

## **The complaint**

Mrs G, on behalf of the estate of Mr M complains Zurich Assurance Ltd (Zurich) deprived the estate of the funds from an interest that matured in 2003.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them again here. The facts are not in dispute, so I'll focus on giving the reasons for my decision.

## **What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so, I agree with the conclusions reached by the Investigator for these reasons:

- It's not in dispute Zurich should have done more to make Mrs G aware on the matured investment when she contacted them to discuss a separate matter in 2009 and made them aware of her father's passing.
- Zurich have acknowledged this and agreed to pay interest on the maturity amount. It is the rate at which that interest is calculated which remains in dispute.
- Zurich say Mrs G had no awareness of the matured funds in 2009 and therefore she has not suffered a financial loss. Instead, they feel their offer to pay interest for the claim being paid late at the Bank of England base rate + 1% reflects what really happened – but I don't agree.
- I agree Mrs G had no awareness of the funds in 2009. But had Zurich done more to bring it to her attention, which all parties agree they should have done, this wouldn't have been the case, and the funds would have been available to the estate of Mr M sooner.
- Ultimately, it's the estate of Mr M that has been deprived of the maturity funds since 2009 and I'm satisfied interest paid at a rate of 8% simple per year is appropriate to reflect that.
- Zurich also offered to pay Mrs G £500 compensation for the trouble and upset their late notification of her late father's investment may have caused.
- The rules I must follow say I can only make awards to eligible complainants – in this case that is the estate of Mr M. I can't compensate an executor for any impact incurred by them personally when representing an estate, so I've not commented on this offer. Mrs G should contact Zurich directly to see if their offer remains available and confirm if she wants to accept it.

For these reasons, I uphold this complaint.

## **Putting things right**

To resolve estate of Mr M's complaint Zurich Assurance Ltd should:

- pay 8% simple interest per year on the maturity value of £52,876.15 from 26 May 2009 up to the date the funds were paid to the estate.

If Zurich Assurance Ltd considers that they're required by HM Revenue & Customs to take off income tax from any interest due to the estate, they should tell Mrs G how much they've taken off. They should also give Mrs G a certificate showing this if she asks for one, so she can reclaim the tax from HM Revenue & Customs if appropriate.

### **My final decision**

My final decision is that this complaint should be upheld.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr M to accept or reject my decision before 7 February 2023.

Sean Pyke-Milne  
**Ombudsman**