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- **Tunde Adenubi** <Tunde.Adenubi@pensions-ombudsman.org.uk>
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- 22/03/2019 at 04:34:45 Expires: 21/04/2019 at 05:34:45
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- **To: Ian McInnes** <ian.mcinnnes@yahoo.com.mx> Details

From: **Tunde Adenubi** <Tunde.Adenubi@pensions-ombudsman.org.uk>

Sent: 22/03/2019 at 04:34:45

To: • **Ian McInnes** <ian.mcinnnes@yahoo.com.mx>

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Dear Mr McInnes

Scottish Widows Personal Pension Plan

I refer to our earlier opinion of 15 January 2019 and your email response of 27 January 2019.

Having discussed the case with the Pensions Ombudsman, I have reviewed the file and I am of the view that the complaint should be partially upheld.

I say this because, although Scottish Widows were right to insist on compliance with the money laundering regulations, whether that is the Money Laundering Regulations 2007 (the **2007 Regulations**) or the Money Laundering, Terrorist Financing and Transfer of Funds Regulations 2017 (the **2017 Regulations**), you experienced difficulties communicating with Scottish Widows. There were also other issues which Scottish Widows could have handled much better.

I note that, from an early stage, you informed Scottish Widows that it would not be appropriate to communicate with you by post because of the delay it would cause. You clearly stated your preference for email communication, and also said that you could not participate in telephone calls due to a hearing impairment. Unfortunately, Scottish Widows used those inappropriate methods in trying to contact you, and I accept that this would have caused issues and been very inconvenient for you. It would also have been very unhelpful in your attempts to obtain clarity and guidance from Scottish Widows.

In addition, Scottish Widows could have handled your request better. When it became clear that you were struggling to meet its requirements, it could have taken more cognisance of that and intervened at an earlier stage to assist with other suggestions for meeting the money laundering requirements.

Overall, it is my view that Scottish Widows were obliged to comply with money laundering regulations as both the 2007 and 2017 Regulations place responsibility on Scottish Widows to ensure customer due diligence checks were carried out in appropriate circumstances. While it is my opinion that your circumstances meet that criteria, Scottish Widows should have paid attention its customer service obligations and to your communication preferences when contacting you with its requirements. I note that Scottish Widows has now made other proposals regarding how you may be able to comply with its requirements, and those were contained in our opinion dated 15

January 2019. Those proposals is still available to you and you should contact Scottish Widows directly to obtain further information.

As a result of my amended view, Scottish Widows has now agreed to my recommendations to make an offer of £1,000 to you in respect of the serious distress and inconvenience caused to you. This is in line with awards an Ombudsman would make in cases such as these and I am satisfied it is sufficient to address the injustice caused to you. Please let me know if possible by Monday 25 March 2019, if you are prepared to accept this in full settlement of your complaint.

You still have the right to have your case considered by an Ombudsman. If you disagree with my view, please email me as soon as possible. I have already noted your previous comments in your email of 27 January 2019, so there is no need to repeat arguments already made or send information already provided. Your case will be passed directly back to an Ombudsman to issue a decision, without the need for me to send an Opinion to both parties providing more detailed reasons for reaching the conclusion that your complaint should be partly upheld.

Please be aware that a determination by an Ombudsman is final and binding, and can only be appealed in the High Court.

Yours sincerely

Tunde Adenubi (Mr) | Senior Adjudicator | 020 7630 2232

The Pensions Ombudsman

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