

Complaining to TPO on behalf of a deceased's estate

Where someone dies before they make a complaint to The Pensions Ombudsman (TPO), or while we are investigating their complaint, their survivors may want to bring or continue the complaint on behalf of the deceased's estate.

TPO's governing legislation provides that only a personal representative can bring or continue a complaint to TPO on behalf of a deceased person¹. The deceased's next of kin or other close relative does not have authority to deal with TPO on behalf of the deceased's estate unless they are appointed as a personal representative.

Who is a personal representative?

A personal representative is the person who has been issued with a grant to administer a deceased person's estate.

In England, Wales or Northern Ireland:

- Where there is a valid will which appoints a personal representative, they are called the executor.
- Where there is no valid will, the personal representative is called the administrator.

In Scotland, the persons appointed to administer the estate are known as executors, regardless of whether there is a valid will.

In this Factsheet, the term "personal representative" should be read as "executor" when the appointment is made in Scotland.

Normally, in all but exceptional circumstances, TPO would require evidence of an individual's appointment as a personal representative before we would deal with them. That evidence would be a copy of the grant of representation.

During the Covid-19 pandemic, as we understand that the process for obtaining a grant of representation is taking longer than normal, we are willing to start the investigation before the

¹ Section 147 of the Pension Schemes Act 1993

grant of representation has been obtained, provided that we see evidence that the individual making the complaint has applied for a grant of representation².

However, we would need to see a copy of the grant of representation later in the process, before being able to issue an Opinion or Determination in relation to the complaint.

What is a grant of representation?

A grant of representation is a document which proves the legal authority of a personal representative to administer a deceased person's estate.

In England, Wales or Northern Ireland, the grant of representation will depend on the type of personal representative:

- For an executor, it is called a grant of probate.
- For an administrator, it is called letters of administration.

In Scotland, the relevant document is always called a confirmation.

In this Factsheet, the term "grant of representation" should be read as "confirmation" where the appointment is made in Scotland.

In some cases, the personal representative may not need a grant of representation to deal with the estate, such as where all property was held as joint tenants, or the amount of money involved is small. However, even where this is the case, a personal representative will need to obtain a grant of representation if they want to act on behalf of the deceased's estate in relation to a complaint with TPO.

TPO's jurisdiction to investigate a complaint, and the steps we will take to verify the appointment of a personal representative, is not linked to the size of the deceased's estate or whether the estate requires a grant of representation for any other purpose.

For existing complaints, this means we will not provide any information concerning the investigation to anyone claiming to be a personal representative before we receive evidence of their appointment (or, during the current period of delays in obtaining a grant of representation, before we receive evidence that they have applied for a grant of representation).

Where there is more than one personal representative appointed (or if more than one individual has applied for, and is waiting for, a grant of representation), we will seek to obtain the consent

² This is a temporary measure, to be reviewed in August 2021.

of them all. We are happy to deal with one representative, if nominated and agreed by all the others.

Further guidance

England and Wales:

- Citizens Advice provides advice on [Dealing with the financial affairs of someone who has died.](#)
- The Government website also provides guidance on [Applying for probate.](#)

Northern Ireland:

- The Northern Ireland Government website provides guidance on [Applying for probate.](#)

Scotland:

- The Scottish Government website provides guidance on [Dealing with a Deceased's Estate in Scotland.](#)

If you are unsure about TPO's requirements, please contact us on enquiries@pensions-ombudsman.org.uk or 0800 917 4487.