

FOI number: **HBC_FOI_20190245**
Date FOI Received: **26/03/2019**
Department: **Environmental Health**
Title: **Probate researchers**
Description: **Details of the processes and decisions in place for identifying next of kin including use of heir hunters.**

Request: *(As Redacted sent by requestor)*

In October 2018, we sent the council a draft report 'Local Authorities and Heir Hunters: exposing the opaque and uncompetitive practices that lead to consumer exploitation and inheritance errors'. This document was distributed nationally, and is the result of a number of years of careful research into the worrying situation whereby local authorities are encouraged to bypass the referral of bona vacantia estates to the Government Legal Department and instead refer cases on an exclusive basis to an heir hunter. Under the pretext of offering free help to authorities, an heir hunter's aim is to obtain early and exclusive leads on intestacies which allow them to compromise on the quality of their research and charge relatives high fees, with no market competition or transparency.

In our report, we recommend that local authorities can avoid the legal, ethical and reputational risks of this single supplier model by following Government Guidance and referring cases to the Government's Bona Vacantia Division (or Duchies of Cornwall or Lancaster, where appropriate). If this is not possible, a panel of three accredited researchers can be established who are referred each intestacy concurrently, and/or the council can simply publish and maintain an online public list of intestacies and avoid engaging privately with heir hunters.

We understand that this local authority does not publish an online list of public health funerals, and uses a heir hunter to trace relatives. This practice of providing exclusive leads to heir hunting companies undoubtedly risks inheritance errors and overcharging of next of kin. Because there is no published list, there is a lack of transparency which makes it impossible to check these cases for accuracy, meaning that estates could be distributed erroneously and missed beneficiaries may never come to light. It seems clear that there should be a safe and fair procedure in place to protect beneficiaries. The intention of this request is to discover whether the local authority is taking any steps to improve their practices in this area.

Note: in this request, please take all references to a 'researcher' to include any individual, company or partnership which provides genealogist or probate research, people tracing or 'heir hunting' services.

Please respond to the following questions under the Freedom of Information Act 2000 ('the Act'), which relate to the situation and local authority practices outlined above:

1. Please indicate the last date on which a genealogist, probate researcher or tracing agent was used.
2. If a researcher has been used in the past year, on how many occasions has this occurred?
3. Which company was last used and by which local authority department?

4. Does the local authority have any contract with any researcher? If so, please provide the contract document, redacted as required.
5. In the circumstances where the local authority was aware of the existence of relatives of a deceased person but lacked the resources or expertise to locate them, would the council use a genealogical researcher on an exclusive basis again?
6. Are there plans for the council to undergo a tendering process for a researcher?
7. If the council previously used heir hunters or other tracing services but no longer does so, what are the reasons behind the change in policy?
8. What is the council's policy and process for making a referral to a genealogical researcher?
9. Please identify the measures in the existing policies and procedures for making referrals to a genealogical researcher which:
 - a) protect next of kin from overcharging through a market exposure and
 - b) ensure all entitled relatives are found?
10. Does the local authority now publish an online list of public health funerals where there is an intestacy?
11. If so, when is information added to the list? Is information only added to the list AFTER the researcher has exhausted their investigations or is it added at the same time that a referral is made to the researcher?
12. Does the list include names of deceased individuals where a researcher has been used and family have been located who have taken over responsibility for the funeral?
13. Bearing in mind the benefits to the next of kin of maintaining competition, if the local authority is not already doing so does it intend to begin using or tender for a panel of three researchers to whom each case will be referred concurrently?
14. If the local authority is still engaging in exclusive relationships with heir hunters rather than making referrals to the Bona Vacantia Division or to a panel of three and/or maintaining a regularly updated online list, what is the justification for this? Please refer to any relevant policies and legislation.
15. Please provide any records of internal decision making or external consultation from the past year which have resulted in the local authority's current stance on the use of genealogical researchers
16. Would the local authority welcome some formal guidance or regulation from the government or another independent body in order to provide clarity on the appropriate course of action for using private sector services which are free to the local authority but which may result in a third party being charged or prejudiced in some way?
17. Would the local authority welcome some formal guidance from the government or another independent body to provide clarity on the appropriate course of action for when a person dies intestate in their area and there is evidence that there are next of kin but the local authority do not have the resources or skills to locate the relatives themselves?

Thank you and I look forward to receiving your response in due course, within the 20 working day time frame designated by the Act.

Response: *(Response as Redacted sent by service)*

1. Please indicate the last date on which a genealogist, probate researcher or tracing agent was used.

Answer: July 2018.

2. If a researcher has been used in the past year, on how many occasions has this occurred?

Answer: 3

3. Which company was last used and by which local authority department?

Answer: Estate Research, Bank Chambers, 1 Library Street, Wigan WN1 1NN

4. Does the local authority have any contract with any researcher? If so, please provide the contract document, redacted as required.

Answer: Information not held.

5. In the circumstances where the local authority was aware of the existence of relatives of a deceased person but lacked the resources or expertise to locate them, would the council use a genealogical researcher on an exclusive basis again?

Answer: This is not a request for recorded information held by the Council and therefore will not be responded to.

6. Are there plans for the council to undergo a tendering process for a researcher?

Answer: Information not held.

7. If the council previously used heir hunters or other tracing services but no longer does so, what are the reasons behind the change in policy?

Answer: This is not a request for recorded information held by the Council and therefore will not be responded to.

8. What is the council's policy and process for making a referral to a genealogical researcher?

Answer: Information not held.

9. Please identify the measures in the existing policies and procedures for making referrals to a genealogical researcher which:

a) protect next of kin from overcharging through a market exposure and

b) ensure all entitled relatives are found?

Answer: Information not held.

10. Does the local authority now publish an online list of public health funerals where there is an intestacy?

Answer: No

11. If so, when is information added to the list? Is information only added to the list AFTER the researcher has exhausted their investigations or is it added at the same time that a referral is made to the researcher?

Answer: Not applicable.

12. Does the list include names of deceased individuals where a researcher has been used and family have been located who have taken over responsibility for the funeral?

Answer: Not applicable.

13. Bearing in mind the benefits to the next of kin of maintaining competition, if the local authority is not already doing so does it intend to begin using or tender for a panel of three researchers to whom each case will be referred concurrently?

Answer: Information not held.

14. If the local authority is still engaging in exclusive relationships with heir hunters rather than making referrals to the Bona Vacantia Division or to a panel of three and/or maintaining a regularly updated online list, what is the justification for this? Please refer to any relevant policies and legislation.

Answer: This is not a request for recorded information held by the Council and therefore will not be responded to.

15. Please provide any records of internal decision making or external consultation from the past year which have resulted in the local authority's current stance on the use of genealogical researchers

Answer: Information not held.

16. Would the local authority welcome some formal guidance or regulation from the government or another independent body in order to provide clarity on the appropriate course of action for using private sector services which are free to the local authority but which may result in a third party being charged or prejudiced in some way?

Answer: This is not a request for recorded information held by the Council and therefore will not be responded to.

17. Would the local authority welcome some formal guidance from the government or another independent body to provide clarity on the appropriate course of action for when a person dies intestate in their area and there is evidence that there are next of kin but the local authority do not have the resources or skills to locate the relatives themselves?

Answer: This is not a request for recorded information held by the Council and therefore will not be responded to.

Thank you and I look forward to receiving your response in due course, within the 20 working day time frame designated by the Act.

If you have any queries about the processing of your request then please do not hesitate to contact me. Further information explaining the Council's process for responding to information requests together with a complaints/appeals procedure is available in our reception or via our website at:

<https://www.hertsmere.gov.uk/Your-Council/Official-Publications--Guides--Policies/Access-to-Information.aspx>

The Information Commissioner oversees the application of the Freedom of Information Act. You may contact the Information Commissioner at:

Information Commissioners Office

Wycliffe House, Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 01625 545700

Website: www.informationcommissioner.gov.uk

Please include the above reference number on all correspondence related to this request.

Thank you for your request.

Kind regards

Information Services