

Report for: Cabinet Member Signing

Item number: To be added by the Committee Section

Title: *Award of contract for provision of pathologists*

Report authorised by : Jess Crow

Lead Officer: Fiona Alderman

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1. This report seeks approval for award of contract for the provision services to supply pathologists to carry out post-mortems examinations on behalf of the Coroners at the North London Coroner's court, as set out in Appendix A (the procurement specification).
- 1.2. The aim is to secure better continuity for provisions of post-mortems examinations over a longer period, by having one contracted supplier arranging the post-mortem examination rotas at the two mortuaries in the North London Coroner's area over a four-year contract period.

2. Cabinet Member Introduction

- 2.1. N/A

3. Recommendations

- 3.1 Approval of the award of a four-year contract for pathologists to carry out post-mortem examinations on behalf of the Coroners at the North London Coroner's Court, to the supplier with the highest scored bid. The recommended total aggregate value of the contract is £2,500,000, to allow for contingency (details set out in Part B of the report).

4. Reasons for decision

- 4.1 The decision to engage a single supplier for pathologist services at the Coroner's Court is driven by the principle of obtaining the best value.
- 4.2 The lack of a formal contract has resulted in inconsistent pathologist availability. For years, the court has depended on an agency to fill this role, as it has been

unable to secure pathologists at the statutory fee of £96.80 per post-mortem examination (PME).

- 4.3 Whilst coroners are responsible for selecting and instructing pathologists, the Council, as the Lead Authority, has conducted a procurement process to achieve more favourable pricing and to negotiate a comprehensive agreement with a provider.
- 4.4 A formal contract with a single provider will create a structure for accountability and ongoing improvements. This will allow the Council to effectively oversee service quality and make timely modifications to meet changing needs.
- 4.3 The recommendation to engage a dependable pathologist supplier is a calculated strategy to remedy the current issues and ensure best value for the Council.

5. Alternative options considered

- 5.1 The possibility of maintaining the current practice, whereby coroners direct pathologists to perform post-mortem examinations without a formalised service contract was considered. However, this method was determined to be fiscally untenable. This approach was deemed financially unsustainable due to the significant costs associated with each post-mortem examination, and this was exaggerated with high volumes of post-mortems carried out each year in the North London Coroner Area.

6. Background information

- 6.1 Under the Coroners and Justice Act 2009, local authorities in England and Wales have significant responsibilities to ensure the effective functioning of the coroner system within their jurisdiction. The Act mandates local authorities to appoint and fund Senior Coroners, Area Coroners, and Assistant Coroners, as well as to provide necessary staff and facilities for the smooth operation of the service. This includes the provision of adequate office space, administrative support, and the essential resources required for the coroners to carry out their duties effectively.
- 6.2 Furthermore, the Act imposes a duty on local authorities to oversee the financial aspects of the coroner services, which encompasses the allowances, fees, and expenses associated with inquests and investigations into deaths. This financial responsibility ensures that coroners are able to conduct thorough and independent investigations, hold inquests where necessary, and ultimately, provide answers to the bereaved families about the circumstances surrounding their loved ones' deaths.
- 6.3 Where a Coroner area spans more than one local authority, one of those authorities is known as the 'Relevant Authority', and for the North London Coroner's Area, London Borough of Haringey is the Relevant Authority.

- 6.4 The Coroners Allowances, Fees and Expenses Regulations 2013 fee for a post-mortem examination and preparing the report with the result is only £96.80, and for a post-mortem examination involving additional skills the fee is £276.90. The fee has not substantially increased over time, leading to challenges in securing pathologists for these services. Pathologists, who are highly trained and specialised medical doctors, often find the statutory fee does not commensurate with the level of skill, expertise, and time required to perform these complex examinations. Furthermore, the fee does not typically account for the preparatory work, the actual conduct of the post-mortem, any tests that may be required, and the subsequent reporting to the coroner. This has led to a reluctance among pathologists to undertake such work, which is not considered part of NHS duties, contributing to a shortage of professionals willing to perform these essential services.
- 6.5 The North London Coroners Court is no longer able to attract pathologists at the statutory fee and instead, the Court is reliant on pathologists who have joined agencies. The agencies allocate the work to pathologists and they secure a more representative rate per post-mortem.
- 6.6 The level of post mortem examination (PME) carried out by North London Coroner area is high and roughly 1,700-1,800 PMEs per year. The post-mortem examination cost is a significant part of the overall financial contribution for the 5 boroughs (“the Consortium” – including Barnet, Brent, Enfield, Haringey and Harrow) within the North London Coroner Area have to make to support the effective operation of Coroner’s Court. Therefore, a reduction in the fee was required and the Council, the Consortium and the Senior Coroner agreed to go out to tender for this service provision with the view of reducing the overall cost to the consortium and securing a sufficient pool of trained pathologists for the Senior Coroner to access.
- 6.7 The procurement process for the Pathologist Provision service was initiated to ensure the availability of qualified pathologists to conduct post-mortem examinations (PMEs) at Haringey Public Mortuary and Brent, Harrow & Barnet Public Mortuary, serving the North London coroner area. The opportunity was formally announced on the Haringey Procurement & Contract System (HPCS) on 13th February 2024, inviting potential bidders to participate in the tender.
- 6.8 During the open period, the procurement team received five requests for clarification from interested parties, all of which were duly addressed. The submission window for bids closed on the 15th of March 2024, and four suppliers submitted responses.
- 6.9 A moderation panel convened on the 22nd of April 2024 to evaluate the received bids. The assessment criteria were evenly split between price and quality, each constituting 50% of the total evaluation each. After a thorough review process, Bidder C emerged as the supplier with the highest final score, indicating a balanced offering that met the procurement objectives in terms of cost-efficiency and service quality. The final scores were as follows:

Supplier	Price Score	Quality Score	Final Score
Bidder A	49	21	70
Bidder B	50	20	70
Bidder C	46	30	76
Bidder D	44	15	59

The method statement template can be found in Appendix B and the Pricing template can be found in Appendix A

7. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes'?

- 7.1 This contract is not directly related to the high-level strategic outcomes of the Corporate Delivery Plan 2022-2024. Its primary objective is to fulfil the Council's obligations under the Coroners and Justice Act 2009 and assist the coroners ensure that there is contingency in place for reliable provision of qualified pathologists who are readily available for selection by coroners to support post-mortem examinations as needed.

8. Carbon and Climate Change

- 8.1 This contract is addressing the immediate needs within the coronial system rather than proactive environmental strategies and it aims to ensure that the Council meets its legal responsibilities in supporting coroners, which, although important, operates independently of the initiatives aimed at reducing carbon footprint and addressing climate change.

9. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

Finance

The cost of operating the Coroner's Court is shared by Barnet, Brent, Enfield, Haringey and Harrow, and Haringey's share of the total cost is 17.3%. The £2,500,000 cost (including contingency) of this four-year contract award for the provision of pathologists will be funded from the Coroner's Service budget which was supplemented with an additional £166k in the 2024-25 Budget and 2024-29 Medium Term Financial Strategy to reflect, among other pressures, the increased contract costs necessary to enable the Service to operate on a sustainable financial basis.

Procurement

Strategic Procurement have been consulted in the preparation of this report.

An open tender process in compliance with CSO 9.01.2a) has been undertaken and lead by Strategic Procurement.

CSO 9.07.1d permits the Cabinet to award all contracts valued at £500,000 or more at the time of award.

Strategic Procurement support the recommendations in Section 3 of this report

Assistant Director of Legal & Governance (Monitoring Officer)

The Assistant Director of Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report.

CSO 9.07.1.d states that all contracts valued at £500,000 or more at the time of award may only be awarded, assigned, or novated by the Cabinet.

CSO 16.02 states that decisions reserved to Members under CSO's will ordinarily be taken at a Cabinet Meeting. Notwithstanding this, the Leader may take any such decision between meetings of the Cabinet, including decisions that have become urgent, and the Leader may also allocate any such decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities.

Strategic Procurement have confirmed that the open tender process was in compliance with CSO 9.01.2.a.

In light of the above, the Assistant Director of Legal and Governance (Monitoring Officer) confirms that there are no legal reasons preventing the Cabinet Member for Finance and Corporate Services from approving the recommendations in this report.

Equality

The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct
- prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

Whilst the selection of an individual pathologist is down to the Coroners, the Council's contract management arrangements with the supplier will ensure that they give due regard for the need to achieve the three aims of the Public Sector Equalities Duty as stated above.

10. Use of Appendices

- PART B – Exempt report
- Appendix A – Specification
- Appendix B – Method Statement
- Appendix C - Pricing

11. Background papers

- a. Coroners and Justice Act 2009,
<https://www.legislation.gov.uk/ukpga/2009/25/contents>
- b. *The Coroners Allowance, Fees and Expenses Regulation 2013*,
<https://www.legislation.gov.uk/uksi/2013/1615/contents/made>