

Scottish Widows Complaint: PO-14071

*Involving fraudulent evasion of pension encashment by SW,
and its brazen cover up by The Pensions Ombudsman*

Complainant: Ian Clive McInnes
Email: ian.mcinnnes@yahoo.com.mx
Website: <https://www.elpobrecorderito.com/PersonalPensionFiasco/>

This document is part of the complete correspondence on the above website. This contains proof of criminal misconduct by two organisations that one would expect to act with the highest standards of probity. Their contempt for the law amounts to a gross breach of the trust the public must place in them.

Scottish Widows is guilty of fraudulent evasion of personal pension encashment (amongst numerous other instances of [cavalier customer treatment](#)). In particular, the assertion that their onerous (and in my case, impossible to satisfy) "verification" demands "are required under UK legislation" is a blatant false pretence. In fact, the government requires no verification whatever when there is an ongoing business arrangement, let alone the draconian, changing, and dreadfully documented demands of Scottish Widows.

The Pensions Ombudsman is guilty of criminal protection of Scottish Widows in its refusal (after a year of quite deliberate inaction and prevarication) to investigate and determine the above, as is required under the Pension Schemes Act 1993/2017. Instead, it has forced an [illegal "pragmatic solution" with SW](#).

Both the above organisations are also guilty of lies, deceit, and evasiveness. And if I were mistaken about SW's fraudulent verification requirements, the numerous statements on the matter that I have made to SW, TPO, and also TPAS would have been rebutted; instead they have met only with silence.

Document Details

Date Sent / Received	28 February 2018
Sender / Recipient / Medium	Ian Clive McInnes / All Members of the Parliamentary Select Committee for Work and Pensions / Email (rejected as spam)
Description	<p>Noting to my surprise that the parliamentary website published email addresses of all members of the Select Committee for Work and Pensions, I optimistically sent an email to report the refusal by TPO to investigate my case, and its "pragmatic solution". But my email was rejected as spam.</p> <p><i>However, on 05 May, I sent a PDF document incorporating this email together with supporting material to the Select Committee via a contact who does have access to them. This committee was apparently inviting such documents, with a deadline of 18 May. My document clearly reached its target (there was a security scan on the numerous embedded links). If taken seriously it ought to result in a major shakeup of the corrupt TPO, certain other government organisations, and the pensions "industry" in general.</i></p>
Website Links to More Info	Event Summary

Gross Violations by TPO of PSA(1993) Sustain SW's Fraudulent Abuse

- [Ian McInnes <ian.mcinnnes@yahoo.com.mx>](mailto:ian.mcinnnes@yahoo.com.mx)
-
- feb 28 a las 10:22

Para

- Heidi Allen
- Andrew Bowie
- Jack Brereton
- Alex Burghart
- Neil Coyle
- y 6 más...

Texto del mensaje

To all members of the Commons Select Committee - Work and Pensions

I include links (underlined) to [PDF documents](#) and [web pages](#) on my comprehensive [website](#). In case you cannot access this, I attach PDF documents. I also append an email for your immediate attention.

I put before you the clearest evidence of TPO's refusal to investigate (never mind determine) a case involving criminal misconduct by Scottish Widows. Instead, after a year of delay and prevarication (for which no credible explanation was given), I am required to either accept a "solution" that would allow Scottish Widows to escape justice, or else withdraw my case. In all the circumstances, this connotes TPO protection of and collusion with Scottish Widows.

I am sure you are aware that the Pension Schemes Act 1993/2017 (Sections 145(4C) and 146) requires TPO to investigate and determine cases it has accepted, and that the latter function must be carried out by the PO or his/her Deputy. Making deals with the pension provider or arbitration of any kind are not legitimate functions of TPO. *It should be clear that to allow this of an organisation charged with making legally-binding determinations is highly conducive to corruption; this is one reason why the role of arbitration (or "finding solutions") must be confined to TPAS.*

So by having the adjudicator force a "pragmatic solution" on the complainant (especially after having done nothing to investigate the case), TPO shows utter contempt for the above Act. Moreover, TPO is knowingly covering up criminal policies from a major pension provider. Its behavior thus not only grossly contravenes pension law, but also involves (at the very least) a conspiracy to obstruct the course of justice. And one must question the motives and circumstances in which such brazen protection of a miscreant (but deeply-entrenched) pension provider could take place.

That this has indeed taken place is evinced in [my last communication from TPO, dated 31/10/2017](#) (appended). *You will note that the adjudicator claimed that his role allows him to "find solutions to problems".* This is the second of two attempts by the adjudicator to push me into a reprehensible and unlawful "deal" with Scottish Widows to access my personal pension funds, the first being in his email of [03/10/2017](#) (*also copied to Fiona Nicol, the Casework Director*). In [my rejection of 04/10/2017](#), I insisted on a resolution based on justice and the rule of law. Although lack of access to my funds is causing me considerable financial difficulties, my position remains clear: I will not involve myself in criminal activity, which I believe has been perpetrated by both Scottish Widows and TPO.

In his email, the adjudicator suggested that matters had become "entrenched"; but as you can see from the correspondence in the [chronology of my dealings with TPO](#), he has not lifted a finger to investigate my case, or otherwise done anything that might culminate SW. For example, I suggested on two occasions that sending the [Questions for SW](#) I prepared (if necessary under Section 150(4) of the Pension Schemes Act) would be an easy way to determine whether SW's draconian "verification" demands are indeed "required under UK legislation". And although my case was assigned to the adjudicator in October 2016, he did not communicate at all until 15 May 2017; and this was only after I had found out his name, surmised his email address, and contacted him directly. Since then, he demonstrated considerable evasiveness, as can be seen from reviewing the correspondence.

The chronic stress and anxiety resulting from this and the preceding seven months of radio silence led me to attempt to get information on my case from TPO and urge an investigation. This resulted in more evasiveness and misinformation from TPO, culminating in an appalling Complaint Response from the Casework Director on [15/09/2017](#). The explanations that this gives for the year of inaction are frankly ludicrous, and I am in no doubt that

it was a deliberate ploy to weaken my position. After being slapped down by Fiona Nicol for the cautious and measured expression of my concerns, I received the two emails from the adjudicator mentioned above (which in any normal law-abiding environment would be highly self-incriminating).

Since then, I been unable to obtain anything further from TPO. The last four emails I sent:

- my [rejection of 04/10/2017](#) (see above), copied to the Casework Director and the PO
 - a [follow up email of 08/10/2017](#) sent to the PO
 - an [email of 01/11/2017](#) sent to the PO in response to the adjudicator's email of 31/10/2017
 - an [email of 10/01/2018](#) sent to the Legal Director (who is apparently also a SW personal pension holder)
- all remain unanswered.

I had hoped that the evident collusion with SW was confined to a rogue individual, but it is now clear that there is full complicity from the Pensions Ombudsman down. TPO has shown itself to be a tightly-knit and corrupt organisation that will just close ranks and protect its own when challenged; even when its actions are clearly unlawful. I believe that the PO and at least one other senior member of staff should be in prison. I hope that the information I provide will result in a major shakeup of TPO, with much greater scrutiny of it in the future than there has been to date. *I also sent an email to The Pensions Regulator requesting an investigation into TPO activity, but was told that TPO does not fall under the auspices of TPR, being stewarded by the Department for Work and Pensions.*

There must also be careful examination of the changes introduced by Mr Arter. Even a prima facie view of these should lead one to question whether they comply with the Pension Schemes Act. But further consideration in the light of my experiences indicates that the stated changes are just the tip of the iceberg, with insidious undercurrents; for one, there have clearly been machinations aimed at evading PO determinations that may be subjected to legal scrutiny. Clearly Mr Arter has been highly successful at promoting "informal resolutions", and this must be to the serious detriment of the pension holder. I know that my case is not the only one in which TPO is evading its statutory duties of investigation and determination. Please read the section on my website analysing my [concerns over the role of the PO](#), or view the attached document.

The core of my case against Scottish Widows is that it will not encash a personal pension unless extremely burdensome and illegitimate demands are met. These include the provision of several certified "verification" documents that SW asserts "are required under UK legislation". This is demonstrably a false pretence. The only reason the UK government could require such documents would be under anti-money laundering regulations; however no verification whatever is required where there is an ongoing business relationship (as clearly exists between pension provider and pension holder). But even if verification were required, Scottish Widows' requirements are grossly excessive in relation to those of the government. And the customer is further confounded by dreadful changing and erroneous documentation of the required documents and certification, making their fulfilment by the customer difficult, and rejection by SW easy.

As Scottish Widows could not possibly have genuinely believed their measures to be a legitimate implementation of government AML regulations, they can only be part of a fraudulent strategy to evade pension encashment. This is supported not only by investigation, but also their own statements and evasiveness on this issue. And there is no basis to refuse encashment on AML grounds when there is the most definitive proof of identity, as in my case (the HSBC Mexico bank account in my full name, to which they had paid a much more substantial sum in encashment of investment and mortgage plans about two years previously without any such "verification" requirements). Moreover, AML regulations do not differentiate pension encashment from other types of transaction (e.g. investment liquidation).

My case also includes numerous other instances of maladministration, and would be highly damaging to SW if brought to light. The certified documents that SW rejected became valid once SW realised I was making a complaint; however, as it was now clear that their requirements were unlawful, I considered it vital to pursue this matter in the interests of justice, and to prevent other pensioners suffering from SW's abusive treatment. This position, whilst principled, has led to a protracted nightmare in dealing with TPO, as well as major financial worries. And it has unfortunately proved futile, as the abuses of the pensioner are allowed to continue unabated in the stinking morass of corruption that is TPO and the pensions industry (and I fear more besides).

This is a shameful situation, especially in a mature democracy with a supposedly low level of corruption. One could hardly have stronger evidence of the law being flouted by two organisations, resulting in misery for many people; yet it seems that there is no recourse to justice. Both TPO and SW showed their guilt by ceasing to respond once I had evidence against them that they could not counter. As I mentioned, my approach to The Pensions Regulator was fruitless. I reported SW to Action Fraud, who did nothing, claiming that they did not have the necessary leads. I also contacted a solicitor that appeared to specialise in pension cases on behalf of the consumer, without the courtesy of a reply.

I can only hope that the honourable members of parliament will do a better job of dealing with this scandal. This clearly requires that certain people be brought to justice, and reorganisation and restructuring of TPO and its connections to prevent further abuses.

Yours sincerely,
Ian McInnes.

Attached Documents

If possible, please view the [website](#) instead. The links below may be used as an alternative to opening the attachments.

TPO Correspondence:

[20180110ToTPO](#)

- email to Claire Ryan (the TPO legal director) describing the issues with TPO and SW

[20171101ToTPO](#)

- final email to Anthony Arter over the "pragmatic solution". Also includes the following:

- the second effort from the adjudicator to push me into the "pragmatic solution", of 31/10/2017
- my rejection of a "pragmatic solution" (copied to Fiona Nicol and Anthony Arter), of 04/10/2017
- the initial effort from the adjudicator to push me into a "pragmatic solution", of 03/10/2017

[20171008ToTPO](#)

- the follow up to my email of 04/10/2017, sent to Anthony Arter alone

Web pages (TPO):

[DetailsTPO](#)

- chronology (TPO) (website needed to see full correspondence)

[Epilogue](#)

- case analysis (see Concerns over the role of the Pensions Ombudsman on page 9)

Web pages (Scottish Widows):

[Overview](#)

- overview of cases against both SW and TPO

[Verification](#)

- demonstrates the illegitimacy of SW's verification requirements

[Questions](#)

- contains list of questions sent to SW on two occasions without response

----- Mensaje reenviado -----

De: Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>

Para: 'Ian McInnes' <ian.mcinnis@yahoo.com.mx>

Enviado: Martes, 31 de octubre, 2017 6:48:29

Asunto: RE: Scottish Widows complaint PO-14071

Dear Mr McInnes,

Thank you for your email below. I have been in ongoing discussions with Scottish Widows about your complaint and wanted to get their response before contacting you again.

Scottish Widows have now asked if you hold an unexpired signed Mexican Passport? Please confirm if you do or do not.

I appreciate your frustration but this organisation is trying to assist with your complaint and enable a solution which allows you to encash both your Scottish Widows policies.

Whilst I accept your comment below that this is potentially a larger issue affecting others, the Pensions Ombudsman (**TPO**) is not a regulator and we are not here to name and shame Scottish Widows, or force them to change their processes and policies. Further details of this were provided in my email of 22 May 2017.

My role allows me to find solutions to problems and often that course of action gives the best outcome to parties when matters have become entrenched. I note you do not want a pragmatic solution to this complaint but with respect, that decision is for myself to make as you brought this complaint to TPO.

Also explained in my email of 22 May, if you do not want to resolve matters to ultimately access your pension policies then you have the right to withdraw your complaint and seek justice in the courts.

I await your response to the question above and confirmation that you do still want TPO to investigate your complaint with a view that matters might be resolved. If the matter cannot be

resolved this organisation can issue a formal Opinion which may lead to an Ombudsman making a Determination which is final and binding on all parties concerned.

Regards

Barry Berkengoff | Deputy Casework Manager | 020 7630 2247
The Pensions Ombudsman

The Pensions Ombudsman and Pension Protection Fund Ombudsman

www.pensions-ombudsman.org.uk

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From: Ian McInnes [mailto:ian.mcinnnes@yahoo.com.mx]

Sent: 04 October 2017 20:43

To: Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>; Fiona Nicol <Fiona.Nicol@pensions-ombudsman.org.uk>; Anthony Arter <Anthony.Arter@pensions-ombudsman.org.uk>

Subject: Scottish Widows complaint PO-14071

Dear Mr Berkengoff,

I do not hold either of these documents. But in any case they are not germane to the central issue of my case, which is that pension encashment was denied on the grounds that I could not satisfy Scottish Widows' invalid requirements for proof of address.

Anybody who has looked at my case should see that it is a damning indictment of the conduct of Scottish Widows, involving fraud under a blatant false pretence, amongst numerous other instances of maladministration. My comprehensive website provides plenty of evidence of this, in addition to analysis.

Before they will encash a pension, Scottish Widows requires at least three certified verification documents, on the basis that they "are required under UK legislation". However, investigation shows that no verification whatever is required by the government in the case of a face-to-face customer where there is an ongoing business relationship; never mind the extremely onerous and burdensome demands of Scottish Widows. I conclude that they are part of a fraudulent strategy to evade pension encashment (*Unlike the cautious and measured suspicions I have voiced concerning TPO, this **is** an allegation.*)

I have strong principles and concerns for the numerous other customers who will have been badly affected by Scottish Widows' misconduct. I therefore seek not a "pragmatic" solution, but one based on justice and the rule of law.

During my dealings with Scottish Widows, they made three attempts to defuse a case that would have very serious implications for them if it were brought to justice:

- Firstly, on 30 June 2016 (having denied familiarity with the term "Internal Dispute Resolution Procedure"), the invalid documents I had sent became acceptable.
- Secondly, on 01 August 2016 (after I explained that my investigations showed that they had no legitimate basis to require proof of both address and date of birth), they offered to accept a scan of my national ID card alone.
- Thirdly, on 08/09 November 2016, Scottish Widows attempted to telephone me on five occasions (including at 0045 UK time), and left three voicemail messages (of which there is a recording on my website). This was clearly in an effort to get me to withdraw my case, and **the only plausible reason for these calls is that they had been contacted by TPO**.

I was not about to enter into a reprehensible "deal" with Scottish Widows then, and I am not about to do so now.

An important means of determining the validity of Scottish Widows' demands is the list of questions that I sent to them on 29 September 2016, and again on 23 November 2016. If their requirements were legitimate, they would be able to provide some satisfactory answers; and given the serious issues involved, would have a strong incentive to do so. But as I had expected, I received no response.

It seems that you are unwilling to put these questions to Scottish Widows yourself, as I suggested in my email of 12 July, or give any indication that you understand the gravity of my case. But they nonetheless contain compelling evidence, and I again attach this document. I also attach a copy of the PDF document corresponding to the "Case Overview" web page (I assume that TPO does not have access to my website).

Yours sincerely,
Ian McInnes.

----- Mensaje reenviado -----

De: Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>

Para: 'Ian McInnes' <ian.mcinnnes@yahoo.com.mx>

CC: Fiona Nicol <Fiona.Nicol@pensions-ombudsman.org.uk>

Enviado: Martes, 3 de octubre, 2017 5:09:21

Asunto: Scottish Widows complaint PO-14071

Dear Mr McInnes,

I have been in regular contact with Scottish Widows discussing your complaint, trying to find a pragmatic solution to simplify the verification process which has resulted in you being unable to access your two pension policies.

Progress is being made and the matter is back with the legal/compliance team at Scottish Widows to consider my suggestions.

In the meantime, I would be grateful if you could let me know if you have a valid (unexpired) UK Passport or a photo-ID driving licence as an alternative to the "Residente Permanente" document you have already submitted?

If you do have such documents please let me know, and how much effort would be involved in taking those original documents to Francisco F Granados, the Notary Public in Mexico, to be copied, certified by him, and then emailed by Mr Granados to myself in the UK. This is *not* a definitive request at this stage, but it may assist as part of an overall solution to resolve matters for you.

Regards

Barry Berkengoff | Deputy Casework Manager | 020 7630 2247
The Pensions Ombudsman

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