

Forward Plan reference number: Not applicable

Report title: Procurement for Body Removal and Body Storage	
Report to: Councillor Mark Durham - Cabinet Member for The Arts, Heritage and Culture	
Report author: Suzanna Shaw, Director of Customer Services	
Date: 21st December 2023	For: Decision
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County Divisions affected: All Essex	

1. Everyone's Essex

- 1.1 One of the aims of the Council's Everyone's Essex plan is to promote health and wellbeing but also to provide care for those that need support. Although perhaps an unusual part of providing support, caring for those who have passed away appropriately is part of providing this full support to a resident. In order to achieve this, it is necessary to provide the correct environment for storage after the death as this affords the individual dignity and therefore this paper supports this aim.

2 Recommendations

- 2.1 Agree to go out to the market to procure up to twelve individual contracts with funeral directors at a total estimated value of £1m (£500,000 per annum) for body removal and storage across 2024/25 and 2025/26 as follows:
- Epping, Harlow & Uttlesford – contract value of £154,000
 - Braintree - contract value of £86,000
 - Colchester and Tendring - contract value of £218,000
 - Chelmsford and Maldon - contract value of £132,000
 - Basildon, Brentwood and Thurrock - contract value of £198,000
 - Castle Point, Rochford and Southend - contract value of £212,000
- 2.2 Agree that each procurement will be by an open one-stage process and will be for a contract period of two years starting from 1st April 2024 with the option to extend for a period of three years (increasing the total estimated contract value to £2.5m if that option is crystallised) and will have two lots as follows:
- Lot 1 – Body Removal and Transfer
 - Lot 2 – Body Storage
- 2.3 Agree to delegate to Director of Customer Services the award of contracts following completion of the procurement process subject to budget affordability and value for money.

- 2.4 Agree to delegate to Director of Customer Services the approval of the detailed evaluation criteria for the procurement exercise.

3 Background and Proposal

- 3.1 The coroners service currently has body removal contracts with five funeral directors across greater Essex which expire 31st March 2024. These contracts ensure that bodies that fall under the jurisdiction of the coroner are collected and taken to the approved NHS mortuary contracted separately via service level agreement with each trust, in line with our statutory obligations.
- 3.2 The existing contracts allow for the funeral directors to store bodies in emergency situations, such as the NHS mortuary being inaccessible to store bodies, until further instructions are received from the coroner's service. ECC have contractual arrangements with the NHS to allow for the funeral directors to take the body to the mortuaries is required. These arrangements will continue to be in place for the duration of the proposed contracts.
- 3.3 There is a national increase in the number of deaths resulting in lack of capacity in the NHS mortuaries. With an aging population and increasing pressures on the NHS services, it is expected that the number of deaths will continue to rise. This means that capacity available to meet our statutory duty will reduce.
- 3.4 During winter periods the daily death rates at hospitals increase and impact on availability of mortuary space to the coroner service. This is exacerbated by limited pathology capacity in the hospital which slows the release of the deceased.
- 3.5 Community deaths, outside of hospitals are also increasing over the winter period because of pressures on the NHS. These community deaths are the responsibility of the coroner, and the bodies are usually held in hospital mortuaries, but the Mid and South Essex hospital trust has stopped accepting them with the Southend mortuary currently closed for repairs.
- 3.6 This has resulted in Essex Coroners initially using the existing body removal contracts to provide contingency body storage. Temporary contracts have been placed with five funeral directors in separate contracts from November 2023 to March 2024, securing a retained level of storage based on forecast demand.
- 3.7 It is now necessary to go out to the market to procure a new contract for body removal and storage to replace the existing arrangements set out in the paragraphs above. It is proposed that the arrangements will come into effect from 1st April 2024 to provide an ability to purchase body storage to replace the temporary arrangements and provide a longer-term solution. The contract will include retainers to guarantee availability of body storage during the peak winter periods. This mitigates the risks of the coroner's service but having access to enough body storage capacity and ensures that the deceased are treated with dignity.

- 3.8 It is proposed to undertake a procurement for twelve separate contracts for body removal and body storage services Essex for a contract period of 2 years from 1st April 2024 with the option for extension for a further 3 years. This will be procured through an open tender process with two lots. The twelve contracts will be for six separate areas across Essex as follows.
- Epping, Harlow & Uttlesford
 - Braintree
 - Colchester and Tendring
 - Chelmsford and Maldon
 - Basildon, Brentwood and Thurrock
 - Castle Point, Rochford and Southend
- 3.9 Is it proposed to procure two contracts per area as each has individual demands and requirements. Services are required on an area specific basis.
- 3.10 Each contract will have two lots as follows:
- 3.10.1 Lot 1 Body removal (including the ability for short term ad hoc body storage if required). Suppliers will be invited to bid for up to six geographical areas across the County. Suppliers will be required to provide a fixed price from point of collection to the allocated body storage sites with an additional price per mile fee if increased mileage for an alternate location.
- 3.10.2 Lot 2 Body storage (for retained body storage and additional capacity requirements). Suppliers will be invited to bid for up to six geographical areas across the County which will mirror those areas provided for lot 1. Suppliers will be required to provide a fixed per space price for reserving body storage space for ECC's exclusive use and provide a cost of care per body to meet unforeseen storage requirement. The contract will allow multiple suppliers per area to ensure demand requirements can be met with a ranked list. The lowest price bid will attract the highest position on the list with remaining bids allocated in price order.
- 3.11 This procurement gives the opportunity to bring together the body removal and body storage requirements to ensure these two elements work together, with the possibility and option of efficiencies with a shared provider.
- 3.12 The focus for this procurement is to ensure the best quality solution is procured within the funding that is available.
- 3.13 By having the county split into six area contracts around the local mortuaries the coroners service seeks to minimise transport distances and the associated emissions. The coroner's service is also using established body storage facilities across the county limiting the impact of building or creating additional units.

- 3.14 The detailed evaluation criteria for the procurement exercise will be developed in advance of going out to market. It is proposed to delegate the decision for this to Director of Customer Services
- 3.15 It is anticipated that the tender will be launched in December 2023 and contracts awarded in March 2023 to come into effect on 1st April 2024 when the existing arrangements expire.

4 Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision
- Develop our County sustainably – supporting Essex communities to have a positive impact on economic, social and health-related outcomes.
- 4.2 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030, minimising travel distances for body transportation and making better use existing infrastructure to store bodies.
- 4.3 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':
- Health wellbeing and independence for all ages
- 4.4 Although perhaps an unusual part of providing support, caring for those who have passed away appropriately is part of providing this full support to a resident. In order to achieve this, it is necessary to provide the correct environment for storage after the death as this affords the individual dignity and therefore this paper supports this aim.

5 Options

- 5.1 Do Nothing, existing contracts expire, and body transport is not available. This is not an option as we will not be able to meet our statutory obligation incurring additional costs for emergency collections and storage and damaging our reputation.
- 5.2 Option 1 - Re-procure body removal only contract. This minimises that amount of change for the service and allows us to continue operating same way with funeral directors. It does however not provide additional capacity for body storage mitigating the risk of increasing demand.
- 5.3 This option will allow the service to continue to meet its statutory obligations removing bodies from place of death and taking them to the storage the council has procured in NHS mortuaries.

- 5.4 Option 2 - Procure a body removal and body storage contract – this is the recommended option. This will be procured in lots to ensure the best price for both removal and storage is achieved.
- 5.5 This option ensures that the coroner’s service continues to meet its statutory responsibilities removing bodies from place of death and taking them to the body storage locations. The body storage procured through this contract will be in addition to service level agreements with NHS trusts and will create secondary storage location in each area of the county.

6 Issues for consideration

6.1 Financial implications

- 6.1.1 The body removal and storage contract costs will be funded from existing Coroner service revenue budgets up to £500,000 per annum will be spent through up to twelve contracts awarded for an initial period of 2 years (2024/25 and 2025/26).
- 6.1.2 Contracts will require funeral directors to retain a minimum level of body storage based on historic trends, but can be flexed throughout the contract based on demand, external environmental changes, and budget to ensure best value for money.
- 6.1.3 Storage costs via these contracts are expected to be higher than the NHS mortuaries and will only be used when capacity for the service cannot be met via the hospital mortuaries. The contract costs will however be significantly lower than standing up excess death emergency contingencies and mitigates the risk of body storage capacity being exceeded.

6.2 Legal implications

- 6.2.1 ECC must comply with the Public Contracts Regulations 2015 when purchasing these services.
- 6.2.2 ECC are required to run a complaint tender process for these 6 contracts. The contracts are being procured separately rather than as one contract as the six areas have different and distinct requirements and markets in each area.

7 Equality and Diversity Considerations

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of Appendices

8.1 Equalities, Climate, Impact Assessment

9 List of Background papers

9.1 None

The ‘sign off’ boxes below are deleted for cabinet reports but not for CMAs.

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Mark Durham, Cabinet Member for The Arts, Heritage and Culture	21.12.2023

In consultation with:

Role	Date
Executive Director, Corporate Services (S151 Officer)	18.12.2023
Stephanie Mitchener on behalf of Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	05.12.2023
Laura Edwards on behalf of Paul Turner	