

The complaint

The estate of Mrs W complains about how Brewin Dolphin Limited administered a portfolio of investments after the passing of Mrs W.

What happened

After the passing of Mrs W in December 2021 the estate notified Brewin Dolphin of what had happened.

Brewin Dolphin wrote to the estate saying that Mrs W's account had been suspended and all assets frozen until they received a Grant of Probate or Grant of Confirmation. Soon after the estate was provided with a probate valuation showing the value of the assets at the time of Mrs W's passing.

The Grant of Probate was issued in October 2022 and provided to Brewin Dolphin soon after when the assets, which were stock market related products such as investment funds as well as individual shares, were then sold.

When the estate received the funds they were around £80,000 less than the probate valuation so a complaint was made to Brewin Dolphin. They didn't uphold the complaint saying they provided correct information and that the portfolio remained invested until the Grant of Probate was received and then the assets were sold.

Remaining unhappy the estate brought the complaint to our service where one of our Investigators looked into what happened. They thought that Brewin Dolphin hadn't done anything wrong as no action was possible on the portfolio until the Grant of Probate had been received.

The estate disagreed saying the information provided by Brewin Dolphin wasn't clear and this had caused a financial loss.

Because an agreement couldn't be reached the matter has come to me for a decision.

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.

The estate has provided a lot of information about this complaint and it's clear how strongly the representative feels about what happened. I want to assure the estate that I've read and considered everything that has been provided even if I don't mention it all in detail. I've summarised some of what happened which reflect the informal nature of this service.

It's usual for a business to require a Grant of Probate, or Grant of Confirmation, before taking action on the type and value of investments held by the late Mrs W.

It's also usual practice to freeze accounts or investments when notified that a consumer has passed away.

So I think Brewin Dolphin acted inline with industry standards, and also applicable government guidance, when dealing with the assets of Mrs W.

The issue here is that there is a difference between the amount shown on the probate valuation and the amount eventually received by the estate. This is because while access to the portfolio was frozen, the underlying assets, in this case stock market related products, remained subject to market fluctuations until they were sold.

This was because any decisions about the portfolio could only be made by the executors in a limited number of circumstances before the Grant of Probate had been received. Brewin Dolphin explained this in their letter of December 2021.

It's unfortunate that the value of the shares fell while awaiting the Grant of Probate, and naturally the estate is unhappy with what happened. However I think Brewin Dolphin followed their processes when dealing with deceased consumers and acted quickly to sell the investments once the Grant of Probate had been received. So overall I'm satisfied they acted fairly and reasonably when dealing with the estate of Mrs W.

The estate says the correspondence from Brewin Dolphin wasn't clear and that some of the terms weren't fully explained and this led to a financial loss. However looking at what happened I don't think that's the case.

The estate was never going to receive the exact amount shown on the probate valuation. This valuation was for the date that Mrs W died (which was some time before it was generated) and is used for deciding issues such as inheritance tax. For investments like those held by Mrs W it's not designed to show or indicate the value which will be received when the process of dealing with the estate is complete.

So even if I was to agree that the communications weren't clear, and I'm satisfied they were clear, the value the estate received after the portfolio was sold was always going to be different to the probate valuation.

The estate has said that had they better understood the repercussions of Mrs W's account being left they would have pressurised the government and their handling of the Grant of Probate. They go on to say that *a Grant of Probate is beyond anyone's control*; and I agree. I think the Grant of Probate was always going to take some time to be granted and from what I've seen I'm not persuaded it would've been issued any sooner than it was. And during that time the investments were subject to market fluctuation.

What has happened here is there has been a loss of expectation, rather than an actual financial loss. The estate was expecting to receive the amount shown on the probate valuation, however this was not the case. The amount given to the estate was always going to be the value when the portfolio was sold after Brewin Dolphin received the Grant of Probate, and not the value on the date Mrs W passed away.

I know the change in value was substantial and so the estate is unhappy, and I understand why they feel this way. However having carefully considered everything that happened I'm satisfied Brewin Dolphin acted fairly and reasonably when administering Mrs W's investments, so I won't be asking them to do anything further.

My final decision

For the reasons I've explained above, 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 Mrs W to accept or reject my decision before 13 February 2024.

Warren Wilson

Ombudsman