

The complaint

This complaint has been brought on behalf of the estate of Ms B by her executor, who I'll refer to as Ms S.

Ms S says Platform Funding Limited failed to take steps to protect Ms B, such as checking signatures on documents. She says it delayed giving her information and access to Ms B's buy to let mortgage account, causing problems with probate, paying taxes and a police investigation. Ms S says this caused her stress and wasted hours of her time when she was dealing with a bereavement.

Ms S doesn't ask for financial compensation. She asks that Platform is held to account for its horrendous service and ups its game so that no-one else has to go through the same thing.

What happened

Ms B had an interest only buy to let mortgage with Platform. The term expired in October 2022 with an unpaid balance.

A third party provided a lasting power of attorney, purportedly granted by Ms B, to Platform. Platform had discussions with the third party regarding repayment of the buy to let mortgage. In late 2023 an agreement was reached that most of the mortgage balance would be repaid with a lump sum with the remainder repaid over an extended term.

Ms S says that Platform wrongly accepted the lasting power of attorney and re-mortgage documents from the third party without checking the signatures. She said Ms B knew nothing about the re-mortgage.

When it became aware of a possible problem, Platform removed the third party from the account and made a report to the National Crime Agency (NCA). The mortgage balance remained outstanding.

Ms B died soon after this. Ms S says she needed information about the mortgage to deal with the estate and pay taxes. Despite providing the death certificate and a copy of the will, Platform didn't allow her access to the mortgage account. Platform says it sent the information Ms S needed for the probate application to her in February 2024. It told Ms S it couldn't give her further information or access to Ms B's mortgage account without a grant of probate.

The grant of probate was issued in August 2024, appointing Ms S as the sole executor of Ms B's estate.

Our investigator didn't uphold the complaint. She said Platform couldn't have known if there was a problem with the power of attorney. It didn't make an error when it asked for the grant of probate before giving Ms S access to Ms B's mortgage account. And while Platform caused a delay in processing the death certificate and will this hadn't caused a financial loss to Ms B's estate.

Ms S didn't agree and asked that an ombudsman re-consider the matter.

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'm sorry for the difficult and upsetting circumstances Ms S has had to deal with, following the death of Ms B.

What I have to consider here is whether Platform made an error, and if so what it should do to put matters right.

Ms S says Platform didn't verify documents provided to it by the third party

I've looked at the documents and communications between Platform and the third party, including the power of attorney giving the third party authority to act on behalf of Ms B. If the third party was acting without Ms B's knowledge and consent, I can't see that Platform ought reasonably to have known this.

I don't think the involvement of the third party resulted in any financial loss to Ms B's estate. Platform didn't provide additional borrowing to Ms B (or the third party). The discussions Platform had with the third party were about repayment of the mortgage balance. The third party's proposal to repay a lump sum and extend the time to repay the balance didn't go ahead.

When Platform became aware of concerns about the third party, it removed the third party from the account and reported the matter to the NCA.

Ms S says there were unreasonable delays in Platform providing information to her about the account

Ms S says she's named as the sole executor in Ms B's will. She says Platform could have given her access to Ms B's mortgage account in December 2023. Ms S says Platform's refusal to do this caused difficulties with dealing with estate and paying taxes, and meant she couldn't pursue her enquiries about the mortgage. She says this hindered a police investigation.

Platform says it couldn't give Ms S access to Ms B's account until it received the grant of probate. I understand Ms S's frustration about this – it can take months to obtain a grant of probate. However, the grant of probate is evidence that Ms S has the legal power to deal with the estate. I can't fairly say that Platform should have given Ms S access to the account without this.

Ms S provided copies of messages with the police in November 2023 and January 2024. The later message said the police were treating the matter as a civil dispute not requiring police involvement. It said the banks involved would contact the police if they have evidence of a fraud. The message said Platform had reported suspicious activity/welfare concern and hadn't reported fraud. The message said Platform had failed to provide any documents so the police didn't have the required evidence to develop the investigation.

I understand Ms S's concerns about what might have happened with the account. But I can't fairly find that Platform hindered a police investigation when it didn't give her access to the account – there's no evidence of an active police investigation. There's no evidence the police contacted Platform and asked for documents which Platform refused to provide. The

message says the police expect the banks to get in contact if they had evidence of fraud.

Platform says it hasn't been contacted by the police since it made its report to the NCA, but will assist if they do get in contact.

Ms S says Platform didn't update her about its contact with the police. Platform says it tried to call Ms S about this in March 2024. Ms S disputes this and says no letter was sent to back this up. Platform's final response letter sent in late March 2024 said it had received no contact from the police since submitting a report to the NCA. So I think it did make Ms S aware of this.

Ms S said Platform refused to deal with her but sent letters about payments for the mortgage. Unless Platform agrees otherwise, the estate of Ms B will need to maintain monthly payments and repay the mortgage. I don't think it's unfair for Platform to send letters about the payments that were due.

Platform said it had longer call waiting times in February 2024 than usual. It said it had caused delays in processing the death certificate and will after this was provided by Ms S. It apologised for this.

It's not clear if the delay in processing the will and death certificate caused delays with the grant of probate being issued. After Platform wrote to Ms S in February 2024 she told Platform she'd already applied for the grant of probate using information from other sources. Even if it did cause a delay, Ms S hasn't provided evidence that this caused financial loss to the estate of Ms B.

Ms S has told us she found dealing with Platform difficult and upsetting. Ms S says she hasn't asked for compensation. For completeness, I should say that I can't require Platform to pay compensation to Ms S or for her upset or inconvenience. That's because she isn't the eligible complainant – she brought the complaint to us on behalf of the estate of Ms B.

I should also explain that this service isn't a regulator and we don't have the powers of a regulator. I can't fairly require Platform to make wholesale changes to its processes. This service provides an informal dispute resolution service. We take into account relevant law, regulation and best practice to reach a decision about what's fair and reasonable in the individual circumstances of a complaint.

I appreciate that Ms S will be disappointed. But having considered the available evidence and the comments of both parties, I don't think that Platform made an error or acted unreasonably so as to make it fair and reasonable in the circumstances to require it to take any further steps regarding this complaint.

My final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Ms B to accept or reject my decision before 12 December 2024.

Ruth Stevenson
Ombudsman