

The complaint

Mr L complained that ReAssure Limited (ReAssure) has not distributed a share of his late father's pension benefits to him. He believed that he was a beneficiary of the pension and should have been entitled to a share of the funds.

He would like ReAssure to provide him with all documentation and correspondence relating to the payment of the funds and provide him with his share of the funds.

In addition, he would like an apology and compensation for the distress and inconvenience that has caused him.

What happened

Mr L's father passed away in January 2023. ReAssure was informed of his death and received a copy of his death certificate on 16 February 2023.

Mr L subsequently wrote to ReAssure on 23 March 2023, providing details of his father's policies and informing ReAssure that he was aware he was a potential beneficiary of the pension. He enclosed a copy of a 'Death Benefit Expression of Wishes' signed by his father dated 16 July 2019.

ReAssure did not reply to Mr L.

Mr L wrote again on 11 May 2023 to raise a formal complaint as he had not received an acknowledgement or reply to his letter.

ReAssure replied on 22 May 2023. It apologised for not responding to his initial letter, acknowledged his complaint and said:

ReAssure act as Trustees for these policies and is responsible for making a discretionary decision as to who the benefits are payable to. This will not form part of the late [Mr L's Father's] Estate.

Please note the above policies are currently under review by our Trustees and as soon as they have come to a decision we will update you.

ReAssure wrote to Mr L on 31 May 2023 explaining that he had not been selected as a potential beneficiary and that the funds had been paid elsewhere.

ReAssure subsequently responded to Mr L's complaint on 13 June 2023. It apologised for its poor communication but offered no redress or compensation to him.

Mr L wrote to ReAssure on 21 June 2023, complaining about the discretionary decision that the trustees had made. He advised it that he was disputing his father's will and asked for copies of all the relevant correspondence to be sent to him. It replied saying that as he had not provided a letter of claim against it, it was unable to provide him with the information he had asked for.

Unhappy with this response, Mr L brought his complaint to this service.

Our investigator reviewed the information provided by both parties and formed the view that Mr L's complaint should not be upheld. Consequently, the case has been passed to me to make a final decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so, I agree with our investigator and do not uphold this complaint.

Having said that, I can appreciate that this will be disappointing to Mr L, so I will explain how I have reached my decision.

Firstly, I think it's important to reflect upon the role of this service. Our role is to impartially review the circumstances of a complaint and make a decision on whether a business has made errors or treated a customer unfairly. Where it has, it is our aim to ensure that the customer is compensated fairly. This is an arbitration service, not a court of law, and as such there are clear limits on what we can and cannot compel a business to do.

In the circumstances of this complaint, it is important to note that ReAssure has the legal responsibility for deciding how Mr L's father's benefits should be distributed. This includes both deciding who these beneficiaries should be and the share of the assets that each should receive.

In order to do this, it will consider any expression of wishes the policyholder may have made and any other legal documents, such as their will. Having done so, it will make a decision and inform the beneficiaries of this decision. In this case, Mr L was not chosen to be a beneficiary, so ReAssure has no right to give Mr L any information about who the beneficiaries were or the proportion in which the benefits have been distributed and has correctly informed Mr L of this fact.

In the circumstances, as our investigator correctly stated, this service cannot override the decision of the Trustees or compel them to distribute assets in a different way.

From the evidence provided, I can see no errors in the process that ReAssure has followed in determining how the assets should be distributed. I can see that Mr L has said that he is disputing his father's will and has stated his belief that his father lacked the necessary mental capacity to have produced an updated will and expression of wish forms. As I stated earlier, these are issues that lie outside the remit of this service and can only be decided by a court of law.

Given this, and disappointing as it will be to Mr L, I can't see that ReAssure has done anything wrong in how it has managed the distribution of assets from Mr L's father's pension benefits.

My final decision

For the reasons explained above, I do not uphold Mr L's complaint.

ReAssure Limited does not need take any action to resolve this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 26 June 2024.

Bill Catchpole
Ombudsman