

COVER
STORY

TRACING NEXT OF KIN

Chief executive of Hoopers Genealogists, **Kevin Edmondson**, reflects on how the increasing number of public health funerals and recent changes to the Government Legal Department's (GLD's) policy on unclaimed estates affect the public sector.



environmental health, bereavement services and finance departments.

Arranging and funding the funeral

Local authorities (and NHS trusts when a person dies in hospital) have a statutory duty to arrange funerals when a deceased person's relatives are either unwilling or unable to get involved, or where no relatives can be found.

The burden on the public sector to not only fund but also administrate public health funerals is not to be underestimated. About 90% of public health funerals are of people with estates of little or no value, which puts a heavy burden on the taxpayer. Most councils don't have a specific budget or department for public health funerals, so have to arrange funding from other departmental budgets, which are already likely to be under strain.

Genealogists like Hoopers can help by tracing at least one of the deceased person's next of kin and putting them in touch with the local authority or NHS trust so that they can become involved in the funeral arrangements.

An officer at the London Borough of Islington said: "Without the use of genealogists, the vast majority of estranged family members would not get the chance to attend a funeral, or would learn of the death via a public notice.

"By using one of our genealogist partners as soon as we are notified of the deceased, we are able to act quickly to find living relatives. We use the genealogists on a rotational basis, so as not to create a bias; we have worked with Hoopers in particular for over 18 months and are delighted with the services it offers us. In the majority of cases, Hoopers locates living relatives on the day of referral, which is very helpful indeed."

Where the deceased person's estate is likely to be of sufficient value, Hoopers arranges for one of the next of kin to instruct a solicitor to administer the estate. The solicitor ensures that any funeral costs incurred by the local authority are repaid as a priority. Where practicable the solicitor can also take responsibility for funeral arrangements, clearing a property, etc., thus reducing the

burden on the public sector.

Hoopers provides its services regardless of the value of the estate, and all cases are handled free of charge to the public sector. Where there are assets in the estate, genealogists usually recover their costs by way of a commission arrangement with the next of kin.

Respecting family members

Hoopers' policy is to always treat family members with the utmost respect. When faced with breaking potentially upsetting news, we will, whenever possible, do so face-to-face. Where family members may be vulnerable, we will always attempt to establish contact through other family members. Where commission arrangements are proposed, beneficiaries are advised to take independent legal advice before signing an agreement, and they are also protected by a 14-day cooling off period.

Nick Giles, managing partner from solicitors Edwin Coe LLP, said: "Having worked with Hoopers for over 30 years, I have found the company to be careful and considerate in every dealing I've had with it. Hoopers is very thorough and easy to deal with, but also has a genuine interest in the outcome for beneficiaries."

Effects of increased awareness of the industry

Over recent years, with the airing of the Heir Hunters TV show, there has been a proliferation of home-start companies and individuals entering the genealogy business, many with little or no prior knowledge of the industry or of the laws of intestacy. Many of these target local authorities, bombarding them with Freedom of Information (FoI) requests to gather business. The nuisance value of this is great, as public sector bodies are required by law to respond, adding

further to their workload. For compliance, the public sector should only engage with companies which are ISO-certified.

Hoopers' engagement procedure

Hoopers is a long-established and reputable company that works with many of the 418 UK local authorities. We generally receive referrals on a recommendation basis. We do not cold-call or submit FoI requests.

For anyone interested in working with us, we will always arrange a personalised face-to-face meeting before our services are engaged.

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.

Changes in GLD policy

Until fairly recently, local authorities and NHS trusts, even if they had been obliged to arrange a funeral, could then in many cases relieve themselves of any further responsibility for a deceased person's estate by referring it to the Treasury Solicitor's Bona Vacantia division, which had a duty to advertise unclaimed estates of over £500 in value on its website. On 1 April 2015 the Treasury Solicitor's department changed its name to the GLD. The new name reflects a "significant period of change."

These changes include clear guidance that the Bona Vacantia division will not deal with estates if "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." Given that one local authority has found that 95% of the cases referred to a genealogist come back with at least one entitled relative, this will be applicable in the majority of cases.

Before the changes, a documented claim to the Treasury Solicitor 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.

Public sector bodies are therefore faced with a twin problem. Firstly, the GLD is reluctant to accept referrals where there is judged to be a likelihood of surviving next of kin (even if details and whereabouts of such family members are unknown), and actively discourages such referrals. Secondly, cases referred to the GLD are in any case referred back to the local authority or NHS trust if an heir makes a successful claim to the GLD.

To reduce costs and use of resources, the practicable solution is to refer cases to Hoopers or another genealogist rather than the GLD.

FOR MORE INFORMATION

If you would like to discuss the services Hoopers offers, the company is happy to arrange a meeting at your offices or a location of your choice. Please contact Chris Grogan:
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