

## The complaint

The estate of the late Mr T complains about the poor service received from Scottish Widows Schroder Personal Wealth Limited, trading as Schrodgers Personal Wealth (“SPW”).

The complaint is brought on the estate’s behalf by the executor, who is also the late Mr T’s son. To differentiate him, I’ll refer to him as “Mr C”. Mr C says there was confusion between the different parts of SPW’s umbrella company and it wasn’t clear which of the late Mr T’s assets were held with SPW.

He wants SPW to improve its processes, to pay him for his time, and compensation for the distress he’s been caused.

## What happened

The investigator has already set out in some detail what happened here. In brief, the late Mr T held assets with SPW and with one of its sister companies, both of which acted under the umbrella of “Schrodgers Personal Wealth”, but which had different processes. And, because of the similar names and letterheads, it wasn’t always clear to Mr C which entity was communicating with him. And, he says, staff themselves weren’t clear about the different entities.

He instructed SPW to make a payment to HMRC for the estate’s IHT liability, which needed to be paid before the grant of probate could be issued. He says the process was unclear.

In its final response to his complaint, SPW explained who the different entities were, and their responsibilities, and it apologised for any confusion caused. It said that by 2 October 2023, it had received all the information it needed to pay HMRC. It made the payment and on 13 October it sent Mr C confirmation that the payment had been made. It accepted that it had earlier wrongly closed Mr C’s complaint, and that its bereavement team not having a dedicated phone line may have caused problems. It said it was looking to develop a different process. It offered Mr C £200 for the distress and inconvenience caused.

Our investigator concluded that SPW acted on Mr C’s instructions – to make a direct payment to HMRC. And, whilst he accepted Mr C spent many hours trying to sort out the issue, the investigator said he wasn’t eligible to complain about issues that affected him personally as the account holder here is the late Mr T.

Mr C didn’t agree. He said, in summary, that:

- The investigator has misinterpreted this service’s guidance. Where someone has died, the representative(s) of the estate should be seen as the complainant(s).
- The investigator has oversimplified what happened and underestimated the confusion and distress he was caused.

## **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 understand Mr C's strength of feeling on this matter and I'm aware that I've summarised this complaint in far less detail than him and in my own words. I have fully considered everything he has told us, but I am not going to respond to every point one of the parties has made or to answer every question raised. That isn't because I haven't taken into account what Mr C has said, but because my role is to focus on what I think are the key issues here. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts.

I am sorry to disappoint Mr C, but our investigator was correct to conclude that we can't award him compensation for any distress and inconvenience he suffered in his capacity as an executor. I'll explain why.

This service operates under a set of rules laid down by Parliament under the Financial Services and Markets Act 2000, published by the Financial Conduct Authority ("FCA") and known as the DISP rules. I am entirely bound by these rules, and I can't disregard them. If I did, any decision I reached wouldn't be enforceable in court.

One of the things these rules cover is that a complaint must be brought by an eligible complainant. Or, of relevance here, on behalf of an eligible complainant. Specifically, by someone authorised by law to bring a complaint on someone's behalf – like the executor of an estate. DISP 2.7 gives details of what is required for someone to be an eligible complainant. I find the eligible complainant here is the late Mr T as the account with SPW was in his name. As he's passed away, it is his estate who has brought the complaint. But I can only award compensation for distress and inconvenience to the eligible complainant – who is the late Mr T, rather than Mr C. I find that any distress and inconvenience Mr C suffered was in relation to his interactions with SPW in his capacity as executor to his later father's estate. And not in relation to any eligible complainant relationship Mr C himself had with the firm.

SPW offered Mr C £200 for the poor service he received. I appreciate this is much less than the amount Mr C thinks SPW should pay him. But, if on reflection he wants to accept it, he should contact SPW direct to arrange payment.

I do understand Mr C's frustration with the position but, as I've explained, I cannot disregard the rules.

Whilst I don't underestimate the confusion the similar sounding entities caused, and the different processes each followed, I'm satisfied that SPW made the payment to HMRC once it had all the information it needed to do so, including verifying the identity of the executors.

SPW acts under the umbrella of "Schroders Personal Wealth" and the late Mr T also held assets with another business entity under that umbrella. I understand it was frustrating and confusing for Mr C that the sister company had different processes. But, whilst they act under the same umbrella, they are separate business entities each of which has its own procedures and processes.

Mr C is keen to ensure his experience isn't repeated for others, and I can see that he has already communicated his concerns to Schroders Personal Wealth's executive, albeit without the response he'd hoped for. My role is to resolve individual disputes between businesses and consumers. I don't have the power to tell a business how it should treat all

customers or how it develops its internal policies. That's a matter for the regulator, the FCA. So I can't comment further on SPW's procedures or the way Schroders Personal Wealth operates.

### **My final decision**

For the reasons I've explained, my final 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 Mr T to accept or reject my decision before 19 December 2024.

Elizabeth Dawes  
**Ombudsman**