

The complaint

Mr L, in acting as the representative of the late Mrs L's estate, complains that Perennial Financial Management Limited (Perennial) caused delays in administering the estate by unnecessarily requiring original documents and the impact of one of those going missing.

What happened

The late Mrs L had an advisory relationship with a firm I'll refer to as X, which had advised investment products for Mrs L from its restricted offerings. For the advice and administration of products outside of that arrangement, Mrs L would be directed towards Perennial, a firm within the same group that advises on products outside of X's restricted offerings.

Perennial's relationship with Mrs L was that it had advised her on the following:

- An **ISA**, with a firm I'll refer to as **A**
- Another **ISA**, with another firm, **B**, and
- A **long term care plan**, with firm **C**.

Given its role in advising and arranging these investments with those out of group providers, Perennial says it was instructed by X to notify those firms and provide it with the documentation needed to register Mrs L's sad passing which took place on 13 August 2023. To be clear, in my decision I'll make no finding on A, B and C's involvement in this matter as this complaint isn't about them, only Perennial.

Perennial says its standard procedure is to request the original death certificate and will and send those to each product provider in turn. It first requested those original documents from X on 22 September 2023, which was sent to **A** on 29 September 2023 by post. On 20 October 2023 it received the original documents back from **A** and sent them to **B** by post.

Perennial then on 27 October sent to **C** just the original death certificate, with the original will not being enclosed as it hadn't been received back from **B**. It went unnoticed by Perennial that the original will hadn't been returned to it by **B** or enclosed to **C** until around mid-December. The will was later identified as being in **B**'s safe keeping and was returned to Perennial on 5 January 2024.

Mr L, in administering Mrs L's estate, was unhappy that Perennial asked for the original documents which he felt were unnecessary and that it had lost the original will. In his view those prevented him from being able to obtain the grant of probate earlier. And as he wasn't able to that delayed the sale of Mrs L's property which the buyers were incurring costs because of, who were looking to pass those onto Mrs L's estate. Mr L had also taken on the costs of administering the estate himself which he'd borrowed money to cover, which he felt Perennial had some responsibility for where he felt it caused delays in him being able to access the estate's resources.

Perennial considered what Mr L said as a complaint. It upheld it in part offering £250, in summary it said:

- Some product providers require both the original death certificate and original will and that it asks for these to avoid unnecessary contact.
- It wasn't responsible for what firms did with those documents and how long they took to return them.
- It agreed it ought to have identified the will wasn't returned to it and awarded compensation for the stress and worry caused by that.
- But it didn't agree that it was responsible for any late administration of the estate.

As Mr L disputed those conclusions, he referred the complaint to our service to consider. One of our Investigators reviewed matters but didn't think he could ask Perennial to do anything more to resolve the complaint. This, in summary, was because while Perennial hadn't provided the level of service he'd expect it to it wasn't unreasonable it requested the original documents it did. He hadn't seen evidence the estate itself had incurred a financial loss, and as we can't ask a firm to compensate a representative of an estate, he wasn't minded to recommend Perennial do anything more to resolve the complaint.

Disagreeing with our Investigator, Mr L said:

- Having to provide the original documents delayed probate as he couldn't apply for it until he'd received these back from Perennial.
- The firms involved, A, B and C, all later told Mr L that they didn't require the original documents, had Perennial checked that it would've avoided the delays.
- Those probate delays had the following impact:
 - He was unable to complete the sale of Mrs L's home and had to cover the bills for it himself in the interim.
 - One potential purchaser of the property had dropped out due to the uncertainty of probate. With the eventual purchaser asking for a reduction in the purchase price due to them having to rent in the interim because of Perennial's delays to Mr L being granted probate.
 - Not being able to access the estate funds to pay for the estate's expenses, including bills for Mrs L's home and the funeral costs, which Mr L borrowed money to cover.
- The delays caused friction and distress within the family.

Our Investigator considered Mr L's response but didn't change his outcome. He remained satisfied that it wasn't unreasonable or excessive to request the original documents, and that the losses couldn't be fairly attributed to Perennial.

As an agreement wasn't reached, the complaint was passed to me to decide.

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.

Firstly, I'd like to acknowledge what has been a difficult and frustrating period for Mr L, following what was already a trying time with the passing of his mother. This matter has clearly had a significant impact on him and his family, and I pass on my condolences for his and their loss.

Fundamentally I've not seen Perennial were wrong to request and require the original documents for the reasons it did. It can be unpredictable what firms will want when recording a death as there isn't a set approach for them to follow. Each firm then will have its own requirements, which could change from time to time. I can see from Mr L's perspective why he feels this was unnecessary and inefficient, but I think Perennial was well intentioned by trying to avoid repetitive communications at what was already a difficult time.

It is possible it could've spoken to each firm at first, but it isn't required to and doing so would likely add an administrative burden which may also risk it later being asked to provide the original documents in any event. This procedure is generally quite quick, which can be seen at the pace **B** received, copied and returned the death certificate. But Perennial can't fairly be responsible for delays taking place within those firms as those factors would be outside of its control.

While I understand Mr L's concerns I can't say Perennial acted unfairly by requiring the documentation it did. The notification of passing is done to in effect suspend the accounts and prevent any further action being taken on them. It isn't unreasonable then for Perennial to have concerns that such an important request, which firms may and will rightly challenge if they have concerns, may only be accepted on receipt of the original documents to allay any concerns those firms could have.

However, I do think the evidence shows Perennial caused a delay in completing its notification procedures. Specifically on 27 October 2023 when it sent the original death certificate to **C** without the will being enclosed. In my view it's reasonable to conclude that given what Perennial has said about requiring the original will and death certificate to be a standard procedure, that it ought to have identified the original will hadn't been returned during the process of preparing the documents for sending to **C**. Had it done so, it likely would've asked **B** much sooner than it did to check if it still had the original will.

For me to direct Perennial to compensate Mrs L's estate, I would need to see persuasive evidence that on the balance of probabilities Perennial's involvement in that delay I've identified caused the estate financial loss.

I've thought carefully about this but like our Investigator, I've also not seen I can sufficiently attribute this to the overall time it took for the estate to be granted probate, or that if it did those delays caused the losses Mr L has alleged.

I say this because there are factors outside of Perennial's control here which increased the overall time it took to bring the original will back into Mr L's possession and later receive the grant of probate to administer the estate. I say this because at times it took the firms longer than might usually be expected to view, copy and return those documents – which I wouldn't expect to take more than a week or so, as was the case when **B** processed and returned the death certificate to Perennial. But on at least one occasion that took much longer, around three weeks as it did with **A**.

I've also considered that **B** couldn't initially find the will in its records, and it is uncertain then had Perennial enquired sooner than it did with **B** about the whereabouts of the will whether it would've been found and received by Perennial sooner than it was on 5 January 2024.

Probate itself tends to be lengthy, with a recent Government publication commenting that towards the end of 2023 it tended to take around 12 weeks to receive the grant, and that these timescales were much improved on in early 2024. Mr L received his grant of probate around 34 days after Perennial had received the original will back. But had Perennial not delayed looking for the lost will I can't say its likely he would've experienced a similar timescale, given what the above referenced publication says about the likely timescales had the will been returned sooner and he applied before the end of 2023 as he may've been able to. It follows then in my view had the will been available earlier it's too uncertain whether Mr L would've practically been able to receive the grant before he actually did for me to say it's likely that he would've received it earlier, and early enough to avoid the losses he's told us about.

Property sales as well are especially vulnerable to delays and uncertainties, in particular here it can't be ignored that Mr L accepted an offer on the property prior to probate being granted. This is in itself a risk given what I've said about typical probate timescales above. In my view then while Mr L is able to take that risk, I don't think it would be fair to attribute the consequences of the issues around the sale and maintenance of the property to Perennial given all the other factors that led into the overall time it took for Mr L to have the documentation needed to apply for and receive probate.

Taking into account all of those factors together, it follows in my view that I can't reasonably conclude that it's likely that probate would've been awarded sooner and done so at a point before the losses Mr L says were incurred. Accordingly, while I understand Mr L's position, I don't find it likely that Perennial's delay can be reasonably attributed to the losses Mr L says was caused to the estate.

Turning to the inconvenience and frustration caused by Perennial's delay, I'm not able to award Mr L compensation for that. This is because this complaint is brought by Mr L as the representative of Mrs L's estate, and that inconvenience caused is towards him, not Mrs L. Mrs L is the eligible complainant in this matter and so any award I make can only be for losses to her estate or to her during her life, which Mr L's direct losses and the inconvenience he experienced is outside of.

Perennial has made an offer of compensation to Mr L in his capacity as the estate representative. For the reasons given above I'm not able to comment on that offer and it would be for the parties to arrange payment of that between them.

My final decision

For the reasons given above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Ms L to accept or reject my decision before 7 November 2025.

Ken Roberts
Ombudsman