

CEREDIGION COUNTY COUNCIL

Report to: Cabinet

Date of meeting: 7 March 2023

Title: Coroner Service Funeral Directors Fees

Purpose of the report: To set the Funeral Directors Service Fees for the 2023-2026 period

For: Decision

Cabinet Portfolio and Cabinet Member: Cllr. Matthew Vaux, Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection

BACKGROUND

The Coroners Services Funeral Director was subject to tender in 2019. Contracts were issued on a framework for the period 2019 - 2022.

The Coroners Guidance sets out the expectation that local authorities undertake a tender exercise.

Current Position for 2023-2026

The current Funeral director contractual arrangements ended on 30 June 2022. Since June 2022, the 2019 - 2022 Coroner' undertaker arrangements have been in place on a temporary basis, albeit without formal contract.

It is proposed that a fresh tender exercise is undertaken for the period 2023 - 2026. The undertakers' expenses during the for 2019 - 2023 framework period have been significantly higher than previously due to the high-pricing tendered and use of the more expensive undertakers on the framework by the Coroner rather than the cheapest.

This issue has been subject to Internal Audit review and raised at the Governance and Audit Committee meetings on 09/09/2021 and 19/01/2022.

The Undertakers budget for 21/22 was £43k

The Undertakers expenditure for 21/22 was £60k, resulting in an overspend of £17k

In order to safeguard public funds, it is now proposed that Cabinet sets fixed rates for the payment of funeral director fees.

The proposed options for Coronial Services Tender Pricing are set out in **Appendix 1**.

The Funeral director prices calculations are set out in **Appendix 2**.

These will be subject to annual inflationary uplift.

Option 1 is the preferred option, as this is comparable with a neighbouring authority, and is significantly cheaper than the current arrangement, which is reflected in Option 3.

Option 2, whilst cheapest is not deemed realistic, and has not been tested.

Option 4 is not deemed appropriate as this is a calculated model rather than an actual model,

Cabinet is asked to set the undertaker fees for the period 01/04/2023 - 31/03/2026. It is anticipated that the financial impact of these proposals will be to reduce the burden on the budget significantly

Thereafter, an open tender process will be used to identify service providers and issue contracts on a framework for the period 2023-2026.

Prior to publication there will be engagement with the local funeral directors to ensure they are aware of the tender opportunity. Once the tender is published it will be advertised through Sell2wales and it will be open for bids for at least 30 days.

Following the closure of the tender the bids essential pre-qualification responses will be evaluated on a pass/fail basis and a strict scoring rationale applied to the qualification responses received.

Following completion of the evaluation and internal sign-off procedures are followed, Notices of Intention to Award will be issued which will commence a standstill period during which time unsuccessful bidders can raise queries relating to the evaluation and potentially challenge the result. If no such challenges are received after 10 calendar days have elapsed, the tender result becomes official, and places are awarded on the framework.

To assist logistics and make the tender more attractive to the local funeral directors, there will be separate Lots for North, Mid and South Ceredigion.

It is proposed to have 1 main supplier and 1 second placed on each Lot.

The tender will be evaluated 100% on Quality.

Proposal

Cabinet is asked to set the undertaker fees for the period 01/04/2023 - 31/03/2026

Has an Integrated Impact Assessment been completed? If, not, please state why No

Summary: *This report does not represent a change in policy or strategy.*

Wellbeing of Future Generations:

**Long term:
Collaboration:
Involvement:
Prevention:
Integration:**

Recommendation(s):	That Cabinet: <ol style="list-style-type: none"> 1) Consider the options outlined out in Appendix 1, and 2) Approve adoption of one of the Approaches to set the fixed rates for the payment of Coroner funeral director fees for 2023-2026 (01/04/2023 - 31/03/2026) as set out in Appendix 2
Reasons for decision:	Compliance with relevant legislation, mitigation of challenge and safeguarding public funds.
Overview and Scrutiny:	None
Policy Framework:	Not applicable
Corporate Well-being Objectives:	Boosting the Economy (providing an efficient coroner service)
Finance and Procurement implications:	Budget implications-anticipated reduced annual budget costs
Legal Implications:	Compliance with relevant legislation
Staffing implications:	None
Property / asset implications:	None
Risk(s):	<ol style="list-style-type: none"> 1) If arrangements are not agreed, risk of failure to adequately safeguard public funds 2) legal challenge (legal contractual process and documents required for 2022-2025 period). 3) That local undertakers firms will not submit tenders
Statutory Powers:	Coroners & Justice Act 2009 https://www.legislation.gov.uk/ukpga/2009/25/contents The Coroners Allowances, Fees and Expenses Regulations 2013; https://www.legislation.gov.uk/uksi/2013/1615/made Chief Coroner’s Guide to the Coroners & Justice Act 2009 https://www.judiciary.uk/wp-content/uploads/JCO/Documents/coroners/guidance/chief-coroners-guide-to-act-sept2013.pdf
Background Papers:	None

Appendices: Appendix 1- Coronial Services Tender Pricing
Appendix 2- Funeral director price calculations

Corporate Lead Officer: Elin Prysor, Corporate Lead Officer: Legal and Governance (& Monitoring Officer)

Reporting Officer: Elin Prysor, Corporate Lead Officer: Legal and Governance (& Monitoring Officer)

Date: 20 February 2023

Coronial Services Tender Pricing

Four possible approaches are considered. The headings relate to the starting price base.

1. Carmarthenshire's pricing
2. Ceredigion's lowest tender pricing
3. Ceredigion's actual pricing
4. Hybrid evolved from considering approaches 1 to 3

Carmarthenshire's prices are set out more clearly than were those in Ceredigion's previous tender documents in respect of distance. There is a set price for journeys of less than 10 miles and another set price for journey of between 10 and 40 miles. In addition, there is an excess mileage rate for miles in excess of 40.

Ceredigion's prices are set for three geographical areas and the type of journey undertaken, without any reference to distance. Stating types of journey results in an exhaustive list that does not cover all eventualities, most notably the journey from the local funeral parlour to the facility at Penrhyncoch.

The ambiguous nature of some aspects of Ceredigion's previous tender documents appears to have resulted in some rather different understandings by tenderers when looking at some of the prices quoted. Some of the differences (and similarities) between those of a given undertaker as well as between undertakers don't make much sense.

Carmarthen's approach to out-of-hours supplements better reflects the one taken by Ceredigion for its own staff than does the one in Ceredigion's previous tender.

	Weekday Evenings	Weekend Days	Weekend Evenings
Carmarthenshire undertakers	Yes	Yes	Yes
Ceredigion undertakers	Yes	No	Yes
Ceredigion council employees	No	Yes	Yes

As far as is reasonably practical, Ceredigion's tender documentation should follow Carmarthenshire's approach rather than Ceredigion's previous approach in relation both to journeys and to out-of-hours work.

Carmarthenshire's prices include a set amount for specialised equipment (regardless of type or volume). It makes sense for there to be an equipment allowance, but the parameters would need to be defined.

Ceredigion's pricing structure allows for time delays, but Carmarthenshire's does not. Time delays can be a significant cost variation.

Neither pricing structure differentiates for multiple bodies. Transporting multiple bodies requires more time and more equipment. The tender documentation should be clear about price variation for multiple bodies. This is particularly relevant to the transport of bodies (in practice) from Penrhyncoch to Shrewsbury and the question of what triggers the need for a journey to take place.

Approach 1 – Carmarthenshire

Carmarthenshire's pricing model differentiates between 'single' and 'double' journeys, with the latter costing slightly more than twice the former. To compact the pricing, one-way journeys only could be quoted, with outward and return journeys treated separately.

Carmarthenshire's model has a 50% unsocial hours supplement, but this only applies to the rate for a single journey. Including a 25% supplement for all journeys (up to 40 miles) would have the same result.

Carmarthenshire's current prices require uplift from 1 April 2023. The CPI at September 2022 has been utilised.

Carmarthenshire's pricing structure does not allow for waiting time at scene.

Approach 2 – Ceredigion's lowest tender price

This uses the lowest tendered price for each category.

The tendered prices require up from 1 April 2019. The CPI at September of each year has been utilised.

Approach 3 – Ceredigion's used tender price

This uses the average tendered price for each category.

The tendered prices require up from 1 April 2019. The CPI at September of each year has been utilised.

Approach 4 – Hybrid of approaches 1 to 3

Carmarthenshire's use of 10-mile and 40-mile thresholds appears arbitrary, but there does appear to be a link between the price differential and the rate per mile. The hybrid is a combination of a fixed fee per journey and a rate per mile. An alternative would be to include an assumed standard mileage within the fixed fee and apply the mileage rate only to miles in excess of the standard.

The values included are based on Approach 1 but, if the principle of this approach is agreed, the values could be rebased on Approach 2 or Approach 3.

Values

Approach 1

Journey less than 10 miles <i>out of hours</i>	£59.00 £89.00	
Journey of between 10 & 40 miles <i>out of hours</i>	£86.00 £132.00	
Journey in excess of 40 miles <i>out of hours</i>	£86.00 £132.00	+ £1.60 per mile in excess of 40 + £1.60 per mile in excess of 40
Specialised equipment	£33.00	

Approach 2

Scene to funeral parlour <i>out of hours</i>	£52.00 £78.00	
Funeral parlour to mortuary <i>out of hours</i>	£75.00 £113.00	
Mortuary to other facility <i>out of hours</i>	£75.00 £113.00	
Waiting Time	£12.00	
Mileage	n/a	

Approach 3

Scene to funeral parlour <i>out of hours</i>	£172.00 £259.00	
Funeral parlour to mortuary <i>out of hours</i>	£172.00 £259.00	
Mortuary to other facility <i>out of hours</i>	£267.00 £352.00	
Waiting Time	£44.00	
Mileage	£1.40	excess threshold not defined

Approach 4

Standard journey	£50.00	
Mileage for all journeys	£1.25	

Appendix 2

Comparison

Example	From	To	Distance in miles	Time	Approach			
					1	2	3	4
1	Scene	Parlour	5	Standard	£59.00	£52.00	£172.00	£56.25
2	Scene	Parlour	15	Standard	£86.00	£52.00	£172.00	£68.75
3	Scene	Parlour	5	OOH	£89.00	£78.00	£259.00	£56.25
4	Scene	Parlour	15	OOH	£132.00	£78.00	£259.00	£68.75
5	Lampeter	Penrhyn	30	Standard	£86.00	£42.00	£42.00	£87.50
6	Cardigan	Penrhyn	40	Standard	£86.00	£56.00	£56.00	£100.00
7	Penrhyn	Shrewsbury	75	Standard	£142.00	£75.00	£221.00	£143.75
8	Lampeter	Shrewsbury	90	Standard	£166.00	£75.00	£242.00	£162.50
9	Cardigan	Shrewsbury	110	Standard	£198.00	£75.00	£270.00	£187.50
10	Penrhyn	Cardiff	110	Standard	£198.00	£75.00	£270.00	£187.50
11	Lampeter	Cardiff	70	Standard	£134.00	£75.00	£214.00	£137.50
12	Cardigan	Cardiff	95	Standard	£174.00	£75.00	£249.00	£168.75
13	Penrhyn	London	235	Standard	£398.00	£75.00	£445.00	£343.75
14	Lampeter	London	220	Standard	£374.00	£75.00	£424.00	£325.00
15	Cardigan	London	240	Standard	£406.00	£75.00	£452.00	£350.00

no tender specification - in practice paid at excess mileage rate

Carmarthen

<i>Inflation</i>			11.10%	10.10%	
		Apr-21	Apr-22	Apr-23	Suggest
Journey less than 10 miles	Single	£48.49	£53.87	£59.00	£59.00
	Return	£97.23	£108.02	£119.00	£118.00
Journey between 10 and 40 miles	Single	£69.95	£77.71	£86.00	£86.00
	Return	£140.05	£155.60	£171.00	£172.00
Excess mileage		£1.28	£1.42	£1.60	£1.60
Specialised equipment		£27.20	£30.23	£33.00	£33.00
Unsociable hours supplement	<10 miles	£24.25	£26.94	£30.00	£30.00
	10-40 miles	£34.98	£38.86	£43.00	£43.00

Hybrid

Miles	Carms	£1.25 CHM
5	£60.00	£56.25
10	£60.00	£62.50
15	£86.00	£68.75
20	£86.00	£75.00
25	£86.00	£81.25
30	£86.00	£87.50
35	£86.00	£93.75
40	£86.00	£100.00
45	£94.00	£106.25
50	£102.00	£112.50
55	£110.00	£118.75
60	£118.00	£125.00
65	£126.00	£131.25
70	£134.00	£137.50
75	£142.00	£143.75

CPI

September

2019	1.7%
2020	0.5%
2021	3.1%
2022	10.1%