



13 March 2026

Final report by the Complaints Commissioner

Complaint number 202500598

The complaint

1. On 15 December 2025, you submitted a complaint to my office about the FCA. I set out your complaint below.

You say that the FCA has been unable to identify any specific rule preventing one executor from making a complaint to the Financial Services Ombudsman (“**FOS**”) without the agreement of the other executors, notwithstanding the position adopted by the FOS. In light of this, you believe the FCA should write to the FOS to confirm that no such rule exists and to correct what you consider to be an erroneous interpretation, as your co-executors have declined to consent to a complaint and you therefore wish to submit it yourself.

Outcome: I do not uphold your complaint on the narrow basis that the FCA did in fact correctly identify the relevant rule and correctly explained it cannot write to the FOS to “*provide specific legal opinions or interpret our rules for specific scenarios.*” However, I consider that its response to you could reasonably have been clearer and more complete. In circumstances where the effect of the rule could have been clarified without the need to contact the FOS or HM Treasury, a fuller explanation would likely have avoided the misunderstanding that arose and the distress that followed.

Background

2. Your father sadly passed away and last year prior to his death, you held Power of Attorney (“**PoA**”) for his financial affairs. After his passing, a credit card company and its debt recovery agent (“**Firm X**”) began to pursue you for your father's debt. Although the debt will be settled by the solicitor for your father's

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estate under probate, you raised a complaint with the FOS about how Firm X treated you, but the FOS refused to proceed because the other two executors of your father's estate didn't authorise the complaint. You say that the FOS explained this was because of FCA rules.

3. On 25 March 2025 you wrote to the FCA to ask it which specific rule states that all executors need to approve a complaint so it could be raised with the FOS.
4. Between March and September 2025, you repeatedly contacted the FCA seeking clarification and assistance, during which time several FCA supervisors explained that:
 - a. The FCA cannot intervene in individual disputes or overrule FOS decisions.
 - b. The FCA does not regulate probate or bereavement law.
 - c. You should seek independent legal advice (e.g. the Citizens Advice Bureau).
 - d. They could not identify a specific FCA rule requiring all executors' consent and suggested you ask the FOS to clarify which rule it was relying on.
5. In September 2025, you submitted a formal complaint to the FCA requesting a definitive ruling on whether FCA rules require all executors to authorise bringing a complaint to the FOS. The FCA reiterated that it does not regulate the FOS and that the FOS is accountable to HM Treasury. You were directed to contact HM Treasury if you required further guidance.
6. After you contacted HM Treasury, you were informed that the FCA is responsible for setting the FOS' eligibility rules, effectively directing you back to the FCA. You complained to the FCA again.
7. On 12 November 2025, the FCA Supervision Hub issued a decision letter partially upholding your complaint. It referred to DISP 2.7.2R and acknowledged a delay in referencing the relevant rule, which states that:

“A complaint may be brought on behalf of an eligible complainant (or a deceased person who would have been an eligible complainant) by a person authorised by the eligible complainant or authorised by law.”

8. The FCA also confirmed that the rule does not explicitly require authorisation of all executors and apologised for the delay.
9. On 13 November 2025, you submitted a second complaint to the FCA expressing dissatisfaction with the seven-month delay, and the handling of your correspondence. You requested that the FCA contact the FOS to clarify the rule so you could proceed with your complaint.
10. On 11 December 2025 the FCA issued its Decision Letter. It apologised again for the delay in providing the DISP 2.7.2R rule and noted that it had given feedback to the supervisors who handled your correspondence. The FCA confirmed that it could not intervene in your dispute with Firm X or correspond with the FOS on your behalf.
11. On 15 December 2025 you complained to my office.

Analysis

12. I should note that it was not entirely clear from the information you had provided whether you contend that Firm X is pursuing you as an individual with a PoA for your father, or in your capacity as joint executor of your father's estate. As the FOS has treated your complaint as that of a joint executor, your complaint to the FCA and to this office was considered on that basis.
13. In response to my Preliminary Report, you explained that Firm X was pursuing you personally on the basis that you previously held a power of attorney. In those circumstances, you may be able to complain to the FOS, without the agreement of your fellow joint executors. This is because Firm X did not pursue you in your capacity as an executor of the estate. Your complaint would therefore relate to Firm X's conduct towards you personally, rather than to matters concerning the estate, meaning you may not require the consent of the other executors. However, it will be for the FOS to make this determination.
14. As noted above, because the FOS treated your complaint as one made in your capacity as a joint executor, your complaint to the FCA and to me was considered on that basis.

15. In light of the information you have now provided, it may be that you do not need to pursue further clarification regarding the FCA's rules relating to executors, as your complaint may not in fact be made in that capacity.
16. Nevertheless, I am issuing my Final Report with the information set out below because your complaint was initially submitted on the apparent basis that you were acting as an executor, and the complaint was reviewed on that basis. A decision was therefore reached on that understanding, and it remains part of the record.
17. However, as explained above, you may still have recourse to the FOS if you choose to pursue the matter in a different capacity.
18. I can see that following multiple enquiries to the FCA, although the FCA initially told you that it could not find a rule which would require all joint executors to agree before bringing a complaint to the FOS, ultimately, after some delay, the Supervision Hub quoted the correct DISP rule.
19. However, I consider that the way the FCA engaged in correspondence with you about DISP 2.7.2R was unhelpful for the reasons I set out below.
20. The FCA stated that the rule does not specifically address whether a complaint requires the authorisation of all executors, and it advised you to seek legal guidance on issues relating to probate law. That explanation appears to have left you with the impression that the FOS may have misinterpreted the rules.
21. You understood the FCA's statement — that the rule does not specifically require all executors' authorisation — to mean that one executor bringing a complaint should be sufficient. On that basis, you considered that the FCA ought to write to the FOS to clarify the position and correct what you perceived to be the FOS' incorrect interpretation.
22. You wrote to the FCA's Complaints Team in your second complaint on 13 November 2025 to this effect. In its response, the FCA did not seek to correct what you understood to be the position, nor did it provide any further clarification beyond its earlier explanation of the rule. Instead, it stated that it would not write

to the FOS because it “cannot provide specific legal opinions or interpret our rules for specific scenarios.”

23. This response left you with a strong sense of injustice and compounded the distress and anxiety you had already informed the FCA you were experiencing. You felt frustrated because, in your view, the FCA had not identified any provision within DISP that expressly required all three executors to complain, yet it declined to contact the FOS to clarify that no such explicit rule existed.
24. You submitted your complaint to me to outline the history of your complaint and to emphasise your view that no such rule exists. You have asked me to prevail upon the FCA to issue a clarification to the FOS.
25. I will start by saying that it is correct that DISP 2.7.2R does not specifically state that all executors must act jointly. However, that does not necessarily mean that one executor can bring a complaint without the consent with others. The rule provides that a complaint must be brought by someone “authorised by law.” Where the eligible complainant is a deceased person, the question of who is authorised law is determined by probate law and is usually taken to be the appointed representatives of the deceased person.
26. If all executors have proved and are acting, probate law will normally require them to act jointly. In those circumstances, one executor alone would not ordinarily be authorised to bind the estate.
27. I appreciate that the FCA does not provide binding interpretations of its rules in relation to individual circumstances. Ultimately, the courts are the final arbiters of legal interpretation. Subject to that, the FOS has jurisdiction to determine how DISP applies in an individual case. There may also be circumstances known to the FOS that were not included in your correspondence with the FCA and me (and, for the avoidance of doubt, I have not seen the FOS’ full reasoning).
28. However, the clarification I have given above is not a determination of how the rule applies to any specific circumstances. It is a general explanation of how DISP 2.7.2R operates, in particular, how the phrase “authorised by law” functions where the eligible complainant is a deceased person. It would have been helpful if the FCA had provided that clarification, or a similar explanation.

29. This would have helped clarify matters for you. The rule does, in fact, apply to your circumstances. The issue is not whether DISP expressly states that “*all executors must act jointly,*” but rather that one must first identify the eligible complainant and then determine who is authorised by law to act on their behalf.
30. One interpretation is that the eligible complainant is the estate of your late father. He appointed three executors in his will, and if they have proved and are acting jointly, it is understandable how the FOS may have reached the decision it did if some of the executors declined to act jointly in submitting a complaint.
31. It follows that, in any event, there was no requirement for the FCA to clarify the matter with the FOS, although I note that it was not minded to do so.
32. Although this may not be directly relevant to your circumstances, as your co-executors have not agreed to act jointly in bringing a complaint to the FOS and it therefore rejected your submission on jurisdictional grounds, I should note that I have recently reviewed a complaint¹ relevant to yours. This involved an executor who sought to refer a complaint to the FOS concerning poor customer service by a financial institution he was dealing with in his capacity as executor.
33. In that case, the executor had personally experienced distress and inconvenience as a result of his interactions with the financial institution. However, the complaint was considered ineligible because he was bringing the complaint in his personal capacity rather than on behalf of the estate.
34. In that report, I said that “*Under the current regulatory framework, there is a specific gap in protection for executors. Executors are legally required to deal with specific firms when administering an estate and may personally suffer distress, inconvenience or financial loss if a firm provides poor service. Unlike ordinary consumers, executors cannot choose the firm they must engage with, nor can they avoid the interaction, as they inherit the deceased’s financial relationships. Despite this, executors are not treated as consumers and therefore have no personal right of redress through the FCA or FOS. I asked the FCA if it could consider whether targeted guidance or protections are appropriate for this defined group in light of the issues described above.*”

¹ <https://frcommissioner.org.uk/wp-content/uploads/202500444-Issued-12-January-2026.-Published-05-February-2026.pdf>

35. Disappointingly, the FCA said it was not in a position to take action.

The Complaints Commissioner

Complaints Commissioner

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