

Open Report on behalf of Glen Garrod, Executive Director – Adult Care and Community Wellbeing

Report to:	Councillor S Woolley, Executive Councillor for NHS Liaison Community Engagement, Registration and Coroners
Date:	16 - 23 December 2022
Subject:	Coroner's Body Removal and Transport Re-Procurement
Decision Reference:	I028392
Key decision?	Yes

Summary:

The report seeks approval from the Executive Councillor for NHS Liaison Community Engagement, Registration and Coroners to re-procure the 'Body Removal and Transportation' contracts.

This is to ensure the Council is able to meet its ongoing statutory duty under the Coroners and Justice Act 2009 to provide appropriate and robust arrangements for the collection and return of bodies whose deaths are referred by the Coroner for investigation.

Recommendation(s):

That the Executive Councillor for NHS Liaison Community Engagement, Registration and Coroners:-

- (1) approves the re-procurement of contracts for (i) body removal and collection and (ii) transportation by way of an Open tender with the intention of awarding multiple contracts within defined 'Removals and Collections' and 'Transportation' lots.
- (2) delegates to the Executive Director – Adult Care and Community Wellbeing authority to approve the award of individual contracts once the evaluation of bids has been completed.

Alternatives Considered:

1.	To further extend the current agreement: This would ensure that the Council is able to fulfil its legal obligations under the
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2.	<p>Coroners and Justice Act 2009 but would not be compliant with the Public Contract Regulations 2015 and would not provide the reassurance of a longer-term contract.</p> <p>Lincolnshire Coroner's Service aspires to deliver to the residents of Lincolnshire a professional, dignified and timely service for all deceased referred to the Coroner. Paramount to achieving this is the importance of successfully commissioning long term contracts to support the smooth running of the service, who will deliver their service with empathy, professionalism, and expedience.</p> <p>It would also mean contracting on the basis of an old specification which has been highlighted as requiring updating (the need for an improved feedback process and lotting structure were particularly identified as requiring changes as part of the ongoing contract management process).</p> <p>To publish with the intention of awarding to a single supplier:</p> <p>This contract covers the entire Lincolnshire area and therefore would pose a risk to the Council if the awarded supplier could not attend within the required timeframe of 60 minutes.</p> <p>Awarding to multiple suppliers provides reassurance to the Council that the increasing demand of collection and transfers will not negatively impact response times and will provide the required flexibility of service.</p>
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Reasons for Recommendation:

The current agreement is due to end on 31st May 2023 with no further options to extend. Therefore, the Council intends to publish the 'Coroners Body Removal and Transport' re-procurement in February 2023. This will allow the market, which comprises predominately of small local businesses, to bid outside of the winter months which is a time of higher workloads due to higher death rates.

Following consultation and advice from the commercial team, an open tender/procedure has been chosen as the most appropriate route by the service area to ensure maximum engagement with the market and to provide fixed term contracts with sufficient reassurance to both the suppliers and the service of rotas.

The contracts will be awarded to the supplier (s) whose tender scored the highest per lot, and which provides the Most Economically Advantageous Tender (MEAT) against the Council's chosen award criteria for each Lot.

The contracts are expected to run for a period of three years commencing 1st June 2023, ending 31st May 2026. There will be an option for the Council to extend by one additional period of two years. The ultimate date of conclusion will be no later than the 31 May 2028 if the extension period is taken. The contract value is £436,000 annually, therefore the total value of the five (5) year contract is £2,180,000.

1. Background

1.1 Context:

The Council has a statutory duty to provide for the collection and storage of bodies which fall under the jurisdiction of the coroner, and the transportation of these bodies to and from post-mortem, where required.

The Council fulfils this duty via an overarching contract that is divided by geographical location, and as follows:

Lots 1- 6: Coroners Removals/Collections

Lot 1: Caistor, Louth, Skegness and Horncastle

Lot 2: Lincoln

Lot 3: Gainsborough

Lot 4: Sleaford, Grantham, Bourne and Stamford

Lot 5: Boston

Lot 6: Spalding and Long Sutton

Lots 7-11: Coroners Post-mortem transfers

Lot 7: Caistor, Louth, Skegness and Horncastle

Lot 8: Lincoln

Lot 9: Gainsborough

Lot 10: Sleaford, Grantham, Bourne and Stamford

Lot 11: Boston and Spalding and Long Sutton

It is our intention to award to a maximum of 2 suppliers per lot to allow for sufficient flexibility without increasing administrative burden on the Council.

All Suppliers are contracted to be available 24 hours a day, 7 days a week, including Bank Holidays during their allocated week (s) to include a telephone response and attendance to the Coroners removal within 60 minutes of notification. For lots awarded to more than one supplier work is allocated via a rota system, giving Suppliers one week on call and one week off, and is created and issued by the Council.

According to current data, the Council is responsible for c1,066 removals and c968 return journeys for transfers annually. Across England and Wales post-mortem numbers are increasing year on year, therefore it is accepted that these figures will increase over the coming years.

The total contract cost is made up of the collection of deceased, storage in appropriate facilities until a decision is made by the Coroners as to whether a post mortem is required or release to family, transfer to a hospital if a post-mortem is required including the fuel cost. There are also a number of specific requirements of the suppliers around ensuring a professional and dignified service, tags and body bags, notice of transfers, processes to follow to capture deceased's possessions etc.

The overall service will be delivered by a number of differing suppliers however a diligent contract management approach is in place to ensure that there is a compliant and

effective consistency of service. Contract management includes management information (MI) reporting by the Supplier (including: arrival response time, record of transfers and removals and complaints response), and regular meetings to address any areas of concern.

The Coroner is happy with the current contracts that are in place. Formal complaints are raised for less than 1% of the work carried out, and very few of these are ever upheld when investigated, therefore there is confidence to reprocure in line with the current contracts.

1.2 Procurement Process:

The Open tender approach is being used to provide the widest exposure to potential suppliers in a narrow and slow-moving market.

The Award Criteria will focus on quality in particular, with a higher weighting of 60%, as it is a highly sensitive and critical service and therefore it is not beneficial to purely focus on price.

By slightly amending the lotting structure it is envisaged that the lots will be more appealing to bidders and will also remove some administrative burden for the Council when compiling the rotas. That the lots will be more appealing has been confirmed through market engagement with the current suppliers, in particular where lots cover areas of close proximity.

The feedback process shall be further developed in the tender documents to ensure both positive and negative feedback are captured by the suppliers. This will ensure we are making the most of the MI captured by the supplier.

The tender will also seek to streamline the current process to remove the administrative burden when documentation and notices are sent via the supplier to the Lincolnshire Coroners Service. This will be achieved by allowing suppliers to upload documents to the current portal rather than having the support team transfer the content of c1,000 emails per year.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

A separate Equality Impact Assessment has not been undertaken. There are not considered to be any direct impacts of the chosen procurement route on people with a protected characteristic. The contracts include requirements for the suppliers to be sensitive to the impacts of their services on people with a protected characteristic.

Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

There are not considered to be any direct implications of the choice of procurement route on the JSNA or the JHWS.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The decision is not considered to have any implications for the section 17 matters.

3. Conclusion

The Council is required to undertake a procurement exercise to identify appropriate suppliers of both the 'Body Removals' and 'Transportation' lots to enable the Council to fulfil its obligation to meet its ongoing statutory duty under the Coroners and Justice Act 2009.

The Executive Councillor is invited to approve the publishing of an Open tender to achieve this.

4. Legal Comments:

The Council has power to conduct the procurement and to award the contracts proposed.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor for NHS Liaison Community Engagement, Registration and Coroners.

5. Resource Comments:

The Medium-Term Financial Plan incorporates the forecast £0.03m cost impact on service delivery each year as a result of inflation.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes.

c) Scrutiny Comments

The decision will be considered by the Public Protection and Communities Scrutiny Committee at its meeting on 13th December 2022 and the comments of the Committee

will be reported to the Executive Councillor for NHS Liaison Community Engagement, Registration and Coroners.

d) Risks and Impact Analysis

The Risks and Impact Analysis is outlined in the body of the report.

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Emma Golds, Senior Commercial and Procurement Officer who can be contacted on emma.golds@lincolnshire.gov.uk.

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