

# North Tyneside Council

## Report to Cabinet

### Date: 20 January 2020

#### Title: Appointment of Assistant Coroners/ Procurement of Regional Post-Mortem and Pathology Services

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Portfolio(s):	Elected Mayor	Cabinet Member:	Mrs N Redfearn
Report from Service Area:	Law and Governance		
Responsible Officer:	Bryn Roberts, Head of Law and Governance	Tel: (0191) 643 5339	
Wards affected:	All		

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#### PART 1

##### 1.1 Executive Summary:

This report seeks Cabinet approval:

- a) for the cross appointment of the four Assistant Coroners for the Newcastle upon Tyne coroner area to the North Tyneside coroner area; and
- b) to participate in a procurement exercise for the provision of Coroner requested post-mortems and pathology services. In accordance with Contract Standing Order 8(4), this report requests approval to proceed with a procurement exercise as the estimated potential contract value is in excess of £500,000.

##### 1.2 Recommendation(s):

It is recommended that Cabinet:

- a) agrees to the cross appointment of the four Assistant Coroners for the Newcastle upon Tyne Coroner area to the North Tyneside coroner area as set out in the report;
- b) agrees that the Authority participates in the procurement exercise led by Durham County Council on behalf of the North East Purchasing Organisation to establish a Framework Agreement for the provision of Coroner requested post-mortem and pathology services;
- c) authorises the Head of Law and Governance in consultation with the Head of Resources and the Elected Mayor to agree on behalf of the Authority to the award of the Framework Agreement for a period of 10 years, commencing 1 May 2020 with an option to extend for two years, based on the most economically advantageous tender; and

- d) authorises the Head of Law and Governance in consultation with the Head of Resources and the Elected Mayor to call off the Framework Agreement for the provision of Coroner requested post-mortem and pathology services.

### **1.3 Forward Plan:**

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 6 December 2019.

### **1.4 Council Plan and Policy Framework**

This report relates to the following priority(ies) in the 2018/20 Our North Tyneside Plan:

Our People will:

- Be listened to so that their experience helps the Council work better for residents.
- Be cared for, protected and supported if they become vulnerable including if they become homeless.

### **1.5 Information:**

#### **1.5.1 Appointment of additional Assistant Coroners for North Tyneside**

Cabinet at its meeting on 9 September 2019 considered a report in relation to the future of the Coroner's Service in North Tyneside. At that meeting Cabinet agreed in principle to the merger of the Newcastle upon Tyne and North Tyneside Coroners' areas, subject to the development of an agreed business case and approval of the Lord Chancellor and Chief Coroner for England and Wales. Cabinet also agreed to the appointment of the Senior Coroner for Newcastle upon Tyne as the Acting Senior Coroner for North Tyneside from 1 October 2019 in the interim period.

The Acting Senior Coroner for North Tyneside has following her appointment requested the cross appointment of the four Assistant Coroners in the Newcastle Upon Tyne coroner area to the North Tyneside coroner area. These cross appointments are consequent on the need to provide resilience and further additional resource for the North Tyneside coroner area. Currently there are only two Assistant Coroners for North Tyneside.

The Lord Chancellor and the Chief Coroner for England and Wales have both agreed to consent to these appointments without open competition. Copies of the letters received from the Lord Chancellor's Department and the Chief Coroner for England and Wales are attached at Appendix 1.

The Assistant Coroners are not salaried. The Assistant Coroners will be paid on a day rate/half day rate only when they are requested by the Acting Senior Coroner to act in her absence. The cost of the engagement of the Assistant Coroners as and when required will be met from existing budgets and is not anticipated to be extensive.

Cabinet is requested to approve the appointment of the Assistant Coroners for the Newcastle upon Tyne Coroner area as Assistant Coroners for North Tyneside.

## 1.5.2 Regional Post-Mortem and Pathology Services

The Coroners and Justice Act 2009 requires a coroner accurately to determine, wherever possible, the identity of deceased persons and their medical cause of death. Coronial investigation ensures that defined deaths are subject to independent and accountable judicial scrutiny and trigger any actions to prevent avoidable deaths.

Data recorded in the course of coronial investigations informs:

- trend data for public health metrics;
- detection of geographical patterns of disease and mortality;
- assessment of measures and policies aimed at reducing occupational and environmental dangers;
- assessment of the effects of social factors (such as inequality and poverty); and research.

This information also underpins mortality statistics and public health planning and death registration and is also important healthcare planning and policy and other areas of public interest and service resourcing. It is also usually important to the bereaved.

### National Context

Provision for post-mortem pathology is variable across the country, but in recent years there has been a very significant overall decline in numbers of pathologists qualified and willing to conduct post-mortem pathology (and therefore reliably to establish cause of death). There is an expectation of the continued and dramatic fall in the number of post mortem proficient pathologists and that the insufficiency of expertise presently experienced by some coroner areas will soon spread to others.

The law requires that regard is given to religious requirements (and other sensitivities) in treatment of the deceased and in providing for procedures to determine cause of death. In this context, bereaved families are increasingly unwilling to accept conventional invasive autopsy as the default mode of examination to determine cause of death.

### Local Context and Need

Currently each coroner area within the North East of England has an arrangement with their local NHS Trust to undertake autopsies and the associated services. There are differences in costs, quality and expectation across the Region.

The local situation reflects the national decline in suitable post mortem and pathology services with some coroner areas currently struggling to access the services of suitable practitioners to conduct autopsies. Newcastle and North Tyneside are directly affected by this recent decline.

In addition, there is no local provision for large scale non-invasive post mortem examination (i.e. post mortem imaging). Non invasive post mortem examination is cheaper than traditional post mortem techniques and it does not involve the significant trauma to a body that is necessary with a traditional post mortem. However not all post mortems can be undertaken by body imaging.

### Proposed procurement

Under Section 14 of the Coroners and Justice Act 2009, Coroners have the ultimate discretion to request any suitable practitioner to undertake a post mortem examination of a body.

The purpose of this procurement is to secure a dedicated cost-effective service that benefits from the economies of scale associated with the geographical size of the Coroners' areas and is based on the requirements of coroners in the North East Region.

Durham County Council has agreed to act on behalf of the North East Procurement Organisation (NEPO) in conjunction with the coroners for the North East Region for the procurement of a Framework Agreement for Regional Post Mortem and Pathology Services.

The procurement has been divided into two geographical demand zones (Lots) classified as North and South. Bidders may bid for one or both Lots, however, they must include a preference and can only be successful for one Lot.

The premises upon which the services take place must be situated within the geographical boundaries of the demand zone (Lot) for which they are bidding.

The proposed geographical demand zones (Lots) are:

**Lot 1 - North**

- Sunderland
- Newcastle upon Tyne
- North Tyneside
- South Tyneside & Gateshead
- Northumberland
- North Durham

**Lot 2 – South**

- South Durham & Darlington
- Hartlepool

The minimum service requirements proposed are:

- Post Mortem Examination - Autopsy (PME)
- Post Mortem Imaging (PMI)
- Minimally Invasive Post Mortems
- Histology
- Body Storage

In Lot 1 – North, the demand for post mortem services is based on the average usage of such services as follows:

<b>Area</b>	<b>Total Post - Mortem Examinations</b>	<b>Histology No's.</b>
Sunderland	473	197
Newcastle upon Tyne	757	489
North Tyneside	321	79
Gateshead & South Tyneside	638	249
Northumberland	517	150
North Durham	500	100
<b>Total</b>	<b>3206</b>	<b>1264</b>

The aims and objectives of the procurement are:

- To establish cause of death: insofar as possible by means of cross-sectional post-mortem imaging alone; and in all cases, by means which are no more invasive than necessary of the body of the deceased
- To ensure that all due care and respect is given to the bodies that are examined are treated with dignity and respect.
- To provide for the needs of religious or other requirements and preferences as to treatment of the deceased in conduct of statutory death investigation.
- To standardise quality and costs across the region to ensure value for money.
- A reduction in the handling of bodies.
- An efficient turnaround reducing the time the deceased is out of a chilled container/room.

The proposed Framework Agreement has a duration of 10 years. All call offs will expire on the tenth anniversary of the Framework commencement. At the sole discretion of the authorities the Framework may be extended for a period of two years subject to review.

It is expected that contract award will take place in mid-April 2020 with the Framework Agreement commencing on 1 May 2020.

## **1.6 Decision options:**

The following decision options are available for consideration by Cabinet:

### Option 1

To approve the recommendation at paragraph 1.2 above:

### Option 2

Not to approve the recommendations at paragraph 1.2 and request Officers to look at other options in relation to the appointment of Assistant Coroners for North Tyneside and the procurement of a Coroner requested post-mortem and pathology service.

Option 1 is the recommended option.

## **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The recommendations provide for additional resilience and further additional resource for the Acting Senior Coroner for the North Tyneside coroner area and to secure a dedicated cost-effective Coroner requested Post Mortem and Pathology service that benefits from the economies of scale associated with the geographical size of the Coroners' areas and is based on the requirements of coroners in the North East Region.

## **1.8 Appendices:**

Appendix 1 – Letters from the Lord Chancellor’s Department and the Chief Coroner for England and Wales.

## **1.9 Contact officers:**

Stephen Ballantyne, Legal Manager – Governance and Employment, tel (0191) 643 5329  
Claire Emmerson, Senior Manager, Financial Planning & Strategy, tel. (0191) 643 8109

## **1.10 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

Procurement documents relating to the proposed contract for the provision of Coroner requested Post Mortem and Pathology Services.

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

The financial implications relating to the cross appointment of the Assistant Coroners from Newcastle upon Tyne will be met from within existing revenue budgets.

The costs associated with the new contractual arrangements for Coroner requested Post Mortems and Pathology services will be met within existing budgets. If, following the tender process, the contract cannot be delivered within the existing budgets, a further report will be brought to Cabinet or Council, as appropriate, for a decision before the contract is awarded. The proposed contract will seek to secure value for money for the Authority.

### **2.2 Legal**

The cross appointment of the Assistant Coroners from Newcastle upon Tyne will provide additional resource for the Acting Senior Coroner for North Tyneside. The Assistant Coroners will not become employees of the Authority – as the Acting Senior Coroner they are Office Holders. The cross appointments have been approved by the Lord Chancellor and the Chief Coroner for England and Wales.

As the value of the proposed contract exceeds £500,000 the Authority’s Contract Standing Orders require Cabinet approval for this process to be undertaken. Any procurement process will be undertaken in accordance with the Authority’s Contract Standing Orders and EU and UK public procurement requirements. Any award will be based on the most economically advantageous tender and the successful contractor will be appointed on terms and conditions approved by the Head of Law and Governance.

If Cabinet agree to the recommendations contained in this report, a further delegated officer decision(s) will need to be taken by the Head of Law and Governance in consultation with the Head of Resources and Elected Mayor. Twenty-eight days’ notice on the Forward Plan of the delegated officer decision must be given and a record of the decision taken together with the report to the officer making the decision will need to be produced and published on the Authority’s website (unless the matter for decision involves exempt or confidential information in accordance with Part 1 of Schedule 12A to the Local Government Act 1972).

## **2.3 Consultation/community engagement**

### **2.3.1 Internal Consultation**

The proposals in relation to the cross appointment of the Assistant Coroners and the tendering process in relation to post mortem and pathology services have been discussed with the Acting Coroner for North Tyneside.

### **2.3.2 External Consultation/Engagement**

The tender exercise in relation to post mortem and pathology services has been subject to significant discussion between the Coroners and local authorities covering the North East of England area from Northumberland to Durham and Hartlepool.

## **2.4 Human rights**

There are no human rights implications directly arising from this report.

## **2.5 Equalities and diversity**

There are no equalities and diversity implications directly arising from this report.

## **2.6 Risk management**

There are no significant risks associated with the proposed tender exercise.

## **2.7 Crime and disorder**

There are no crime and disorder implications directly arising from this report.

## **2.8 Environment and sustainability**

There are no environment and sustainability implications arising directly from this report.

## **PART 3 - SIGN OFF**

- Chief Executive  X
- Head(s) of Service  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Head of Corporate Strategy and Customer Care  X