

The complaint

The estate of Mrs R complained about Janus Henderson Fund Management UK Limited T/A Janus Henderson Investors (Janus). The estate of Mrs R complained about the service provided by Janus when one of the executors, Mr R, looked to withdraw money and close Mrs R's account.

Mr R has represented the estates concerns during this complaint. He said Janus caused him distress, inconvenience at a cost of both time and money. He would like Janus to provide compensation for this.

What happened

Mr R submitted notification of his mother's death to Janus on 18 July 2023 and looked to obtain settlement of her account with it.

Mr R said he was expecting a call back from Janus's bereavement team but had to wait an unacceptable amount of time for it to do this. Mr R said after receiving a call and then submitting the probate document form along with the form of renunciation, he was told it couldn't identify him. He said he was told he had to go to a solicitor to get his ID verified and then forward them to it.

Mr R said he was told by Janus that his ID did not match the address on its records. He said rather than ask why this was the case, it just immediately identified this as a problem. He said this was infuriating as these were sent in as proof of his identity and not proof of address. He said he then had to speak with his bank to prove that the details he provided was correct on the form of renunciation.

Mr R said the way Janus had applied its process had caused unnecessary distress, inconvenience, and cost of both time as well as money. He complained to Janus about this.

Janus said in response that it investigated a complaint raised by Mr R about its requirements concerning anti-money laundering for the settlement of Mrs R's account. Janus said it understood the reason for the discrepancy between the address shown on Mr R's driving licence and a different address, that he resided at. There was also a discrepancy with a bank sort code.

Janus said following this, it was able to successfully complete an online identity check and from this it was able to pass the outstanding requirements and send the proceeds to Mr R by cheque.

Janus said these actions though crossed with a letter that went out to Mr R, that asked him for more information, that was unnecessary at this stage. It said it was sorry about this as it didn't correctly explain its position. It said it regretted the lapse in service Mr R received. It said by way of an apology for the trouble and inconvenience caused, it arranged for £100 to be sent.

Mr R was not happy with Janus's response and referred his complaint to our service.

An investigator looked into the estate of Mrs R's complaint. He said he was not going to ask Janus to take any action. He said to do so he would need to conclude that Janus acted unfairly, and he didn't think this was the case.

The investigator said it was established on 4 December 2023, why the ID checks were failing, and this was due to discrepancies in Mr R's driver's license and bank sort code. Janus were able to complete the ID verification after this point.

The investigator said the only error was regarding a letter that was sent after Janus had resolved matters. He said he found Janus's offer of £100 compensation for this as fair. He didn't uphold the estate of Mrs R's complaint.

Mr R is not in agreement with the investigator's view. He said the investigator did not address a number of points that he had raised in his complaint letter to Janus and in his referral to our service.

Mr R said the investigator had not correctly recorded the true situation of the call on 30 November 2023 between Janus and himself. He said it made it clear to him that he had to go to a solicitor to get his documents verified because they had failed to validate his identity. He said it was because he did this, that Janus were able to then complete its verification.

Mr R said he wasn't given any direct contact details by anyone at Janus. He said he had experienced on numerous occasions a long wait of at least 15 minutes to speak with someone and it was never the same person.

Because the parties are not in agreement, the estate of Mrs R's complaint has been passed to me, an ombudsman, to look into.

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.

I can see the crux of this complaint is in relation to Mr R's experiences as executor, as he has tried to withdraw money and close his late mother's account held with Janus. I have read through system notes recorded by Janus, in date order and compared them to the issues Mr R has identified in his complaint letter to it dated 7 December 2023.

After doing so, I can see that clearly Mr R has had some difficulty in resolving matters with Janus with regards to the verification of his identity, that of his identification documents and then his bank account. I empathise with him, as he has had to deal with this whilst at the same time grieve over the loss of his late mother.

I note in particular that he had to seek verification from a solicitor for his identification documents. I acknowledge Mr R's point here at the cost to him in time and money. That said I don't necessarily think this is because of any mistakes caused by Janus as it sought to ensure, for good reasons, that Mr R passed its verification checks.

I can see that there were issues between the parties that needed to be sorted out regarding its checks. This took time and as I have already mentioned, there was a requirement at one point for Mr R to seek verification from a solicitor. But after reading through everything, I don't think Janus made any mistakes, was overly officious or delayed verifying Mr R's identity. Rather, it took the necessary steps it needed to take to ensure it met its own regulatory obligations and in turn protected the estate of Mrs R's money.

I can also see from the outset that after notifying Janus of Mrs R's passing, Mr R was booked in to receive an initial call, and this happened after 10 working days. On its system, a representative from Janus has stated "if the death certificate or grant of probate has not been received then please allow for a minimum of 10 working days to pass before arranging a call back." Janus didn't delay matters here or had given matters a low priority, instead it looks like it had planned to call him after 10 working days, presumably to give him time to receive a death certificate and / or grant of probate. So, I don't think Janus has done anything wrong here either.

That said, I do understand Mr R's frustrations regarding contact with Janus. He has recalled waiting for 15 minutes at a time on the phone until he was able to get through. He said when he did, he never was able to speak to the same person twice, and so had to explain everything again. He described how Janus's system was a source of great frustration for him as he tried to resolve matters regarding verification of his ID and bank documents. I acknowledge what he has said about this.

In addition, Janus said it made a mistake when it responded to Mr R's complaint. It said it resolved matters with him, but then one of its representatives sent a letter out where he continued to ask Mr R for information. It said this was a mistake and paid Mr R £100 compensation for this.

I need to consider whether I can make an award for distress and inconvenience in the first place, before I consider whether Janus's offer is fair and reasonable or not, based on what I have just said about Mr R's frustrating experience in dealing with matters here. And in consideration of this, I don't think I can. As executor Mr R's role throughout this complaint has been as representative of his mother's estate. The estate of Mrs R is the eligible complainant here, and this is because it was Mrs R who had the required relationship with Janus. This matters, because the rules that our service follows, in terms of our jurisdiction, states that I can only make an award to an eligible complainant.

So, with what I have said in mind, it follows that I can't compensate an executor for any impact incurred by them personally, in their role representing their mother's estate, only any loss that has been incurred to the estate. And this is what I think accurately reflects what Mr R's role has been and what has happened here.

In conclusion, I don't think Janus has made any mistakes with the way it dealt with verifying Mr R's documents, when he sought to settle his mother's account held with it. I also don't think it was responsible for any delay or took too long to respond to Mr R, initially when he notified it of Mrs R's passing.

That said I do acknowledge what Mr R has said about the frustrations he felt in trying to resolve matters, including how long he spent on the phone trying to get hold of a representative from Janus. I also can see Janus made a mistake in responding to Mr R's complaint and it has paid him compensation of £100 for this. I don't think I can make an award to Mr R personally regarding the distress and inconvenience he has described he has suffered so I don't require Janus to do anything further.

I don't think the estate of Mrs R has suffered any loss here, and so I don't uphold this complaint.

I appreciate that my decision will be disappointing for Mr R, and again I do empathise with him regarding what he has told our service and what he said he has experienced. But based on everything I have read and the findings I have given, I don't uphold the estate of Mrs R's complaint.

My final decision

My final decision is that I do not uphold the estate of Mrs R's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mrs R to accept or reject my decision before 15 January 2025.

Mark Richardson
Ombudsman