

The importance of regulation in the Genealogy and Probate Research industry

The genealogy and probate research industry has established a new regulatory body, the Association of Probate Researchers (APR), in response to the lack of regulation in the industry. The APR, which was incorporated in June 2016, is now a recognised body under the Professional Paralegal Register (PPR).

The probate research industry is unregulated and the APR was set up as a voluntary, self-regulatory body which aims to raise standards and to offer protection to beneficiaries from hobby genealogists and fraudulent individuals. Over the last five years awareness of the industry has grown through media exposure and commercial broadcasting shows resulting in firms and individuals who believe that they can become probate researchers with very little or no legal training and experience. Cases of fraud Heir Hunters has resulted in millions of pounds being stolen from members of the public.

The APR provides solicitors, local authorities and the general public with an assurance that if they engage a genealogy company listed on the APR membership directory, that this company meets very strict standards and is supported by a rigorous complaints procedure and compensation policy.

APR at a glance

The main objectives of the APR are:

1. To protect the consumer (Beneficiaries) from unregulated probate research firms or individuals.
2. to set industry standards of professionalism, training and service
3. to promote ethical standards within the industry through education and communication between companies involved in probate research

Members of the APR sign-up to a robust Code of Conduct, providing full confidence to members of the public, professional and government bodies that the company undertaking the research request adheres to standard consumer legislation and is being managed in a competent, ethical manner. To qualify as an APR member the applicant must have a minimum of four years' experience within the genealogy and probate research industry and show evidence of having worked on 100 cases or estates.

The APR's Code of Conduct and complaints procedure are both easily available and make very clear for all beneficiaries, law firms and public bodies, the standards that they can expect from their selected company. If a member breaches the Code or acts in any way deemed to be below the acceptable standards set by the organisation, action can be swiftly taken, and if appropriate, compensation provided to the victim.

Regulation through the Professional Paralegal Register

The APR is endorsed by the Professional Paralegal Register (PPR) as a recognised body for Probate Research. The PPR is a separate and external voluntary regulating body for professional paralegals and APR members who meet the PPR's Practical Experience Requirement qualify to apply for the Paralegal Practising Certificate and become regulated by the PPR.

The PPR was launched in 2015 by the National Association of Licensed Paralegals (NALP) and the Institute of Paralegals (IoP). The register was set up in direct response to the Legal Education and Training Review (LETR) in order to regulate paralegals and only recognise those who provide the highest of standards. The APR is the fourth body to be recognised by the PPR and the only body for Probate Researchers or Heir Hunters. APR's new status is set to benefit its members, allowing them to hold a PPR practising certificate whilst they follow APR and PPR guidelines and code of conduct.

Additionally, the PPR offers an independent complaints procedure and can award compensation in certain circumstances; providing an even greater level of reassurance for the consumer of the service on offer.

Through the Association, anybody approached as a beneficiary regarding an unclaimed estate has the ability to verify the status of the probate researcher by referring to the register.

Reducing fraud through an industry code of conduct

Over recent years, Fraser and Fraser have been active in pushing for regulation, specifically with the aim of protecting beneficiaries from the serious harm that can be caused by untrained hobby genealogists and enthusiasts, who often use 'strong-arm' tactics and ambiguously worded contracts to charge an extortionate percentage of the estate as their fee.

In 2013, a court ordered an Edinburgh-based heir hunter company to pay back almost £240,000 to three siblings after their 93-year-old Aunt died in a rest home without leaving a Will. The company incurred over £15,000 in expenses before even contacting the three beneficiaries and upon first meeting the relatives, refused to disclose who had died and the value of the estate.

The siblings were then given a contract to sign which stipulated the heir hunter company would take a 40% share of any inheritance paid-out and the family would cover the company's expenses. If they didn't sign, the court was told, they would not get anything.

The company charged the siblings £3.33 per minute to meet with them over two days, plus overnight accommodation. In the end, the company's commission and expenses amounted to over £132,000 including over £7,000 for the family visits.

The presiding judge, His Honour Judge Richard Parkes QC, branded the frauds 'calculated, cynical and well planned'.

Other similar stories have surfaced over the past few years and are precisely why we believe that seeking and engaging a member of the APR is imperative to protecting the interests of beneficiaries.

Many Genealogy & Probate Researching companies have been working in the industry for many decades, in Fraser and Fraser's case, over 90 years. For experienced, professional researchers who deal with members of the public, local authorities and law firms alike, membership of a regulatory body truly provides recognition of the many specialist skills that are needed to run successful probate investigations.

As a company, we are extremely proud to belong to a regulatory body. Not only does the APR provide protection for those who contract our services, it drives our industry forward by ensuring updated practices, professional standards, and training requirements for members – which

ultimately are the vital ingredients that will ensure we provide the best Genealogy & Probate Researching services available.

A word from APR Chair Neil Fraser:

“APR is the only Recognised Body for Probate Researchers that has access to a compensation scheme and an independent complaints procedure; we are proud to be working alongside the PPR to enhance the status of Professional Paralegals. Our members will at last be able to have their professional status recognised, this is only the beginning in order to justly regulate the industry, but it is a huge first step. Beneficiaries can be comforted by the fact that our individual paralegal practitioners are regulated and backed by a compensatory scheme, an industry first.”

Rita Leat, Managing Director of the PPR added:

“We are delighted that APR is now a Recognised Body under the PPR. The probate research profession have been among some of the unsung heroes offering legal services and we welcome them as Professional Paralegal Practitioners. The PPR is the voluntary regulatory body for all legal service providers who work in the unregulated sector. It provides a robust but proportionate set of regulatory standards with a compensatory scheme available to consumers when things go wrong.”

Fraser and Fraser is a company of Genealogist and Probate Researchers, and a Corporate Member of the APR. All of our Case Managers are members of the APR and PPR. To find out more about our services, please contact us on +44 (0) 20 7832 1430 or email publicsector@fraserandfraser.co.uk.