

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.

- 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 all but exceptional circumstances, TPO will require evidence of an individual's appointment as a personal representative before we will deal with them. This evidence must be a copy of the grant of representation, which could be either a grant of probate or letters of administration.

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.

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.

Each of these documents can be obtained from the Probate Registry.

¹ Section 147 of the Pension Schemes Act 1993

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 purposes.

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.

Where there is more than one personal representative appointed, we will seek to obtain the consent of them all. We are happy to deal with one representative if nominated and agreed by all the others.

Further guidance

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](#).

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