

**From:** Mike Hill, Cabinet Member for Community and Regulatory Services  
Barbara Cooper, Corporate Director, Growth, Environment & Transport

**To:** Environment and Transport Cabinet Committee – 19<sup>th</sup> March 2019

**Decision No:** 19/00018

**Subject:** Part 1 - Renewal of contract for Coroners Service body removals and body transfers.

**Classification:** Unrestricted (Exempt Appendix A)

**Electoral Divisions:** Countywide

### **Summary**

This report concerns the renewal of the contracts for body removals and transfers that KCC puts in place on behalf of the Kent and Medway Senior Coroners.

### **Recommendation**

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community & Regulatory Services on the proposed decision to:

- (a) award contracts for coroners body removals and body transfers for the Kent and Medway coroner areas for the period 23 May 2019 to 22 May 2022 with the option to extend the contracts for two further one year terms to 22 May 2023 and 22 May 2024; and
- (b) delegate authority to the interim Director of EPE in consultation with the Cabinet Member for Community and Regulatory Services to conclude the contracts for coroners body removals and body transfers for the Kent and Medway coroner areas for the period 23 May 2019 to 22 May 2022 with the option to extend the contracts for two further one year terms to 22 May 2023 and 22 May 2024.

## **1. Introduction**

- 1.1. The Coroners and Justice Act 2009 places a duty on Coroners to investigate deaths that are referred to them if they have reason to think that:
  - The death was violent or unnatural;
  - The cause of death is unknown; or
  - The deceased died while in prison, police custody or another form of state detention e.g. where a Deprivation of Liberty Safeguard Order (DoLS) is in place
- 1.2 When a death is reported to the Coroner, he or she:
  - establishes whether an investigation is required;
  - if yes, investigates to establish the identity of the person who has died; how, when, and where they died, and any information to register the death; and

- uses information discovered during the investigation to assist in the prevention of other deaths where possible.

- 1.3 In some cases the Coroner will order a post mortem (PM) to establish the cause of death. On behalf of the Kent and Medway Senior Coroners, KCC ensures access to body storage and PM facilities across the four Kent and Medway coroner areas. When a PM is necessary there is a requirement that the deceased be transported to a designated mortuary. On behalf of the Kent and Medway Senior Coroners KCC puts in place contracts for such transportation with funeral service providers. The last contracts expired on 31 July 2018 and extensions have been put in place until 22 May 2019 to allow the procurement and governance process to take place, with a view to the new contracts commencing on 23 May 2019.
- 1.4 This report sets out the needs of the Kent and Medway Senior Coroners and the context for re-providing this service, before recommending that contracts be let to the successful bidders identified through the procurement process.

## **2. The Service**

- 2.1 There are two aspects to this service - Coroner Body Removals and Coroners Body Transfers.
- 2.2 **Coroners Body Removals.** The Coroner may decide that a suitable practitioner is required, (normally a Pathologist), to examine the body and carry out a post mortem examination to help find the cause of death. In such cases the body needs to be transported from where it is lying to a designated mortuary pending further enquiries being made, or to hold a post mortem examination (PM). This movement of the body is usually referred to as a 'Coroner's removal'.
- 2.3 **Coroners Body Transfers.** In some cases it is necessary to transfer the deceased from a designated mortuary to another designated mortuary either within Kent and Medway or outside Kent to more specialised mortuaries for example to London (child deaths) or Brighton (infectious cases) or to a mortuary where a Pathologist is available. This movement is usually referred to as a 'Coroner's Transfer'.
- 2.4 Historically the number of transfers was relatively low, but due to the lack of Pathologists who are available to carry out Coroners PMs, KCC Coroners Service is now having to transfer a much greater number of deceased to where the Pathologist is based rather than vice versa. This is because hospital based Pathologists are allowed by their NHS Trust employers to carry out Coroner PMs during Hospital Trust time but this is on the basis that this is a private arrangement between the Pathologist and the Coroner and so the Pathologist has to 'make the time up' to their employer including any travelling time.
- 2.5 KCC's current providers have stated that transfers are very time consuming and that they interfere with their core business of providing funeral services. One provider has already pulled out of providing a body transfer service. For these reasons the Service has separated the body transfers from the body removals (transfers were previously part of the removals contracts) and created a separate contract.
- 2.6 The providers are required to perform the following services:
- 24 hours a day, 365 days of the year;
  - For a coroner's body removal to be at the place of death within 1 hour of being directed to attend by Kent County Constabulary;
  - For a coroners body transfer, to have completed it within 48 hours of being directed to do so by a Coroner's Officer;
  - Bodies that require removal include deaths in the community and in hospitals without a designated post mortem facility and including open

spaces, difficult locations, houses, care homes, public highway, railway or water.

2.7 Historically KCC has procured these services from Funeral Directors who have the necessary vehicles, staff and professional expertise to provide the service. The removal of bodies is a service-critical function, a statutory responsibility of the County Council and, importantly should it fail it has a high risk of reputational damage to KCC, Medway Council and the Kent and Medway Senior Coroners. Therefore, whilst price is important in the tender evaluation, other factors such as speed and quality of service, robustness of arrangements, and the proposed business model are also of importance.

### **3. The current arrangements**

3.1 The table below shows the contract areas, the incumbent providers and the number of body removals and body transfers completed in 2017-18. This number can vary from year to year depending on the number of deaths reported to the Coroners.

<b>Current Provider</b>	<b>Contract Area</b>	<b>Number of removals 2017-18</b>	<b>Number of transfers 2017-18</b>
Dignity Funerals	Dover	124	3
	Shepway	249	14
	Ashford	150	110
	East Swale	70	3
	Thanet	294	78
	Canterbury	383	152
	Medway	405	138
Dignity Total		1,675	498
Funeral Partners Ltd (Doves)	Tunbridge Wells	275	67
	Tonbridge & Malling	43	1
	Sevenoaks	91	4
	West Swale	256	19
	Funeral Partners Totals	665	91
Birds Family Funeral Directors	Maidstone	312	4
Stephen P Gay Funeral Service	Dartford & Gravesham	238	29
		2,890	622
Total Removals and Transfers		3,512	

#### **4. Procurement Route/Market Engagement**

- 4.1 Historically providers have either fully or partially subsidised the service because they absorbed the costs as a loss leader on the basis that the family of the deceased may appoint them to carry out the funeral arrangements. This has not always been apparent and KCC, like many other local authorities is now needing to build in increased budget allocations for the true cost of the service.
- 4.2 Through KCC Coroners Service engagement with the market and the incumbent providers it became clear that this subsidy was unsustainable and that providers would in future be moving towards, or seeking full cost recovery. In order to more fully understand providers' costs, under the new contracts they are required to work with the Service to provide detailed costings for each removal/transfer whereas in the past they simply invoiced at the flat rate fee with no back up costings.
- 4.3 Following completion of an OJEU (Official Journal of the European Union) compliant tendering exercise we are now in a position to award the contracts to the successful bidders and full details are set out in Part 2 (exempt) of this report.

#### **5. Financial Implications**

- 5.1 The financial implications of the contracts are set out in Part 2 (exempt) of this report

#### **6. Equality Duty**

- 6.1 An EqIA has been completed for this critical service, and is attached. It identifies that there is no potential for discrimination and all opportunities to promote equality are currently being taken in line with KCC policies and statutory requirement.

#### **7. Conclusions**

- 7.1 KCC enables the Kent and Medway Senior Coroners to discharge their roles by ensuring contracts are in place for body removals and body transfers to ensure the Senior Coroners are able to discharge their statutory duties in accordance with the Coroners and Justice Act 2009. The current extension expires on 22 May 2019 and following an OJEU compliant procurement process we are now in a position to award 3 year contracts for the period 23 May 2019 to 22 May 2022, with the option to extend the contracts for two further one year terms to 22 May 2023 and 22 May 2024.

**8. Recommendation(s):**

8.1 The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community & Regulatory Services on the proposed decision to:

- (a) award contracts for coroners body removals and body transfers for the Kent and Medway coroner areas for the period 23 May 2019 to 22 May 2022 with the option to extend the contracts for two further one year terms to 22 May 2023 and 22 May 2024; and
- (b) delegate authority to the interim Director of EPE in consultation with the Cabinet Member for Community and Regulatory Services to conclude the contracts for coroners body removals and body transfers for the Kent and Medway coroner areas for the period 23 May 2019 to 22 May 2022 with the option to extend the contracts for two further one year terms to 22 May 2023 and 22 May 2024.

**Contact details**

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