

## The complaint

This complaint has been brought by Mr W, representing the estate of Mrs W. He complains about the way Equiniti Financial Services Limited (“Equiniti”) have dealt with the sale of shares held by the late Mrs W.

## What happened

This complaint is about the sale of shares held in the name of the late Mrs W, who sadly died some years ago. There was no grant of representation for the estate of Mrs W and the shares continued to be held in her name.

In February 2022, Mr W contacted Equiniti and asked them to provide a valuation of the shares and to sell them so he could pay out the proceeds to the relevant beneficiaries. Mr W explained that Mrs W had died a widow leaving one son who had also since died. Mrs W’s son left a widow who had recently died, and Mr W was the executor of her estate.

In response to Mr W, Equiniti explained that they would need to see grant of representation for Mrs W’s estate or if that had not been obtained, he could potentially use their small estates service. There was ongoing communication between Mr W and Equiniti. Mr W submitted paperwork for the small estates service on several occasions, but it was rejected by Equiniti as being incomplete. After further correspondence, the shares were eventually sold in April 2024 and a cheque for £418.88 was sent to Mr W.

Mr W complained to our service in March 2024 about Equiniti’s actions. Although the shares were sold shortly after that, Mr W said he remained unhappy about what had happened. He said Equiniti should have resolved things when he first contacted them two years previously and he would like them to pay compensation for the stress they caused as well as interest on the funds.

Our investigator looked into the complaint. She said:

- She was only able to consider the complaint points that Mr W had raised about Equiniti who were the registrar for the shares in question. She was unable to consider complaint points that Mr W had raised with the company that Mrs W held shares in as their involvement was not covered by a regulated activity.
- When it comes to complaints brought on behalf of an estate, our service can only award for financial loss caused to the estate. We would not be able to award for any trouble or upset Mr W experienced as representative of the estate.
- She could see that Mr W was very involved with the complaint, and that his priority was to fulfil the role of executor to the best of his ability. She could also see that Mr W had personally experienced significant inconvenience. However, there are strict rules and limitations that dictate who we can award compensation to. These are set out by the regulator, the Financial Conduct Authority. We do not have discretion to change them.

- In this complaint Mr W is acting as the executor of the estate. He does not have a direct relationship with Equiniti, instead his role is that of a representative. Our service does not award compensation for trouble and upset to representatives. She said that although she had sympathy for the trouble Mr W went through, she did not have the power to ask Equiniti to compensate him.
- Mr W had paid £85 to use Equiniti's small estates service. She could see that the form had made it clear there would be an administration fee of £50 for holdings over £200 and an additional £35 for the countersignature waived fee. Equiniti had refunded a £70 postal share dealing fee as a gesture of goodwill. Her understanding was that these fees would have been due at any time, so the delays didn't impact them.
- The delays in selling the shares, whether they were due to Equiniti's actions or not, did not cause a detriment to the estate because the share price had increased. Having carefully considered all the available evidence, she did not think that Equiniti's actions had caused a financial loss to the estate of Mrs W.

Mr W disagreed with our investigator's findings and asked for an ombudsman to review the case.

### **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 should first say that having considered the information and documentation provided by Mr W I'm satisfied that I can consider this complaint which is brought on behalf of the estate of Mrs W.

I should also make clear that our service has no regulatory or disciplinary powers, which means we can't direct a business how to operate and we can't impose any penalties. We consider each case on its own facts and where things have gone wrong, we look to put them right on a fair and reasonable basis.

Mr W first contacted Equiniti in February 2022. I can see that he explained clearly the family situation of the late Mrs W and why he was representing her estate in this matter. In response, Equiniti explained that Mr W would need to provide grant of representation for Mrs W's estate, or he could potentially use their small estates service.

There was substantial ongoing correspondence between Mr W and Equiniti, but Equiniti's position remained the same: Mr W needed to provide grant of representation or complete the forms necessary for their small estates process. While I can appreciate that must have been frustrating for Mr W, I don't think I can say that Equiniti acted unreasonably. It was important that they made sure Mr W had the authority to act on behalf of the estate of Mrs W before selling the shares and releasing the proceeds.

I can see that in November 2023 Mr W provided Equiniti with various certificates and other documents in relation to Mrs W's family. Mr W also submitted the small estates forms, but these were rejected several times by Equiniti as they had not been fully completed. Again, I don't think it was unreasonable for Equiniti to require the forms to be completed in the correct manner before they were accepted.

It was not until April 2024 that Equiniti were satisfied they had the information they needed to register Mrs W's death, sell the shares and release the proceeds to Mr W.

Overall, it took more than two years from when Mr W first contacted Equiniti for the matter to be resolved. I appreciate that is far longer than Mr W would have expected such a process to take. But as I've noted, I don't think I can say Equiniti acted unreasonably by asking Mr W to provide the information they requested. And while it may be that Equiniti could at times have done more to take account of Mr W's circumstances in their communications with him, I'm not persuaded I can fairly say they were responsible for causing unnecessary delay to the sale of the shares.

Even if I was to find that Equiniti were responsible for the shares not being sold sooner, I don't think they would need to pay any redress to the estate. In those circumstances, I would have looked to put the estate back in the position it would have been in but for Equiniti's failings. In other words, I would have required Equiniti to compensate the estate for any losses incurred as a result of the delay in selling the shares. However, the estate has not lost out as the value of the shareholding increased significantly over the period Mr W was in correspondence with Equiniti. So, the estate has suffered no financial loss.

I've looked at the fees that Mr W paid, and I'm satisfied they were in line with Equiniti's standard charges for the services provided and that they were explained clearly to Mr W.

I would like to reassure Mr W that I've read what he's told us about the impact this matter has had on him. It's clear that the process has caused substantial distress and inconvenience to Mr W personally, particularly given the health problems that he has described to us.

As our investigator has explained however we are not able to award compensation for distress and inconvenience in situations like this. The representative of an estate is complaining on the deceased consumer's behalf. And we can't compensate the representative for any impact incurred by them personally, when representing the deceased consumer.

Any such compensation would be a matter for Equiniti themselves. I note they have already agreed to refund one of the fees Mr W paid as a gesture of goodwill.

I recognise that Mr W feels strongly about what has happened and realise this will be a disappointing decision for him, but I won't be asking Equiniti to do anything further.

### **My final decision**

For the reasons given, I don't uphold the estate of Mrs W's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mrs W to accept or reject my decision before 17 December 2024.

Matthew Young  
**Ombudsman**