

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES

TO:	POLICY COMMITTEE		
DATE:	20 JANUARY 2020		
TITLE:	MORTUARY SERVICES - DELEGATED AUTHORITY TO AWARD CONTRACT		
LEAD COUNCILLOR:	ELLIE EMBERSON	PORTFOLIO:	CORPORATE & CONSUMER SERVICES
SERVICE:	REGULATORY SERVICES	WARDS:	BOROUGHWIDE
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1.0 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek delegated authority to enter into a contract to deliver mortuary services for HM Senior Coroner for Berkshire with effect from 1/4/2020, in accordance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.

2. RECOMMENDED ACTION

- 2.1 That Policy Committee notes the recommended procurement route and process as described within the report.
- 2.2 That the Executive Director of Economic Growth and Neighbourhood Services be granted delegated authority in consultation with the Leader of the Council, the Assistant Director of Legal and Democratic Services and the Assistant Director of Finance to enter into a contract with Berkshire and Surrey Pathology Services (BSPS) to provide mortuary services from 1/4/2020.

3.0 POLICY CONTEXT

- 3.1 Reading Borough Council are host authority for the administration of the Coroners Service on behalf of the six Berkshire unitary authorities.

- 3.2 Approximately 2300 deaths are reported to the Coroner each year. The Coroner has the power under the Coroners and Justice Act 2009 to move bodies to a place for a post mortem examination to be carried out in order to ascertain the cause of death.
- 3.3 Where there is no local authority public mortuary, these facilities are commonly commissioned from NHS Trusts who have hospital mortuaries. The responsibility for the costs incurred for storage and post mortems is with the local authority.

4.0 THE PROPOSAL

Current Position

- 4.1 Reading Borough Council currently has arrangements in place with two NHS Trusts to provide mortuary facilities; The Royal Berkshire NHS Foundation Trust, Reading and Frimley Health NHS Foundation Trust (Wexham Park Hospital, Slough). The deceased are taken to these mortuaries from the community and also where death has occurred in hospital.
- 4.2 The mortuaries provide secure refrigerated units for storage and facilities for post mortems to be conducted. This includes providing sufficient staff to administer the cases to allow for the expedient release of the deceased back to the family.
- 4.3 These arrangements have been in place since the Council became responsible for the Berkshire wide service following the amalgamation of the three Berkshire Coroner's districts in 2004.
- 4.4 Mortuaries are specialist facilities and no other suitable sites are currently available in Berkshire other than those already used by the service. The existing arrangements keep travelling and the time taken for cases to be dealt with to a minimum. They also allow for family members to attend and view the deceased locally in the vast majority of cases.
- 4.5 The current contract with the Royal Berkshire NHS Foundation Trust has been in place since 2015 and will cease on 31/3/2020. At the time of award it was decided that a market testing exercise and, if required, a full procurement process should be completed to explore alternative delivery models and to ensure the council is receiving value for money. Issue 484 Decision Book refers. The Public Contracts Regulations 2015 also introduced an obligation for new contracts for these services only to be procured following an advertisement in the Official Journal of the European Union (OJEU) and following an appropriate process.
- 4.6 The market testing exercise was published in June 2019 to explore the options for an alternative delivery model which demonstrated value for money, was fit for purpose and sustainable in the long term. The Council did not receive any responses to the market testing exercise which confirmed the limited market for these services.

- 4.7 As a result, a Prior Information Notice (PIN) was published in OJEU in September 2019 to give advance notice that the Council intended to arrange contracts for mortuary and post mortem services and to award contracts to the incumbent providers without further publication, unless expressions of interest were received from alternative economic operators. No expressions of interest were received.

Proposal

- 4.8 Berkshire and Surrey Pathology Services (BSPS) is a joint venture between Ashford & St Peter's Hospitals NHS Foundation Trust, Frimley Health NHS Foundation Trust, Royal Berkshire NHS Foundation Trust and Royal Surrey County Hospital NHS Foundation Trust. The partnership has responsibility for the two mortuaries in Reading and Slough which the Coroner's service uses.
- 4.9 Officers have started negotiations with BSPS to enter into a single contract to cover both sites. It is proposed the contract will be for an initial 3 year term with the option of extending up to a further 48 months. Officers will continue to explore alternative delivery models through the contract period as market conditions could change especially with the development of digital non-invasive autopsies, which has the potential to significantly impact operations.

5.0 CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The service is Berkshire wide and this contract provides support for the Coroner to perform her duties and ensures a cost effective and efficient service for the combined population of the six unitary authorities.

6.0 COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 There are no community engagements taking place relevant to this contract. All Berkshire unitary authorities, who are part of the shared service have been consulted on this proposal.

7.0 EQUALITY IMPACT ASSESSMENT

- 7.1 The decision will not have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief. The service responds to the needs of the community in relation to religious beliefs which may require a burial to take place as soon as possible.

8.0 ENVIRONMENTAL IMPACTS

- 8.1 The NHS has a Carbon Reduction Strategy, which is overseen by the Sustainable Development Unit. Further details and outcomes can be found by visiting the following webpage:

<https://www.sduhealth.org.uk/policy-strategy/reporting/natural-resource-footprint-2018.aspx>

9.0 LEGAL IMPLICATIONS

- 9.1 The procurement exercise has been subject to the Public Contract Regulations 2015, and as such the principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality will be applied.
- 9.2 In accordance with the Public Contract Regulations 2015 and the Council Contract Procedure Rules, a Prior Information Notice was advertised in the Official Journal of the European Union (OJEU) as well as on the Council's electronic tendering portal and via 'Contracts Finder'.
- 9.3 The contract will be negotiated on the principles of value for money and in accordance with the criteria stated in the specification.
- 9.4 Reading Borough Council are lead authority for the administration of the Coroners Service under a joint arrangement with; Bracknell Forest Council, Slough Borough Council, West Berkshire Council, Wokingham Borough Council and The Royal Borough of Windsor and Maidenhead.
- 9.5 Under section 14 and 15 of the Coroners and Justice Act 2009 the coroner has powers to instruct post mortem examinations to take place and for bodies to be removed.

10.0 FINANCIAL IMPLICATIONS

- 10.1 The current contract with the Royal Berkshire Hospital NHS Foundation Trust has a fixed block price which is based on the apportionment of the mortuary operational costs using the previous year's actual activity plus annual inflation. The Wexham Park arrangements are based on a price per case basis.
- 10.2 Costs for the coroner's service are apportioned across the six Berkshire authorities under the joint arrangement. That apportionment process is transitioning over time to one based 50/50 on council tax base and population. Once complete this will have the benefit of reducing costs to the Council in comparison to the contribution currently paid.
- 10.3 The following table shows the cost of mortuary services over the last 3 years.

2016/2017	2017/2018	2018/2019
£361,578	£369,192	£377,823

- 10.4 The Medium Term Financial Plan agreed in February 2019 proposes a budget of:

2019/2020	2020/2021	2021/2022
£361,800	£361,800	£361,800

- 10.5 The estimated value of the contract over the full term of 7 years based on current costs and 2% inflation is c£2,700,000.