

15 August 2024

Final report**Complaint number 202400256***The complaint*

1. On 28 June 2024, you submitted a complaint about the FCA which the Commissioner has reviewed.

Background

2. Our understanding of your circumstances is as follows. Your partner and the father of your children, BJF, was a solicitor at and the owner of Company X, a law firm. He was also the sole owner of a number of other businesses.
3. At the end of 2023, BJF suddenly passed away. Following your partner's passing, you and your children have been left without sufficient financial support. In accordance with BJF's will, the validity of which you contest, Mr RJW and Ms RCW were appointed as Executors and Trustees of your partner's estate. A grant of probate has not yet been granted.
4. In January 2024, a court order was made, following which BJF's shareholding in Company X was transferred to Ms RCW and Mr RJW with Ms RCW becoming director at Company X.
5. You allege that Mr RJW, an estate planning adviser at a regulated firm, who had provided advice to your late partner in relation to his wealth and estate planning for a number of years, committed estate fraud by convincing your late partner to transfer his assets to the companies, which Mr RJW helped set up in such a way that personal representatives would be unable to appoint a director following the death of BJF. You further allege that Mr RJW is "*interested in embezzling [your] children's inheritance and nothing else*".

6. On 23 May 2024, you submitted a complaint to the FCA under the Complaints Scheme for failing to take action against RJW given you have sent a lot of material to the FCA which you say proves that this individual is a criminal posing as a Wealth Estate Planning Advisor, who you believe is setting up his clients to embezzle their estates once they die. You say that the FCA has appeared to do nothing with this information.
7. The FCA explained that whilst general complaints about wills and probate are outside of the Complaints Scheme, complaints about potential wrongdoing of any regulated firm are within the Scheme's remit. It said it had reviewed the information you provided and it did not uphold your complaint. The FCA could not tell you what action it had taken due to confidentiality restrictions.
8. You referred the complaint to the Commissioner and said as the FCA has done nothing to "stop the fraud" then you still have a complaint. You have provided background information surrounding your case.
9. It appears there are two distinct elements to your complaint which we turn to below.
10. The first involves your concern about issues in connection with the will. This is not a complaint either the FCA or the Commissioner can review. RJW was added to Company X as ordered by a court order. Once probate is granted, you can liaise with the executors of the will if you feel that you have not benefitted as a beneficiary according to the terms of the will. Wills and probate disputes are outside of the Complaints Scheme remit.
11. We note separately you are concerned that RJW manipulated your late partner into transferring assets into companies set up by RJW. You have provided this and other information to the FCA, and we are satisfied it has been considered appropriately by the FCA. Please note that the FCA reviews concerns arising from information about complaints by individuals about regulated firms, but it investigates for the purpose of considering whether or not regulatory action is justified, rather than whether or not the individual requires redress. In any event, if you have any evidence against the firm, you should see if you have a right to complain to the Financial Ombudsman Service.

12. In conclusion, the Commissioner cannot intervene or compel the FCA to intervene in the probate of the will, therefore your complaint that the FCA should do this is not upheld.

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