intrusive or place a burden on the individual as this might deter people from providing information. Also, there would need to be safeguards in place to protect people's privacy.

Q23. Who should provide birth and death registration services? (7.2)

40% of respondents recommended that local authorities should run the registration service. They argued that it was a local service with varying needs in different parts of the country to which local authorities were sensitive. 35% opted for a centrally run service or said only that registration officers should continue to provide the service. The remainder gave no specific preference or suggested alternatives such as the health service.

Many respondents referred to the need for national standards for a national service. The consensus was that this could only be achieved through administration and inspection by a central body. Many also referred to the need to remove the current demarcations created by the statutory status of officers. The need for a proper management structure was widely recognised.

Q24. Who should provide marriage, baby naming, reaffirmation of vows? (7.2)

Many respondents combined questions 23 and 24 resulting in a similar split in opinion as to who should run the service. However, there was almost total agreement that birth and death registration should not be split from the more ceremonial duties involved with marriage and any new services such as baby naming ceremonies.

Q25. How should the registration service adopt wider use of technology in service delivery? (7.4)

The responses to this question concentrated mainly on how wider use of technology could improve recording, storage and retrieval of records. Many of the public response highlighted better access to the historic records. The most popular view was that of creating a central database of births, marriages and deaths with local and Internet access. The view of many was that the original records should be computerised and copied onto microfilm. Any partnership to achieve this should be with the 'not for profit' sector in order to keep the cost to the user down. Compiling computerised indexes that could contain more information and that could be made widely available, providing links with other records such as the Census and viewing entries on-line were also suggested.

Ideas for more recent records included introducing a swipe ID card, the ability to issue certificates from any register office regardless of where the event took place, transferring data between government departments, remote ordering facility for certificates and record linkage.

Q26. What are acceptable uses of civil registration records? (7.4)

The overwhelming response was that registration records should not be made available in bulk to private sector organisations and that they should not be used for commercial gain in any way.

Suggestions for their use included providing other government departments with information, a means of identification, medical and academic research, genealogy, social and economic research. Respondents were mindful of the need to protect the privacy of the individual. It was suggested that individuals or their descendant should give permission for the information to be used.

Q27. Should the registration of key life events, remain free of charge? If so, should other fees be set at a level to ensure full cost recovery across registration services as a whole?

Of the 360 responses to this question only 10 thought that the registration of births and deaths should attract a fee to offset the cost. Of the 350 who thought this service should remain free, the majority felt that the charges should be levied for any additional services provided by the registration service. A number also considered that fees from other services should be used to offset the cost of birth and death registration to enable the whole service to become self-financing.

Q28. Should there be a standard marriage fee? If so how should it be set? (8.2)

Over 90% of respondents supported the view that there should be a standard fee for a standard marriage ceremony. Many respondents added that there should be a sliding scale of fees above the minimum to meet the cost of any enhancements and that these fees should be set locally. A few thought that the basic fee should be set locally as circumstances and costs varied across the country.