

## **The complaint**

Ms M, representing the estate of Mr C, her late husband, complains about delays in the surrender of several investment accounts administered in part by AFH Independent Financial Services Limited ("AFH").

## **What happened**

The background to the complaint will be well-known to both parties, so I won't go back over it in detail here.

Our investigator considered the matter and, in brief, made the following findings.

- In May 2022 AFH acquired the business that had previously acted as IFA for Mr C. AFH contacted the separate business, which I'll refer to as 'A', which held the investment accounts in question and asked it to transfer the authority to act on the accounts. A confirmed this was done on 19 August 2022.
- The grant of probate for Mr C's estate was issued on 22 August 2022 and Ms M took it to AFH on 30 August 2022. AFH said that A then failed to send it the required claim forms. It appeared that AFH's adviser was incorrectly under the impression that he didn't have access to the account at the time. But there was nothing to show that he chased A to correct this.
- AFH also confirmed Ms M reached out to its adviser on several occasions after her visit on 30 August 2022 but didn't hear back from him until 31 October 2022. For this lack of contact it offered Ms M £50 compensation.
- It was only when Ms M then contacted A directly that things started to move. Unfortunately, A did cause some delays later, but based on the available information, the investigator felt that AFH had also contributed to the initial delays.
- It was only after AFH was in possession of the grant of probate that it would've been able to act, on 30 August 2022. AFH had incorrectly given Ms M the impression it was in the process of dealing with the transfer.
- As the investigator had found AFH partially responsible for the delays she felt it was fair that it covered half of any losses incurred by the estate because of the delays.
- When considering what she felt was a fair and reasonable starting point she'd considered the usual time scales for surrendering investments, plus the time it would have taken for AFH to receive the necessary forms from A. Ms M had been very involved with the process and the investigator could see she'd provided A with the forms as quickly as she could. Therefore, the investigator felt that a period of two weeks from when she provided the grant of probate to AFH was a fair estimation of when the surrenders should've happened.
- She therefore recommended AFH contact A to find out how much the investments

would've been worth on 13 September 2022 and compare that value to the value of the investments when they were eventually surrendered in January 2023. If this showed a financial loss, AFH should cover 50%.

AFH didn't accept the investigator's view. It asked that she reconsider some previous points it had made. It felt that A had caused an earlier error, incorrectly linking the accounts of Mr C to another adviser, meaning that AFH's adviser was unable to access the accounts. It also felt that A had provided two versions of events and questioned what, if any, consideration had been given to Ms M receiving claim forms directly from A.

The investigator responded to say, in summary, that the information provided from both parties appeared to show that there was agreement that at the time Ms M provided the grant of probate AFH's adviser had already been given the required access. She said she'd also not been provided with any evidence to show that he did contact A as he'd indicated to Ms M he would.

The investigator also noted that she'd acknowledged that A had also caused some of the delays, which was why she felt that AFH should be held responsible for only half of any potential losses.

AFH made no further response to this, so as no resolution was reached, the matter's been referred to me to review.

### **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 find I've come to the same conclusions as the investigator and for broadly the same reasons. I'm satisfied the evidence shows, on balance, that AFH failed to act as promptly and efficiently as it could've done and as a result is responsible in part for the delays.

I'm aware that A has already accepted that it too was responsible in part for the delays and has agreed to make payment to the estate in line with the compensation the investigator proposed in this case – 50% of any loss caused by the delays.

Given that AFH had nothing further to add in response to the investigator's clarification of her view, A's agreement to pay its share of the compensation and, importantly, the length of time this distressing matter has been ongoing for Ms M, I'm satisfied the resolution proposed by the investigator is fair and reasonable in all the circumstances.

### **Putting things right**

AFH should liaise with A to determine how much the investments would've been worth on 13 September 2022 and compare that figure to the value of the investments when they were eventually surrendered in January 2023. If this comparison shows a financial loss, AFH must make payment to the estate of Mr C of 50% of the loss amount. It should also pay the £50 already offered if it's not done so already.

### **My final decision**

For the reasons given, my final decision is that I uphold the complaint and direct AFH Independent Financial Services Limited to pay compensation to the estate of Mr C as set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr C to accept or reject my decision before 3 May 2024.

James Harris  
**Ombudsman**