

Dear Requester,

Thank you for your Freedom of Information Request.

The Councils response is as follows:

1. Our previous research tells us that there are a number of ways that heir hunters can obtain leads from local authorities. Since March 2019, have any referrals have been made to a heir hunter to locate next of kin by the following:
 - a) The local authority's public health funeral or equivalent team – [Yes. The Local Authority's Integrated Strategic Commissioning Team in the Adult Social Care and Health Department](#)
 - b) The local authority's client finance, deputyship/appointeeship or equivalent team - [Yes 52 referrals](#)
 - c) The local authority's empty homes or equivalent team – [We don't have an Empty Homes team but our district and borough Councils do.](#)
 - d) Any other team, department or individual at the local authority? [As per answer a\)](#)
2. If deceased estates are published as soon as the property and assets are secured, then heir hunters are able to compete for the case, resulting in next of kin having the option to attend the funeral, speedy resolution of the estate and fair fees for next of kin. Does the local authority:
 - a) publish an online list of public health funerals or intestacies? - [No](#)
 - b) publish sufficient data to allow heir hunters to research the case? - [No](#)
 - c) update their published list at regular intervals so that the data is accurate? – [n/a](#)
 - d) update their published lists at the earliest opportunity, as soon as the property and assets are secured and prior to any funeral? [n/a](#)
3. We would like to understand if there has been an increase in people dying intestate during the Covid-19 lock down. In total, how many people died intestate in the local authority's area:
 - a) during March, April and May of this year? - [As far as it is aware 5](#)
 - b) during March, April and May of 2019? – [As far as it is aware 0](#)
4. During the Covid-19 lock down, has the local authority:
 - a) changed the way they operate in relation to intestacies and public health funerals? - [No](#)
 - b) increased use of genealogical firms to trace next of kin of deceased persons? - [No](#)
 - c) started use of genealogical firms to trace next of kin of deceased persons? [No – it has been using genealogists pre Covid-19](#)
5. Please provide copies of any internal guidance, instructions or policies issued since March this year which relate to deaths in the community/public health funeral procedures in the context of Covid-19/lock down. [This is the guidance that we produced to protect service users and our staff but also maintain a timely service during Covid 19.](#)

[As you will be aware, due to the temporary emergency changes as a result of the Coronavirus Act 2020 being fast tracked, the process for registering deaths will change. Under the provisions set out in the bill, the following is listed:](#)

- *“Remove the requirement for a death or still-birth informant to attend and provide details in person and the requirement for them to sign the register.*
- *Extend the list of qualified informants to include a funeral director (where they are acting on behalf of the family).*
- *Allow the electronic transfer of documents relating to the certification and registration process (e.g. transfer of the MCCD from the medical practitioner to the registrar and the form for burial or cremation (the Green), from the registrar to the relevant authority).”*

The temporary changes for PoPPFA will therefore be the following;

Death Registration and Funeral Arrangement

Face to face Death Registration appointments and Funeral Director appointments carried out by Business Support Officers will now be arranged by phone. Updated guidance with end to end process to be circulated.

Visits to deceased service user properties

Normal practice would be for a Business Support Officer to meet with the Social Worker and/or Landlord/District Council representative at the service user’s property and look for any paperwork pertaining to a Will/pre-paid funeral plan/financial documents. Possible implications for this around social distancing and reduced BSO availability in certain areas due to shielding/isolation has been discussed with Business Support Group Manager and The Local Authority’s Integrated Strategic Commissioning Team rep and it has therefore been agreed that in the short term this will now not take place and the Business Support administrator, in addition to the usual checks to ascertain as much detail as possible, will do the following;

Steps to trace a pre-paid funeral plan;

- 1.Telephone the well-known Funeral Directors in the area where the deceased lived, find these by Googling Funeral Directors in the area where the deceased lived e.g. ?
- 2.Telephone the Plan Line No./Pre-Needs Funeral Plan No.08008048056.
- 3.Complete the tracing form on www.funeralplanningauthority.co.uk

As appropriate cases will also be referred to Genealogists as soon as possible.

Agreed that this will be kept under review over the coming weeks.

6. Does the local authority consider that heir hunting/genealogy companies:
 - a) operate honestly and transparently? *As far as we are aware, yes.*
 - b) act responsibly towards next of kin when encouraging them to enter a contract? *As far as we are aware, yes. The Companies engage directly with their clients in this regard.*
 - **c) charge fairly, even when there is no competition because no other companies are aware of the case? *As per answer at b) above. Each Supplier will provide the Services to the Council free of charge. It is the Council’s **understanding that the Supplier** will recover its costs on a***

commission basis when it successfully traces beneficiaries to an estate, which is usually direct from the heir as a percentage of their entitlement.

7. Briefly, what is the local authority's perception of heir hunting companies? – It is acknowledged that many of the Council clients need to arrange funerals under S.46 Public Health (Control of Disease) Act 1984. The genealogist's role is to support them by identifying and locating the family of the deceased so that they have the opportunity to take on the funeral arrangements, thus saving the Council the cost of a S.46 funeral.

IF ANSWER TO ALL PARTS OF Q1 IS 'NO'

8. When local authorities stop using heir hunters, this may be an active choice to change their approach long term or or it may simply be a short term circumstantial change. If no referrals have been made since March 2019, is this because:

- a) in all cases, the next of kin were able to be located by local authority staff without the assistance of a heir hunter
- or
- b) cases where next of kin could not be located by local authority staff were referred to the Bona Vacantia division of the Government Legal Department ?

9. We would like to encourage local authorities to develop or adopt good practices which are not anti-competitive or detrimental to next of kin. If the local authority does not make referrals to heir hunters or has recently stopped making referrals to heir hunters, please:

- a) provide the reasons for this, including any records or documentation relating to the decision-making process
- b) provide any policy or procedure documents which illustrate your best practice approach.

10. Some heir hunters try to encourage informal referrals of cases through individual staff members. Please provide records of the measures, such as contractual clauses and provisions in policy documents, which would prevent officers or employees from making 'under the radar' referrals.

IF ANSWER TO ANY PART OF Q1 IS 'YES'

11. Which heir hunting company/companies have been used during the period since March 2019? - [Treethorpe, Estate Research, Fraser & Fraser](#)

12. How many referrals have been made since March 2019? - 5

13. Does the local authority have a written contract with any of the heir hunters that have been used? If so, please provide a copy with any 'personal data' redacted as necessary. – [It is merely a referral scheme.](#)

14. We understand that heir hunters normally undertake the work on the basis that some cases will be lucrative because they will be able to charge the next of kin a 'finders fee'. Does this local authority:

- a) pay for heir hunting services? – [No. See 6 c\) for more information](#)
- b) charge heir hunters a fee for the 'leads' the local authority provides? – [No. See 6 c\) for more information](#)

15. Our previous reports highlight the risks and disadvantages of referring each case to a single heir hunter to research. Has the Council conducted any review of their approach since March 2019 including any cost versus risk analysis and, if so, please provide copies of all such records and documents. – [No, but as per answer to 11 three firms are currently being utilised](#)

- 16. It is possible that some heir hunters may court local authority work because it allows them to charge higher fees due to lack of competition. Bearing in mind the financial implications to next of kin, what measures have the local authority implemented to ensure that when they make a referral next of kin will not be overcharged? – [All Supplier's need to be regulated by the Association of Probate Researchers \(APR\). APR is the only Recognised Body for Probate Researchers that has access to a compensation scheme for clients.](#)

17. Even where the 'finder's fee' charged by the heir hunter is disproportionately high, it is possible that next of kin may not realise that they can choose to claim the estate using a different company or on their own. What measures have the local authority implemented which would:

- a) ensure that the next of kin understand that the heir hunter is not acting for the local authority in an official capacity in relation to the estate? [No](#)
- b) ensure that the next of kin are informed of their right to choose whether to instruct and pay the heir hunter? [No](#)

18. When a case is referred to a single heir hunting company, there is little transparency or accountability so it is possible overlooked beneficiaries or fraudulent claims could go unseen. How does the local authority assess and verify the authenticity of any claim on the estate? - [N/A](#)

19. The local authority can maintain the benefits of competition for next of kin by sending the referral email to three research companies at the same time. If the local authority has not already adopted this approach, what is the reason? – [We don't email to three at the same time, we rotate between the three](#)

I hope this now satisfies your request, and should you have any further enquiries please do not hesitate to contact me directly on the details below.

In addition to this and for future reference Nottingham County Council regularly publishes previous FOIR,s and answers on its website, under Disclosure logs. (see link)
<http://site.nottinghamshire.gov.uk/thecouncil/democracy/freedom-of-information/disclosure-log/>

You can use the search facility using keywords.

If you wish to raise any concerns about the way your request was dealt with, then please write to the Team Manager, Complaints and Information, County Hall, West Bridgford, Nottingham, NG2 7QP or e-mail foi@nottscc.gov.uk quoting the reference number above.

Kind Regards

Complaints, Information & Mediation Officer.
Complaints and Information Team
Chief Executive's Dept
Nottinghamshire County Council
County Hall, West Bridgford, Nottingham, NG2 7QP