

This matter is being dealt with by:

Name Jilly Walden

Reference: NCC-036938-18

T 0115 977 2788

E complaints@nottscc.gov.uk

W www.nottinghamshire.gov.uk



**Nottinghamshire
County Council**

02 April 2019

**Request for Information: Ref NCC-036938-18
Probate Research**

Thank you for your request for information relating to probate research. I can now let you have the following information in response to the questions you raised.

1. Please indicate the last date on which a genealogist, probate researcher or tracing agent was used. 14/3/2019

2. If a researcher has been used in the past year, on how many occasions has this occurred? 49

3. Which company was last used and by which local authority department? Client Finance Team, we use a combination of Treethorpe, Fraser and Fraser, Finders and Estate Research

4. Does the local authority have any contract with any researcher? If so, please provide the contract document, redacted as required. None

5. In the circumstances where the local authority was aware of the existence of relatives of a deceased person but lacked the resources or expertise to locate them, would the council use a genealogical researcher on an exclusive basis again? We don't use one exclusively we rotate our referrals for clients where we do not know the NOK.

6. Are there plans for the council to undergo a tendering process for a researcher? Not currently

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

8. What is the council's policy and process for making a referral to a genealogical researcher? When we are unable to locate the nok, or the known nok has stopped corresponding with us we refer the case. We rotate referrals amongst the companies named above.

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

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

b) ensure all entitled relatives are found?

- a) they do not have to go through the genealogist once they have been made aware, we do have families that decide to work directly with us because they do not want to pay for the service.
- b) All the companies involved are fully insured to protect against missing heirs.

10. Does the local authority now publish an online list of public health funerals where there is an intestacy? No

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

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

13. Bearing in mind the benefits to the next of kin of maintaining competition, if the local authority is not already doing so does it intend to begin using or tender for a panel of three researchers to whom each case will be referred concurrently? With effect from 1.4.2019 we will be using three researchers and referring cases concurrently.

14. If the local authority is still engaging in exclusive relationships with heir hunters rather than making referrals to the Bona Vacantia Division or to a panel of three and/or maintaining a regularly updated online list, what is the justification for this? Please refer to any relevant policies and legislation. The Bona Vacantia guidance suggest they do not deal with estates where there is likely to be known relatives. See below. We have therefore taken this as we need do our due diligence to locate the blood relatives, hence the referral to a genealogist.

Before you refer an estate

BVD does not deal with estates where:

- there is a valid Will, even if the executor and beneficiaries cannot be traced or do not wish to deal with the estate. If the executor or beneficiaries have formally renounced their interest in the estate see [is there a will?](#)
- 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
- the net value of the estate is below £500
- the estate is insolvent (there are more debts than assets)
- the deceased lived outside England & Wales – you should contact the authorities in the country where they lived
- the deceased lived within either of the Duchies of Lancaster or Cornwall at the time of their death. These estates are dealt with by [Farrer & Co Solicitors](#)
- a death certificate is not provided. Prior to referring an estate you should contact the informant on the death certificate to find out if they themselves are entitled relatives or have any information about a Will or any relatives; if they are relatives or know of any or of a Will then you should not refer the estate to BVD
- if a Grant of Probate or Letters of Administration has already been taken out to the estate. You should check for a grant to the estate on [Find a Will](#). If you locate a grant you should contact the Executor or administrator of the estate named in the grant

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

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

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

We hope this now satisfies your request, and should you have any further enquiries please do not hesitate to contact me directly using the contact details below. In addition and for future reference Nottinghamshire County Council regularly publish previous Freedom of Information Requests and answers on our website, [click here](#) to see the Disclosure logs.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the

Team Manager,
Complaints and Information Team,
County Hall,
West Bridgford,
Nottingham,
NG2 7QP

or email : FOI@nottsccl.gov.uk.

Yours sincerely

Name : Jilly Walden
Position: Complaints information and Mediation Officer
Nottinghamshire County Council