

Local Authorities and Heir Hunters:

Myths, Misunderstandings and Unintended Consequences

DRAFT REPORT FOR CONSULTATION

**A report based on FOIA responses from local authorities, supplemented by
additional correspondence and research**

EXECUTIVE SUMMARY

As more and more local authorities form exclusive relationships with heir hunters, the number of next of kin who are severely disadvantaged by the absence of competition and transparency multiplies. This report unpicks the reasons for this, with illustrations of extraordinary overcharging, beneficiaries who have not received their inheritance, and estates that have been distributed to the wrong family.

It also offers a simple, practical solution to a growing problem for local authorities.

The report examines the myths that are promoted by heir hunters and links them to the misconceptions held by the local authorities with whom they form relationships.

- In order to legitimise their pursuit of exclusive leads, many heir hunters seek to promote a perverse reading of the Government's Bona Vacantia Division (BVD) guidelines and misrepresent both the BVD referral process and the legal obligations of local authorities.
- Many heir hunters insist on maintaining exclusive access to a council's pool of intestacies in return for handling low-value cases.
- This marketing strategy has had a measurable effect on how councils handle intestacies, creating local monopolies where transparency and competition are entirely absent.

**See 2.2.1 – 2.2.3,
Section 10**

See 11.1.3

See Section 4

Heir hunters suggest that by using their services local authorities will:

- save or recoup money,
- relieve themselves of responsibility for an estate sooner than if they referred it to BVD,
- fulfill a 'statutory duty' to find relatives (a duty that does not exist),
- avoid bad publicity.

See 10.5, 10.6

Local authorities are then found to echo the same flawed rationale.

**See Sections 7
and 8**

This report analyses each of these claims and exposes their false logic.

- There is no evidence that passing details of an intestacy to a single heir hunting firm confers any benefit to councils.
- There is a great deal of evidence that when competition is circumvented and cases are referred to a single firm, heir hunters benefit in a variety of ways while the deceased's next of kin are severely disadvantaged.

See 10.5

**See 10.4, 11.1.3,
11.2, 11.3**

While the focus is on public health funerals, this report also looks at the implications for councils holding deputyships or involved in empty homes work.

See 7.2.4 – 7.2.10

Finally, this report proposes a simple, practical solution for cases that cannot be referred to BVD, demonstrating that councils can ensure that even cases of no value are resolved, while simultaneously insisting on competition and transparency.

**See Appendices 1
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1. CONTEXT

1.1 This report is an account of the most recent enquiries and responses received during a longstanding research project by Anglia Research Services Limited ('Anglia Research') into the relationships between local authorities and heir hunters, and the effects that these relationships may have on members of the public.

This report identifies relationships which are acknowledged formally by authorities. As it is based on FOIA requests it cannot, by definition, include instances where officers are supplying information to heir hunters 'below the radar' of the authority structure.

1.2 In this document the terms 'heir hunter', 'genealogical researcher' and 'tracing agent' cover a wide range of operators, from those who are entirely unregulated and unaccredited¹, to those who obtain relevant professional qualifications and impose a level of accountability upon themselves by registering with organisations that provide their clients with a degree of protection. However, all earn the bulk of their income from entering into fee-producing contracts with members of the public who are entitled to a share of an inheritance, usually as a result of an intestacy or partial intestacy within their distant or estranged family.

1.3 District and metropolitan county and London borough authorities have responsibilities for public health funerals. These are required to be arranged under Section 46 of the Public Health (Control of Disease) Act 1984 (the 'Public Health Act'). Upper tier and unitary authorities (ie those other than district councils) have responsibilities for adult social care, which can include operating residential care facilities and acting as deputies for adults at risk of abuse or neglect. Generally, work involving empty property, whether through housing, environmental health or regeneration, falls to lower tier, unitary or London authorities. As a result, officers who work in any of these functions, at any tier, may find themselves the target of approaches from heir hunters, tracing agents or genealogical researchers, who will offer to identify and locate people free of charge.

1.4 Anglia Research discovered that a number of local authorities were using genealogical researchers or heir hunters to trace absent next of kin where there was an intestacy, rather than following the established procedure of making referrals to the Bona Vacantia Division of the Government Legal Department or to the Duchies of Lancaster and Cornwall (see paragraph 2.1 below). Anglia Research began asking local authorities under the Freedom of Information Act 2000 ('FOIA') whether they had used genealogical researchers to trace relatives. Where councils indicated that an heir hunter/researcher had been used, or where during the course of their work an Anglia Research employee had reason to suspect that a local authority was giving a genealogist information about intestate deaths, details were passed to solicitors to make further enquiries.

1.5 During 2015 and 2016 the solicitors contacted 117 local authorities and 112 of these responded. The overall aim of these requests under the FOIA ('FOIA requests') was to discover more about these relationships and the motivations behind them:

- which local authorities were providing heir hunters with information about intestacies and under what circumstances;

- whether the local authorities in question had considered the risks involved in their engagement with an unregulated industry and the consequences for the next of kin as consumer;
- whether there had been any procurement process or a documented contract in place or whether ad hoc relationships had developed;
- whether local authorities were willing to disclose via the FOIA the same information that they had passed to the heir hunter with whom they had developed a relationship. This would allow third party genealogists to scrutinise the case, checking for missed beneficiaries, overcharging or incorrect research.

1.6 An analysis of the information obtained from this exercise as at 29 November 2016 can be found in the report '[Local Authorities: Why do they use heir hunters?](#)' which was published and sent to all local authorities in England and Wales and various other interested parties on 22 May 2017, together with [suggested guidance](#) appraising the legal implications of the existing situation and outlining how public bodies can reasonably make the process of dealing with intestate deaths and the search for absent next of kin safer and fairer for all involved.

2. GOVERNMENT POLICY CONTEXT

2.1 Established practice

2.1.1 In England and Wales, [government policy](#) is that on an intestacy where there are assets but no known relatives to whom to distribute those assets in accordance with the rules of intestacy, estates should be referred to the Bona Vacantia Division ('BVD') of the Government Legal Department ('GLD'). 'Bona vacantia' or ownerless goods vest with the Crown if no entitled next of kin are identified (there are exceptions: in the Duchies of Cornwall and of Lancaster ownerless goods derived from within their areas vest with the respective Duchy).

2.1.2 The names of the deceased are openly advertised by BVD on the [unclaimed estates list](#). BVD will assess and admit the first correct fully documented claim they receive and the claimant can then apply for a grant of letters of administration. As the deceased's personal representative, he or she has a duty to ensure all entitled kin receive their share of the estate. The Duchies operate similarly but advertise the majority of estates that are referred to them in various newspapers.

2.1.3 BVD will decline to accept and advertise an intestacy only in circumstances where the net assets of an estate are less than £500 or there is reason to believe that entitled relatives exist, whether or not their whereabouts can be established. This is because when entitled relatives exist it is clear that the Crown cannot have an interest in the estate.

2.2 What happens when guidelines are reinterpreted?

2.2.1 According to its own [guidelines](#), BVD does not deal with estates where:

“there are known or likely to be entitled relatives who survived the deceased even if these have subsequently died, cannot be traced or do not wish to deal with the estate”.

- A commonsense interpretation of this clause would be: "BVD does not deal with estates where there are known to be entitled relatives, or there is reason to believe that there might be (for example, because a carer of the deceased remembers a reference to a niece)".
- A commonsense set of actions springing from this clause would be the established procedure that many councils still follow when there is an intestacy in their area with no known kin: check the deceased's possessions, the council's own records and consult with any carers, and if there is no indication that the deceased left a will or had living relatives, refer the case to BVD as soon as possible.

2.2.2 However there is also a perverse interpretation of this clause. Given the number of categories of kin entitled under the rules of intestacy, prior to any investigation the likelihood will always be that an intestate deceased person is survived by a relative within one of these categories. A perverse reading of the clause thus infers that because the statistical probability will always be that entitled relatives exist, BVD will not accept a referral of an intestacy until this probability has been reduced or eliminated through investigating the entitled categories of kin. (For a typical example of this, see the paragraph beginning "These changes include clear guidance" in [Tracing Next of Kin](#), *Public Sector Executive*, 8 December 2017.)

2.2.3 This perverse reading of the guidelines has been aggressively promoted by heir hunters seeking to legitimise their pursuit of exclusive leads (see, for example, paragraphs 4.4 and 4.5 and section 10 of this report). This has had a measurable effect on how local authorities handle intestacies (see paragraphs 4.1 and 7.3).

2.2

LOGIC CHECK

The assertion that BVD does not accept referrals unless they have first been investigated by an heir hunter or genealogical researcher is demonstrably false on two counts.

- **According to GLD's own guidelines**

"Cases should be referred as soon as possible after the death [...] Once the referral has been received, we will advertise the estate on our website to enable executors or kin to come forward so we can give up any Crown interest in the estate." (Source: GLD case referral form [BV1A_Form.doc](#))

Clearly, a referrer does not and is not asked to vouch that an estate is genuinely bona vacantia or ownerless, but rather that it is presumed to be bona vacantia. It is the role of BVD to verify the truth of the matter.

- **According to established practice**

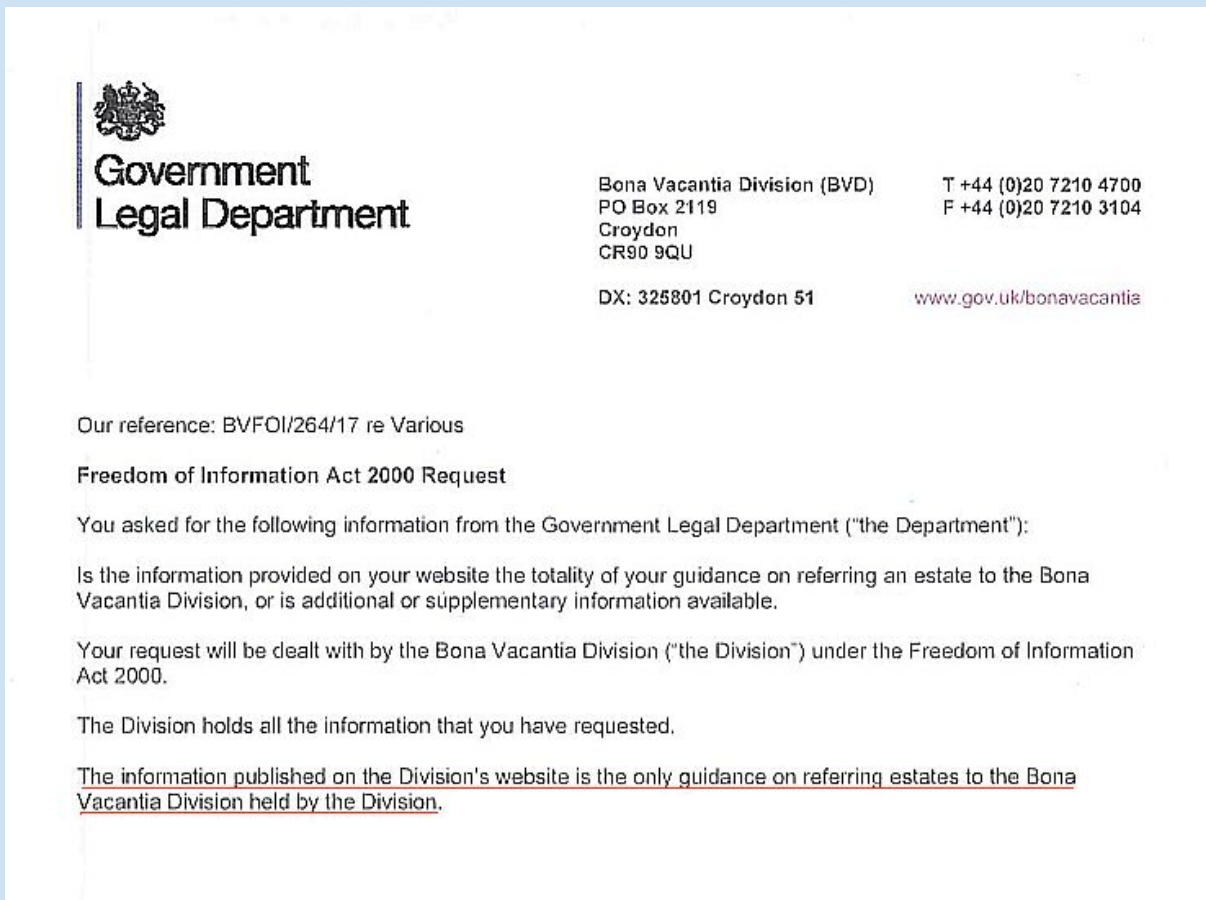
The majority of local authorities have not used heir hunters and the referrals that they make are accepted by BVD. This is evident from GLD's response to an FOIA request in

which they stated that 1608 estates were referred to them in 2016. However, by 27 November 2017, over 80% of these cases were no longer on their unclaimed estates list. In other words, the vast majority of estates that BVD accepts are ultimately inherited by entitled relatives.

2.2

FACT

GLD have confirmed that the *only* policy regarding referral of intestate estates is contained on the [government website](#).



2.3 When relatives have to be found

2.3.1 There is no government guidance about the procedures that local authorities should follow in cases of intestacy where it appears that the net value of the estate is below £500, or it is known (or there is reason to believe) that relatives exist. However, logic suggests that in these circumstances councils should:

- either follow the model set by BVD and advertise details of intestacies on their own websites, in a similar way to the [unclaimed estates list](#),
- or encourage competition and prevent abuse by referring each case to a number of accredited genealogists concurrently. Please refer to Appendix 1.

3. PRESENT RESEARCH

3.1 In March 2017, further FOIA requests were sent to every local authority in England and Wales to clarify previous responses and to seek responses from any councils that had not previously been contacted or that had only recently begun to bypass the BVD referral process described above (paragraphs 2.1 – 2.3) by supplying information to heir hunters in order to locate next of kin.

3.2 The report that follows refers, in the main, to responses as at 12 September 2017 from the 371 local authorities that have replied to any of the solicitors' FOIA requests since 2015. A breakdown of the authorities questioned, together with a summary of their responses, is provided in Appendix 3. As well as asking questions about (a) local authorities' motivations, (b) due diligence processes, and (c) consideration of consequences for next of kin when using heir hunters, the requests made in March 2017 asked additional questions designed, broadly, to ascertain:

- whether there was any evidence to support local authorities' stated reasons for use of heir hunters or genealogists;
- whether any local authorities paid for the service; and
- whether any local authorities had considered releasing information to a panel of three genealogists concurrently, given that this would mitigate some of the risks associated with the existing model of use (see Appendix 1 for an explanation of how such a panel might work).

4. NUMBER OF COUNCILS USING HEIR HUNTERS OR GENEALOGICAL RESEARCHERS

4.1 As at 12 September 2017, of the 371 local authorities that have been contacted, a total of 163 have disclosed that they currently use or have used an heir hunter or genealogical researcher either to trace next of kin where a public health funeral is to be arranged or as part of their functions relating to tracing owners of empty homes or deputyship for individuals who are unable to manage their own finances. This is an increase of 77 from the 86 local authorities that had disclosed their use of a genealogist when the data was analysed up to 29 November 2016, and represents a significant increase in the number of local authorities using heir hunters between 2015 and 2017. Given the risks that have been outlined in the [local authority guidance document](#) published by Anglia Research, this is a worrying trend.

4.2 It is worth noting that the figure of 163 councils that admit to using an heir hunter or genealogical researcher may not fully reflect the extent of the problem, as some councils have given conflicting responses that suggest at best a lack of proper attention when dealing with FOIA requests, and at worst that relationships with heir hunters may be informal to the point of falling below the radar. For example:

- **Northumberland County Council's** FOIA response of 5 May 2017 stated that they had not at any time used a genealogist, probate researcher or tracing agent to locate the next of kin of a deceased person for whom the authority is to undertake, or has undertaken, a public health funeral. Upon being informed that they had previously said otherwise, the council asked for "further details from you in order to identify and locate the information" and had to be sent their previous responses to prove their error before they would amend their latest response to comply with the facts.
- **Stafford Borough Council** recently denied using a genealogist for public health funerals and only rectified this by directing the request to the appropriate department when it was quoted to them from a previous response that they use a genealogical researcher "to help trace relatives of a deceased person who may then be able to arrange the funeral without the local authority having to make the arrangements and suffer the costs".
- **Sheffield City Council** denied using a genealogist for any function in their response to the FOIA request of March 2017. This was challenged and an internal review of their response was requested, on the basis that they had previously said that they used a particular research company. Following the internal review, the council determined that their latest response had been inaccurate and issued an amended response along with the following apology:

"[...] having checked our previous records and spoken to the Executor Services Manager, I can confirm our response to you on April 5th was incorrect and therefore didn't comply with the law. We have and still use [a research company] to try and trace relatives of people that have deceased where we believe there is a relative and the deceased has items or cash of a value greater than £3k. Please accept my apology for this error."

4.3 Local authorities' increasing reliance on heir hunters is reflected by GLD's statistics. In response to an FOIA request asking how many estates were referred to BVD by all referring parties, and how many were referred by local authorities, they returned figures for six years. These show that from 2011 to 2014 local authority referrals accounted for well over 40% of total referrals, but dropped to 31% in 2015 and 36% in 2016.

Year	Number of estates referred	Referrals by local authorities
2011	1653	729
2012	1749	832
2013	2016	867
2014	1610	697
2015	2001	638
2016	1608	591

4.4 The upward trend in the use of heir hunters seems to be the result of a sustained marketing campaign on the part of various heir hunters. We have noted elsewhere that:

- one heir hunting company employs field agents incentivised by a 10% commission fee to make contact with public officers who may have early information about intestate deaths,

- one heir hunting organisation has admitted to intercepting estates before they are passed to BVD and to paying the intermediary a "useful bounty",
- one heir hunting company holds targeted presentations for deputies,
- there are links at director and shareholder level between a firm of heir hunters and a company that offers the sort of house clearance service that local authorities might turn to when someone dies intestate (see 9.1 below).

4.5 The following quote from one heir hunter's marketing leaflet illustrates how some companies actively seek to discourage councils from referring any intestacy to BVD:

"Recent changes to the Bona Vacantia & Government Legal Department Claims Procedure published 29th April 2016 has made it apparent that they will make minimal effort to find NOK and at any opportunity, they will refer the Estate back to the Council.

"It is now abundantly clear that the most effective and efficient route for a Council to take is to refer a case immediately to a firm of professional Genealogists like Finders International, not only for the Council's benefit, but also for the Estate and next of Kin."

See paragraphs 7.4.1, 7.5.1 and logic check 7.6 of this report for a detailed refutation of these claims, and Section 10 for an analysis of why heir hunters make them.

4.6 The effect of these and similar marketing efforts can be seen everywhere. For example, in separate correspondence concerning a client of Anglia Research, the **London Borough of Tower Hamlets** defended its decision to pass a particular case to an heir hunter who then went on to locate entirely the wrong family, arguing that:

"According to the records we had on her, [the deceased] had no next of kin and we had to conduct a statutory search for a blood relative by advertising through a registered genealogy company".

The officer's words invert the law surrounding public health funerals and intestate deaths. Where there is no will and no evidence of next of kin, cases *should* be referred to BVD as soon as possible after the death. (See 7.2.1 and 7.3.2 below for further misinterpretations of local authorities' statutory duties, many of which may be a consequence of misinformation disseminated by heir hunters.)

5. PAYMENTS MADE TO AND BY HEIR HUNTERS

5.1 None of the local authorities that responded to the FOIA requests pay for genealogical services. This is not surprising as the principal sales proposition of heir hunter firms that seek to obtain leads from local authorities is that their services are offered free of charge to local authorities.

5.2 In a significant and troubling development, **Birmingham City Council** ('BCC') commenced a procurement process for genealogy services in July 2017. Tenderers were effectively asked to bid to make a payment to the council for details of each intestacy that BCC could provide (the authority claimed that there are some 200 intestacies per year in their area). In its quotation document (Provision of Genealogy Services PQ0163), the council specifically referred to these intestacy details as 'leads', setting a starting bid of £200 per lead. The council claims:

"A single supplier model has been chosen to ensure the development of a strong working relationship with the Authority and to ensure a consistent and compassionate approach for all families in sourcing next of kin."

However, in their evaluation of candidate genealogists, they give the majority weighting (60%) to the fee offered by each candidate:.

4.3 The breakdown of the assessment stages are shown in the tables below:

SELECTION CRITERIA	EVALUATION CRITERIA	
Stage 1	Stage 2	Stage 3
General Information	Quality Response	Financial Contribution Summary
Pass/Fail	40%	60%

(Extracted from BCC's quotation document: Provision of Genealogy Services PQ0163)

5.2.1 Specialist leading counsel's advice (on the basis of the limitations on statutory powers and on established case law) is that it is unlawful for a local authority to charge for release of information about intestacies. Since this was drawn to their attention, BCC subsequently referred two intestacy cases to BVD, following the correct process. Having become involved in these cases, Anglia Research can reveal that BVD accepted kinship claims for both within 33 days of advertising them on the unclaimed estates list (see logic check 7.6). This demonstrates that the use of the correct referral procedure is effective. However, BCC have since awarded the contract to a single research firm, based on their tender procedure which prioritises the council's own remuneration over quality of service. In response to an FOIA request in January 2018, BCC confirmed that they had already made 62 referrals to their contractor since November 2017 and cited FOIA exemptions to withhold information about the intestacies involved (thus making it impossible for other genealogists to check the research). BCC further stated that they "only refer cases to a genealogist when there are no known next of kin", which seems to be in direct conflict with BVD guidelines. It should be noted that any other authority who seeks to charge for intestacy leads is laying itself open to judicial review proceedings provided that the application for permission is submitted within the statutory timescale.

5.2.2 It is also worth noting that BCC's actions demonstrate that one authority, at least, is well aware of the commercial value of intestacy details. In focusing on the economic value of the information it holds, BCC make explicit the contractual nature of all transactions between local authorities and heir hunters. When councils provide heir hunters with details of an intestacy in order

that relatives can be found, they effectively exchange valuable information in return for a service. Whether or not councils claim they have an intention to form a contract, if there is some kind of intention in the exchange and the information that is exchanged has an economic value, the result is a de facto contract (see paragraph 11.1.2 for more on contracts).

5.3 This report is based on FOIA responses and so cannot uncover instances where individual officers are supplying information to heir hunters ‘below the radar’ of the authority structure. While BCC is the only local authority that has sought to exploit the commercial value of information about intestate deaths, it is worth noting the lengths to which heir hunters are prepared to go in order to capture exclusive leads (see 4.4 above) and the opportunities this opens up for malpractice and fraud.

6. FREQUENCY OF REFERRALS TO HEIR HUNTERS

6.1 The frequency with which heir hunters have been used varies between councils, from the seven local authorities that report they have only been used on a single occasion to such authorities as **Hertfordshire County Council**, who have made 26 referrals in total, and **Southend-on-Sea Borough Council**, who continue to refer all public health funeral cases to one of a number of researchers/genealogists “depending on who is available at the time”. As the largest unitary authority by population size, **Birmingham City Council** most recently makes reference to there being some 200 potential public health funerals each year in its district. The number of referrals is likely to reflect demographic patterns, whereby some areas have larger populations and urban areas may have a higher incidence of deaths where the deceased has been estranged from their family. It also reflects that some local authorities such as **Southend-on-Sea Borough Council** make referrals “regardless of the value of the estate”. This is because heir hunters are willing to invest time and money on loss leaders (cases where the estate is small or non-existent and they cannot charge the next of kin), in order to gain exclusive access to lucrative cases (for the repercussions this can have, see paragraph 11.1.3).

6.2 In contrast, other local authorities such as **Bedford Borough Council** only make referrals to a genealogist where “we know that there is a large estate” because in those circumstances, “if a next of kin is found, they may take the funeral arrangements off us”. Similarly, until recently **Broxtowe Borough Council** referred intestate estates to a researcher only when there was an estate “consisting of property as an asset”. In these circumstances, and because there is none of the normal competition that exerts downward pressure on fees, each case could generate a considerable sum for the genealogist or heir hunter that receives the exclusive information (and of course the local authority could have used estate assets to pay for the funeral anyway).

7. REASONS FOR USING HEIR HUNTERS

7.1 Financial expenditure motivations

7.1.1 The local authority responses to the March 2017 FOIA requests tended to reflect the same motivations for the use of heir hunters that were identified through the 2015 and 2016 FOIA

requests. Of the 154 local authorities that provide reasons as to why they use heir hunters or researchers, 97 refer explicitly in some way to family members taking over funeral arrangements, the council avoiding or recouping the cost of a public health funeral, and/or public finances.

- **Chichester District Council** notes that delay in finding next of kin carries “mortuary costs”.
- **Lewes District Council** estimates the time saved by environmental health officers when a public health funeral is avoided at around 20 hours.
- **Rotherham Metropolitan Borough Council** states that “the council can undertake these enquiries itself – although it has been decided that it would be more efficient and cost effective to engage the services of specialists”.
- **Northampton Borough Council** states that “under the legislation the Council is empowered to recover the costs it incurs in arranging the funeral and the tracing is done to facilitate this”.

Many other authorities believe that in order to exercise their right to reclaim the reasonable funeral costs from the estate, they also need themselves to locate a relative entitled to inherit the estate. This is false.

7.1

FACT

A personal representative does not need to be appointed nor a relative located in order to recover funeral costs (and reasonable officer time in organising the funeral) from the deceased’s estate.

“The funeral expenses are the first charge on the estate which means they take priority over any other liabilities and any assets must first be used to pay them. Often asset holders, such as banks or building societies, are willing to discharge the funeral expenses before an administrator is appointed. However, before making the funeral arrangements you may wish to check (i) that there are sufficient funds to pay for the funeral and (ii) that the asset holder is willing to settle the account from those funds.” (Source: GLD case referral form [BV1A Form.doc](#))

This is underpinned by statute:

“An authority may recover from the estate of the deceased person expenses incurred” in carrying out their duty “to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.” (Source: [Public Health \(Control of Disease\) Act 1984](#), Section 46, (5), (1))

7.1

LOGIC CHECK

Of course, local authorities often incur additional costs, beyond those involved in organising a funeral. In order to persuade councils to use their services, one heir hunter makes the following statement on its public sector services webpage:

“Once we trace next of kin they might be able to take the case off your hands completely.

This may include payment of:

- Funeral expenses
- Your administration charges
- House clearance fees
- Storage fees
- Empty home insurance

Even if the next of kin are unable or unwilling to pay, any fees you incur will receive priority status for payment as soon as the estate has funds available.” [Our emphasis.]

Councils are advised to consider that if house clearance, storage and insurance fees are a legitimate charge against an estate in the above case, they are also a legitimate charge against an estate in every case, whether or not a local authority has used the services of an heir hunter.

7.2 Interpretation of legal duties

7.2.1 The latest FOIA responses also confirm that confusion remains about the scope of local authorities’ duties under Section 46 of the Public Health Act 1984, with 71 councils indicating that the use of heir hunters relates to, or is in fulfillment of, statutory duties under that legislation.

- **Northampton Borough Council** states that the use of heir hunters is “to fulfil legal obligation to make reasonable attempts to identify/trace next of kin”.
- **Copeland Borough Council** simply say that they use a genealogist “when there appears to be no one to take responsibility for making funeral arrangements for the deceased. Public Health (Control of Diseases) Act 1984”.
- **Derby City Council** say that they do so to “ascertain details of relatives when the council is carrying out a public health burial under Section 46 of the Public Health (Control of Disease) Act 1984. If we are able to identify living relatives, we are able to contact them to discuss whether they wish to take on the funeral”.
- **Rosendale Borough Council** inaccurately interpret the legislation to mean that “if we arranged a funeral and disposed of the estate without trying to identify a next of kin, and then the next of kin made themselves known then the council would be in a position which may be questionably unlawful.”

7.2.1**FACT**

From specialist legal advice and a thorough search of legislation.gov.uk, it is clear that there is no legislation that requires local authorities to locate the relatives of a deceased person who has died intestate. It is likely that this is because the role of the Bona Vacantia Department in collecting, holding and advertising estates that are presumed to be ownerless is well established by tradition and common law.

However, BVD does provide relevant guidelines about what to do when someone dies intestate (see section 2 above). Consequently, when council officers find no evidence of the existence of next of kin from information in their own records or among the possessions of the deceased the correct, established procedure is to refer an estate to BVD (or the Duchies, in their areas).

7.2.2 When **Powys County Council** state that the need to trace next of kin stems from a requirement in the Act to “establish the wishes of the deceased person”, they may have had it in mind that the very narrow requirement in Section 46(3) of the Public Health Act provides that “an authority shall not cause a body to be cremated under subsection (1) or (2) above where they have reason to believe that cremation would be contrary to the wishes of the deceased”.

7.2.2**FACT**

Section 46(3) of the Public Health Act obliges local authorities to comply with the deceased’s funeral preferences, where they are aware of them. It does not oblige them to locate distant or estranged relatives who are unlikely to know the deceased’s final wishes. Rather it would seem that simple procedures such as checking with a carer, friend or neighbour, or for a note left with the deceased’s possessions, are more likely to shed light on their preferences.

Further, it is worth pointing out that the only way an authority could be judged to have acted in contravention of Section 46(3) is if they carried out a cremation when – at the time of the funeral – they had “reason to believe” that cremation was contrary to the deceased’s wishes.

7.2.3 When asked under the FOIA what was the “statutory function” under which they have engaged genealogists, councils overwhelmingly tended to refer to the Public Health Act 1984. However, a number referred to other statutes from which they suggested there was a duty or

function that involved tracing relatives. Five councils pointed to the National Assistance Act (NAA) 1948, which provides at s.50(4) that local authorities have the right to recover public health funeral expenses “from the estate of the deceased person or from any person who for the purposes of this Act was liable to maintain the deceased person immediately before his death”.

7.2.3

FACT

While this legislation does allow funeral expenses to be recouped, it does not place any statutory duty on the local authority to track down unknown next of kin.

Under s.42(1) of the NAA 1948, for the purposes of the Act the only person that can be liable to maintain the deceased before death is their spouse or parent. Situations where s.50(4) of the NAA are applicable are very rare indeed. Further, as noted at 7.1.1 above, funeral expenses are recoverable from the estate regardless of whether relatives are located.

7.2.4 Empty homes work, whereby local authorities try to bring empty homes in their area back into use, is not a statutory duty but rather a strategy for increasing housing supply and for environmental improvement supported by statutory powers. The FOIA responses indicate that at least 31 councils admit to using a genealogist or tracing agent in order to trace owners as part of this function. Most of these councils are unable to identify a statutory duty to trace owners in this way. However, three councils refer to the Housing Act 2004, which confers a power (rather than a duty) upon local authorities to serve the owner of a property that has been left empty with an empty dwelling management order so as to bring the property back into use. Where the owner cannot be contacted using the details provided on the property’s land registry entry, the councils in question use heir hunters or tracing agents to obtain a current address. The heir hunters do not charge the councils for this service, and they take these cases on the chance that the owner of an abandoned property may have died, in which case they can locate and approach the next of kin in the usual way to earn their fee.

7.2.4

LOGIC CHECK

When heir hunters trace the owners of empty property, the service is free for councils and free for any owners traced. However, if it turns out that the owner has died, the service is certainly not free for his or her heirs: in a case involving an empty property, a tracing agent provided with an exclusive lead by a local authority obtained a finder’s fee of around a quarter of the *gross* value of a £3.7 million estate. With VAT, this amounts to fees of over £1 million for what was only a few

hours of research. Moreover, the tracing agent has claimed this fee via a retrospective 'agreement' with the personal representative *only*, and not with each beneficiary. The affected beneficiaries are now pursuing legal remedies.

A property may be unoccupied as the result of an intestacy, but this will not be evident at the point when council officers instruct tracing agents to find the owner. As a result these cases cannot be referred to BVD.

However, it seems reasonable to expect that local authorities take steps to prevent exploitation of members of the public down the line. Competitive fees can be ensured simply by introducing competition between tracing agents. (Please see Appendix 2 for a practical model of how to achieve this.)

7.2.5 Some county councils and unitary authorities have deputyship teams that manage the financial affairs of vulnerable people as appointed by the Court of Protection, and the FOIA responses indicate that at least 35 councils have used an heir hunter or genealogist as part of this function. In some cases this may be a situation where the service user has died, or it may be where a living vulnerable individual has become estranged from their family, for example because they are living in an institution. Of the 35 councils using an heir hunter or genealogist in their role as deputy, only four were able to identify the statute under which they do so. According to **Northumberland County Council**, "the council have a statutory duty under section 47 of The Care Act 2014 and The Administration of Estates Act 1925." **Nottingham City Council** also refer to the Administration of Estates Act 1925.

7.2.5

FACT

The [Administration of Estates Act 1925](#) regulates probate and sets out the rules of intestate succession. It does not confer any duty on local authority deputies (or indeed anyone else, other than the deceased's personal representative) to trace entitled relatives when someone dies without leaving a will.

[Section 47 of the Care Act 2014](#) deals with a local authority's duty to protect the property of adults being cared for away from home. It does not mention, or in any way necessitate, the tracing of relatives.

7.2.6 The Care Act 2014 is also mentioned by **Warrington Borough Council**, who say that:

“The authority provides information in order to deal with the estate of the deceased acting under a number of statutory duties including as a Court appointed Deputy under the Mental Capacity Act 2005 and its duties to safeguard under social care legislation for example section 1 of the Care Act 2014”

Section 1(1) of the Care Act 2014 imposes a “general duty” upon local authorities exercising a function for an adult with care and support needs to “promote that individual’s well-being”. Under s.1(2) this includes “domestic, family and personal relationships”. Whether or not the duty could extend to releasing money from an individual’s funds in order to locate family members would depend on the service user and whether contact with relatives would enhance their well-being. The Mental Capacity Act 2005 is also mentioned by **Gloucestershire County Council**, and its provisions would allow for a service user’s money to be spent on tracing kin by the council acting as deputy, where it is reasonably believed to be in the best interests of that service user.

7.2.6

FACT

Local authorities appointed to a deputyship role by the Court of Protection may legitimately decide that it falls within their duty to trace a client’s relatives in order to improve their wellbeing, or so that a statutory will can be drawn up.

However, when deputies decide to trace next of kin *after* the client has died, they exceed the powers bestowed on them.

- **A deputyship order under Section 19 of the Mental Capacity Act 2005 terminates when the client dies.**

“The Public Guardian must be notified of the death of someone for who the Court has appointed a Deputy so that the register of Deputies can be updated. The death will bring the deputyship to an end although the Public Guardian can request a final report from the deputy.” (Source: [Notification of death: Public Guardian Practice Note](#))

- **A local authority deputyship is bound by the same legislation as any other deputyship.**

“Public authorities appointed by the Court of Protection to manage the finances and property of people who lack mental capacity [...] are obliged to act in accordance with the Mental Capacity Act 2005, its associated regulations, and the Mental Capacity Act Code of Practice.” (Source: [OPG guidance on public authority deputyship responsibilities](#))

- **A deputy’s powers are restricted and specific.**

“A deputy has a duty to act only within the scope of the actual powers given by the court, which are set out in the order of appointment.” (Source: [The Mental Capacity Act Code of Practice](#), 8.54)

- **A deputy must always make decisions in a person’s best interests.**

“Sometimes the court will consider appointing the Director of Adult Services in England or Director of Social Services in Wales of the relevant local authority as a deputy. The court will need to be satisfied that the authority has arrangements to avoid possible conflicts of interest”. ([The Mental Capacity Act Code of Practice](#), 8.60)

In response to a FOIA request, the Office of the Public Guardian (‘OPG’) confirmed:

“When a client passes away, both the OPG and the deputy’s jurisdiction ends, therefore the deputy should freeze the accounts with no further transactions being made. We have advised public authorities to seek their own legal advice on reimbursement for work carried out after the client’s death when asked. A public authority cannot rely on the fact that they are acting as deputy once a client has died.

Although the accounts should be frozen, the public authority has a duty to provide the client with a funeral if there is no known family to pay/arrange it. All costs or debts should be paid by the executor of the estate. However, we would encourage authorities to seek their own legal advice as there may be occasions when they need to wind up the affairs of the deceased client if there is no one who can apply for probate.”

The lack of any specific guidance, along with the repeated suggestion that councils take legal advice, highlights just how undefined an authority’s role becomes upon the death of a deputyship client. This is an area of significant legal and reputational risk.

When a deputyship client dies intestate, councils may feel free to act on their own initiative, taking whatever steps they deem necessary to wind up the client’s affairs. However, if they choose to pass details of the intestacy to a single heir hunter they should consider what the legal repercussions may be for themselves if it turns out that they have, for example, actively facilitated the misdistribution of an estate (see 11.1.3).

7.2.7 In order to get a clearer view of how local authorities manage the residual finances of deputy clients who die intestate, in January 2018 a further set of FOIA requests was sent to the 146 local authorities that either have a deputyship department because they are a county or unitary authority or have reported to us (via FOIA) that they have a deputyship team. Of these 146, 80 admitted to using a genealogical researcher to find relatives of their deceased clients. The frequency with which deputyship teams turn to genealogists to find the relatives of deceased deputyship clients varies considerably between authorities. For example, over the past three years:

- **Plymouth City Council** have used a genealogist to find next of kin for 18 of their deceased clients.
- **Central Bedfordshire Council** have used three different heir hunting companies, working on a cab rank basis, to find relatives for 10 deceased clients.

- **Royal Borough of Kensington and Chelsea** have used heir hunters on over 20 occasions, always in respect of a deceased client.
- **North Tyneside Council** have used an heir hunter to trace or contact relatives of a deceased client on 65 occasions.
- **Isle of Wight Council** have used a researcher to find next of kin for four deceased clients.
- **Islington London Borough Council** use genealogists “every time a next of kin needs to be traced unless contact has already been established in the event of a client’s death. This breaks down to 97 [occasions] over 3 years.”

7.2.8 The degree of risk incurred differs from council to council. **Flintshire County Council** appear to take a very low-risk approach, confirming that “our duties cease on death” and that “we are not authorised to pay any funeral bills etc without the express permission of the solicitor dealing with the estate.” Most authorities, however, pay funeral bills as a matter of course. For example:

- **Wirral Council** say that when a deputyship client dies, “the council’s deputyship team would continue to hold the funds until someone takes over the administration of the estate, however would not make any payments other than the cost of the funeral,” all other liabilities being “dealt with through the executor/administrator”.
- **Wigan Metropolitan Borough Council** acknowledge that they have “no powers” to pay outstanding fees or costs from the estate of the deceased and therefore do not pay any debts: “with the exception of making payment for the funeral no further transactions take place. We hold the funds until probate is granted and then forward to the PR”.
- **Staffordshire County Council** confirm that “all fees and costs, with the exception of the funeral bill, are paid by the person administering the estate”.
- **St Helens Council** state that “the Council continues to hold funds until a PR is identified. Management of those funds ceases upon death. The only exception is to pay for funeral costs and any overpayment of benefits to the DWP.”

However, many authorities do pay additional debts, including care fees, subject to the agreement of a solicitor or PR.

- **Enfield London Borough Council** affirm that they manage the funds belonging to their deceased deputyship clients “on a minimal bases, only to protect the estate assets and deal with funeral costs” and that they consider that paying other expenses “would be intermeddling”. However, they also acknowledge: “we do not pay any internal payments [to other council departments] after death, unless instructed to do so before release by the executor. The solicitor will sometimes instruct us to make the payments, for example care fees, before we release the balance we hold to them.”
- Similarly, **Tower Hamlets London Borough Council** respond that “the only payments we make post death are funeral and payments due back to the Department for Works and Pensions. Any other costs such as care fees and deputyship administration fees are agreed by the next of kin or solicitor before being charged from the account.”

- **Islington London Borough Council** state “we will take only funeral costs at the date of death, after this we will need to seek permission from the executor to deduct further costs, including administration costs”.

7.2.9 Moving into an area of greater risk, some authorities act on their own initiative to pay debts from the estate.

- **Central Bedfordshire** confirm that, in addition to funeral costs, they pay care home fees prior to a PR being appointed and this has been queried on three occasions by the solicitor afterwards.
- **Middlesbrough Council** also pay funeral costs and ‘other expenses’ such as house clearance or care home fees from the estate, prior to the appointment of a PR, but the policy for the assessment of such payments is currently “under review and not available for circulation”.
- **Croydon London Borough Council** will not specify exactly what debts they pay from the estate of the deceased, simply stating “before any funds are released to the estate any costs are paid and fees are taken from the estate”. When asked about the policy for the assessment of payments from the estate, they responded: “There is no policy for dealing with these payments. We ensure the client has the funds in their account and we make the necessary payment”. They do not provide the PR or solicitor instructed for probate purposes with a schedule of deductions that have been made but “if requested, we supply full bank statements showing all income and expenditure”. They were unable to confirm whether a PR or solicitor had ever queried or challenged a payment made by the council from the estate, and if so what type of payment this related to, because to check through the files “would exceed the time allowed” for complying with a request under the FOIA.
- **Windsor and Maidenhead Borough Council** allow the payment of ‘other expenses’ such as care home fees from the estate, but apparently have no policies and procedures for the assessment of such payments.
- **Lambeth London Borough Council** similarly release other expenses from the estate. They also charge a “one off £350 closure fee to cover all” officer time spent on the case. Their policy is that “any costs incurred before death are paid” but “these payments are not specifically mentioned in procedure & policy documentation”. They have no information recorded as to whether there have been queries or challenges to such payments in the past three years.

It’s worth noting that several authorities, including **Wokingham Borough Council** and **Isle of Wight Council** charge for officer time spent on liaising with heir hunters as part of their expenses invoiced to the estate upon probate.

7.2.7

EXAMPLE

Hertfordshire County Council appear to have used an heir hunting firm to trace the relatives of people for whom they held deputyships. In reply to a FOIA request asking how many times they had used an heir hunter, they replied “26 occasions none in respect of Public Health Funerals which are a District Council responsibility”.

When giving reasons for withholding the names of the 26, they stated that:

“On balance the County Council believes that the public interest in withholding the details of those for who we hold guardianship and who have died intestate and with residue, outweighs the public interest in disclosing this information.”

This raises the question: if, having acted as the deceased’s deputy for a period of time, council officers still remain unaware that their client had any relatives, why do they not refer these cases direct to BVD (or perhaps more properly to the district councils responsible for public health funerals)? When considering who benefits from this break with procedure, the only answer can be the county council’s favoured heir hunter.

As noted in [Local Authorities: Why do they use heir hunters?](#) exclusive relationships between local authorities and heir hunters have the potential to become informal, cosy and therefore problematic. The email correspondence between a Hertfordshire County Council officer and their favoured commercial heir hunter (disclosed via the FOIA) illustrates the officer’s awareness that in passing on exclusive leads they are providing the heir hunter with a valuable fee-making opportunity.

- “One of our deputy clients has just died and we don’t know of any relatives at all.”
- “I have another case for you. The estate is only worth [redacted] but hey, every little helps.”
- “I hope you had a good Christmas and are ready for some new year cheer. I have a new case for you which is rather a pickle. We acted as deputy for a gentleman...”
- “We are becoming like old friends now. I have another case that you may be able to assist me with.”

7.2.10 When councils holding a deputyship role form exclusive relationships with heir hunters, the ensuing lack of transparency can have far-reaching implications (see 11.3 for the risks to relatives associated with exclusivity and lack of transparency). Again Hertfordshire County Council provide a good example. In complying to a FOIA request asking for copies of the exchange of emails between the authority and heir hunter concerned, the county council redacted the names of firms of solicitors used, citing Section 43(2) of the FOIA, which relates to commercial interests. Among the factors against disclosure that the council considered was:

“The information is commercial in nature as it identifies solicitors with whom Finders International have entered into and agreed a commercial relationship with. As Finders

International have negotiated preferential terms with a number of firms of solicitors. Disclosing such information to others may jeopardise the commercial advantages the firm have structured and negotiated over many years in order to assist heirs and provide critical reassurances to them. If this information was to be made public by virtue of releasing, it would likely the strong relationship of trust which Finders International have with the firms of solicitors.

“On balance, we consider that the public interest does not favour disclosing the requested information as it would prejudice the commercial interests of Finders International and would give commercial rivals an unfair commercial advantage. Disclosure would inhibit our future working relationship with Finders international and potentially cause an actionable breach of Trust. Disclosure could affect the Council's ability to deal with estates in the future and damage the company's interests in the market place.”

The fact that a solicitor and an heir hunter have a “commercial relationship”, as highlighted here, seems reasonable enough. It makes sense that law firms might attempt to increase their workload by offering preferential rates to the beneficiaries that a particular heir hunter brings to them. However, if the work undertaken is shrouded in secrecy because the council offers the case exclusively to a single heir hunter and uses FOIA exemptions to rebuff requests for information from rival genealogists, what is essentially a standard commercial agreement begins to look less benign. When a local council promises work to a particular genealogy firm, who in turn promises work to a particular solicitor the interests of three of the parties involved in winding up a deceased deputyship client's affairs align, to the exclusion of the interests of the fourth and final party who will eventually pay for the services of the other three - the rightful beneficiaries of the deceased. The potential repercussions can be seen in the example of Oxford County Council at 11.1.4.

7.3 Reasons relating to misunderstanding BVD guidelines

7.3.1 In total, 47 local authorities state that the BVD or Duchies (as appropriate) will return or refuse to take responsibility for estates where there could *possibly* be a living relative, and/or that they prefer not to make referrals to BVD because of the (wrongly) perceived inefficiency and duration of the process that ensues. **Lancaster City Council** explain the rejection of cases as follows:

“Proceeds from Bona Vacantia in Lancaster City Council's district are managed by The Duchy of Lancaster. They will only take on such cases if there is no known next of kin. If there is a likelihood that there is next of kin and the Duchy of Lancaster will not gain any financial benefit they will not take the case from the Council.”

7.3.2 Many councils indicate that they believe that there is a procedural expectation or even requirement that they must use a researcher to trace next of kin (see, for example, 4.6 above). **Newark and Sherwood District Council** claim that the BVD “requires the Council to make proper enquiries” and **Richmond Upon Thames Council** state that “Bona Vacantia expects that preliminary research is done before a referral is made.” Similarly, **Cornwall Council** explain that “Farrer & Co (solicitors for the Duchy of Cornwall) expect us to have made some enquiries before referring an intestate case to them.” **Walsall Metropolitan Borough Council** say that BVD “will not accept the

estate unless it has been checked and confirmed that there is no Will or next of kin” and **Shropshire Council** explicitly but mistakenly state that BVD “expects a Local Authority to have conducted searches with a genealogy company to trace entitled next of kin before referring the case to them”. **Shropshire Council’s** statement has no factual basis in any formal documentation or guidance from BVD.

7.3.3 The possible existence of a relative certainly appears to create a conundrum for local authorities wishing to refer the estate to BVD or Duchies, and a widespread perception seems to be that this can only be resolved by using the services of an heir hunters. As mentioned at paragraphs 2.2.2 and 2.2.3 above, it seems likely that this misperception has been promoted by heir hunters, who propagate a perverse interpretation of BVD guidelines for their own commercial benefit.

7.3

LOGIC CHECK

When councils argue that BVD requires them to make “proper enquiries” or to conduct “preliminary research” prior to a referral, they may be being disingenuous.

When someone dies with no apparent relatives, it generally falls to council officers to enter the deceased’s property in order to assess the value of the estate and to safeguard cash, bank cards and anything else of value. It is at this point that they will look for a will and for any evidence of relatives (which logically might be learnt from neighbours, or discovered among the deceased’s possessions, in the council’s own documentation, or through proper liaison with other service providers).

Such necessary enquiries should not be confused or conflated with instructing a commercial researcher to conduct an in-depth investigation of public and historical records in order to track down relatives for whose existence there is no evidence.

7.3

FACT

Proper liaison with other service providers (care home staff, the police, social workers or bereavement officers) can often quickly establish whether relatives exist and in many cases provide a straightforward means of contacting them.

- When someone dies in a care home, the care home staff will have information (whether documented or hearsay) about possible relatives.
- When the deceased had a social worker, the social worker should be aware of any possible relatives, or of friends who may have information about relatives.
- When someone dies in a hospital, the bereavement officer will generally hold some information about next of kin. The policy in most NHS trusts is to ask patients to nominate their next of kin, and only if someone arrives unconscious is that information likely to be lacking. Although the nominated next of kin may not actually be a blood relative, they will

be a close friend who is likely to know something of the deceased's relatives.

- Deaths outside a hospital setting often have police attendance. Police officers generally attend:
 - all fatal accidents;
 - suicides;
 - deaths in private premises where the next of kin, or responsible adult in attendance, will not take responsibility for the deceased;
 - deaths discovered after forced entry (either by police officers or others) into premises;
 - deaths that occur in the open air or a public place.

On these occasions, their duties generally include informing the relatives of the deceased as soon as practicable and wherever possible.

7.3

EXAMPLE

When council officers fail to liaise amongst themselves or with other service providers, relatives may end up paying for information about the death of a relative who was by no means unknown to them.

When a man died intestate in North Tyneside, two of his cousins who lived locally went to his funeral where they made themselves known to the council officials in attendance. No one alerted these cousins to the fact that their relative had died intestate.

More than a year later, **North Tyneside Council** referred the case as an intestacy to a firm of heir hunters who subsequently located and contacted four entitled cousins, including the two who had attended the funeral. These two did not connect the heir hunters' approach with their cousin's death of the previous year, but instead assumed that it must involve some distant unknown kin. In signing the finders' fee contracts for a share of the estate of someone they supposed was an 'unknown relative', they collectively and unnecessarily gave away £25,000.

7.4 Reasons relating to the BVD referral process

7.4.1 Until April 2016 a claim made on an estate advertised by BVD would have been dealt with by BVD, but now cases are passed back to the referrer once a claim has been assessed and accepted. This appears to create procedural problems that discourage local authorities from making referrals.

Middlesbrough Borough Council allege:

"If a referral is made to Treasury Solicitor (Tsol) [now GLD], and relatives are subsequently found, the Government Legal Department simply returns the referral to the authority with a note to confirm that relatives have come forward. They do not give any information about the relatives, and consequently, until those relatives come forward, the authority has to continue holding the funds."

Adur and Worthing Council indicate that because BVD pass estates back to the local authority if relatives are found, it is “more timely and efficient to use genealogists” rather than go through this process. **Torbay Council** similarly admit that their reason for bypassing the normal BVD process is “expediency” and **North Tyneside Council** go as far as to contend that the BVD process is slow and ineffective:

“The process of advertising on the Bona Vacantia website is not effective in ensuring that relevant individuals do make contact in relation to the estate. There is also no time limit. Using the research organisation has provided a more effective way of passing responsibility to the relevant individual.”

7.4.1

FACT

- BVD’s policy is to advertise all estates within five days of receiving a referral.
- Genealogical researchers constantly monitor the BVD unclaimed estates list and work in competition with each other to locate and sign up heirs – thus ensuring the process is accurate and that fees are competitive. With a large number of firms racing to sign up beneficiaries, this is the fastest way to solve a case.
- On newly advertised cases, BVD officers check the veracity of claims quickly and often reply to the claimant by return of post.
- BVD officers will direct a correctly located relative to the referring local authority as soon as they have accepted the lawfulness of the claim.
- Once appointed, a personal representative will contact the local authority.

Seen in this light, much of the perceived delay is caused by:

1. trained BVD officers taking time to assess the validity of any claim, thereby relieving local authority staff of a responsibility that they are perhaps not trained to undertake;
2. the Probate Registry taking time to issue a grant of letters of administration (something that must happen in most cases, whether they have been referred to BVD or not).

7.4.1

LOGIC CHECK

Councils seem to imply that dealing with BVD is open ended: that "there is no time limit". This is clearly not the case, as can be seen from GLD’s own response to a 2017 FOIA request (GLD’s ref BVFOI/364/17):

“Estates referred to the [Bona Vacantia] Division are advertised on our website. **If there is no response to the advert within approximately four months, the Division takes steps to administer the estate.** The balances of estates are included in the Crown Nominee

Account at the end of the financial year, a proportion of which is paid to the Consolidated Fund on an annual basis.” [Our emphasis.]

Once BVD has taken over administration of an estate, it can no longer revert to whomever referred it. This means that if claimants have not come forward within four or five months, local authorities will nevertheless be relieved of responsibility for the estate.

Further, an analysis of 20 deceased estate notices that GLD placed in [The Gazette](#) in late November and early December 2017 shows that when no valid kinship claims are received BVD can be seen to be acting as administrator of most estates well within a year of their referral.

BVD case reference	Time between death and referral to BVD	Time between referral to BVD and BVD placing a deceased estate notice, indicating that having taken over administration of the estate, BVD are proceeding through the various legal steps required of them
BV21700975/1	1 year 2 months	11 months
BV21619981/1	4 years 1 month	12 months
BV21616778/1	11 months	1 year 2 months
BV21619608/1	1 year 11 months	12 months
BV21706768/1	2 months	8 months
BV21709121/1	3 years	6 months
BV21704412/1	10 years 5 months	9 months
BV21704255/1	5 years 11 months	9 months
BV21704026/1	5 years	9 months
BV21702029/1	1 year 6 months	10 months
BV21701951/1	1 year 5 months	10 months
BV21700540/1	1 year 1 month	10 months
BV21702053/1	2 months	9 months
BV21619227/1	2 years 1 month	11 months
BV21703207/1	1 month	9 months
BV21703201/1	1 month	9 months
BV21705739/1	7 years 8 months	8 months
BV21701966/1	1 year 6 months	9 months
BV21702529/1	4 months	9 months
BV21702543/1	5 months	9 months

7.4.2 **Middlesbrough Borough Council** claim that the heir hunter they use will “provide birth and death certificates for the deceased to the authority at no cost – these are required where enquiries to identify beneficiaries have proved fruitless, and a referral to the Treasury Solicitor (Tsol) [now GLD] is necessary”.

7.4.2

FACT

- **GLD’s case referral form asks only for the deceased’s death certificate. Birth and marriage certificate(s) should be sent with the form, but only “if available”.**
- **Councils should already be in possession of the death certificate where they have registered the death.**

7.5 Passing on responsibility for the estate and funds

7.5.1 Paragraph 7.4.1 illustrates a wider concern, in that some local authorities perceive it to be an unacceptable burden to hold unclaimed estates and are keen to see property and monies passed to an appropriate person at the earliest opportunity. Of those that gave reasons for the use of genealogists or heir hunters, 29 local authorities referred to the need for the estate to be wound up or administered, or for the council to pass on assets and/or funds. For example, **Middlesbrough Borough Council** say that they use heir hunters “in order to disburse funds to beneficiaries”.

7.5.1

CLARIFICATION

It is not the responsibility of local authorities to ensure the correct distribution of intestate estates. However, when they bypass the BVD referral process and use heir hunters or other researchers to identify next of kin, they may place themselves in a fiduciary relationship with beneficiaries, with attendant legal obligations to assess the validity of genealogical claims. It is by no means unknown for [incorrect families to make successful claims](#) and for [rightful heirs to be omitted](#). Without open advertisement of estates, it is difficult for wronged next of kin to intervene or seek redress; indeed, they may remain unaware of their legal entitlement. Authorities need to give careful thought to their role in any mis-distribution if they provide information to a sole heir hunter or researcher. (See Anglia Research’s fairness campaign: [Guidance on the use by local authorities of genealogical researchers](#) paragraph 39 onwards for more on the legal implications for councils.)

7.5.2 Devon County Council explain that it is to “enable estates to be dealt with as quickly as possible, particularly when the local authority are holding residue monies and possibly other valuable items.” For **Islington London Borough Council**, one stated benefit of using a genealogist is to “clear funds that the council is holding for the estate instead of the council having to hold these funds.” Several councils consider any responsibility for the estate to be a liability, perhaps because it may involve expense and time spent in securing property and the storage of possessions (even though reasonable costs can be reclaimed from the estate in due course).

- **Enfield London Borough Council** note that once next of kin are located, “there is a lower risk in protecting the property of the deceased, as the family are required to take ownership of belongings soon after being notified.”
- **Hertfordshire County Council** state that from their viewpoint, the benefit of using a researcher is that “estates are dealt with timeously and funds are not held in bank accounts.”

7.5.2

LOGIC CHECK

The desire to transfer responsibility for property is a key reason cited by some local authorities for their use of heir hunters or genealogists. This is because they believe that next of kin may be identified more quickly.

However, BVD undertakes to advertise estates within five days of receipt of the referral. As far as a council’s responsibility for property is concerned, this suggests that a referral to BVD will at worst extend the period of responsibility by a maximum of five days.

Against this perceived delay must be set:

- the probability that competing firms racing to solve cases on the BVD unclaimed estate list will find entitled relatives much faster than a single heir hunter following up an exclusive lead;
- the legal requirement that (generally, for intestate estates over £15,000) a grant of letters of administration must be obtained by one of the deceased’s next of kin before the council’s responsibility for property and bank accounts can be transferred. This requirement, which takes several weeks, applies whether or not a local authority refers a case to BVD or passes it to an heir hunter.

It is also worth noting that when councils choose to refer a case directly to an heir hunter, they bypass the process whereby BVD officers check kinship claims. Perhaps they imagine that the probate registry will assess the validity of any kinship claim when issuing a grant of letters of administration. However, this is not the case. The probate registry do not require any genealogical proof at all. They rely on the fact that an applicant for a grant swears an oath as to who they are and how they are related to the deceased (see 11.1.4 for the further implications of this).

When no oversight is provided, either by experienced BVD officers or rival genealogists, property that a council wants to get off its hands may quickly end up in the wrong hands (see the examples in paragraphs 11.1.4 and 11.3 of this report).

7.6 Ability to make appropriate funeral arrangements

7.6.1 **Powys County Council** imply that in their view there is a requirement to trace next of kin which stems from a requirement in the Public Health Act to “establish the wishes of the deceased person” (see paragraph 7.2.2 above). **Dacorum Borough Council** admit that “whilst [the use of genealogists] is not a statutory function we feel this demonstrates our social responsibility as a local authority to trace any next of kin if possible and offer the best service possible to the deceased”.

7.6.2 Of the 154 local authorities that provide reasons as to why they use heir hunters or researchers, 29 state that doing so allows relatives the opportunity to attend the funeral. For example:

- **North Tyneside Council** say that “using the research organisation has provided a more effective way of passing responsibility to the relevant individual. This also means that we can contact relatives in a timely way hopefully to allow the relatives to attend the funeral if they so wish”. (Compare with the same council’s actions in Example 7.3.)
- **Surrey Heath Council** similarly comment that “if we find someone we can hand the funeral arrangements over to and hopefully there will be no cost to the public purse. We can also invite them to the funeral.”

Thirty-two local authorities say that they use an heir hunter in order to notify next of kin of the bereavement, while 20 feel it allows them to ascertain funeral wishes and obtain family input into the statutory funeral. **London Borough of Newham Council** reports that “the priority is always to try and locate a next of kin before the funeral.”

7.6

LOGIC CHECK

There is no evidence to back up the assumption that relatives are found more quickly when cases are referred exclusively to a single heir hunting firm rather than to BVD.

Take BV21718514/1, for example. This case was referred to BVD by **Birmingham City Council** (BCC) more than a year after the death. It was published on the unclaimed estates list on 25 October 2017. Anglia Research contacted a maternal cousin of the deceased eight days after the notice appeared. Had BCC referred the case to BVD in a timely manner, rather than waiting over a year to do so, relatives may have been able to attend the funeral.

Similarly BV21718511/1 first appeared on the unclaimed estates list on 25 October 2017, two years and eight months after the death it refers to. Consequently, although Anglia Research located the deceased’s estranged daughter soon after the notice appeared, there was no way she could have attended the funeral.

In the light of BCC's statement that it has duties under the Public Health Act to find next of kin to ensure appropriate funeral arrangements (BCC: Provision of Genealogy Services, contract reference PQ0163), one has to assume that both these cases had previously been unsuccessfully investigated by an heir hunter working on an exclusive lead provided by the council.

For the council, the result has been needless delay and a failure to allow relatives input into the funeral arrangements, let alone the chance to attend.

8. MAKING SAVINGS FOR COUNCILS: PERCEPTION VS FACT

8.1 It is worth reiterating that where a public health funeral has taken place, the funeral cost, including officer time spent in arranging it, is the first claim on the estate and can usually be recovered by applying to the bank or building society of the deceased without the need for a personal representative to administer the estate. However, as we have established, almost two thirds of local authorities that provided reasons for their use of genealogists report that they do so to seek to avoid or recoup expenditure associated with such funerals. The latest FOIA requests included a question to ascertain whether using researchers does in fact result in significant savings to the public purse over and above the reimbursements which are legally claimed under any circumstances. This question was divided into two parts:

- whether relatives, where there were estate assets, took over the funeral arrangements (i.e. when the authority would have recouped the monies anyway),
- whether there were any circumstances where the relatives stepped in and arranged and funded the funeral despite there being no estate funds.

8.2 Despite 97 local authorities indicating that this was their motivation for using genealogists, of the 121 local authorities that responded to both these requests for specific figures on the number of families taking over funeral arrangements, only 39 were able to report having any success, while 51 reported no success at all and 31 were unable to answer the question because records had not been made or retained. This latter absence of any data on the purported 'savings' is disappointing given that the transfer of funeral arrangements to families was the professed motivation for instructing an heir hunter or genealogist.

8.3 The extent to which located relatives take over funeral arrangements varies considerably between council areas, examples being 3 out of 3 referrals by **Lewes District Council**; 1 out of 8 for **Lancaster City Council**; and 0 out of 26 for **Sheffield City Council**. Excluding **Southend-on-Sea Council**, who reported family takeovers but were unsure of the "exact number" of occasions they have used a genealogist/heir hunter, the 38 remaining local authorities that reported that some families do take over funeral arrangements have referred a total of 390 cases to heir hunters/genealogists, which is an average of marginally over 10 referrals per local authority. Of these 390 referrals, families reportedly arranged funerals on 119 occasions. If we include the 51 local authorities that have been making referrals to a genealogist/heir hunter without successfully persuading families to take over funeral arrangements, and assume that these councils have also made the average of 10 referrals, then the rate at which families take over arrangements from the council – at some stage in the process – can be calculated at just over 13%.

8.4 Most importantly, in almost all of the 13% of funerals that were taken over by located family members, the cost of the funeral was covered by the estate of the deceased. **Borough of Poole Council** say that “when the funeral arrangements are taken over, we assume that the money comes from the deceased estate”.

8.5 As explained, local authorities were asked whether there had been instances where there had been insufficient funds in the estate, but located family members had nonetheless paid for funeral costs from their own pocket. Only 9 out of the 113 councils that responded to the request were able to report that this had taken place, and on 16 occasions in total, which equates to less than 2% of referrals to genealogists based on the averages used above. Consequently, the responses to the recent FOIA requests reveal that the perception that families will pay for funerals from their own pocket far outstrips the reality. Based on the figures obtained through the FOIA process, the success rate for persuading families to take over and fund funeral arrangements is very low, at just over 13% of cases referred to an heir hunter. **It is estimated that families pay for funeral costs from their own purse in well under 2% of cases.** In the remaining 11% of cases where the funeral is paid by the next of kin, this is covered by the estate of the deceased and therefore these costs would be recoverable by the council irrespective of whether next of kin were found.

8.6 The apparent disconnect between local authorities’ financial motivation for using heir hunters and the actual savings that are made is borne out not only by the data as a whole, but by FOIA responses from individual councils. For example:

- **South Oxfordshire Council** say that they “use an external company to trace relatives who may be able to take on the funeral regardless of assets” but their reported figures show that on the occasions this has happened, funeral costs were actually covered by funds in the estate.
- **Chelmsford City Council** relate how “on occasion, where we have located a next of kin they have assumed responsibility for the funeral arrangements thus saving the authority time and money.” However, when figures were requested, it transpired that in the one recorded referral to an heir hunter, the family had declined to arrange the funeral.
- Similarly, **High Peak Borough Council** explain that “if next of kin can be traced in time they will occasionally take on the funeral arrangements.” However, following further FOIA enquiries it emerged that in the three referrals they have made to genealogists, none of the families took over the funeral arrangements from the council.
- **Sheffield City Council** also believe that “if a relative can be traced, it might result in them taking responsibility for the funeral, therefore reducing the costs to the Council” yet they disclose figures that reveal no success with this strategy, with families taking over funerals in zero out of the 26 referrals they made throughout 2015 and 2016.

8

FACT

Despite the prevalent perception, the use of an heir hunter/genealogist rarely results in savings above what could normally be recovered from the estate, with located families paying for funerals from their own pocket in under 2% of cases. There is no reason to believe that this same 2% of families would not have funded the funeral had they been located via BVD advertisement,

identified via a council's own advertisement or referral to a panel of genealogists working in parallel (see Appendix 1 to find out how such a panel might work).

This makes it all the more important that perceived benefits are weighed carefully against the consequences and risks of disgruntled beneficiaries taking action against local authorities for loss of inheritance through excessive heir hunter fees or wrongly identified next of kin, or having been omitted from the estate distribution, where a referral to BVD or the Duchies would have ensured a transparent and open process.

9. HOUSE CLEARANCE CONTRACTORS

9.1 Birmingham City Council, Northampton Borough Council, Northamptonshire County Council and Oldham Metropolitan Borough Council have all disclosed that where they have assumed responsibility for the home of a deceased person they have used a house clearance contractor, Prospect PS, a company whose director lists his occupation as "probate researcher" on his Companies House return, as evidenced on the [Companies House website](#). As revealed in the report '[Local Authorities: Why do they use heir hunters?](#)' Prospect PS has links at director level with heir hunting company Estate Research. Of the four councils mentioned above, both **Oldham Council** and **Birmingham City Council** pass leads to Estate Research in any event. **Northampton Council** previously stated that it used the heir hunting firm Finders but now says "the Council does not have a specific contract with any tracing agent and uses whoever is felt most appropriate".

9.2 Of those that responded, a total of 17 local authorities said that they use or have used an external contractor for house clearances in relation to their duties around public health funerals. Only three of these councils have required the house clearance company they use to sign a confidentiality agreement.

9

LOGIC CHECK

House clearance contractors are among the first agencies to be informed of an intestacy by a council that uses them. Given the value of early or exclusive leads to heir hunters, the potential for contractors to leak information on intestate estates should be clear.

It is therefore recommended that councils ensure the highest standards of probity and guarantees of confidentiality from contractors to safeguard proper referral procedures.

10. MISINTERPRETATIONS, MISCONCEPTIONS, MISINFORMATION – HOW HEIR HUNTERS BENEFIT

10.1 The recent responses to FOIA requests indicate that councils continue to use heir hunters because they consider that the search for relatives falls outside the remit of what they can afford in

both cost and officer time, but inside the remit of their legal duties and the actions that BVD require to be undertaken before a referral can be made to them.

10.2 There is little doubt that misconceptions about the BVD referral process, as well as misinterpretations of BVD guidelines and councils' legal duties, have been propagated by heir hunters who profit when they get exclusive access to details of intestacies. For example, one research firm asks rhetorically "Referring Cases to the BVD – a pointless exercise?" before going on to claim that "anyone referring an apparently Bona Vacantia Estate" to GLD "can no longer expect the GLD to do anything to help them other than placing a simple online advertisement. If next of kin are found, the case will be coming straight back to your desk!" Despite the fact that the GLD referral form is one page long, and needs to be accompanied only by a death certificate, a second firm claims that "Making a referral [to BVD] can often be a time consuming and laborious task, it can leave a case in limbo for months." A third firm warns, "Don't let a case fall in to TSol limbo" and presents their own service as an "opportunity to a council to avoid protracted delays". A fourth firm asserts: "we have enabled relatives to be a part of the funeral arrangements and to take over the administration of the estate, saving the local authority or hospital trust both time and money, and recouping any costs incurred more swiftly and efficiently than if the estate had been referred to the treasury solicitor."

10.3 To understand why heir hunters misrepresent the facts requires some knowledge of the probate genealogy industry. Heir hunters and genealogical researchers operate on an entirely different model from other commercial entities with which the public sector deals. They work speculatively, investing their own resources. All their research on a particular case is necessarily individually tailored to a small group of people (the relatives of one person who has died intestate). They rightly expect a return on their investment, but when they are given exclusive access to the details of an intestacy, they work without competition. As a result they can set *any price* on their intellectual property, safe in the knowledge that no other firm will undercut them. Every industry needs checks and balances. In some jurisdictions, the state intervenes – and it's reasonable to assume that if the UK probate genealogy industry has so far avoided stringent regulation this is partly because open competition keeps it more or less honest.

10.4 It should be clear by now why heir hunters seek to dissuade councils from referring cases to BVD and encourage them to use their services directly and exclusively. When councils bypass the BVD referral process, the heir hunters they use avoid the competition that arises when cases are advertised publicly on BVD's unclaimed estates list (which is accessible to anyone with a computer). Working on leads passed exclusively to them from a local authority, it is heir hunters who primarily benefit from their own marketing strategy.

- They can charge higher fees – generally between 10% and 15% more than they would have been able to charge in the open market, but sometimes much more. This could amount to some £30,000 *additional* income from an estate worth £200,000 and often VAT will be added. Meanwhile, relatives are unaware that they are missing out on consumer choice because they hear from no other researcher (see the online article: [When you scrap competition, who foots the bill?](#)).

- It is all too easy for them to represent themselves as acting on the council's authority or as the council's agent. Clearly beneficiaries may be swayed to accept high percentage fees and also agree to the services of a particular solicitor when an heir hunter gives the impression of having the council's seal of approval (see example 11.2.1).
- They avoid scrutiny. Leads that are passed to an heir hunter on an exclusive basis are effectively shrouded in secrecy with no possibility of either commercial rivals or BVD officers (who would otherwise verify a claim) checking the heir hunter's results. It should be obvious that this shields incompetent researchers from exposure – but it also opens a gateway to fraudulent claims (see paragraph 11.3.1).

10.4

EXAMPLE

Waverley Borough Council turn to Estate Research as their genealogist of choice, although they have no formal contract in place. However, for some reason the council referred an estate to BVD in August 2017. This appeared on the unclaimed estates list as BV21714431/1 with the date of death given as 13 May 2017. Anglia Research quickly located several beneficiaries, some of whom had already been contacted by Estate Research, who had already been working exclusively on the case for several weeks. These beneficiaries had signed contracts with Estate Research for a 15% finder's fee.

However, the referral to BVD had injected competition into what had previously been a monopolistic situation: when Anglia Research offered terms at 5%, Estate Research immediately offered to reduce their fees with the beneficiaries that they had already signed at 15% plus VAT to less than 5%.

We in light of the potential size of the Estate, along with our competitors offering lower terms hope to offer revised terms as follows, for you to consider:

Our commission received from each individual's net entitlement being:

- 4% (plus VAT) up to the value of £100,000 (one hundred thousand).
- 3% (plus VAT) on monies received from £100,000 to £200, 000.
- 2% (Plus VAT) on monies received from £200,000 upwards.

Extract from Estate Research letter dated 5/9/2017

10.4

EXAMPLE

Richard Hutchinson and his cousin were in regular contact before Mr Hutchinson died intestate. Soon after his death, **Durham County Council** contacted the cousin and asked her if she minded if

they placed the matter with Estate Research. Not knowing any better and assuming that this was standard practice, she agreed.

When contacted by Estate Research, she gave them details of all Mr Hutchinson's relatives. She also signed everything they sent to her, again on the assumption that this was the way that such matters were handled. Her cousins did likewise. As a result, they signed away 20% + VAT of the estate, a totally unnecessary payment of about £31k on the £130k estate.

When a council is in possession of contact details for relatives, the practice of asking those relatives to pay for the privilege of being "found" seems particularly illogical. However, the practice is not restricted to Durham County Council.

The procedure note for deceased clients followed by **Enfield London Borough Council's** deputyship team states:

"To ensure we are releasing funds to the correct person each deceased client details should be passed to Estate Research via email on the form below.... Estate Research will trace the family tree and confirm who is entitled. **This is equally important in cases with no known next of kin and cases where we have next of kin details.**" [our emphasis]

Again, one assumes that relatives pay a high percentage to the heir hunter, even when they are already aware of their relatives' death and the council already has their contact details.

10.5 The question of whether councils gain any benefit from forming exclusive relationships with heir hunters has already been covered in this report.

- **Heir hunters suggest that by using their services local authorities will save or recoup money.**
 - The recovery of funeral costs does not depend upon locating relatives: when an estate has assets, statute provides that reasonable costs can be recouped before a personal representative has been appointed (see paragraph 7.1).
 - If house clearance, storage and insurance fees are legitimate charges against an estate when a council-instructed heir hunter has located the relatives, logic suggests that they must also be legitimate charges against every intestate estate with assets (see logic check 7.1).
 - Analysis of the available data suggests that as a maximum next of kin may pay for funerals out of their own pocket in under 2% of cases. When relatives pay for a funeral it is almost always from the same estate funds that the council could have accessed themselves (see section 8).
- **Heir hunters suggest that by using their services local authorities will relieve themselves of responsibility for an estate sooner than if they referred it to BVD.**

- They neglect to point out that they themselves monitor the daily updates to BVD's unclaimed estates list. Consequently, if councils decide to refer a case to BVD immediately, rather than referring it to their preferred heir hunter, they only risk adding a maximum of five days to the outcome. Given that many competent and well-resourced research firms monitor the unclaimed estates list closely, competition is likely to drive timescales down (see paragraph 7.4.1).
 - When it comes to difficult cases, or cases where relatives do not exist, arguments about "BVD limbo" become even more preposterous. With difficult cases (which research firms might investigate over many months or years), the quickest way by far for a council to relieve themselves of responsibility for an estate is to refer it to BVD as soon as possible. Generally BVD will begin to administer the estate within a few months, if no claim is received, and the council will cease to be burdened with it. When no relatives exist, referral to BVD is the *only possible way* to deal with a case – BVD and the Duchies are the only authorities that can administer genuinely bona vacantia estates. Seen in this light, there is no such thing as BVD limbo (see paragraphs 7.4.1 and 7.5.2).
- **Heir hunters suggest that by using their services local authorities can fulfill their statutory duty to find relatives**
 - There is no legislation that requires local authorities to locate the relatives of a deceased person who has died intestate. When council officers find no evidence of the existence of next of kin from information in their own records or among the possessions of the deceased the correct established procedure is to refer an estate to BVD (see paragraph 7.2).
 - **Heir hunters suggest that by using their services local authorities will avoid bad publicity if they ensure that relatives can attend the funeral.**
 - There is no evidence to support the assumption that relatives are found more quickly when cases are referred exclusively to a single heir hunting firm. It is delays in making a BVD referral that inhibit or prevent funeral attendance (see, for example, logic check 7.6). The reality is that genealogical researchers who explore BVD-advertised cases will immediately offer to inquire about funeral details as soon as they have a signed contract from relatives, often without waiting for BVD officers to verify their submitted kinship claim.

10.6 This is an area governed by a patchwork of statutory law, common law and tradition, so it's easy to appreciate that local authorities find it hard to navigate. However, when **Shropshire Council** states that BVD "expects a Local Authority to have conducted searches with a genealogy company to trace entitled next of kin before referring the case to them" one has to wonder where this idea has come from.

10.6

LOGIC CHECK

In [an article](#) published in *Public Sector Executive* (8.12.2017) about how recent changes to GLD's policy affect the public sector, one heir hunter makes many of the claims listed above. He also offers a perverse interpretation of the BVD guidelines (as described at 2.2) and adds two further points that on analysis can be seen to be misleading.

For example, he writes:

“Public sector bodies are sometimes challenged if they engage with only one genealogist, on the grounds that they have not taken care to procure the most efficient service. The answer to that is to instruct at least two genealogists in rotation, enabling monitoring and comparison of the performance of each to ensure high standards are maintained.”

The key phrase ‘in rotation’ reveals how important it is for the heir hunter to avoid competition and maintain exclusivity. When genealogical researchers work ‘in parallel’ they work in competition with each other on the same case, driving down commission fees. However, when they work in rotation, or on a cab rank basis, taking turns on monopolising cases, there is no competition at all and commission fees reflect this. Furthermore, it is disingenuous to suggest that two firms working on completely different cases that will involve different research challenges (or none at all) enables monitoring and comparison of performance. (For a simple and practical method that ensures competition on cases that cannot be referred to BVD, please see the Appendix 1.)

Later in the article, the heir hunter states:

“Before the changes, a documented claim to the Treasury Solicitor [now GLD] on behalf of a potential heir would be admitted by the Treasury Solicitor, which would then release a schedule of the deceased's assets and liabilities to a solicitor instructed by the potential heir. Under new rules, however, the GLD refers the claimant back to the original source of the referral. In many cases this will be a local authority or NHS trust. This authority will then be responsible for providing the claimant or their solicitor with full details of the deceased's assets and liabilities, adding to its own administrative burden.”

This misrepresents the facts of the matter. Local authorities have had and always will have the "administrative burden of providing full details of the deceased's assets and liabilities" when a case of intestacy with no known kin occurs within their area.

- In the past they carried out this administrative ‘burden’ when referring an estate to the Treasury Solicitor.
- Now they carry it out when GLD takes over administration of the estate or a claimant or their solicitor does so. Passing on estate assets and liabilities is a burden they cannot escape.

11. RISKS AND REPERCUSSIONS

11.1 Lack of due diligence or contractual documentation

11.1.1 The previous FOIA report from Anglia Research revealed that as councils do not pay heir hunters for their services, they often feel able to bypass due diligence guidelines and procurement processes. Of the 163 local authorities that have disclosed that they use an heir hunter, 111 appear to have settled on an heir hunter or researcher without a clear, adequate or formal selection method that they can report. **West Lindsey District Council's** FOIA response of 2015 bears repeating to illustrate a worst case example of this lack of due diligence in action:

"We picked a random company off the internet where there would be no liabilities to the authority, as we had not had a need to use a company in the past so we had to start somewhere and would use a random company in future if necessary."

11.1.2 This laissez faire approach extends to contractual documentation. As mentioned in paragraph 5.2.2, when councils provide heir hunters with details of an intestacy in order that relatives can be found, a de facto contract is made. Only 10 councils acknowledge that they have a contract in place and only a few of these involve formal contract documents. For example, **London Borough of Croydon Council** explain that "we have made a verbal agreement and this may be ended by either the council or given research organisation with immediate effect." **North Tyneside Council** say that consideration of the financial implications for next of kin "was part of the procurement exercise" they undertook. Nonetheless, they do not indicate that this process resulted in a written contract that affords the located next of kin any protection from overcharging. Only **Enfield London Borough Council** and **Cheshire East Council** disclosed contract documents when requested. These were standard contract documents, unmodified to the specifics of genealogical research, and offered no financial protection for relatives.

11.1.2

EXAMPLE

In response to a previous FOIA request, **Cheshire East Council** stated that they did not expend any monies on tracing next of kin, nor did they pay a researcher. However, the council's contract with research firm Helvor makes references to "payments to the Supplier", "the Council's agreement to pay the Charges", "invoices" and "a breakdown of costs and disbursement for undertaking individual searches".

While it's likely that Helvor's services are provided free to the council, the failure to adapt a pro forma contract to reflect reality suggests that it is worthless.

11.1.3 Whether by de facto contract or written contract, the relationship between local authority and heir hunter has a legal status and is arguably actionable. For example, in theory, a local authority could claim breach of contract if an heir hunter located the wrong relatives. Of course this never occurs because, for the most part, councils remain unaware of any errors made by the genealogist, and when errors do become apparent the authority's immediate response is to minimise its role and hence its liability. As a result, councils that create and foster local heir hunter monopolies do nothing to assist relatives who have missed out on their inheritance, or been grossly overcharged, as a direct result of the council's actions.

11.1.3

CLARIFICATION

What lies inside the unwritten contract?

When they form exclusive relationships with heir hunters, local authorities often seem to find themselves in a situation where they feel forced to maintain this exclusivity whatever the cost. During the course of this research, 39 councils refused to disclose information about intestacies that they had already supplied to an individual heir hunter, citing a variety of exemptions under the Freedom of Information Act.

The fact that other authorities (who were not in exclusive relationships) felt free to release similar information suggests that the exemptions cited were a smokescreen, and that there is an inference that the unstated reason for non-disclosure was to protect the commercial interests of the council's preferred heir hunter and honour the de facto contract between the two.

It's easy to see how local authorities might be induced to behave in this way. They simply have to be persuaded that the only way to resolve the problems caused by low-value intestacies is to enter a quid pro quo relationship, whereby in exchange for the heir hunter's 'good will' in solving unprofitable cases for them as well as profitable ones, they must safeguard the heir hunter's business interests by ring-fencing the pool of local cases for that firm's exclusive use.

As the bulk of this report shows, heir hunters reap all the benefits of these relationships, councils bear all the risks, and relatives pay the price as any possibility of oversight or consumer protection is absent.

11.1.4 A further – and crucial – point about due diligence is that many authorities fail to realise that if they bypass the BVD process and refer a case directly to an heir hunter, they will incur a responsibility to assess the validity of any subsequent kinship claim made on the deceased's estate. As mentioned above (see logic check 7.5.2), many councils seem to believe that the probate court

undertakes this function. On the face of it, this seems sensible given the role of the Probate Registry in issuing grants of letters of administration. However, this is not the case. The Probate Registry does not request any genealogical proof, relying solely on the fact that an applicant for a grant swears an oath as to who they are and how they are related to the deceased. In these cases, the heir hunter's competence and probity in proving entitlement is relied upon. This raises the question: when the BVD process (which involves staff trained to assess claims), is bypassed, who checks an heir hunter's findings? Even if it is claimed that the solicitor administering the estate does so (and very few have genealogical training), it should be remembered that both heir hunter and solicitor are paid from the estate. When the financial interests of both parties converge, the dissonance of the system is thrown into sharp relief..

11.1.4

EXAMPLE

Oxford County Council (OCC) acted as deputy for Rhona Smith until she died intestate in a care home, leaving an estate worth £50,000. At this point OCC referred the case exclusively to heir hunting firm Estate Research who located a cousin of the deceased.

The cousin signed a contract and agreed to employ the firm's recommended solicitors, Heselwood & Grant. The solicitors then drew up an oath declaring the cousin's connection to the deceased, the probate court accepted the oath and a grant of letters of administration was issued. When they were presented with the grant, OCC released the estate funds and the solicitors proceeded to distribute the estate.

However, Rhona Smith had much closer kin – the children of her brother Harold. Anglia Research took up their cause with OCC, pointing out that their clients had every right to expect that as the last legitimate holder of the estate funds, the council would still be in possession of those funds.

It is submitted that if OCC have released the funds to the wrong person, it is OCC's responsibility to recover the funds.

OCC's response is that:

"The monies that OCC were holding, which only formed a small part of the Estate, were released on production of the grant of probate. As you are aware this is an official document and it is not our role to question its validity and it provides the authority to forward any funds, so that the estate can be distributed by the personal representative."

They entirely pass over the question that in order to obtain a grant, the applicant must first supply the Probate Registry with a detailed account of the estate's assets, details that they could only obtain from OCC. Before OCC released such details, they would have to check the eligibility of the individual or agent who was asking for the details. This would require evidence of the connection between the deceased and the applicant/claimant to be produced and evaluated. Consequently, some assessment of the claim must have or should have been made by council officers.

While OCC continue to deny any responsibility and Rhona Smith's rightful heirs await their

inheritance, a similar situation has arisen with Redcar and Cleveland Council – again involving Estate Research and Heselwood & Grant.

Note: case names have been changed pending resolution.

11.2 Financial risk to next of kin as consumer

11.2.1 Broadly, the FOIA responses obtained to date reveal that local authorities fail to recognise that instructing an heir hunter affords that heir hunter the opportunity to represent themselves as acting on behalf of the local authority. Located next of kin, who have no knowledge that the arrangement is informal, may well believe or be led to believe (directly or indirectly) that the heir hunter represents the council or that the council has endorsed their services. This lends the researcher an authority that they would not have in the open market and it is impossible to say whether the next of kin realise that they have a choice whether or not to instruct the heir hunter.

Torbay Council report that “next of kin, if found, would pay a ‘finder’s fee’” suggesting that next of kin have no choice in the matter. A total of 94 local authorities have indicated that they have considered the financial implications for next of kin, but the majority of these go on to elaborate in a way that suggests they simply wish to either deny involvement or avoid any council responsibility for the financial transaction that ensues when next of kin are found, despite their role in initiating the process.

11.2.1

EXAMPLE

When Mr Graham died intestate, he left a gross estate valued at over £800,000. Rather than immediately referring the case to BVD, Birmingham City Council (‘BCC’) passed the lead to an heir hunting company.

BCC insists that its relationship with the heir hunter was to allow a dignified funeral to take place with the involvement of family (FOIA response 17 August 2015).

Despite these protestations, the facts speak for themselves: Mr Graham’s funeral was in December 2013, and it was not until February 2014 that the heir hunters contacted Ms Thody, a cousin once removed of Mr Graham. Ms Thody would not have been hard to trace and if the case had been referred to BVD directly upon Mr Graham’s death, it’s likely that one of many competing research firms would have identified and contacted her within a few days – before the funeral took place.

Believing that the heir hunting firm that contacted her had an official role with the council, she signed a contract with the company. They initially sought a 20% finders’ fee, later reduced to 15% + VAT. In addition, Ms Thody was encouraged to use the heir hunters’ favoured law firm. Ms Thody now alleges maladministration by the council resulting in a total loss of around £101,000 to

the family: had BCC followed the correct procedure and referred the case to BVD to advertise, it is likely that fees as low as 2%-3% would have been paid.

For further examples of exclusivity leading to overcharging, see the cases highlighted in the online article: [When you scrap competition, who foots the bill?](#)

Note: names have been changed pending resolution.

11.2.2 Other councils indicate that the benefits to next of kin of being told of an inheritance outweigh the fact that the heir hunter will be paid from the next of kin's share of the estate. For example, **Southend on Sea Council** explain:

“Funeral costs should come out of deceased's estate, then any other debts before any remaining balance can be shared out with any beneficiaries traced, often they are estranged from the deceased and would not know of their existence so any benefit would be a bonus the fact is the council engage the services of a genealogist to trace any next of kin.”

There is no direct mention of the finder's fee, which appears to be included as one of the 'other debts' deductible from the estate, and the council's position is that next of kin should be grateful for their 'bonus' inheritance, however diminished. This ignores the fact that a referral to BVD might have alerted next of kin to the inheritance directly and would certainly have alerted many competing research firms, resulting in a lower percentage fee (see paragraph 10.4).

11.3 Risks associated with exclusivity and lack of transparency

11.3.1 Further risks incurred by using a single preferred heir hunter or genealogist revolve around exclusivity and non-disclosure. Of the 163 councils that use a genealogist, there are 39 that do not publish their own public health funeral list, and will not disclose details of public health funerals under the FOIA, and when asked specifically to disclose the information that they have provided to a favoured genealogist will claim that it is exempt from disclosure under various clauses of the FOIA. By passing information exclusively to a single heir hunter and refusing others access to that same information, these local authorities, which include **City of York Council**, **Derbyshire County Council** and **Birmingham City Council**, are creating a situation which carries the highest risk for next of kin and for the reputation of the local authority itself. This practice not only bypasses market competition which would keep fees reasonably low for located relatives, it also lacks the normal transparency that the public rightly expects from local authorities. Moreover, it prevents the research conducted by heir hunters at the request of these local authorities from being checked for accuracy, meaning that errors such as missed beneficiaries and erroneous or even fraudulent claims may never be brought to light.

11.3.1

EXAMPLE

Localised surnames can be tricky to research (genealogists call this 'surname congestion'), especially in areas where many people once followed the same occupation. When a single heir hunter gets hold of one of these cases from a council who has permitted exclusivity of information, the risk of problems is significant.

The £34,000 case of Harry Irving was passed to an heir hunter by a Teesside authority. Harry's mother was Ivy Porritt, whose father was William Porritt, an ironstone miner. Ivy had a brother John. There were two John Porritts born at about the right time in the same area. The heir hunter went with the wrong John Porritt (although he was the son of an ironstone miner, his birth certificate clearly showed that his father was *Thomas* Porritt). Ivy's brother John was born in January 1908, and his birth certificate shows the same set of parents as Ivy. Steps are now being taken to recover the estate funds for the descendants of the correct John Porritt.

For further examples of exclusivity leading to erroneous claims, see the cases highlighted in the online article: [The case for competition: transparency leads to better research.](#)

11.3.1

EXAMPLE

Exclusive, non-checkable referrals lead to errors. When Kathleen McPhail died in 2013, she appeared to have no next of kin. Nevertheless, her local authority, the **London Borough of Tower Hamlets**, decided to pass details of the intestacy to an heir hunter rather than to BVD. The heir hunter located a cousin and the claim was accepted by the local authority. A grant of letters of administration was then obtained by the firm of solicitors recommended by the heir hunter, the cousin received the payout, and the heir hunting firm obtained its fee.

However, their research proved to be inaccurate. Kathleen McPhail was born Kathleen Lawrie, the daughter of Ellen Lawrie. The national probate indexes, available online, show that the deceased's mother, Ellen Lawrie, left a will when she died in 1971. In the will she mentions her daughter (the deceased Kathleen McPhail), her son John Alfred Lawrie (also now deceased) and his two children.

The payment to the cousin – and to the heir hunter – was in error. Ellen Lawrie's two grandchildren were the deceased's niece and nephew. Both were still alive, meaning that the cousin was entitled to nothing.

What is even more astonishing in this case is that even had there been no surviving nieces or nephews, the 'cousin' who had been signed up as a client by the heir hunter was not entitled to this inheritance. The heir hunters had 'found' a completely unrelated family and made a fundamental genealogical error that was not hard to detect. The claim should never have been accepted.

Had the case been advertised, a range of rival genealogists working in competition would have ensured a correct solution. As things stand, Kathleen McPhail's niece and nephew are still trying to gain their rightful inheritance.

For further examples of exclusivity leading to erroneous claims, see the cases highlighted in the online article: [The case for competition: transparency leads to better research.](#)

11.4 Attitudes towards mitigating risk

11.4.1 Currently, 134 councils already publish information about their public health funerals online. Seventy-five of these do not use a genealogist, meaning that open competition is maintained as all heir hunters get access to the information concurrently, which results in reduced risk and the best outcomes for next of kin. However, 59 of the 134 local authorities that publish an online list also use an heir hunter. This means that details of an intestacy are unlikely to be made public until after the family have been located and the funeral has taken place. Consequently, publication fails to protect next of kin from overcharging as competition has once again been circumvented: early leads are essentially exclusive leads and these result in higher finders' fees. Moreover, the lists published by local authorities normally only record public health funerals that have actually taken place and therefore do not include cases where there has been an estate and an heir hunter has been used to trace next of kin who have then taken over responsibility for the funeral from the council. Details of these cases will never be made public and so cannot be checked for accuracy, leading to a higher risk of fraudulent or erroneous claims and entitled beneficiaries missing out on their inheritance.

11.4.2 Anglia Research's recent [guidance on the use by local authorities of genealogical researchers](#) advises that if local authorities cannot refer intestate estates to BVD or the Duchies, they should avoid using a sole researcher, and instead advertise the name and date of death of the deceased on the council website. As an alternative, the guidance document suggests that information should be referred simultaneously to a panel of three genealogists, ensuring that they work in competition with one another on every case where there are assets and thus a danger of overcharging (for a practical model of how this can work, see Appendix 1). In the most recent batch of FOIA requests, each local authority was asked why they do not release information to more than one researcher at a time. This question was to ascertain whether the councils had considered a method that would retain an element of market competition and mitigate the risks involved in releasing information exclusively to a sole researcher. Of those that responded, 35 councils said that they had not used this method because they had not identified a need for it and/or they were satisfied with their current service provider. Twenty-one councils expressed resistance to the idea and/or indicated that an exclusive referral is more expedient or simple. **High Peak Council** indicate that "time constraints often prevent this but would be considered if time allowed", while **Staffordshire Moorlands Council** are open to the idea and state that "there is no reason why we cannot if a suitable method can be found."

11.4.3 Some local authorities are starting to appreciate the reputational risks and potential liabilities to which they are exposing themselves. Councils generally will not wish to be the source of

harm to the many relatives entitled to share in the estates of deceased people or alienated owners of property through disclosing information exclusively to a sole genealogist. Indeed, **Broxtowe Borough Council** recently referred a case to three research companies simultaneously. Further, a recent response from **Oxfordshire County Council** states that they “have just established a panel of companies – Estates Research, Treethorpes & Finders”, and further enquiries are being made into whether all estates will be referred simultaneously to the three companies to ensure competition and transparency of research.

12. CONCLUDING REMARKS

12.1 One of the underlying problems that this report exposes is that local authorities fail to understand the role that competition plays within the probate research industry. All the contractors with which local authorities work operate in competitive markets. However, most work within regulated markets with a degree of oversight: bad practice is penalised and its victims compensated. When dealing with service providers that are unregulated, authorities should appreciate that consumer legislation cannot provide any sort of regulatory or protective function when it is not combined with transparency and competition. These are not optional add-ons, they must be built in from the start.

12.2 In this report we have shown that:

- **councils’ misconceptions of their legal duties (see paragraph 7.2) and misperceptions of BVD guidelines and referral process (see paragraphs 7.3 and 7.4) mirror the views disseminated in heir hunters’ marketing materials;**
- **there is no evidence that the increasingly widespread practice of referring leads to a single heir hunter or research firm confers any benefit to councils (see paragraph 10.5);**
- **there is a great deal of evidence that referring leads to a single heir hunter or research firm damages outcomes for relatives, whether through inflated percentage fees or erroneous research (see section 11).**

12

CONCLUDING ADVICE

While local authorities are under an obligation to reduce spending, this need not run counter to pursuing best practice.

- **Where possible, intestacies should always be referred to BVD as soon as practicable.**

Some intestacies cannot be referred to BVD because the net value of the estate is below £500, or it is known – or there is sound reason to believe – that relatives exist. In such cases, local authorities should take steps to encourage competition and prevent abuse. We recommend that they:

- either follow the model set by BVD and advertise details of intestacies on their own websites, in a similar way to the [unclaimed estates list](#),
- or encourage competition and prevent abuse by referring each case to a number of genealogists concurrently. Please refer to Appendix 1.

MAY 2018

APPENDIX 1: HANDLING INTESTACIES THAT OCCUR WITHIN A LOCAL AUTHORITY'S BOUNDARY: WHEN THERE IS NO OPTION BUT TO USE GENEALOGICAL RESEARCHERS

A practical model for establishing and managing a panel of three genealogical research firms that will support the local authority's goals while protecting entitled next of kin as consumers.

Where possible, local authorities should always refer cases of intestacy to the Government Legal Department Bona Vacantia Division (BVD) for publication on the unclaimed estates list (or to the Duchies of Lancaster and Cornwall in those areas). This will result in the widest possible dissemination of the case details, the maximum competition and consequently the most speedy and accurate resolution.

However, when the net assets of an estate are less than £500, or there is evidence that relatives exist, authorities are forced to resolve the case themselves. Because they require all relevant cases to be solved – not just those that may prove lucrative for an heir hunter – councils frequently form exclusive relationships with a genealogical research firm or heir hunter who undertakes to handle every case, whatever its value. Unfortunately, as our research shows, these relationships are opaque and anti-competitive, and tend to adversely affect beneficiaries through inflated finders' fees or estate mis-distribution.

Fortunately, there is a simple method that will inject both competition and a degree of transparency into the council/heir hunter relationship, as this briefing note explains. This method is no more difficult than making a risky referral to a single heir hunter

A panel that works simultaneously in rotation and in parallel

Using due diligence about the research organisation (eg relevant qualifications, accreditations and professional experience in a legal setting) the council selects three research firms to whom it will refer work. All three firms (A, B and C) understand that they will be obliged to take a referral if they are mandated to do so, but that every referral will be sent to all three firms simultaneously.

When a new case comes up, the council sends a single email referral to their contact in each of the three companies. A single email is sent to all three.

The email should contain all the relevant details that council officers have gathered during their preliminary investigation of the case, including the name and date of death of the intestate, whether a funeral has taken place (or the likely date of the funeral), names of any known or suspected relatives (where available) and their relationship to the deceased, and the estimated size of the estate.

On the first occasion that the council refers a case, Company A is mandated to research it, and this is made clear in the email. The second time a referral is made Company B is mandated to research it, and so on in rotation.

However, *in every case* the other two companies receive the email referral as well. This means that they can assess the referral details and decide whether to research the case in competition with the mandated company. When they themselves are mandated they have to take the case. When they are not mandated they make a decision whether or not to pursue it, based on the details available – just as they do with any case advertised by the BVD.

Transparency means that competition automatically arises whenever it is needed

Researchers are alert to the clues that suggest that a case will result in a finder's fee.

If, for example, Company C is mandated to find the relatives of someone who died intestate but with no assets, companies A and B will leave the case to A to solve because it is clearly not lucrative. If, however, the mandated company receives a referral that involves a £200,000 property, the non-mandated companies will almost certainly decide to investigate and the resulting competition will benefit relatives.

There are only four prerequisites to ensure that the panel works fairly for the council, the heir hunters and any beneficiaries of an intestacy that may be involved:

- Cases are mandated in strict rotation (A, B, C, A, B, C ...).
- Every email referral makes it clear which of the three companies is mandated.
- Every email referral is sent to all three companies simultaneously.
- Every email referral contains all the details of which the council is aware.

Further considerations

Local authorities who follow this model may wish to investigate whether data protection regulations will allow them to monitor the performance of the companies they use. Although cases vary in complexity, if companies report back to the council on percentage fees charged to beneficiaries and the time taken to identify them, it becomes possible to evaluate whether the selected researchers represent good value for members of the public.

Councils should also consider listing intestate estates on their websites in the same way that BVD does, as soon as possible after the death, so that entitled next of kin themselves have the opportunity to spot the death of an estranged relative. At present several councils follow this practice.

APPENDIX 2: EMPTY HOMES WORK

A practical model for establishing and managing a panel of three genealogical research firms that will support the local authority's goals while protecting next of kin from being overcharged or overlooked in cases that involve intestacy.

When it comes to empty homes work, local authorities require all relevant cases to be solved – not just those that may prove lucrative for an heir hunter. In seeking to achieve this goal, many authorities form exclusive relationships with a tracing agent, who undertakes to handle every case, whatever its value. Unfortunately, as our research shows, these relationships are opaque, anti-competitive and tend to adversely affect any beneficiaries that the heir hunter might find.

However, there is a simple method that will inject both competition and a degree of transparency into the council/heir hunter relationship, as this briefing note explains.

A panel that works simultaneously in rotation and in parallel

The council selects three research firms to whom it will refer work. All three firms (A, B and C) understand that they will be obliged to take a referral if they are mandated to do so, but that every referral will be sent to all three firms simultaneously.

When a new case comes up, the council sends a single email referral to their contact in each of the three companies. A single email is sent to all three.

In the case of empty homes work, the email should contain information about the last known owner's name, about the property, whether it is registered, when it was registered, whether council tax is being paid, or a council tax exemption applies (in which case the nature of the exemption should be stated). If council tax is not being paid, the email should record when payment ceased. Of course, if there are other relevant details of which the council officer is aware these should be included.

These are all details that council officers should already be aware of as a result of their preliminary investigation of the case.

On the first occasion that the council refers a case, Company A is mandated to research it, and this is made clear in the email. The second time a referral is made Company B is mandated to research it, and so on in rotation.

However, *in every case* the other two companies receive the email referral as well. This means that they can assess the referral details and decide whether to research the case in competition with the mandated company. When they themselves are mandated they have to take the case. When they are not mandated they make a decision whether to pursue it, based on the details available, just as they do on any case advertised by the Bona Vacantia Division.

Transparency means that competition automatically arises whenever it is needed

Researchers are alert to the clues that suggest that a case will result in a finder's fee.

If, for example, Company C is mandated to find the owner of a house on which council tax is being paid, or a current council tax exemption applies, Companies A and B will probably leave the case to A because the owner clearly knows of the asset. If, however, the mandated company receives a referral for a property that is not registered and no council tax is being paid the non-mandated companies will almost certainly decide that the case is potentially lucrative and will investigate.

There are only four prerequisites to ensure that the panel works fairly for the council, the heir hunters and any beneficiaries of an intestacy that might be involved:

- Cases are mandated in strict rotation (A, B, C, A, B, C ...).
- Every email referral makes it clear which of the three companies is mandated.
- Every email referral is sent to all three companies simultaneously.
- Every email referral contains information about house registration and council tax payments, as well as any other relevant details that the council is aware of.

Further considerations

Local authorities who follow this model may wish to investigate whether data protection regulations will allow them to monitor the performance of the companies they use. Although cases vary in complexity, if companies report back to the council on percentage fees charged to beneficiaries and the time taken to identify them, it becomes possible to evaluate whether the selected researchers represent good value for members of the public.

It is important to note that this model will work both for councils that refer all empty homes cases to an outside party, and also for those that maintain their own in-house tracing teams, referring only the most difficult and time consuming cases to an external research firm.

APPENDIX 3: TABLE OF LOCAL AUTHORITY RESPONSES TO FOIA REQUESTS

The table below is taken from a working spreadsheet that is updated on an ongoing basis, and is accurate as at 5 March 2018. Please note that it may not exactly reflect the statistical analysis contained in the report above, which is based on information available at 12 September 2017. This is because of changes recorded during the intervening period, for example where a local authority has decided to begin or stop using genealogists, or has changed its stance on disclosure.

Local Authority	Uses genealogists at all?	Undertakes Public Health Funerals?	Publishes PHF list online?	Discloses PHFs via FOI?	Uses or used a Genealogist for PHFs?	Disclosing specific referrals via FOI?	Uses a genealogist for deputyships?	Uses a genealogist for empty homes?
Adur and Worthing	Estate Research, Title Research, Finders, Treethorpes	Yes	Partially (insufficient)	No	Yes	No		
Allerdale	Estate Research	Yes	No	No	Yes	Yes		
Amber Valley	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Arun	Previously Estate Research, Finders, Hoopers, Fraser & Fraser	Yes	No	Yes	Previously	n/a		
Ashfield	No as at 03/17 FOI	Yes	No	No	No	n/a		
Ashford	Fraser & Fraser, Estate Research	Yes	No	No	Yes	Yes		
Aylesbury Vale	Estate Research	Yes	No	No	Yes	No		Yes
Babergh	No as at 03/17 FOI	Yes	Partially (insufficient)	No	No	n/a		
Barking and Dagenham	No as at 03/17 FOI	Yes	No	No	No	n/a		
Barnet	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Barnsley	No as at 03/17 FOI	Yes	No	No	No	n/a		
Barrow in Furness	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Basildon	No	Yes	Yes	n/a	No	n/a		
Basingstoke	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Bassetlaw	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Bath and North East Somerset	Previously Estate Research	Yes	No	Yes	No	n/a	Previously	
Bedford	Finders, Estate Research, Fraser & Fraser	Yes	Yes	n/a	Yes	Yes		
Bexley	No as at 03/17 FOI	Yes	No	No	No	n/a		
Birmingham	Finders, Estate Research	Yes	No	No	Yes	No	Yes	Yes
Blaby	No as at 03/17 FOI	Yes	Partially (insufficient)	Unconfirmed	No	n/a		
Blackburn and Darwen	Finders	Yes	No	Partially (insufficient)	Yes - single occasion	Yes		
Blackpool	Finders	Yes	Yes	n/a	Yes	No		
Blaenau Gwent	No as at 03/17 FOI	Yes	No	Unconfirmed	No	n/a		
Bolsover	No	Yes	Yes	n/a	No	n/a		

Bolton	No as at 03/17 FOI	Yes	No	No	No	n/a		
Boston	Fraser & Fraser	Yes	No	Yes	Yes	Yes		
Bournemouth	Estate Research	Yes	No	No	Yes	Yes		
Bracknell Forest	Finders, Estate Research, Grafton	Yes	Yes	n/a	Yes	Yes		
Bradford	No as at 03/17 FOI	Yes	No	No	No	n/a		
Braintree	No as at 03/17 FOI	Yes	Partially (insufficient)	Unconfirmed	No	n/a		
Breckland	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Brent	No as at 03/17 FOI	Yes	Partially (insufficient)	No	No	n/a		
Brentwood	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Bridgend	No	Yes	No	No	No	n/a		
Brighton and Hove	Y - unconfirmed which	Yes	No	No	Yes	No		
Bristol	No as at 03/17 FOI	Yes	No	No	No	n/a		
Broadland	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Bromley	No	Yes	No	No	No	n/a		
Bromsgrove	No as at 03/17 FOI	Yes	No	No	No	No		
Broxbourne	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Broxtowe	Fraser & Fraser	Yes	No	Yes	Yes	Yes		
Buckinghamshire	Estate Research, Finders	No	Not responsible	Not responsible	No	No	Yes	
Burnley	Estate Research	Yes	Yes	n/a	Yes	Yes		
Bury	No as at 03/17 FOI	Yes	No	No	No	n/a		
Caerphilly	Previously Treethorpe	Yes	Partially (insufficient)	No	Previously	No	Yes	
Calderdale	No as at 03/17 FOI	Yes	No	No	No	n/a		
Cambridge City Council	Finders	Yes	Yes	n/a	Yes	Yes	Yes	
Cambridgeshire County Council	No as at 03/17 FOI	No	Not responsible	Not responsible	No	n/a		
Camden	No as at 03/17 FOI	Yes	No	No	No	n/a		
Cannock Chase	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Canterbury	No as at 03/17 FOI	Yes	No	No	No	n/a		
Cardiff	No as at 03/17 FOI	Yes	No	No	No	n/a		
Carlisle	Estate Research	Yes	No	No	Yes - single occasion	Yes		
Carmarthenshire	No as at 03/17 FOI	Yes	No	No	No	n/a		
Castle Point	No as at 03/17 FOI	Yes	No	No	No	n/a		
Central Bedfordshire	Estate Research	Yes	Yes	n/a	Previously	Yes		Yes
Ceredigion	No as at 03/17 FOI	Yes	No	No	No	n/a		
Charnwood	Finders, Fraser & Fraser	Yes	No	Yes	Yes	No		Yes
Chelmsford	Estate Research, Fraser & Fraser	Yes	Yes	n/a	Yes	Yes		Yes
Cheltenham	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Cherwell	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Cheshire East	Estate Research and Helvor	Yes	No	Yes	Yes	Yes		

Cheshire West and Chester	No as at 03/17 FOI	Yes	No	No	No	n/a		
Chesterfield	No as at 03/17 FOI	Yes	No	No	No	n/a		
Chichester	Finders, ER, Fraser & Fraser	Yes	Yes	n/a	Yes	Yes		
Chiltern	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Chorley	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Christchurch	No as at 03/17 FOI	Yes	No	Partially (insufficient)	No	n/a		
City of Lincoln Council	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
City Of London	No as at 03/17 FOI	Yes	No	Partially (insufficient)	No	n/a		
Colchester	Title Research and Kings Court Trust	Yes	Yes	n/a	Yes	Yes		
Conwy	Unconfirmed	Yes	No	No	Unconfirmed	n/a		
Copeland	Estate Research	Yes	No	Yes	Yes	Yes		
Corby	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Cornwall	Estate Research	Yes	No	No	No	n/a	Yes	
Cotswold	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Coventry	No as at 03/17 FOI	Yes	Partially (insufficient)	No	No	n/a		
Craven	Estate Research	Yes	Yes	n/a	Yes - single occasion	Ye		
Crawley	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Croydon	Estate Research, Finders, Fraser & Fraser	Yes	No	No	Yes	No	Yes	Yes
Cumbria	Unconfirmed	Yes	No	No	Unconfirmed	n/a		
Dacorum	Previously Estate Research and Finders	Yes	Yes	n/a	Previously	Yes		
Darlington	No	Yes	Yes	n/a	No	n/a		
Dartford	No as at 03/17 FOI	Yes	No	Unconfirmed	No	n/a		
Daventry	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Denbighshire	Trialling Finders	Yes	No	No	Yes	No		
Derby	Estate Research	Yes	No	Yes	Yes	Yes		Yes
Derbyshire County Council	Finders, Estate Research & Treethorpe	Yes	No	No	No	No	Yes	
Derbyshire Dales	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Devon County Council	Estate Research, Fraser & Fraser, Treethorpe, Finders	No	Not responsible	Not responsible	No	No	Yes	
Doncaster	Estate Research, Finders, Treethorpe	Yes	No	No	Yes	Yes		
Dorset County	Unconfirmed	Unconfirmed	Unknown	Unconfirmed	Unconfirmed	Unconfirmed		
Dover	Finders, Estate Research, Hooper's, Fraser & Fraser	Yes	No	Yes	Yes	Yes		
Dudley	Finders, Estate Research	Yes	Yes	n/a	No	No	Yes	
Durham	Estate Research, Finders, Kin	Yes	Yes	n/a	Yes	Yes		
Ealing	Estate Research	Yes	No	No	Yes	No		

East Cambridgeshire	Estate Research	Yes	Yes	n/a	Yes - single occasion	Yes		
East Devon	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
East Dorset	No as at 03/17 FOI	Yes	No	Partially (insufficient)	No	n/a		
East Hampshire	Finders	Yes	No	Yes	Yes - single occasion	Yes		
East Hertfordshire	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
East Lindsey	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
East Northamptonshire	Grafton	Yes	Yes	n/a	Yes	Yes		Yes
East Riding of Yorkshire	Hoopers, Finders	Yes	Yes	n/a	Yes	Yes		
East Staffordshire	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
East Sussex	No as at 03/17 FOI	Yes	Yes	n/a	No			
Eastleigh	No as at 03/17 FOI	Yes	No	No	No	n/a		
Eden	No as at 03/17 FOI	Yes	No	No	No	n/a		
Elmbridge	Finders	Yes	No	Yes	Yes	Yes		
Enfield	Estate Research	Yes	No	No	Yes	Yes		
Epping Forest	No as at 03/17 FOI	Yes	No	No	No	n/a		
Epsom and Ewell	Previously Finders	Yes	No	Yes	Previously	Yes		
Erewash	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Essex	No as at 03/17 FOI	No	Not responsible	Not responsible	No	n/a		
Exeter	Previously Estate Research, Fraser & Fraser	Yes	No	No	Previously	n/a		
Fareham	Fraser & Fraser, Finders	Yes	Yes	n/a	Yes	Yes		Yes
Fenland	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Flintshire	Estate Research, Treethorpe	Yes	No	No	No	Yes	Yes	
Forest of Dean	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Fylde	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Gateshead	No as at 03/17 FOI	Yes	Partially (insufficient)	No	No	n/a		
Gedling	No as at 03/17 FOI	Yes	No	No	No	n/a		
Gloucester City Council	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Gloucestershire County Council	Previously Finders & Estate Research	No	Not responsible	Not responsible	No	No	Previously	
Gosport	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Gravesham	Fraser & Fraser, Hoopers, Estate Research & Finders	Yes	No	Yes	Yes	Yes		
Great Yarmouth	Finders & Hoopers	Yes	Yes	n/a	Yes	Yes		
Greenwich	Estate Research	Yes	No	No	Yes	No		
Guildford	Finders & Fraser & Fraser	Yes	Yes	n/a	Yes	No		
Gwynedd	No	Yes	Partially (insufficient)	No	No	n/a		
Hackney	Estate Research, Finders & Fraser & Fraser	Yes	No	No	Yes	No	Yes	Yes

Halton	No as at 03/17 FOI	Yes	No	Unconfirmed	No	n/a		
Hambleton	No	Yes	Yes	n/a	No	n/a		
Hammersmith and Fulham	Estate Research & Finders	Yes	No	No	Yes	Yes	Yes	
Hampshire	No as at 03/17 FOI	No	Not responsible	Not responsible	No	n/a		
Harborough	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Haringey	Unconfirmed	Yes	No	No	Unconfirmed	n/a		
Harlow	Fraser & Fraser & Finders	Yes	Yes	n/a	Yes	Yes		
Harrogate	Finders, Estate Research, Hoopers	Yes	Yes	n/a	Yes	Yes		
Harrow	Previously Finders, Estate Research, Thames Probate	Yes	No	No	Previously	No		
Hart	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Hartlepool	Estate Research	Yes	No	No	Yes	No		
Hastings	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Havant	Finders	Yes	Partially (insufficient)	No	Yes - single occasion	Yes	Yes	Yes
Havering	No as at 03/17 FOI	Yes	No	No	No	n/a		
Herefordshire	No as at 03/17 FOI	Yes	No	Yes	No	n/a	Yes	
Hertfordshire	Finders	Yes	No	No	No	No		
Hertsmere	Estate Research	Yes	No	Yes	Yes	n/a		
High Peak	Finders and Fraser & Fraser	Yes	Partially (insufficient)	No	Yes	Yes		
Hillingdon	No as at 03/17 FOI	Yes	No	No	No	n/a		
Hinkley and Bosworth	Estate Research	Yes	No	Yes	Yes	Yes		
Horsham	Finders, Grafton	Yes	Yes	n/a	Yes	Yes		
Hounslow	Finders, Estate Research	Yes	Partially (insufficient)	Partially (insufficient)	Yes	No		
Hull	No as at 03/17 FOI	Yes	No	No	No	n/a		
Huntingdonshire	Finders	Yes	No	Yes	Yes - single occasion	Yes		
Hyndburn	Grafton, Treethorpe, Fraser & Fraser	Yes	No	Yes	Yes	Yes		Yes
Ipswich	Fraser & Fraser, Estate Research & Finders	Yes	Yes	n/a	Yes	Yes		
Isle of Anglesey	Estate Research	Yes	No	No	Yes	No		
Isle of Scilly	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Isle of Wight	Estate Research	Yes	No	Unconfirmed	No	n/a	Yes	
Islington	Hoopers, Finders, Fraser & Fraser, Estate Research	Yes	No	No	Yes	No		
Kensington and Chelsea	Estate Research & Finders	Yes	No	No	Yes	Yes	Yes	
Kent County Council	Unconfirmed	No	Not responsible	Not responsible	Unconfirmed	n/a		
Kettering	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Kings Lynn and West Norfolk	No as at 03/17 FOI	Yes	No	Unconfirmed	No	n/a		

Kingston upon Thames	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Kirklees	Trialling Estate Research and Finders	Yes	No	No	Yes	Yes		
Knowsley	No	Yes	Yes	n/a	No	n/a		
Lambeth	Estate Research, Finders, Fraser & Fraser	Yes	No	No	Yes	Yes		
Lancashire County	Unconfirmed	Unconfirmed	Unknown	Unconfirmed	Unconfirmed	n/a		
Lancaster	Estate Research	Yes	Yes	n/a	Yes	Y		Yes
Leeds	No as at 03/17 FOI	Yes	No	No	No	n/a		
Leicester City Council	Previously Kin & Estate Research	Yes	No	No	Previously	Yes		
Leicestershire County Council	No as at 03/17 FOI	Yes	Not responsible	Not responsible	No	n/a		
Lewes and Eastbourne	Fraser & Fraser	Yes	Yes	n/a	Yes	Yes		
Lewisham	Estate Research	Yes	No	No	Yes	No		
Lichfield	No as at 03/17 FOI	Yes	No	Y	No	n/a		
Lincolnshire County						n/a		
Liverpool	Hoopers	Yes	No	No	Yes	No	Yes	Yes
Luton	Estate Research	Yes	Yes	n/a	Yes	No		
Maidstone	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Maldon	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Malvern Hills	No as at 03/17 FOI	Yes	No	No	No	n/a		
Manchester	Previously Estate Research	Yes	Partially (insufficient)	Partially (insufficient)	Previously	No		
Mansfield	No as at 03/17 FOI	Yes	No	No	No	n/a		
Medway	Estate Research, Finders	Yes	No	Yes	Yes	Yes		
Melton	No as at 03/17 FOI	Yes	No	Yes	No	Yes		Yes - single occasion
Mendip	No as at 03/17 FOI	Yes	Partially (insufficient)	No	No	n/a		
Merthyr Tydfil	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Merton	Estate Research, Finders	Yes	No	No	Yes	No	Yes	
Mid Devon	Estate Research, Fraser & Fraser	Yes	No	No	Yes	Yes		
Mid Sussex	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Middlesbrough	Finders, Estate Research	Yes	Yes	n/a	Yes	Yes	Yes	
Milton Keynes	Previously Estate Research	Yes	Yes	n/a	Previously	Yes		
Mole Valley	Finders	Yes	No	Yes	Yes	Yes		
Monmouthshire	No as at 03/17 FOI	Yes	No	No	No	n/a		
Neath Port Talbot	Finders, Estate Research	Yes	No	Yes	Yes	Y		
New Forest	No as at 03/17 FOI	Yes	No	No	No	n/a		
Newark and Sherwood	Estate Research, Fraser & Fraser, Finders	Yes	Yes	n/a	Yes	Yes		Yes
Newcastle under Lyme	No as at 03/17 FOI	Yes	No	Yes	No	n/a		

Newcastle upon Tyne	Previously Fraser & Fraser	Yes	Yes	n/a	Previously	No		
Newham	Finders, Estate Research, Fraser & Fraser, Treethorpe	Yes	No	No	Yes	No		
Newport	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Norfolk	No as at 03/17 FOI	No	Not responsible	Not responsible	No	n/a		
North Devon	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
North Dorset	No as at 03/17 FOI	Yes	Partially (insufficient)	No	No	n/a		
North East Derbyshire	No	Yes	Yes	n/a	No	n/a		
North East Lincolnshire	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
North Hertfordshire	No	Yes	Yes	n/a	No	n/a		
North Kesteven	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
North Lincolnshire	No as at 03/17 FOI	Yes	No	No	No	n/a		
North Norfolk	Estate Research & Grafton	Yes	Yes	n/a	Yes	Yes		Yes
North Somerset	No	Yes	No	N	N	n/a		
North Tyneside	Finders, previously ER	Yes	Yes	n/a	Yes	Yes		
North Warwickshire	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
North West Leicestershire	No as at 03/17 FOI	Yes	No	Unconfirmed	No	n/a		
North Yorkshire	Unconfirmed	Yes	No	No	Unconfirmed	n/a		
Northampton	Finders & possibly others	Yes	Yes	n/a	Yes	Yes	Yes	Yes
Northamptonshire	No as at 03/17 FOI	No	Not responsible	Not responsible	No	n/a		
Northumberland	Previously Fraser & Fraser, Estate Research, Treethorpes, Grafton	Yes	No	Yes	No	No	Previously	Yes
Norwich	Estate Research	Yes	Yes	n/a	Yes	No		
Nottingham	Estate Research, Fraser & Fraser, Finders, Sterling Probate	Yes	Yes	n/a	Yes	No	Yes	Yes
Nottinghamshire	Treethorpe	Yes	No	Partially (insufficient)	Yes	Partially (insufficient)		
Nuneaton and Bedworth	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Oadby and Wigston	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Oldham	Estate Research, Finders	Yes	No	No	Yes	No	Yes	
Oxford	Finders	Yes	Partially (insufficient)	n/a	Yes	n/a		
Oxfordshire	Estate Research	Yes	Yes	n/a	Yes	No		
Pembrokeshire	No as at 03/17 FOI	Yes	No	No	No	n/a		
Pendle	Estate Research	Yes	No	Yes	Yes	No		
Peterborough	Grafton, Estate Research, Finders	Yes	No	No	No	No	Yes	Yes

Plymouth	KIN, Finders, Estate Research, Treethorpe, Churchill Ltd.	Yes	Yes	n/a	No	No	Yes	Yes
Poole	Finders & Estate Research	Yes	Yes	n/a	Yes	Yes		Yes
Portsmouth	No	Yes	Yes	n/a	No	n/a		
Powys	Estate Research, Treethorpes, Finders	Yes	Yes	n/a	Yes	Yes	Yes	Yes
Preston	Previously Jackie Bromage and Estate Research	Yes	No	Yes	Previously	Yes		
Purbeck	Trialling Finders	Yes	Partially (insufficient)	No	Yes	No		
Reading	Finders	Yes	No	No	Y	No		
Redbridge	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Redcar and Cleveland	Estate Research	Yes	No	No	Y	n/a	Y	
Redditch	No as at 03/17 FOI	Yes	No	No	No	n/a		
Reigate & Banstead	Hoopers	Yes	Yes	n/a	Y	n/a		
Rhondda Cyon Taff	Treethorpes	Yes	Yes	n/a	No	No	Yes - single occasion	
Ribble Valley	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Richmond upon Thames	Estate Research, Finders	Yes	Partially (insufficient)	No	Yes	No		
Richmondshire	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Rochdale	Estate Research	Yes	No	No	No	No	Yes	
Rochford	Finders, Estate Research, Fraser & Fraser	Yes	No	No	Yes	Yes		
Rosendale	Previously Estate Research	Yes	No	No	Previously	No		
Rother	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Rotherham	Estate Research and Treethorpe	Yes	No	No	Yes	No	Yes	
Rugby	No as at 03/17 FOI	Yes	No	No	No	n/a		
Runnymede	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Rushcliffe	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Rushmoor	No	Yes	No	Unconfirmed	No	n/a		
Rutland	Finders	Yes	No	No	Yes	Yes		
Ryedale	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Salford	No as at 03/17 FOI	Yes	No	No	No	n/a		
Salisbury	No	Yes	No	Unconfirmed	No	n/a		
Sandwell	Estate Research	Yes	No	Yes	Yes - single occasion	Yes		Yes
Scarborough	Estate Research	Yes	No	No	Yes	No		
Sedgemoor	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Sefton	Grafton	Yes	No	No	No	n/a		Yes
Selby	N as at 03/17 FOI	Yes	Partially (insufficient)	Unconfirmed	No	n/a		
Sevenoakes	Grafton	Yes	No	No	Yes - single occasion	Yes		Yes

Sheffield	Estate Research	Yes	No	No	Yes	No	Yes	
Shepway	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Shropshire	Estate Research	Yes	Partially (insufficient)	No	Yes	Partially (insufficient)	Yes	
Slough	Estate Research	Yes	No	Yes	Yes - single occasion	Yes		
Solihull	Estate Research	Yes	No	No	Yes	No		
Somerset	Estate Research	No	Not responsible	Not responsible	No	n/a	esY - single occasion	
South Bucks	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
South Cambridgeshire	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
South Derbyshire	Estate Research	Yes	Yes	n/a	Yes - single occasion	Yes		
South Gloucestershire	Estate Research	Yes	No	No	Yes	No		
South Hams	No	Yes	Yes	n/a	No	n/a		
South Holland	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
South Kesteven	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
South Lakeland	No as at 03/17 FOI	Yes	No	Unconfirmed	No	n/a		
South Norfolk	No	Yes	Yes	n/a	No	n/a		
South Northamptonshire	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
South Oxfordshire	Estate Research	Yes	Yes	n/a	Yes	Yes		
South Ribble	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
South Somerset	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
South Staffordshire	Estate Research, Grafton	Yes	No	Yes	Yes	Yes		Yes
South Tyneside	No as at 03/17 FOI	Yes	No	Partially (insufficient)	No	n/a		
Southampton	Previously Estate Research	Yes	Yes	n/a	Previously	Yes		
Southend on Sea	Estate Research, Hoopers, Fraser & Fraser, Finders, Link Probate	Yes	Yes	n/a	Yes	Yes		
Southwark	Estate Research	Yes	No	No	Yes	No		
Spelthorne	No as at 03/17 FOI	Yes	Yes	n/a	No	No		
St Albans	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
St Helens	No as at 03/17 FOI	Yes	No	Y	No	n/a		
Stafford Borough	Estate Research.	Yes	No	No	Y	Y		
Staffordshire County	No as at 03/17 FOI	No	Not responsible	Not responsible	No	n/a		
Staffordshire Moorlands District	Sterling Probate	Yes	Partially (insufficient)	No	Y - single occasion	No		
Stevenage	Trialed Fraser & Fraser, Estate Research, Finders	Yes	Yes	n/a	Previously	Y		
Stockport	Estate Research	Yes	No	No	Y	No		Y
Stockton on Tees	No as at 03/17 FOI	Yes	Partially (insufficient)	No	No	n/a		
Stoke on Trent	Grafton, Estate Research	Yes	No	No	Y	Partially (insufficient)		Y

Stratford on Avon	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Suffolk Coastal	Finders & Estate Research	Yes	Yes	n/a	Yes	No		
Suffolk County Council	No as at 03/17 FOI	No	Not responsible	Not responsible	No	n/a		
Sunderland	No as at 03/17 FOI	Yes	No	No	No	n/a		
Surrey County Council	No as at 03/17 FOI	No	Not responsible	Not responsible	No	n/a		
Surrey Heath	Estate Research	Yes	Yes	n/a	Yes - single occasion	Yes		
Sutton	Trialled Estate Research and Finders	Yes	No	No	No	No	Previously	
Swale	No	Yes	Yes	n/a	No	n/a		
Swansea	No as at 03/17 FOI	Yes	No	No	No	n/a		
Swindon	Estate Research & Finders	Yes	No	No	Yes	No	Yes	Yes
Tameside	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Tamworth	Estate Research	Yes	Yes	n/a	Yes	Yes		
Tandridge	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Taunton Deane	Finders & Fraser & Fraser	Yes	Yes	n/a	Yes	No		Yes
Teignbridge	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Telford and Wrekin	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Tendring	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Test Valley	No as at 03/17 FOI	Yes	No	No	No	n/a		
Tewkesbury	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Thanet	Fraser & Fraser	Yes	Yes	n/a	Yes	Yes		
Three Rivers	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Thurrock	Finders	Yes	Yes	n/a	Yes	Yes		
Tonbridge and Malling	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Torbay	Hoopers	Yes	Yes	n/a	Yes - single occasion	Yes		
Torfaen	Grafton	Yes	No	Unconfirmed	No	n/a		Yes - single occasion
Torridge	Estate Research.	Yes	Yes	n/a	Yes	Yes		
Tower Hamlets	No	Yes	No	No	No	n/a		
Trafford	Estate Research.	Yes	No	No	Yes	No	Yes	
Tunbridge Wells	No	Yes	No	Yes	No	n/a		
Uttlesford	No	Yes	No	Yes	No	n/a		
Vale of Glamorgan	Finders	Yes	Partially (insufficient)	Partially (insufficient)	Yes	Partially (insufficient)		
Vale of White Horse	No	Yes	Yes	n/a	No	n/a		
Wakefield	Estate Research, Finders, Treethorpe	Yes	Yes	n/a	Yes	Yes		
Walsall	Trialling Estate Research & Finders	Yes	No	Yes	Yes	n/a	Yes	
Waltham Forest	No as at 03/17 FOI	Yes	No	No	No	n/a		
Wandsworth	No as at 03/17 FOI	Yes	No	No	No	n/a		
Warrington	Estate Research, Finders & others	Yes	Yes	n/a	Yes	No		Yes

Warwick	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Warwickshire	No as at 03/17 FOI	No	Not responsible	Not responsible	No	n/a		
Watford	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Waveney	Finders	Yes	Yes	n/a	Yes - single occasion	Yes		
Waverley	Estate Research	Yes	Yes	n/a	Yes	Yes		
Wealden	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Wellingborough	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Welwyn Hatfield	Finders	Yes	Yes	n/a	Yes	No		
West Berkshire	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
West Devon	Y - unconfirmed which	Yes	Yes	n/a	Unconfirmed	n/a		
West Dorset	No as at 03/17 FOI	Yes	Partially (insufficient)	n/a	No	n/a		
West Lancashire	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
West Lindsey	Fraser & Fraser and Edwin Coe	Yes	Yes	n/a	Yes - single occasion	Yes		
West Oxfordshire	Unconfirmed	Yes	Yes	n/a	Unconfirmed	n/a		
West Somerset	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
West Suffolk	No	Yes	Yes	n/a	No	n/a		
West Sussex	No as at 03/17 FOI	No	Not responsible	Not responsible	No	n/a		
Westminster	Y - unconfirmed which	Yes	No	No	Yes	No		
Weymouth and Portland	No as at 03/17 FOI	Yes	No	No	No	n/a		
Wigan	Estate Research, Finders	Yes	No	No	Yes	No	Yes	
Wiltshire	No	Yes	No	No	No	n/a		
Winchester	No	Yes	Partially (insufficient)	Partially (insufficient)	No	n/a		
Windsor and Maidenhead	Finders & Estate Research	Yes	Yes	n/a	No	n/a	Yes	
Wirral	Estate Research & Finders	Yes	Yes	n/a	Yes	Yes		
Woking	No	Yes	Yes	n/a	No	n/a		
Wokingham	No as at 03/17 FOI	Yes	No	No	No	n/a		
Wolverhampton	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Worcester	No as at 03/17 FOI	Yes	No	No	No	n/a		
Worcestershire County	Unconfirmed	Unconfirmed	Unknown	Unconfirmed	Unconfirmed	n/a		
Wrexham	No as at 03/17 FOI	Yes	Yes	n/a	No	n/a		
Wychavon	No as at 03/17 FOI	Yes	No	Yes	No	n/a		
Wycombe	Estate Research	Yes	Yes	n/a	Yes	No		
Wyre	Estate Research	Yes	No	Yes	Yes - single occasion	Yes		
Wyre Forest	Estate Research & Fleetwood	Yes	No	Yes	Yes	Yes		Yes
York	Estate Research & Title Research	Yes	No	No	No	No	Yes	

NOTES

1 (from page 3) **Genealogical accreditation:** Setting aside organisations that anyone can join simply by paying a fee, there are three professional associations that provide genealogical accreditation in the UK and Ireland:

- the Association of Genealogists and Researchers in Archives (AGRA),
- the Association of Scottish Genealogists and Researchers in Archives (ASGRA),
- Accredited Genealogists Ireland (AGI).

These are independent, not-for-profit organisations, membership of which is via a rigorous assessment system.

Legal accreditation: The Professional Paralegal Register (PPR) acts as both a register and a regulator for professional paralegals. It is currently the only professional body for probate researchers that has access to an independent complaints procedure and compensation scheme.