

The complaint

The estate of Mrs B complained about Cofunds Limited (Cofunds) trading as Aegon. The representative of the estate said Cofunds didn't act fairly when they tried to settle Mrs B's accounts. They would like Cofunds to put things right.

The estate of Mrs B has been represented throughout this complaint by Mrs B's daughter in law. I have referred to her as Mrs B1. The executor of the estate is Mrs B1's husband and Mrs B's son, Mr B.

What happened

Mrs B held a stocks and shares individual savings account (ISA) as well as a general investment account (GIA) with Cofunds. Mrs B passed away in September 2023 and as executor Mr B needed to contact Cofunds to arrange for her two accounts to be settled and the proceeds sent to the estate.

Mrs B1 said she didn't think Cofunds had acted in a fair and reasonable way towards the estate or towards her or her husband as executor. She made the following points:

- Cofunds moved the goal posts regarding what it required.
- It asked how Mrs B passed away and she questioned why it needed to know this.
- She felt she was spoken to rudely on the phone.
- Cofunds asked for more information than was needed.
- The estate had incurred additional professional fees because Cofunds didn't know what it was doing.

Cofunds said in response that it had followed the correct process. It said though that there was a delay caused by it in responding to Mrs B1's complaint and it offered and said it paid £25 compensation for this.

Mrs B1 was not happy with Cofunds' response and referred the estate of Mrs B's complaint to our service.

An investigator looked into the estate of Mrs B's complaint. He made the following points in his view. He said:

- Cofunds explained in its letter when it would need a grant of probate.
- Initially Cofunds looked to process settlement of the policy through requiring an indemnity and death certificate; but this didn't happen.
- Cofunds then said it needed a grant of probate, as explained in its initial letter.
- After protracted correspondence, a grant of probate was received by Cofunds on 19 March 2024 and the policies were surrendered with a confirmation letter on 27 March 2024.
- Cofunds were clear about its requirements from the outset, and so couldn't agree it was being unreasonable with what it needed.

- It was unaware that a grant of probate had been applied for until 16 November 2023, but when it was aware it explained that it would be needed.
- He listened to the call that Mrs B1 was unhappy about and felt Cofunds could have been more empathetic with her. But he didn't think they were being rude. He said these things are subjective, but he didn't think on this occasion that it had done anything wrong.
- He said he didn't think Cofunds had done anything wrong so wouldn't be requesting that it covered any fees. He didn't uphold the estate of Mrs B's complaint.

Mrs B1 was not in agreement with the investigator's view. She said she nor the estate had received any money as an apology from Cofunds, so she was not sure where this had come from.

Mrs B1 reiterated Cofunds requests had changed. She also said other financial business's didn't need to see how someone had died, a coroner's certificate should suffice.

Because the parties are not in agreement, the estate of Mrs B'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 have independently reviewed the estate of Mrs B's complaint and have arrived at the same outcome as the investigator, for the same reasons. I will explain why.

I have carefully read all of the correspondence between Cofunds, Mr B and Mrs B1. I've also looked through all of the documents that have been submitted including the coroner's certificate.

Mrs B1 said Cofunds requests for information had changed. I agree, but I don't think it did anything wrong though, when it did this.

I have read the letter sent initially by Cofunds and can see that it clearly displayed its requirements to Mr B as the executor of his mother's estate, in order for it to settle the ISA and GIA. I can see that Mr B tried to provide information to it and follow its guidance on how to do so according to its small estates procedure. This procedure is something that is agreed upon by each business, according to what it is prepared to accept in order to help executors and try and make things more straight forward for them when smaller sums of money are being dealt with. I can see it stipulated what its requirements were in its initial letter sent to Mr B.

This is where I think, the misunderstanding and general unhappiness stemmed from. Mr B sent in a coroner's certificate (along with an indemnity form), and Cofunds didn't accept it. Instead, it said it required a death certificate. At this stage I don't think it had changed its stance about what it required from Mr B. It stated in its initial letter that it required a death certificate, so I don't think it was being unreasonable when it didn't accept the coroner's certificate.

Mrs B1 has asked why it would want a death certificate, when a coroner's certificate would suffice, but this was Cofunds' process, it was its small estates procedure that it had agreed as a company it would follow. It seems to me that it would have been seen to its representatives that they ought to follow it to the letter and not work outside of that, for something as important as processing a small estates claim. I don't think I can say that

Cofunds was being unfair to Mr B or Mrs B1 here, as it was only requesting from them what it would have requested of anyone else in their situation and what it had outlined to them from the outset.

Mr B then responded to Cofunds and said it was delaying providing him with a value for the two accounts and this was causing a delay in him obtaining a grant of probate. This is when I think, rightly, Cofunds changed its requirements. This is because it no longer was a small estates claim. It had made it clear that a small estates procedure could be used instead of an estate needing a grant of probate. But at this point, it became aware that Mr B was applying for one, so it needed to treat Mr B's request differently. It, at this point, instead needed sight of the grant of probate. As I have already said, I agree that Cofunds requests for information had changed, but I don't think it did anything wrong when it did this, for the reasons I have given. It was simply responding to the information it was being told by Mr B and Mrs B1.

Mrs B1 has also complained about a phone call with one of Cofunds' representatives. She said the representative was rude and it was upsetting for her. I have listened to the phone call. I agree with what has already been said by the investigator from our service, I do think that Cofunds' representative could have displayed more empathy than she did, but otherwise I think she was just relaying what she felt was Cofunds procedure. I don't think there was anything wrong with what she said.

Mrs B1 has also raised that the estate has incurred professional fees in trying to sort out obtaining what Cofunds needed. I don't think though, that these costs were because of any mistakes caused by Cofunds, rather it seems that any costs incurred in this regard, were in relation to Mr B carrying out his function as executor of the estate.

Finally, Mrs B1 said she nor the estate has received any money as an apology, so she doesn't know where this has come from. I can see that in a response to her complaint, dated 25 January 2024, Cofunds said it was crediting Mr B's account £25, due to a delay to it responding to the estate's complaint. It stated in the letter that it was arranging to do that, so if this hasn't happened and Mr B hasn't received £25 from Cofunds, then he should contact it, to allow it to look into this.

I appreciate that my decision will be disappointing for Mrs B1 and Mr B, and I acknowledge the strength of their feelings in the submissions provided. I appreciate that it has been a sad and difficult time as they have had to deal with their complaint whilst grieving. I understand that this must have been stressful and upsetting for them. But based on everything I have read and the findings I have given, I don't uphold the estate of Mrs B's complaint.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mrs B to accept or reject my decision before 13 February 2025.

Mark Richardson
Ombudsman