

The complaint

The estate of Mr H has complained about the customer service it received from Scottish Widows Limited when it made a claim under the late Mr H's pension plan.

What happened

Mr H held a personal pension plan with Scottish Widows Limited (Scottish Widows). Sadly, Mr H died in August 2024. Mr H hadn't completed an expression of wishes in respect of the death benefits payable from his pension plan.

The estate of Mr H contacted Scottish Widows on 7 August 2024 to tell it that Mr H had died and on the following day emailed Scottish Widows a copy of Mr H's death certificate. Unfortunately, Scottish Widows couldn't read the information on the death certificate as the copy it had received wasn't clear. However, Scottish Widows didn't respond to the estate of Mr H's email to say this.

As the estate of Mr H hadn't heard anything back from Scottish Widows, it contacted Scottish Widows again on 12 August 2024 to ask for an update and was told that the copy death certificate it had sent in wasn't clear. The estate of Mr H then emailed another copy of the death certificate, together with a copy of the Mr H's Will, on the same day. However, Scottish Widows said that it was still unable to read these further copy documents as they were again unclear.

Scottish Widows told the estate of Mr H that Mr H's executor could go to one of the bank branches in its business group and ask for copies of the death certificate and Will to be certified and emailed to Scottish Widows by one of its bank employees. The estate of Mr H did this, but because of confusion over the process at the banking branch visited, the copy documents were certified but these certified copies weren't emailed onto Scottish Widows.

On 15 August 2024 Scottish Widows was contacted by Mr H's sons who sent in a copy of Mr H's death certificate and told Scottish Widows that their father hadn't left a Will. On 30 August 2024 Mr H's sons both completed and signed a Scottish Widows "*next of kin*" claim form for Mr H's pension, which Scottish Widows say it received on 6 September 2024.

Scottish Widows has told this Service that it received a clear copy of the late Mr H's Will and death certificate from the estate of Mr H on 28 August 2024.

Because Scottish Widows had been contacted by both the estate of Mr H and Mr H's sons to make claims under Mr H's pension plan, Scottish Widows decided that it wasn't able to progress either claim until it received a copy of the Grant of Probate for Mr H's estate. Scottish Widows told the estate of Mr H on 27 September 2024 that it needed a copy of the Grant of Probate to progress the estate's claim and said that this is a legal document which confirms who has authority to deal with someone's estate.

The estate of Mr H hadn't previously obtained a Grant of Probate, so it contacted Scottish Widows to ask why a Grant of Probate was needed. The estate of Mr H says that each time it called Scottish Widows to ask this, the representative it spoke with was unable to explain why one was needed.

However, the estate of Mr H has said that on 11th October 2024 it was again told by Scottish Widows that a Grant of Probate was required to confirm who had authority to deal with Mr H's estate. The estate of Mr H was then told by Scottish Widows on 6 November 2024 that it needed the Grant of Probate in this case because Mr H's sons had also made a claim on the pension plan, as well as the estate of Mr H.

The estate of Mr H complained to Scottish Widows on 28 August 2024 about the time it was taking to complete its claim under Mr H's pension plan and about the poor service it said it had received.

Scottish Widows responded to the estate of Mr H complaint on 6 November 2024. Scottish Widows admitted that it should have given the estate of Mr H better customer service but disagreed that it was responsible for the delay in the estate of Mr H being able to complete its claim on Mr H's pension plan because it had asked for a copy of the Grant of Probate. Scottish Widows went on to say that it still hadn't received the Grant of Probate and explained that it had asked the estate of Mr H to provide a copy of this on 27 September 2024, 24 October 2024 and 6 November 2024. Scottish Widows didn't offer the estate of Mr H any compensation for the quality of the customer service it had provided.

The estate of Mr H wasn't happy with Scottish Widows response to its complaint, so it brought this to the Financial Ombudsman Service. One of our Investigators reviewed the estate of Mr H's complaint. Their view was that Scottish Widows had provided the estate of Mr H with poor customer service and said that because of the distress and inconvenience suffered as a result, Scottish Widows should pay compensation of £200.

Scottish Widows accepted our Investigator's view and sent payment of £200 in compensation, as had been recommended by our Investigator. However, the estate of Mr H didn't agree with our Investigator's view. The estate thought that the compensation paid by Scottish Widows should be more than the amount recommended by our Investigator.

The estate of Mr H also said that because of the poor service received from Scottish Widows it'd needed to engage a lawyer to help it complete its claim on Mr H's Scottish Widows pension plan. The estate of Mr H also maintained that Scottish Widows should have been able to process the claim on Mr H's pension plan without a Grant of Probate. The estate of Mr H asked for its complaint to be considered by an Ombudsman.

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.

In disagreeing with our Investigator's view, the estate of Mr H has said that a higher amount of compensation should be paid by Scottish Widows to reflect the level of distress and inconvenience it suffered due to Scottish Widows poor service. Scottish Widows has admitted that it did provide a poor level of service and has paid compensation to the estate of Mr H. I therefore don't think that there is dispute that Scottish Widows did provide a poor level of service.

However, I will firstly consider who is the complainant in this complaint that's claiming compensation for distress and inconvenience, so that I can determine what, if any, ability I have to award compensation for distress and inconvenience.

I've seen a clear copy of Mr H's Will. From reviewing this I can see that in the section of the Will headed "*APPOINTMENT OF EXECUTORS*", a sole executor was appointed by Mr H under the heading: "*Executors and Trustees of my Will*", and it is that named executor who brought this complaint to this Service.

In the section of the Will titled "*RESIDUARY ESTATE*", two people are named as beneficiary. Mr H's executor is not named as one of these two beneficiaries of the estate. I therefore think it's reasonable to conclude that Mr H's executor isn't a beneficiary of Mr H's estate.

I've therefore considered in what capacity the executor of Mr H's estate is acting in when they brought this complaint to this Service and on whose behalf they've brought the complaint. I don't think that the executor of the estate of Mr H has brought this complaint in a belief that they are a beneficiary, or a potential beneficiary, of Mr H's Scottish Widows pension plan. I say this because in bringing their complaint they told this Service: "*there is no monetary gain for me in bothering to put myself through further time-consuming processes*".

Instead, I think the executor has told this Service that they're trying to sort out the administration of Mr H's estate, in their capacity of executor, and the complaint that has brought is that Scottish Widows has been unhelpful and has provided poor service in dealing with the estate's claim on Mr H's pension plan.

My conclusion is that Mr H's executor is not acting in any personal capacity, or because they have any personal claim on Mr H's Scottish Widows pension plan as a beneficiary, but is instead bringing the complaint on behalf of the estate of Mr H in their role as executor. For this reason, I think it's reasonable to conclude that the complainant in this decision is the estate of Mr H, and it is therefore the estate of Mr H that is claiming additional compensation for the distress and inconvenience it says Scottish Widows caused.

The estate of Mr H was unhappy with our Investigator's view. The estate of Mr H has said that the compensation of £200 awarded didn't adequately reflect the level of distress and inconvenience it says it suffered because of Scottish Widows' actions. My conclusion is that the estate of Mr H has asked for this complaint to be referred to an Ombudsman so that the amount of compensation for distress and inconvenience awarded can be reviewed.

As I've said above, this complaint has been brought by the estate of Mr H. It hasn't been brought by Mr H's executor acting in any personal capacity, nor has it been brought by any beneficiary of Mr H's pension plan. I think that the complainant is claiming a larger compensation payment to the estate of Mr H for distress and inconvenience. But I am unable to award compensation for distress and inconvenience to the estate of Mr H. This is because the estate of Mr H is not a person, so therefore cannot suffer distress and inconvenience.

Our Investigator awarded compensation of £200 in their view which Scottish Widows has already paid. As this sum has already been paid, I don't think it would be fair or reasonable

for me to say that this compensation should no longer be awarded. I therefore think that the compensation that Scottish Widows has already paid should stand, but as I've said above, I am unable to recommend that any further compensation is paid to the estate of Mr H in respect of its claim for distress and inconvenience suffered.

The estate of Mr H has also claimed that because of Scottish Widows' actions it's had to engage a lawyer to help with its claim on Mr H's pension plan and that Scottish Widows should compensate the estate of Mr H for this cost.

Scottish Widows told the estate of Mr H on 27 September 2024 that it needed to send in a copy of the Grant of Probate and then later explained why it needed this to complete the claim on Mr H's pension plan. I think it's reasonable to assume that the first letter that the lawyers appointed by the estate of Mr H wrote to Scottish Widows was sent on 3 February 2025. I say this because in the first paragraph of this letter the lawyers explain to Scottish Widows that they've been appointed by Mr H's executor.

I therefore think it's reasonable to conclude that the estate of Mr H appointed lawyers to liaise with Scottish Widows some months after it had been told by Scottish Widows why a Grant of Probate was needed. I therefore don't think that the estate appointed lawyers because it was having difficulty finding out why Scottish Widows needed a Grant of Probate. I also think it's reasonable to assume that at the time that the estate appointed lawyers, it should have understood what action was needed to progress the claim on Mr H's Scottish Widows pension plan.

I also haven't seen any evidence to show that Scottish Widows told the estate of Mr H that it needed to instruct a lawyer. Instead, I think that it was the estate of Mr H's decision to instruct a lawyer and therefore I don't think it would be fair or reasonable to ask Scottish Widows to pay any of the lawyer fees that the estate has incurred.

The estate of Mr H has also claimed that Scottish Widows acted unreasonably when it asked for a copy of the Grant of Probate and that Scottish Widows should have been able to complete its claim on Mr H's pension plan without this requirement. But I think it's reasonable that Scottish Widows had its own business requirements and processes to follow to complete the claim on Mr H's pension plan. I also think that Scottish Widows told the estate of Mr H in September 2024 what its business requirement and process was and what the estate needed to do to progress the claim on Mr H's pension plan. I therefore don't conclude that Scottish Widows has acted unreasonably as the estate of Mr H has claimed.

My conclusion is that Scottish Widows, as I've set out above, did provide the estate of Mr H with poor service. I also think that Scottish Widows has also admitted that it provided poor service. I therefore uphold this part of the estate of Mr H's complaint. However, as I've set out above, I haven't seen any evidence to show that Scottish Widows' actions have resulted in the estate of Mr H suffering any financial loss. Also, for the reason I've set out above, I am unable to award the estate of Mr H compensation for distress and inconvenience.

Putting things right

My conclusion is that Scottish Widows provided the estate of Mr H with poor customer service, but for the reasons I've set out above I'm not asking Scottish Widows to take any action beyond what its already completed to put things right for the estate of Mr H.

My final decision

My final decision is that I uphold part of the estate of Mr H's complaint, but Scottish Widows Limited doesn't need to take any further action to put things right in respect of this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr H to accept or reject my decision before 20 August 2025.

Ian Barton
Ombudsman