



Response to Request for Information

Reference FOI 003358
Date 15 March 2019

Local Authorities and Heir Hunters

Request:

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 practice of local authorities being encouraged to bypass the referral of bona vacantia estates to the Government Legal Department and instead to refer cases on an exclusive basis to an heir hunter provider. 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 the heir hunters to charge relatives high fees (with no market competition) and often compromise on the quality of research because lack of transparency means that the genealogy is not checked by anyone and wrong families can be identified or relatives overlooked from receiving the inheritance that they are entitled to.

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.

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. Has the authority at any time used a genealogist, probate researcher or tracing agent to locate the next of kin of a deceased person? **Yes**
2. Please indicate the last date on which a researcher was used? **21/01/2019**
3. If a researcher has been used in the past year, on how many occasions has this occurred? **6 Cases**

4. Which company was last used and by which local authority department?
[Finders – Customer Finance in Community Financial Support, Adult Social Care.](#)
5. Confirm whether the council currently uses or intends to use a researcher in respect of any of the following:
 - a) Public health funeral work - [No](#)
 - b) Empty homes work - [No](#)
 - c) Deputyship or appointeeship work - [Yes](#)
6. Which researcher(s) are used? [Finders](#)
7. Does the local authority have any contract with any researcher? If so, please provide the contract document, redacted as required. [No](#)
8. 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? [Yes](#)
9. Are there plans for the council to undergo a tendering process for a researcher?
[No](#)
10. 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? [N/A. Do not use.](#)
11. What is the council's policy and process for making a referral to a genealogical researcher? [Where the Council holds funds for a person who is deceased and for whom we were acting as appointee and we are unable to trace the next of kin details or we cannot locate a next of kin or we are not able to confirm a person's claim to be the next of kin, we will use a genealogical researcher.](#)
12. 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? [Most referrals are below the threshold for a fee to apply. The information is passed back to the local authority once contact has been made by the next of kin. Any support offered is voluntary and the Next of Kin can apply to the local authority directly without any further involvement of the researcher.](#)
13. Does the local authority publish an online list of public health funerals where there is an intestacy? [No.](#)
14. If the local authority does publish such a list AND also uses a researcher, 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? [N/A](#)

15. 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 (bearing in mind that the estate funds the funeral in any event)? [N/A](#)
16. 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? [Not at this time.](#)
17. 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. [The Council have not been approached by any alternative providers to offer a free genealogical service. Without the service we would not be able to locate the Next of Kin for the small number of people where the service is required.](#)
18. 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? [There have been no internal decision making forums or external consultations on this matter in the past year. .](#)
19. 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? [Yes.](#)
20. 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? [Yes.](#)