

Ombudsman's Determination

Applicant	Mrs N
Scheme	Standard Life Flexible Retirement Plan (the Plan)
Respondent	Standard Life Assurance Limited (SL)

Outcome

1. I do not uphold Mrs N's complaint, and no further action is required by SL.

Complaint summary

2. Mrs N's complaint concerns SL's distribution of the death benefit lump sum arising under the Plan in respect of her late husband, Mr N. Specifically, Mrs N contends that in the circumstances, the fact that SL did not to make any award in her favour was perverse.

Background information, including submissions from the parties

3. The sequence of events is not in dispute, so I have only set out the salient points. I acknowledge there were other exchanges of information between all the parties.
4. Mrs N is represented by her legal adviser (**the Representative**).
5. The Plan is administered in accordance with the Trust Deed and Rules (**the Rules**) of the Standard Life Self Invested Personal Pension Scheme with effect from 27 December 2018. Of particular relevance is rule 8.1, which covers the payment of an uncrystallised funds lump sum death benefit if the member dies before they claim their benefits.
6. Rule 8.1 provides:

"If a Member died with a Pre-Pension Date Member's Fund, the Scheme Administrator will, as soon as practicable and subject to Rules 8.2 and 8.3, pay out the Pre-Pension Date Member's Fund as an Uncrystallised Funds Lump Sum Death Benefit:

(1) in accordance with any specific provision regarding payment of such sums under the contract(s) applying to the Arrangements in question; or

(2) if (1) is not applicable and at the time of the Member's death the Scheme Administrator is satisfied that the Member directed the Scheme Administrator to pay any death benefit to a valid trust under which no beneficial interest in that benefit can be payable to the Member, the Member's estate or the Member's legal representatives, to the trustees of that trust; or

(3) if (1) or (2) are not applicable at the discretion of the Scheme Administrator, to or for the benefit of any one or more of the following in such proportions as the Scheme Administrator decides:

(a) any person, charity, association, club, society or other body (including trustees or any trust whether discretionary or otherwise) whose names the Member has notified to the Scheme Administrator prior to the date of the Member's death;

(b) the Member's Dependants;

(c) the parents and grandparents of the Member or the Member's surviving spouse or Civil Partner and any children and remoter issue of any of them ;

(d) any person, charity, association, club, society or other body (including trustees of any trust whether discretionary or otherwise) entitled under the Member's will to any interest in the Member's estate;

(e) the Member's legal personal representative."

7. Part 2 of the Rules defines "dependant" as:

"... the meaning given in paragraph 15 of Schedule 28 to the Finance Act 2004 as amended to take account of the Civil Partnership Act 2004".

8. Schedule 28 para 15 of the Finance Act 2004 (**the 2004 Act**) states:

"A person who was married to or a civil partner of the member at the date of the member's death is a dependant of the member.

(1A) If the rules of the pension scheme so provide, a person who was married to (or a civil partner of) the member when the member first became entitled to a pension under the pension scheme is a dependant of the member.

9. Part 2 of the Rules defines "Beneficiary" as:

"...a Dependant or a Nominee or any other person chosen by the Scheme Administrator from the list of beneficiaries described in Rules 7.7 and 8.1, except in the Trustee Deed where this means a Dependant, Nominee or Successor."

10. On 19 March 2019, Mr N died. At the time of Mr N's death, he and Mrs N were still legally married; however, they had been separated for four and half years and were both in new long-term relationships.

11. On 22 July 2019, Mrs N's former legal representative, STS Solicitors, wrote to SL and informed it that Mr N had died and provided a copy of his death certificate.
12. On 26 July 2019, SL sent STS Solicitors a list of 10 questions to be answered with any and all details of Mr N's next of kin. SL said the answers to these questions would provide it with the necessary information to help make a decision on how to distribute any death benefits.
13. On 7 August 2019, Mrs N responded to SL's list of questions and explained that she and Mr N had been together for seven and half years; however, they were living apart at Mr N's date of death.
14. On 31 August 2019, SL wrote to STS Solicitors and requested confirmation of whether Mrs N was financially dependent on Mr N, or if they were financially interdependent upon one another.
15. On 5 September and 13 September 2019, the Representative telephoned SL to inform SL that STS Solicitors were no longer representing Mrs N, and to discuss what SL required to pay the lump sum death benefit.
16. On 23 September 2019, SL reissued the questionnaire to the Representative.
17. On 1 October 2019, the Representative notified SL that Mrs N wished to be considered as a potential beneficiary. He also advised that Mrs N was not financially dependent, or interdependent, on Mr N at his death. The Representative said that, as there was no expression of wish (**EOW**) completed, he believed it was clear that Mr N understood that Mrs N would become the beneficiary for any lump sum death benefit.
18. On 20 November 2019, SL considered the information it had gathered, from all the known potential beneficiaries. It made the decision to split the lump sum death benefit of £50,811.84 equally between two of the potential beneficiaries. In arriving at this decision it noted:-
 - Mrs N was considered a 'dependant' under the "HMRC definition", which was "A person who was married to, or a civil partner of, the member at the date of the member's death is a dependant of the member".
 - While Mr N was married to Mrs N at his date of death, they had been separated for four and half years, and were no longer in contact with each other.
 - Mrs N was not financially dependent upon Mr N, nor was she financially interdependent upon him.
 - At Mr N's date of death, both he and Mrs N were in new long-term relationships. Mr N's new partner wished to be considered as a potential beneficiary; however, she was not financially dependent on Mr N at his death.
 - Mr N did not have any children; however, he was survived by his mother, father, three sisters and a brother. None of whom were financially dependent upon him.

- Mr N did not make a Will, nor did he complete an EOW prior to his death. It was noted that Mrs N had applied for a Grant of Probate and that she was the beneficiary of Mr N's estate.
 - The decision that none of the death benefit lump sum would be paid to Mrs N was based on Mr N's circumstances at the time of death.
19. On 25 November 2019, SL notified the Representative of its decision not to pay a part of the lump sum death benefit to Mrs N.
20. On 26 November 2019, the Representative requested SL to review its decision as Mrs N did not agree with it.
21. On 4 December 2019, the Representative provided further information as supporting evidence for Mrs N's appeal. This information included statements about Mr N and Mrs N's relationship at the time of their marriage, separation and Mr N's date of death. That Mrs N paid more than her fair share of the bills due to Mr N's inability to do so, and Mr N kept the deposit for their shared matrimonial flat.
22. On 20 December 2019, SL advised the Representative that, in summary:-
- It had reviewed the information provided and explained that, in accordance with the Rules, SL held absolute discretion when paying out death benefits.
 - As Mr N did not leave a Will or EOW, the only category Mrs N fell into was as a dependant. However, SL had noted that they were separated for some years prior to his death.
 - To determine what constituted financial dependency, SL considered schedule 28 paragraph 15 of the 2004 Act. SL asked Mrs N to provide evidence of financial dependency, for which she was unable to provide satisfactory evidence to establish any mutual dependency.
 - After considering the information provided by Mrs N, the information provided by other parties, the Rules, the Plan's Terms & Conditions, legislation and HMRC Guidance, SL stood by its "original discretionary decision".
23. In the exchanges that followed, the Representative submitted a formal complaint and challenged whether SL had absolute discretion to distribute the death benefits. He also questioned whether its decision not to award any benefits to Mrs N was reasonable. He asked SL to confirm to whom it had awarded the benefits.
24. On 22 January 2020, SL informed the Representative that it could not disclose whom the benefits had been awarded to because it was bound by the General Data Protection Regulations. It said that it stood by the original decision. However, the case would be reviewed by its Customer Relations department.
25. In reviewing the Representative's complaint, SL concluded that:-

- It was satisfied that it had identified all of the correct potential beneficiaries.
 - It had fully considered the extensive submissions made by the Representative, which included details of Mr N and Mrs N's relationship and an associated timeline.
 - In the absence of a Will or EOW, the decision not to make an award to Mrs N, in her capacity as a non-financially dependent wife separated from the deceased, was not perverse.
 - It identified that "due to human error" its bereavement team had incorrectly informed the Representative that Mrs N would need to show financial dependency in order to be considered a potential beneficiary. As a legally married spouse at the date of death, Mrs N met the criteria of being a dependant and therefore was a potential beneficiary.
 - Mrs N was considered as one of the potential beneficiaries; however, this did not mean that Mrs N was entitled to receive any of the death benefit lump sum. Proof of financial dependency was a relevant factor when exercising its discretion.
 - The information provided to the Representative in relation to Mrs N's capacity as a dependant, and SL's rationale for requesting proof of financial dependency, could have been made clearer.
26. On 7 February 2020, SL issued its response to the Representative and did not uphold the complaint. In summary, SL said:-
- It had reviewed its previous decision in respect of the payment of the death benefit lump sum from the Plan in light of the representations made. However, SL remained of the view that its initial decision was reasonable. It was not prepared to alter its original decision.
 - In reviewing the case, it believed that it could have made Mrs N's capacity as a dependant clearer. As she and Mr N were married, she was classed as a dependant and therefore one of the potential beneficiaries that was considered when SL exercised its discretion.
 - Requests for proof of any financial dependency were made to all potential beneficiaries as it considered this a part of its decision-making process for the distribution of any death benefits.
 - Any decision regarding how a death benefit lump sum should be paid, to whom, and in what proportions, was at the discretion of SL. Once all the potential beneficiaries were established, along with any relevant submissions, a review of

Mr N's personal circumstances at his date of death was undertaken. This included considering who might have been financially reliant on Mr N at that time.

- In exercising its discretion, it gave due consideration to all sources of relevant information, which included relevant information from family members, as well as sources of independent or publicly available information.
- It was grateful for the information provided by Mrs N; however, the process of exercising discretion was not one of claim and counterclaim by interested parties. It was based on weighting up relevant evidence and ignoring irrelevant factors.
- SL did not attempt to evaluate the quality of a relationship between a potential beneficiary and the policyholder, nor would it make any moral judgments. It would not be possible, or appropriate, to evaluate the quality of Mr N's personal relationships as a way of deciding who to pay a benefit to.
- Taking into consideration the information provided, it was not prepared to change its original decision.

Summary of Mrs S' position

27. She left the matrimonial home at the end of September 2014, as Mr N's abuse of alcohol and drugs, and his violence towards her and their property, had escalated to the point her health was suffering. Mr N repeatedly promised to seek help; however, he did not, so she "could not take it anymore".
28. Nothing was ever formalised about their separation nor was divorce contemplated. She had always hoped for a reconciliation and believed Mr N was of the same mind. She maintained a close relationship with Mr N's family who acknowledged that she had no option but to leave because of how things were.
29. She and Mr N discussed his options, in regard to his pensions, and she believed he had nominated her as beneficiary. She had nominated him as beneficiary on her various policies. She understood that SL did not possess an EOW, or any form of nomination for her on record.
30. There appeared to be some confusion in SL's decision-making process and she, and the Representative, were initially told that she would only be classed as a dependant if she was financially dependent/interdependent on Mr N. However, neither were any of the other potential beneficiaries financially dependent on Mr N.
31. She understood that SL considered financial dependency as part of their decision-making process. If this was true then she would have expected them to have considered this aspect with all other potential beneficiaries. If they did not, then their decision was perverse.
32. SL said that it had considered evidence from other parties in making its decision. She believed that if this evidence was received from Mr N's family, employers or his

partner, it was likely that this information was inaccurate. The way in which Mr N's family behaved towards her after his death caused her great distress. Furthermore, their actions by removing paperwork from Mr N's flat meant that she incurred additional legal fees in administering the estate.

33. It was understood that the other beneficiaries did not wish for the information they had provided to SL to be shared with Mrs N. It was unclear how she could make proper representations as to whether SL acted reasonably without sight of all the information considered during its decision-making process. She was unable to determine if the information provided was accurate or untrue.
34. Mr N's employer had paid £350,000 to Mr N's parents. She was curious to know whether or not this information was disclosed to SL.
35. For reasons unknown to her, Mr N's family had behaved dishonestly towards her in light of claims being made on the death benefit lump sum. The Representative made this clear to SL. However, in spite of this, SL did not provide any reason as to why Mrs N was not eligible for any of the lump sum.
36. She did not agree that SL had acted appropriately or reasonably. She would have expected to have received a share of the death benefit lump sum based on the length of her relationship with Mr N and that she had substantially supported Mr N during their marriage as he was inconsistent in paying his share of the household bills. Mr N did not return her share of the flat deposit when he gave up their matrimonial home, which he had promised to do. Further, after their separation, there was no formal separation agreement, nor a financial settlement. If they had divorced, it would be reasonable to suggest that Mr N's death benefits/pension policies would have formed part of a settlement agreement.
37. Mr N died intestate, and she was the sole recipient of the estate. His only material asset was his flat, which was still heavily mortgaged with little equity. When other legal costs and debts were taken into account, there would be little to no balance left to be paid out from the estate. She should receive a share of the death benefit lump sum.
38. To make no form of award to her was perverse.

Adjudicator's Opinion

39. Mrs N's complaint was considered by one of our Adjudicators who concluded that no further action was required by SL. The Adjudicator's findings are set out in paragraphs 40 to 51:-
40. Rule 8.1(3) of the Rules provided that, in the event of a policyholder's death, SL was required to exercise discretion in the payment of the Plan's death benefits. Before this could occur, SL needed to identify the potential beneficiaries of Mr N. A beneficiary was generally chosen from the list of individuals laid out under rule 8.1(3), between (a) and (e).

41. Any identified beneficiaries under rule 8.1(3)(b) were classed as dependants. Dependant(s), under the Rules, were given the same meaning as under paragraph 15, schedule 28 of the 2004 Act. This included spouses/civil partners, any children under the age of 23, or anyone that was financially reliant/interdependent on the policyholder.
42. Mrs N was married to Mr N at his date of death, so she was automatically considered as a dependant under the Rules and the 2004 Act. Consequently, SL considered Mrs N as a potential beneficiary for the payment of the death benefit lump sum. However, SL did not have to pay benefits to every one of the potential beneficiaries or pay each beneficiary equally. SL was permitted to prefer the interests of some beneficiaries over others.
43. As the decision-maker, SL had a duty to consider all relevant information. Broadly, it should seek to obtain from the potential beneficiaries' sufficient information about their personal and financial circumstances to assist making its decision about who to pay the benefits to. It was then for SL to weigh up the evidence provided and available.
44. In November 2019, SL exercised its discretion and made the decision not to award any of the lump sum death benefit to Mrs N. In reaching this decision, SL took into account that Mrs N had been separated from Mr N for four and a half years prior to his death; Mr N did not complete a Will or an EOW; Mrs N was not financially dependent, or interdependent, on Mr N; and both Mr N and Mrs N were in new relationships.
45. SL incorrectly informed the Representative that in order to be considered as a potential beneficiary/dependant, Mrs N needed to prove that she was financially dependent/interdependent on Mr N. SL did later clarify that by still being married to Mr N, Mrs N was a potential beneficiary as a dependant. The question of financial dependency was posed to Mrs N as part of SL's decision-making process. Based on the evidence available, this question was also posed to the other potential beneficiaries. While SL could have been clearer in this regard, it was the Adjudicator's view that this did not impact on the overall decision-making process.
46. Mrs N claimed that the other potential beneficiaries did not wish for their submissions, to SL, to be shared with her. So, she did not believe that she was in a position to make sufficient representations to SL without all of the information available to her. The Adjudicator explained that the other beneficiaries were completely within their rights to not have SL share their submissions. He agreed with SL's position that the provision of information for claims on the death benefit lump sum was not one of claim and counterclaim. Mrs N was given the opportunity to provide any and all relevant information to SL to support her claim for benefits, which she did.
47. The Representative submitted that: Mr N's parents received £350,000 as a death in service payment from Mr N's employer; Mr N retained the deposit for his and Mrs N's matrimonial home; and that if Mrs N and Mr N had divorced, Mr N's pensions would

likely have been factored into any potential financial settlements. The Representative also said that once the estate was settled, Mrs N would be left with very little.

48. In the Adjudicator's view, Mr N and Mrs N were not divorced and so any hypothetical divorce related financial settlement was not a relevant factor to consider. It was noted that SL was aware of Mrs N's claims regarding the deposit and her paying more than her fair share of the bills when she was with Mr N. While, SL could have made enquires as to the likely dispersal Mr N's estate and it is unclear whether SL was aware of any sums paid to Mr N's parents, it was for SL to decide whether it had sufficient information, and to attach weight to it.
49. All of the potential beneficiaries identified by SL were given an equal opportunity to provide information in support of their claim to the benefit. SL considered Mrs N as a potential beneficiary as well as taking into account the statements/information she and the Representative provided in support of her claim and appeals. SL decided to attach greater weight to the facts that Mr N and Mrs N had been separated for four and half years, there was no financial dependency to consider, and that they were both in new relationships. SL also identified all of the known beneficiaries who were likely to have a valid claim on the death benefits. The fact that SL chose not to pay any of the benefits to Mrs N does not mean that its decision was perverse.
50. SL took into account the relevant rules, sought, and was provided with sufficient information, and only took into account relevant factors when making its decision. Overall, SL's decision was within the range of possible decisions that a reasonable decision maker could have reached on the facts of the case.
51. There was generally a range of decisions which would not be considered perverse, and which could be reached by a decision-maker when faced with any particular choice. Some of those decisions or outcomes might be more favourable to some beneficiaries than to others. The fact that SL chose one option rather than another was not enough to render its decision perverse, even if the Ombudsman might not have reached the same decision.
52. The Representative, on behalf of Mrs N, did not accept the Adjudicator's Opinion, and the complaint was passed to me to consider. The additional points raised by Mrs N's representative are:-
 - When SL informed Mrs N that she would not receive a portion of the Plan's death benefits, it did not outline any reasons how or why it had arrived at this decision. SL did not provide Mrs N with copies of any submissions made by any of the other potential beneficiaries. Without this information, Mrs N was unable to make any detailed representations regarding herself and Mr N, nor was she able to attest to the accuracy of any information provided the other beneficiaries.
 - Mr N's family notified his employer and the funeral directors that he and Mrs N were divorced at his date of death, and that they were no longer in contact. This was untrue as they were still married and, prior to Mr N's death, he telephoned Mrs N to "leave an affectionate message". Mrs N still harboured hopes of

reconciling her marriage with Mr N as she still loved him. While separated, Mrs N remained in close contact with Mr N's family. The family were also supportive of why she had to leave Mr N and their matrimonial home. She and the Representative did not believe that the family had provided SL with an accurate overview of Mrs N's relationship with the family and Mr N before his death.

- Based on any information received from the family about Mrs N and about the nature of her relationship with Mr N, SL should have asked Mrs N if the family's representations were at odds with her own. Mrs N did not tell SL that she was in a new relationship, so this information must have come from a third party. It was true that Mrs N had been seeing someone on a "casual basis", however, she would not describe this as a relationship.
- It was clear that financial dependency was given a high level of consideration when SL made its decision regarding the dispersal of the Plan death benefits. SL did not query what Mrs N was likely to receive from Mr N's Estate. So, SL failed to make proper enquiries before making its decision. It was appreciated that the matter was not based on claim and counter claim, however, when contradictory information is provided it falls to the decision maker to make proper and relevant enquiries before reaching a decision. SL should have considered whether the evidence provided by Mrs N, after it reached its decision and paid the benefit, would have had any bearing on its decision. It was evident that SL did not undertake such an exercise in responding to the appeals.
- SL incorrectly said that for Mrs N to be considered as a potential beneficiary, she needed to be financially dependent, or interdependent, on Mr N at his date of death. The correct position was that Mrs N was considered as a potential beneficiary by virtue of her being Mr N's surviving spouse, though SL did clarify that this was the case at a later date. It was concerning that SL may have adopted a policy whereby separated spouses were automatically discounted from being eligible for the payment of any death benefits. This would explain why other non-financially dependent beneficiaries received a portion of the death benefits whereas Mrs N did not. If such a policy existed, this would mean that SL fettered its discretion.
- In relation to the wording of Rule 8.1(3)(a) to (e), in his correspondence with SL before SL made its decision, he had assumed that there was a hierarchy in the class of potential beneficiaries. At no stage did SL suggest this was not the case. So, it was difficult to understand how Mrs N did not receive a portion of the death benefits, as a surviving spouse, unless there was a policy in place that required proof of dependency.
- He disagreed that the fact there had been no financial settlement between Mrs N and Mr N was an irrelevant consideration. It was no different from being financial dependent. The fact Mr N owed Mrs N money was not a moral judgment, but a matter of fact of how things stood at Mr N's death.

- Finally, consideration should be given to why other potential beneficiaries who submitted information to SL were not willing to have their submissions shared with Mrs N. While they may have been within their rights to do so, it suggested that they did not want their submissions subject to scrutiny and contradiction. SL failed to consider this.

Ombudsman's decision

53. Mrs N's complaint relates to the way in which SL reached the decision not to pay her a share of the death benefit lump sum following the death of Mr N.
54. Rule 8.1(3) provides SL with discretion to decide how a lump sum death benefit should be paid in the event of a policyholder's death. Rule 8.1(3)(a) to (e) provides a list of potential beneficiaries. Beneficiary is defined by the Rules as "...a Dependant or a Nominee or any other person chosen by the Scheme Administrator from the list of beneficiaries described in Rule 8.1...". Dependant is given the same meaning as under paragraph 15 of schedule 28 of the 2004 Act. SL was required to identify the individuals that fell within these categories as potential beneficiaries, and who might therefore be considered when the discretion was exercised.
55. In accordance with Rule 8.1(3), SL identified seven potential beneficiaries (including Mrs N), who were then considered as a part of the discretionary distribution. None of the beneficiaries were classed as financially dependent on Mr N or in a financial relationship with Mr N of mutual dependence, nor did Mr N have any children at his date of death. Mrs N was identified as a beneficiary as she was Mr N's surviving spouse at his date of death, albeit they had been separated for some four and half years prior to his death.
56. Overall, I find that SL was the appropriate decision maker, in line with the Rules, and that the potential beneficiaries were correctly identified. As the Adjudicator has said, the decision cannot therefore be challenged on this basis.
57. There are basic principles that must be taken into account when an exercise of discretion is made. These are referred to as "the Edge Principles¹". Generally, a decision maker properly directing itself must: consider all the relevant evidence, and be satisfied that it holds enough evidence to form a decision that is not perverse; decide how much weight to apply to each piece of evidence, this can include, at times, applying no weight at all; and ask itself the correct questions.
58. Mrs N does not believe that SL conducted a sufficient investigation before it decided not to pay any of the death benefits to her, despite being Mr N's surviving spouse.
59. It might help if I explain that it was then open to SL to request as much information, or as little, as it felt it needed to reach a reasonable outcome. Based on the evidence

¹ *Edge v Pensions Ombudsman* [1999] EWCA Civ 2013 considered the principles of trustee decision making.

available, I am satisfied that SL was in receipt of sufficient information, in order for it to proceed with making a decision.

60. Mrs N (and her Representative) has said that she was unable to make proper representations to SL as she was not privy to the evidence/representations made by the other identified potential beneficiaries.
61. While I appreciate this point of view from Mrs N and her Representative, as has already been explained, the decision-making process is not one of claim or counter claim. There is also no requirement for SL to share the representations of another beneficiary with Mrs N, so that she might make submissions to argue against another individual's potential 'claim' on the lump sum payment. It is also the right of the other beneficiaries to expressly ask that SL not share their representations. The reasons why the other beneficiaries did not want their submissions shared is not a relevant factor that SL needed to consider in making its decision.
62. If SL felt that it required further information, it was open to SL to request any such information. The fact that SL did not contact Mrs N or the Representative for any further information before making its decision does not mean that the outcome reached was perverse or not made in the proper manner.
63. While SL might have enquired as to how much Mrs N or others were likely to receive from the Estate, it was for SL to decide whether it had sufficient information and the weight it attached to it. It was not irrational or perverse for SL to decide not to make the inquiry and not so unreasonable that its decision on the distribution of the lump sum death benefit should be set aside.
64. While initially SL did incorrectly say that for Mrs N to be accepted as a potential beneficiary, she needed to provide proof of financial dependency/interdependency, this was corrected during Mrs N's appeal when SL confirmed that by virtue of her marriage to Mr N she had been classed as and considered as a potential beneficiary.
65. I find that there is no evidence to suggest that this error affected SL's decision. It is clear that Mrs N was considered as a potential beneficiary when SL weighed the evidence. In any event, asking Mrs N for evidence of any financial dependency as a separated spouse could be, in my view, a reasonable and relevant consideration in the second stage of the process - i.e. helping decide who, amongst the potential beneficiaries identified in the first stage of the process (of which Mrs N was a part by dint of her being a surviving spouse), should receive the lump sum payment (or part of it). Indeed, this question was also posed to all of the other potential beneficiaries during SL's evidence gathering.
66. The Representative has inferred that the list of potential beneficiaries outlined in Rule 8.1(3)(a) to (e) provides a possible hierarchy for the payment of benefits. He has also suggested that Mrs N may not have received a share of the death benefit due to a possible internal SL policy used for the payment of death benefits, meaning that SL fettered its discretion. I do not agree with the Representative's view on the Rule, nor is there any evidence of SL fettering its discretion.

67. There is usually a range of decisions which might reasonably be reached by a decision maker tasked with distributing a lump sum death benefit. It is irrelevant whether I might have reached the same or a different decision. The question is whether SL's decision falls within that range of reasonable decisions. I find that it does.
68. I find that there are no grounds for me to remit the matter back to SL to consider again its decision.
69. I do not uphold Mrs N's complaint.

Dominic Harris

Pensions Ombudsman

5 September 2025