

Fraudulent evasion of pension encashment by Scottish Widows, and its cover up by TPO in imposing a "pragmatic solution" to protect SW

This document has been created by the complainant Ian Clive McInnes for forwarding by Paul Burns to the Parliamentary Select Committee for Work and Pensions. It is extracted from, and contains links to, his comprehensive website; this should be viewed if possible:

www.elpobrecorderito.com/PersonalPensionFiasco

Please note that prior to forcing a "pragmatic solution" that enables Scottish Widows to escape justice and maintain its false pretence, TPO did not lift a finger to investigate my complaint, or demonstrate any understanding of it. Following its assignment to the adjudicator in October 2016, there was a year of inaction and prevarication, for which the explanations are frankly ludicrous. I am quite sure that this delay was deliberate, and would have continued indefinitely without my interventions. Moreover, both Mr Arter and Ms Nicol are complicit in this overt protection of Scottish Widows, implying a conspiracy to obstruct/pervert the course of justice. I have been restrained previously in describing TPO's actions as merely "unlawful"; I am now in little doubt that not only do they flagrantly violate pension law - they are also criminal.

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Paul,

I would very much like to put my damning evidence before SelCom before 18 May, but how can I achieve this? You may recall that I attempted to send an email to all members on 28 February, but it was bounced as spam. The only way I could get paper to the UK by 18 May would be by courier, which is very expensive.

This email, with its links and attachments, remains the most appropriate single document to put before them. I am therefore forwarding it to you in the hope that you can get it to the SelCom members. Or could you tell me how I could do this myself?

Ian.

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

My email of 28 February 2018 to the Commons Select Committee - Work and Pensions

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

Para: Heidi Allen <heidi.allen.mp@parliament.uk>; Andrew Bowie <andrew.bowie.mp@parliament.uk>; Jack Brereton <jack.brereton.mp@parliament.uk>; Alex Burghart <alex.burghart.mp@parliament.uk>; Neil Coyle <neil.coyle.mp@parliament.uk>; Emma Dent Coad <emma.dentcoad.mp@parliament.uk>; Frank Field <ffield@parliament.uk>; Ruth George <ruth.george.mp@parliament.uk>; Chris Green <chris.green.mp@parliament.uk>; Steve McCabe <mccabes@parliament.uk>; Chris Stephens <chris.stephens.mp@parliament.uk>

Enviado: miércoles, 28 de febrero de 2018 10:22:07 GMT-6

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

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 culpate 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 (click link to Unlawful Conduct of the Pensions Ombudsman)

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

Adjudicator's email of 03 October 2017, pushing a "Pragmatic Solution" (copied to FN)

----- 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

The Pensions Ombudsman and Pension Protection Fund Ombudsman

www.pensions-ombudsman.org.uk

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My email of 04 October 2017, rejecting the "Pragmatic Solution" (copied to AA/FN)

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.

My email of 08 October 2017 to Anthony Arter alone, following up the above [no reply]

Scottish Widows complaint: PO-14071

- [Ian McInnes](mailto:ian.mcinnnes@yahoo.com.mx) <ian.mcinnnes@yahoo.com.mx>
-
- oct 8 a las 12:51

Para

- Anthony.Arter@pensions-ombudsman.org.uk

Texto del mensaje

Dear Mr Arter,

This is a follow up and clarification of the email I sent to you on 4 October, which was my reply to Mr Berkengoff's extremely disquieting email of 3 October. I apologize if this caused you confusion, and I perhaps should have sent you a separate explanatory email at that time. However, I thought it important that the other two recipients be aware that you have been informed about this very serious matter.

His email (appended below) is the clearest evidence to date of what I have suspected for some time; that Mr Berkengoff has no intention of investigating my case. Yet not only did he feel able to send me an email that ought to be highly self-incriminating; he also apparently copied it to your Casework Director (who unfortunately on 15 September responded with vitriolic denials to my attempts to convey my suspicions). I find this deeply troubling.

I should perhaps give you a little background on my case. I hope that my previous email made plain that I have a very serious complaint against Scottish Widows, requiring investigation and adjudication, not arbitration. I allege criminal misconduct, which Scottish Widows would have a very strong motive to prevent being brought to justice.

This case was assigned to Mr Berkengoff in October 2016 (although I had previously been assured that it was allocated to him in May 2017). Yet the first time I heard from Mr Berkengoff was on 15 May 2017; and this was only after I had surmised his email address and contacted him directly. *I had waited for over five weeks for a response to my email of 5 April to Carl Monk, which he stated was forwarded to Mr Berkengoff (only then did I know the name of the adjudicator who was assigned my case). I am quite sure that had I not subsequently emailed Mr Berkengoff directly, I would still not have heard from him.*

The explanation that I was given for this delay is that Mr Berkengoff was unaware that the case was awaiting his attention. But this is inconsistent with the fact of the telephone calls made by Scottish Widows on 08 and 09 November 2016, for which the only conceivable explanation is that they had been contacted by TPO. It also does not explain why Mr Berkengoff did not respond to the email forwarded to him on my behalf by Mr Monk (and I have no reason to believe that Mr Monk did not do this).

Since his initial email, Mr Berkengoff has displayed considerable prevarication and evasiveness, which is best assessed by reviewing the correspondence. On 12 July, I sent Mr Berkengoff an "ultimatum", stating that if he did not give me any evidence that he was taking my case seriously, I would assume that he was refusing to investigate it. I received no such evidence, only denials.

I have outlined only some of the inconsistencies involved in this case; nonetheless, I hope that you will understand its serious implications and the importance of a thorough investigation.

Yours sincerely,

Ian McInnes.

Adjudicator's email of 31 October 2017, forcing the "Pragmatic Solution"

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

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

Para: 'Ian McInnes' <ian.mcinnnes@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

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My email of 01 November 2017 to Anthony Arter in response to the above [no reply]

Refusal to Investigate PO-14071

- [Ian McInnes <ian.mcinnnes@yahoo.com.mx>](mailto:ian.mcinnnes@yahoo.com.mx)
-
- nov 1 a las 14:32

Para

- Anthony.Arter@pensions-ombudsman.org.uk

Texto del mensaje

Dear Mr Arter,

I am shocked to have received another email from Mr Berkengoff (appended) forcing me into a negotiated settlement with Scottish Widows in order to encash my personal pension plans.

My understanding was always that the main role of TPO is to investigate and adjudicate, which Mr Berkengoff is clearly refusing to do. This is of particular concern as my case involves criminal misconduct by Scottish Widows, as well as numerous counts of maladministration. I do not believe that it should be a matter for his discretion to impose arbitration in these circumstances.

I will state frankly that I can see no reason for his refusal to investigate other than collusion with Scottish Widows, to prevent my very damaging case from being brought to justice. I would have hoped that my emails of 4 and 8 October (to which I received no reply) made clear that this matter must be investigated. Given its implications, I am astounded that it appears to have been completely ignored.

Mr Berkengoff implies that he adopted his approach as matters have become entrenched. Yet he has clearly done nothing whatever to investigate my case. As I have suggested in two emails to Mr Berkengoff, a simple measure to assess the validity of Scottish Widows' "verification" requirements is to send them my list of Questions (attached) under Section 150(4) of the Pension Schemes Act 1993. But he is simply refusing to do anything that might inculpate Scottish Widows. And even if the verification issue were intractable, there are numerous other instances of maladministration that should have been investigated.

Apart from this, since being assigned my case in October 2016, he did not communicate until May 2017; and this was only after I had managed to surmise his email address and emailed him directly. He did not respond to an email forwarded to him on my behalf in April 2017. And the explanation that I was given for this lacks credibility.

If you can access my website, you can review all the correspondence here:

www.elpobrecorderito.com/PersonalPensionFiasco/DetailsTPO.html

I believe that this is necessary to arrive at a proper judgment. I also attach PDF documents of some of my website pages, although these are best viewed on the website if you have access.

I hope that you are able to dispel my growing impression that Mr Berkengoff's refusal to act against Scottish Widows' criminal misconduct is sanctioned by TPO. I therefore ask you to give me your judgment on Mr Berkengoff's position, as evinced in the email below, and in other correspondence. I would prefer a reply by email, but you can leave a voicemail message on: +52 351 512 3899 (preferably after about 1pm your time, when nobody will answer).

My position remains clear: I will only accept a resolution that is based on justice and the rule of law. If TPO will not provide this, I must clearly seek justice elsewhere.

Yours sincerely,

Ian McInnes.

My email of 10 January 2018 to Claire Ryan (the TPO Legal Director) [no reply]

Case against Scottish Widows : PO-14071

- **Ian McInnes** <ian.mcinnnes@yahoo.com.mx>
-
- ene 10 a las 3:00 P.M.

Para

- Claire.Ryan@pensions-ombudsman.org.uk

Texto del mensaje

Dear Ms Ryan,

As a fellow Scottish Widows personal pension holder, I think you should be made aware of the unlawful measures taken by SW to evade pension encashment. Apart from this flagrant abuse, my case also reveals numerous other malpractices and a deceitful modus operandi that show SW to be unworthy of its position as a major financial services company.

But of even greater concern to pension holders in general are the unlawful measures taken by TPO to protect the pensions industry, thus allowing its abuses to continue. My case is only one of a number I know of that TPO will not investigate. Instead, after a year of inaction with no credible explanation, I am being forced into an arbitrated settlement with SW through the adjudicator. This is in clear violation of the Pension Schemes Act 1993, and in all the circumstances connotes TPO collusion with SW.

Summary of Issues (Scottish Widows)

To encash a SW pension, one must first undergo a lengthy telephone interview (mine took about an hour and a half, most of which comprised thinly-disguised efforts to dissuade me from encashment). After considerable difficulties trying to make sense of and comply with SW's requirements documentation, one must then send four certified "verification" documents that SW asserts "**are required under UK legislation**". Arising from the fact that mail is not deliverable to my residential address here in Mexico, I could not satisfy their (totally invalid) requirements for proof of address, and my application was rejected and terminated. This was despite clear explanation of my circumstances, and definitive verification of my identify. *SW no doubt intended their requirements to be as burdensome as they could be, without being manifestly impossible to satisfy; but they obviously did not consider my situation.*

"**UK legislation**" could only legitimately refer to government anti-money laundering (AML) regulations. However, the UK government does not require any verification where there is an ongoing business relationship (as clearly exists between pension provider and pension holder). SW's assertion is thus a false pretence; and one which SW could not possibly have genuinely believed to be true. The corollary is that SW imposed these demands as part of a fraudulent strategy to evade pension encashment. They are clearly not applied to other SW financial transactions, for which the same AML criteria would apply. *I suspect that "UK legislation" is an oblique reference to the Pension Freedom of April 2015.*

But even if government AML measures were applicable, there would be numerous examples of maladministration in SW's implementation, including:

- Grossly excessive and over-specific requirements for documents and their certification (one document with proof of name and date of birth should suffice).
- Dreadful erroneous, confusing, and changing documentation of these requirements.
- Failure to use the discretion required by AML guidelines; the requirements are taken as an end in themselves. *Payment was to be made to a known HSBC (Mexico) bank account in my full name of Ian Clive McInnes; and to which SW had transferred a considerably larger sum from encashment of investment and mortgage plans about two years earlier. There is no basis for withholding payment under AML regulations in these circumstances.*

Although my documents became acceptable once SW realised I was about to make a complaint, I did not take up their "offers" (another was made after I had sent the complaint). This was initially because after Brexit the value of my prospective encashment had depreciated by several thousand pounds, and it would be grossly unjust (considering SW's other misconduct) if it were I who had to bear these losses. But after consulting TPAS and subsequently reviewing government AML documents, it became clear that SW's draconian demands were not only excessive, but completely without valid basis and unlawful. I therefore thought it vital that the matter be brought to justice in the interests of other SW pension holders. *With the apparent complete absence of proactive regulation and oversight of the pensions industry, the reactive "dispute" resolution processes give the pension provider carte blanche to carry out*

abusive and illegal practices, as it has plenty of opportunity to "put things right" to evade justice in the event of a complaint.

Altogether, my case is comprehensive and (potentially) damaging to SW, and I had every expectation that TPO would fully uphold my complaint. But I was misled by TPO claims to be impartial, and could never have imagined how far TPO will go to protect the pensions industry from serious cases such as mine...

Summary of Issues (The Pensions Ombudsman)

Although my case was assigned to an adjudicator in October 2016, I heard nothing from him until 15 May 2017; and that was only after I had found out his name, surmised his email address, and emailed him directly. Since then, he showed considerable evasiveness and unwillingness to take my case seriously. It became clear that he had no intention of investigating, and the circumstances suggested collusion with SW to bury my case.

My suspicions of several months were confirmed in his email of 3 October 2017, which pushed me into arbitration with SW via requests for more irrelevant "verification" documents (*SW will obviously never admit that their requirements are one huge lie*). I sent two emails to Mr Arter on 4 and 8 October, to bring the matter to his attention and urge investigation; but there was no response.

On 31 October, I received another email from the adjudicator, this time requiring me to either agree to an arbitrated "solution" with SW, or withdraw my case. Rather than comply with the terms in this email, I forwarded it to Mr Arter, expressing my concerns more strongly and asking whether he was in agreement with the adjudicator's position. Again, I received no response; nor have I heard anything else from TPO to date.

To deny a complainant investigation followed by a determination made by the Pensions Ombudsman or his Deputy clearly violates the Pension Schemes Act 1993. Furthermore, the reasons that the Casework Director gave me for the inaction have no credibility, and I am in no doubt that this delay was a deliberate ploy to weaken my position. Worse, there is apparent complicity in all this from the Pensions Ombudsman down.

There is strong evidence that TPO contacted SW shortly after my case was assigned to the adjudicator; this is one reason why I do not believe the explanation that the adjudicator was unaware that my case was awaiting his attention. Since there can have been no intention to investigate my case from shortly after its assignment, there is reason to believe that TPO did a deal with SW around that time.

The function of TPO is to investigate and make legally-binding determinations, with the role of arbitration being confined to TPAS. As my case illustrates, to allow TPO to impose arbitration on the complainant is highly conducive to corrupt protection of the pensions industry. Yet this is apparently what Mr Arter wishes. I am not alone in wondering how someone with Mr Arter's background and declared interests could be considered impartial.

I urge you to review my website, which contains the complete correspondence (of which I have a verifiable record): www.elpobrecorderito.com/PersonalPensionFiasco

I realise that you do not have access to this from your desk at TPO, so I also attach three PDF documents that mirror webpages, plus one PDF containing the latest correspondence with TPO. However, it will be far better to view the comprehensive website online.

I hope that you are concerned about what I have revealed, and can do something to promote justice. If there is anything that I can do to this end, please let me know. I will treat any supportive reply as strictly confidential (this naturally means that I will not publish it on my website or elsewhere that might enable it to be viewed by others in TPO).

Yours sincerely,
Ian McInnes.

- 4 Archivos adjuntos
- [Ver todo](#)
- [Descargar todos](#)
- [Overview.pdf](#)
- [Verification.pdf](#)
- [Questions.pdf](#)
- [20171101ToTPO.pdf](#)

Scottish Widows Complaint: PO-14071 (Preface)

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

This document mirrors one of the main web pages on my [Personal Pension Fiasco website](#). This contains a shocking account, with analysis and complete correspondence of:

- fraudulent evasion of personal pension encashment under a [blatant false pretence](#) (amongst numerous other malpractices) by Scottish Widows
- unlawful (and almost certainly criminal) protection of Scottish Widows by The Pensions Ombudsman, who (after a year of unexplained inaction) [refuse to investigate](#) the above

The above links are to the last items of correspondence I received from these two organisations; both ceased to respond once I raised issues that they could not address without incriminating themselves.

If my comprehensive website is accessible via the above link, please review this instead. This document nonetheless contains active links (underlined) to [web pages](#) in blue and [PDF documents](#) in crimson. It is also more suited to printing than the corresponding web page.

Links to Main Web Pages

Case Overview	Case summary and narratives for SW and TPO.
Verification Issues	Analysis of the "verification" requirements imposed by SW.
Event Summary	Chronological lists of events (two separate timelines).
Details (SW)	Detailed chronology with correspondence involving SW.
Details (TPO)	Detailed chronology with correspondence involving TPO.
Epilogue	Summary and analysis of the main issues of the case.
Questions for SW	Questions sent to SW to probe their "verification" measures.
Outcome & Conclusion	To be completed.
Document List	Complete list of documents (including this one).

Links to Main Sections within This Document

Introduction	
24 Sep 2016	Paper application form sent to TPO by courier, giving links to my website (including the list of documents).
29 Sep 2016	Follow-up email on delivery, followed by two acknowledgements.
30 Oct 2016	Asked whether TPO would like me to follow up on the questions I sent to SW, and reply suggesting I wait another month.
10 Nov 2016	Reported the calls from SW, soliciting any advice TPO may have.
23 Nov 2016	Strangely late response, suggesting that I email SW and ask for a written reply. My response, stating that I had done that.
02 Dec 2016	Probable red herring #1: First report that my website was inaccessible (this suggested that access to my website had been specifically blocked since my application was received).

<u>18 Jan 2017</u>	Probable red herring #2: Great British cockup over the "customer" survey (this indicated that my case had been closed without my knowledge or consent).
<u>05 Apr 2017</u>	Being extremely worried, I tried to get reassurance that TPO would investigate my case. Reply stating that my email had been forwarded to the adjudicator. <i>This was the first time that I had been given his name, even though the case was assigned to him in October 2016).</i>
<u>14 May 2017</u>	Having waited over 5 weeks for a reply from the adjudicator, I surmised his email address and contacted him directly. At last I received a response.
<u>17 May 2017</u>	My reply, urging him to use my website rather than the telephone.
<u>22 May 2017</u>	A more detailed email from the adjudicator, minimising what he could do, and apparently encouraging me to withdraw my case.
<u>24 May 2017</u>	My reply, explaining more about my case, in particular SW's false pretence for evading pension encashment.
<u>26 May 2017</u>	Response from the adjudicator, claiming that TPO is impartial, then making a ridiculous attempt to justify SW's "verification" demands.
<u>10 Jun 2017</u>	Fearing that he would use lack of access to my website as a pretext to evade investigation, I offered an offline solution.
<u>13 Jun 2017</u>	He affirmed that access to my website had been denied, but showed willingness to use a non-secure connection, stating that he would much prefer to view the information online.
<u>12 Jul 2017</u>	After another month of inaction, I expressed my concerns more strongly. I insisted that he showed an understanding of my case, and that he was taking it seriously.
<u>14 Jul 2017</u>	His reply did nothing to address my concerns.
<u>06 Aug 2017</u>	Being extremely worried, I tried to get some information on my case, but my attempt was simply referred back to the adjudicator.
<u>30 Aug 2017</u>	Another attempt to get information, this time forwarded to the Casework Manager. After claiming that my case had been actively investigated since it was assigned in May 2017, the remains of my concerns were sent to the Casework Director. I sent two follow ups to the Casework Director to correct this, urging investigation.
<u>15 Sep 2017</u>	Outrageous complaint response from the Casework Director, with false accusations, and ludicrous explanations for the inaction.
<u>03 Oct 2017</u>	Shocking email from the adjudicator, making clear that he would not investigate, instead pushing me into a "solution" with SW via the provision of yet more "verification" documents. In my reply (copied to the Casework Director and the Pensions Ombudsman), I made plain that I required a solution based on justice and the rule of law. I also sent clarification to the PO alone.
<u>31 Oct 2017</u>	Another email from the adjudicator, requiring me to either agree to his "solution", or withdraw my case. I forwarded this to the PO and explicitly asked whether he was in agreement with this. <i>No reply.</i>
<u>10 Jan 2018</u>	Noting that the TPO Legal Director evidently (from the list of declared interests) also has a personal pension scheme with Scottish Widows, I sent an email describing the issues with both SW and TPO, soliciting a response. <i>No reply.</i>

Scottish Widows Complaint: PO-14071 (Content)

Details (The Pensions Ombudsman)

This document chronicles my dealings with TPO, following my attempts to obtain a lump sum from two SW Personal Pension Plans. Complete correspondence with TPO over this period is represented by thumbnail images and links to PDF documents located on my website.

Introduction

I added this document in response to prolonged inaction by TPO, together with some worrying circumstances that led me to suspect that this neglect was quite deliberate. Although my case was assigned to an adjudicator in October 2016, I heard nothing from him until 15 May 2017; and this was only after I had surmised his email address and emailed him directly.

After the initial contact, it became clear that my case was being studiously ignored by the adjudicator, and that he was doing everything he could to delay and evade investigation. Despite having pressed the adjudicator over my concerns and made repeated requests for reassurance, I had received no evidence to disabuse me of my suspicions, only reassurances that ring hollow in the light of the facts. It was clear that he had done nothing whatever to investigate my case.

Two further sets of circumstances increased my concerns that my case had been buried:

- *After apparently being able to access my web-based documents, the assistant adjudicator reported that he could not access the link in my email of 23 November 2016; this suggested that my website had been blocked shortly after my case was assigned.*
- *An email of 18 January 2017 invited me to take part in a "customer" survey, stating that my case had been closed. A second email seemed to confirm that the survey had not been sent in error, which was the only explanation I had been given for receiving it.*

It now appears that these are red herrings resulting from mishandling by TPO. It seems that they would never have had access to my website, and the second survey sent was intended for those whose cases are open (but the email made no statement to this effect). But although now irrelevant, these events are covered in the following chronological account for completeness.

However my suspicions that the adjudicator would not investigate my case were confirmed in his email of 3 October 2017, in which he pushed me into an arbitrated settlement with SW. This followed a Complaint Response of 15 September, which apart from its false accusations, gave explanations for the delays that have no credibility. I reported the matter to the Pensions Ombudsman, but received no reply.

On 31 October 2017, I received another email from the adjudicator, requiring me to either agree to arbitration with SW, or withdraw my case. Rather than reply to the adjudicator, I forwarded his email to the Pensions Ombudsman, asking him if he was in agreement with the adjudicator's stance, and expressing my suspicions rather more strongly. Again, I received no reply.

The remainder of this document contains the complete correspondence with TPO, from the time of my application. Notes are essentially contemporaneous, except for those in *italics*.

24 September 2016

20160924AppITPO

I sent an application form with covering letter by DHL Express Letter, at a cost of about £50. But with the strength of my case, I had every reason to believe that this would lead surely to a successful outcome.

This is the only paper communication with TPO; all other communication was by email. The thumbnail image is of the covering letter only, which contains more useful information than I could supply on the four-page form.

TPO requires documentation (including at least a Final Response) in order to accept the application. I provided links to the full set of documentation on my website, which I hoped they would find a more practical means of supplying this than a sack of paper through the post.

On the following day, I sent an email to TPAS advising them of my application to TPO. I also queried how Scottish Widows should best be approached with the questions that I had prepared. They suggested that I put these to Scottish Widows myself before TPO started to investigate, and closed my TPAS application as I had approached TPO.

29 September 2016

20160929ToTPO

Having found that my application had been delivered, I sent a follow up email to TPO. I also included the links to the website documentation that I had detailed on my paper covering letter (this time more conveniently as hyperlinks).

On this day, I also sent the list of questions to Scottish Widows; I notified TPO of this in my email, and included a link to this document.

My website is the sole repository of information on this case, and links to it are the only means by which I provided the documentation needed to investigate it. I was relieved to receive nothing to say that they required it in another form, as paper communications between the UK and Mexico are hardly efficient. And my website enables considerably more efficient investigation of my case than would reams of paper.

20160930FromTPO

The next day, I received an acknowledgement, stating that they had requested my papers from TPAS. But the wording made me rather concerned that they might not accept my application (though I clearly fulfil their stated criteria).

20161004FromTPO

A few days later, I received another acknowledgement from Carl Monk (who had replied to an enquiry I made a few weeks earlier). He stated that he would contact me again as soon as they are in a position to progress matters.

30 October 2016

<p>Scottish Widows Compliance (PFD-1487)</p> <p>Carl.Monk@scottishwidows.co.uk</p> <p>Wed 26 Oct 16 11:01</p> <p>To: Carl Monk</p> <p>From: Carl Monk</p> <p>Dear Mr Monk,</p> <p>I would be grateful if you could advise me on further action I might take prior to the investigation of my case.</p> <p>The use of my name in the various "verification" requirements that Scottish Widows request in order to complete my application is a matter of public interest. I would like to know the reasons behind this and the extent of the information that is being collected. I would also like to know the reasons behind the requirement that I provide a list of questions which I am asked to answer in order to complete my application. I would like to know the reasons behind the requirement that I provide a list of questions which I am asked to answer in order to complete my application. I would like to know the reasons behind the requirement that I provide a list of questions which I am asked to answer in order to complete my application.</p> <p>Thank you for your help.</p> <p>Yours sincerely, Carl Monk</p>	<p><u>20161030ToTPO</u></p> <p>Having waited for over a month without response from Scottish Widows to my list of questions, I sent an email to TPO to ask whether they would like me to follow it up. I included a link to the part of my website that deals with my sending of these questions.</p>
<p>The Pension Ombudsman</p> <p>Carl.Monk@scottishwidows.co.uk</p> <p>Wed 26 Oct 16 11:01</p> <p>To: Carl Monk</p> <p>From: Carl Monk</p> <p>Dear Mr Monk,</p> <p>Scottish Widows Personal Pension Plan</p> <p>Thank you for your email of 26 October 2016.</p> <p>I understand that you have contacted Scottish Widows with some additional questions. I regret that we may not be able to answer them at this time. Please let us know if you do not hear from us.</p> <p>Your application is considered for an adjudicator but it may be a few weeks before I hear from them. As soon as we are able to progress matters we will contact you again.</p> <p>We apologise if we have not kept you updated on this.</p> <p>Yours sincerely, Carl Monk</p>	<p><u>20161031FromTPO</u></p> <p>The next day, I received a reply from Carl Monk suggesting that I wait another month. He also told me that my application was "earmarked" for an adjudicator, but it may be a few weeks before I hear from them.</p> <p><i>Subsequent correspondence (see 15 September 2017) confirmed that my case was assigned to Barry Berkengoff in October 2016. The very early assignment (very shortly after my application was accepted), followed by then having to wait for an unspecified reason for an unspecified period is surely irregular. From what I have heard, the normal course of events would be a possibly lengthy wait for an adjudicator to become available, but for the adjudicator to communicate from then onwards.</i></p> <p><i>It seems clear that TPO must have accessed my website, otherwise they would not have been able to view the documents they require to accept a case. And no problem was reported with the link in my above email.</i></p>

10 November 2016







<p>Scottish Widows Compliance (PFD-1487)</p> <p>Carl.Monk@scottishwidows.co.uk</p> <p>Wed 10 Nov 16 11:01</p> <p>To: Carl Monk</p> <p>From: Carl Monk</p> <p>Dear Mr Monk,</p> <p>As per our 26 October 2016 email, Scottish Widows attempted to contact me by telephone, and will if a further email message requesting me to call them back. This can only be in connection with this case. Please note we are unable to call information and/or recording of these calls.</p> <p>I think you will understand why I do not want to discuss this matter with them over the telephone. I will if it is important to report back to you, and all answers are open to any comments and advice that you may have.</p> <p>Yours sincerely, Carl Monk</p>	<p><u>20161110ToTPO</u></p> <p>Sent an email to TPO to report the telephone calls received from Scottish Widows, with a link to details including a recording of the calls, and soliciting any advice they might offer.</p> <p><i>Again, no problem accessing my website via this email link was reported.</i></p>
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23 November 2016

<p>The Pension Ombudsman</p> <p>Carl.Monk@scottishwidows.co.uk</p> <p>Wed 23 Nov 16 11:01</p> <p>To: Carl Monk</p> <p>From: Carl Monk</p> <p>Dear Mr Monk,</p> <p>Scottish Widows Personal Pension Plan</p> <p>Thank you for your email of 23 November 2016.</p> <p>I suggest that if you do not want to receive the calls made by Scottish Widows that you could have them sent via text message.</p> <p>We apologise if we have not kept you updated on this.</p> <p>Yours sincerely, Carl Monk</p>	<p><u>20161123FromTPO</u></p> <p>Received a reply to my email of 10 November, suggesting that I email Scottish Widows and ask for a written reply.</p> <p><i>It seemed strange that he took nearly two weeks to respond to this simple matter that called for an early response, given the prompt replies at other times (and there was no out-of-office notification). Was this to wait until the TPO deal with Scottish Widows was done?</i></p>
<p>Scottish Widows Compliance (PFD-1487)</p> <p>Carl.Monk@scottishwidows.co.uk</p> <p>Wed 23 Nov 16 11:01</p> <p>To: Carl Monk</p> <p>From: Carl Monk</p> <p>Dear Mr Monk,</p> <p>Thank you for your email suggesting that I email Scottish Widows in response to their telephone calls and request a written reply.</p> <p>This is good to let you know that I have now sent this email, which you may need help.</p> <p>Yours sincerely, Carl Monk</p>	<p><u>20161123ToTPO</u></p> <p>I replied to the above stating that I had done as suggested, and giving a link to the <u>email</u> I sent Scottish Widows. I took this opportunity to remind Scottish Widows of the list of questions I sent them nearly two months ago.</p> <p><i>This link was reported to be inaccessible (see below).</i></p>

02 December 2016






This section deals with evidence that suggests targeted blocking of access to my website around the middle of November.

	<p><u>20161202FromTPO1</u> Received advice of the TPO secure email service.</p> <p><i>This does not denote the recent introduction of email encryption by TPO (in fact it was introduced in March 2015).</i></p>
	<p><u>20161202FromTPO2-Content</u> This is the content of an encrypted email received the same day, advising me that they could not access the link in my email of 23 November.</p> <p><i>I initially assumed that this was a result of the recent introduction of security measures including email encryption, as they reported no problems with previous links to my website, and must have been able to access the documentation needed to evaluate my case. But it now seems that no new general security measures affecting access to websites were introduced around this time.</i></p>
	<p><u>20161203ToTPO-Wrapper</u> This is the content of a secure email I sent the next day. I tried to ascertain what problems they had accessing my website; in particular whether this was a result of changes to the email service (secure or ordinary), or denial of access to my domain.</p>
	<p><u>20161203ToTPO</u> This is a PDF document that I sent as both a link and an attachment to my secure email of 04 December 2016, as I was not sure by what means it could be accessed.</p> <p><i>It seems clear that the link was not accessible by either secure or normal email, but that the document could be opened as an attachment. This indicates that access to my domain had been blocked.</i></p>
	<p><u>20161204ToTPO</u> This is the email used to convey the above document.</p>
	<p><u>20161212FromTPO</u> Acknowledgement of my recent emails, stating that my link cannot be opened as it is "incompatible". He was presumably able to open the PDF as the attachment to my email, not via a link.</p>



Considering that the link in my email of 23 November was clearly inaccessible, but there was apparently no problem in accessing the link in my email of 10 November, access to my website appears to have been blocked between these two dates. And later information suggests that no blanket blocking of domains on the basis of country or other extension was introduced at this time (which in any case would be fairly unlikely due to the short time period). So the evidence suggests that denial of access was targeted specifically at my vivazamora.mx domain.

18 January 2017

This section deals with issues arising from an inappropriate request to participate in a customer survey. The evidence suggests that my case had been closed without my knowledge or consent (although it may have subsequently been reopened).

	<p><u>20170118FromTPO1</u></p> <p>This is the first email I received in respect of the Customer Survey, requesting me to participate, worryingly stating that my case had been closed.</p>
	<p><u>20170118FromTPO2</u></p> <p>About an hour and a half later, I received a correction to the above. But this stated only that the wrong version of the survey had been sent, and that they would be in touch next week with the correct version.</p>
	<p><u>20170118ToTPO</u></p> <p>Being very concerned about this (especially bearing in mind the lack of action on my case, and other circumstances), I sent this email, asking for reassurance.</p> <p>In the first paragraph, I pointed out that they had sent a correction, but that this simply stated that the wrong version of the form had been sent.</p>
	<p><u>20170120FromTPO</u></p> <p>The reply was hardly reassuring. He said that the survey was sent to the wrong people, and hoped that I had received a second email from them indicating that the first should be ignored.</p> <p><i>But (as I pointed out in my email), the survey people in their second email stated that the error was in sending the wrong version, and that they would send the correct version later; there was nothing to suggest that they had sent it to the wrong people. And one would hope that they would know better the source of their error than people working in another department.</i></p> <p>And the only reassurance given over my case was repetition of a statement of 31 October 2016 "<i>your application is earmarked for an adjudicator</i>" (this time in the present perfect tense: "has been"). This unfortunately did nothing to affirm that my case had not been closed since then.</p>
	<p><u>20170215FromTPO</u></p> <p>The reassurance wore even thinner on 15 February, when as promised the survey department sent another version of the survey.</p> <p><i>Either:</i></p> <ul style="list-style-type: none">a) <i>they had not only sent the wrong version of the form, but also sent it to the wrong people; and furthermore had still not corrected the latter error some four weeks later; or</i>b) <i>my case had indeed been closed as they stated.</i> <p><i>Regrettably, although I considered replying to this email at the time to try to ascertain which of these was the case, I did not do so. So this matter remains unresolved.</i></p>


05 April 2017

	<p><u>20170405ToTPO</u> It is now over 5 months since I was told that my application "<i>is earmarked for an adjudicator</i>", and I have received not a shred of information on my case since. Bearing in mind this and the worrying circumstances (plus the gravity of the case), it should not be surprising that I was in despair.</p> <p>So I emailed TPO expressing my concerns, and again asked for reassurance that they would investigate my case, and could deal with it appropriately.</p>
	<p><u>20170407FromTPO</u> Received a reply stating my that my email had been forwarded to Barry Berkengoff. At last I knew who was supposed to be investigating my case. And the email forwarded to him would give him plenty of information.</p> <p><i>It seemed surprising that Carl Monk did not seem able to answer a simple query about the status of my application himself. But at least I could expect to receive information on my case "from the horse's mouth".</i></p>


14 May 2017

	<p><u>20170514ToTPO</u> Five weeks later, having hoped to hear from Barry Berkengoff, I have still received no response, or any other information on my case.</p> <p>For some time now, I have been facing serious financial difficulties, and my situation is becoming more perilous with every passing week. All these circumstances have made me despondent.</p> <p>I sent this to Barry Berkengoff, challenging him to give me some proper reassurance (I had to surmise his email address). I attached the email that he should have received from Carl Monk, and added further content. Again, this gave detailed information on my case, which should have made clear that it was a serious one that warranted urgent investigation.</p>
	<p><u>20170515FromTPO</u> At last, a response from Barry Berkengoff, denying that my case had been closed. He affirmed that he would be investigating, and stated that he may telephone me to discuss matters in the first instance. <i>Apart from this being difficult for me, I hardly think that it would be an apt way to proceed with this involved case that I have spent so much time documenting.</i></p> <p>And it was hardly encouraging to be told that his main role is managing others. <i>Although Carl Monk referred to him on 07 April as "Senior Adjudicator", his title is now given as "Deputy Casework Manager". Is this a recent change of position?</i></p> <p>He stated that he will be in touch shortly, and thanked me for my continued patience. <i>But it appears that he has been sitting on my case for at least six and half months without having done anything whatever, and only reacted after I emailed him directly (not to the email forwarded to him five weeks ago).</i></p>


17 May 2017

	<p><u>20170517ToTPO</u></p> <p>My response to the above, urging him to review carefully the website that I have spent hundreds of hours developing, rather than attempt to obtain an understanding over the telephone. However, I agree to make myself available by telephone should it prove necessary.</p> <p>I also express concerns over just what TPO can do, but express the hope that a just resolution can be achieved through this organisation.</p>
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22 May 2017

	<p><u>20170522FromTPO</u></p> <p>Received a more extensive response from Barry Berkengoff. He stated that he was scheduled to review my case last week, but was unable to do so as my website was inaccessible; but that he would proceed once the block had been lifted.</p> <p>He also went into more detail as to what TPO could do, and stated that TPO could only deal with the maladministration event. He then said that I was within my rights to take my own legal action, and that in this case, I would have to withdraw my case with TPO. <i>The preceding comments and the final sentence seemed intended to rush me into doing just this; which would have been imprudent, to say the least, without any clear alternative.</i></p>
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24 May 2017

	<p><u>20170524ToTPO</u></p> <p>My reply to the email of 22 May. I firstly gave more information on my website. I also explained certain aspects of my case, in particular that Scottish Widows was imposing draconian "verification" requirements under the false pretence that these "<i>are required under UK legislation</i>".</p>
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26 May 2017

	<p><u>20170526FromTPO</u></p> <p>Response to the above, again stating that his jurisdiction is limited to instances of maladministration (<i>although this in fact appears to be a broad term</i>). He stated again that he hoped to have access to my website shortly and would review my case then.</p> <p>After a paragraph stating that TPO is impartial and does not take sides, he then stated that he expected my case to be the result of Scottish Widows having slightly different processes for overseas customers "<i>to ensure appropriate ID checks are made</i>".</p> <p><i>After the numerous clear statements I had made (including in my last email), the above comment is absurd. It is to leap to the side of Scottish Widows, and dismiss everything I had said as either lies or the inane rantings of a lunatic. And I could have no optimism that he would change this position, even when faced with the cogent evidence on my website.</i></p>
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10 June 2017

	<p><u>20170610ToTPO</u> If he had not obtained access to my website by now, he most likely never would, so I sent an email with a ZIP of most of my website, to be followed by another email with the remaining files. This would enable my website to be installed locally, thus bypassing the access issues. But my ZIP file was rejected by their delivery system, so I sent another email without the attachment.</p> <p>I explained the concerns I had over these inordinate delays plus the evident lack of regard for my position, and the difficulties and distress that this was causing me.</p>
	<p><u>20170610ToTPO2</u> This was an attempt to send the individual files, which I aborted when I received a message from their mail delivery system that my ZIP file had been rejected on account of its size. I had intended to send multiple attachments, but abandoned my attempts to provide an offline solution, and sent only a single attachment (the letter from SW rejecting my documents).</p>

13 June 2017

	<p><u>20170613FromTPO</u> A reply emphasising that access to my website had been denied. <i>I never questioned this; on the contrary, it is why I attempted to send the ZIP file. But he did offer to review my website on a non-secure connection at home, or on the office Wi-Fi (although this was only after I had "threatened" him with a solution that he could use offline in the office).</i></p> <p>He said he could not comment on whether there was access to my website at the time of my application. <i>But the evidence indicates that my website was accessible up to around 10 November and blocked by around 23 November. If there were any (inappropriate) general blocking of websites (.mx and presumably numerous other countries) introduced around this time, he would surely know about it and have mentioned this as the reason. So it seems that my website was specifically targeted.</i></p>
	<p><u>20170614ToTPO</u> My reply, acknowledging his willingness to use a non-secure connection, and encouraging him to review the website soon.</p>
	<p><u>20170615FromTPO</u> Apology for the security restrictions, but he hoped that I would understand the reasons why. <i>I do not. If my website has been blocked simply on the basis of its domain name extension, this is arbitrary and inappropriate; most undesirable websites will have common extensions. A more sensible scheme would be to maintain a list of sites known to be undesirable, with the provision to update this list with new sites as they are encountered; I suspect that this has been applied to my domain.</i></p> <p>He stated that he would much prefer to view my case online (<i>seemingly not wanting to use an offline solution that would work in the office</i>). But he did state (or at least imply) that he would review my case early next week.</p>

12 July 2017

20170712ToTPO

After nearly another month, it seems that he has still done nothing. So I sent another email to chase up - this time expressing my concerns more bluntly, and challenging him to give me some answers. I made plain that I would not be satisfied with anything less than evidence that he had an understanding of my case, and was taking it seriously.

I put it to him that he had been sitting on my case since the end of October 2016, without having offered any proper explanation for this; and that it was clear that, had I not surmised his email address and contacted him directly on 14 May, I would still have heard nothing.

I also put to him directly that the evidence indicated that my case had been buried, most probably at the behest of Scottish Widows. I again made plain the gravity of my case, and that this involves a blatant false pretence that Scottish Widows would have a strong incentive to cover up.

I also asked whether he would be willing to put the list of questions I had prepared for Scottish Widows, under legislation compelling them to respond or be in a situation tantamount to contempt of court. This would easily show whether Scottish Widows is making "*appropriate ID checks*".

14 July 2017

20170714FromTPO



As expected, a prompt reaction to my email. Unfortunately, it does nothing to address any of the points that I put to him; nor does it offer any evidence that he has done anything to investigate my case. He did nothing to counter my implications that he had done nothing on my case since it was assigned to him at the end of October 2016; and that, had I not emailed him directly, I would still have heard nothing.

Instead, he simply denied any wrongdoing, and made excuses for the delays. He assured me that my case "*has not been buried... at the behest of Scottish Widows*". *This may be true - I think it more likely that it was he who initiated the deal.* He justified the delays in terms of resourcing issues and a heavy workload, and that he can do investigations only one day a week. This can hardly explain the complete inaction since October 2016.



He also indicated that progress was further delayed by security issues with my website (and he clearly did not want an offline solution). These are of their invention (and probably contrivance), not of my creation.




He offered no evidence of any progress on my case, saying only that he would "*be in touch shortly*". This is exactly what he said in his email of 15 May. I can have no expectation of anything further from him other than more delaying tactics; I will therefore no longer jeopardise my health and well-being in fruitless attempts to chase up this matter with him.

06 August 2017


	<p><u>20170806ToTPO</u> In an effort to try to determine whether or not the strong indication from the survey department that my case had been closed was correct, I sent this.</p> <p>I hoped for either a clear "No" (with confirmation that they had indeed sent the survey to the wrong people) or "Yes" (this would confirm what I had suspected for some time). The worst outcome for me would be an equivocal response; I just want to know the truth.</p>
	<p><u>20170807FromTPO</u> The response was very prompt, but simply referred the matter back to the adjudicator. This was the worst possible outcome. Whilst details of my case were presumably available, it did nothing to confirm that they had sent the survey to the wrong people, and that therefore my case was presumably open at that time. Had I had such confirmation, I would have accepted that my case had not been closed. And I will not hold my breath waiting for the status report, nor chase the matter up.</p>

30 August 2017

	<p><u>20170830ToTPO</u> Having failed to get any answers to the question over the customer survey, and dutifully waited for the status report, I sent a follow up; this time with a full discussion of the issues.</p> <p>Apart from the questions over the customer survey, I tried to get information on whether my domain name had been specifically blocked; it was only necessary to try the links I supplied.</p>
	<p><u>20170831FromTPO</u> My email was simply forwarded to the Casework Manager (thankfully not Barry Berkengoff), from whom I received this response. There was a repetition of the "assurance" over the customer survey, with a patently erroneous statement that my case has been actively investigated since being allocated to Mr Berkengoff in May 2017.</p> <p><i>Carl Monk stated that Barry Berkengoff was the Senior Adjudicator investigating my case in his email of 07 April. And he reported that my case was assigned to an adjudicator in his email of 31 October 2016, and this adjudicator must clearly have been Barry Berkengoff. If their database indicates that my case was allocated to him in May, it must be because my case was reopened or updated in response to my email of 14 May.</i></p> <p>Whilst there was also a statement that my concerns had been passed on to the Casework Director, the information sent appears to exclude the points that were "dealt with" above. This would deny the complete inaction since October 2016, and thus negate the core of my complaint. I hoped that this was not the start of a whitewash, indicating that Mr Berkengoff was able to act with the same degree of impunity as Scottish Widows.</p>

	<p><u>20170903ToTPO</u></p> <p>If the Casework Director was given the impression that my case had been actively investigated by Mr Berkengoff since being allocated to him in May 2017, this would be a gross misrepresentation, to say the least. So I thought it prudent to send this email in an attempt to dispel such an impression. I attached PDF documents of my email of 30 August, plus the reply of 31 August to ensure that full information was provided.</p> <p>I hoped that there would be database transaction logs that would confirm what updates there had been to my case since October 2016, although I have little optimism that they could or would check this. I also reproduced the links to check whether my website had been specifically targeted; to do this would take only take a few seconds.</p>
	<p><u>20170904FromTPO</u></p> <p>An acknowledgement from the Casework Director, stating that I could expect a reply to my complaint by 15 September.</p>
	<p><u>20170909ToTPO</u></p> <p>Fearing that my case had still not been adequately represented, I sent a follow up to my previous email in an effort to avert a whitewash.</p> <p>I stated that it was practically certain that my case was assigned to Mr Berkengoff in October 2016, mentioned the oddity in the way my case was handled (seemingly rapid assignment, followed by complete inaction), and made clear my belief that most likely Mr Berkengoff had initiated a deal with Scottish Widows to bury my evidence.</p>

15 September 2017

	<p><u>Complaint Response20170915</u></p> <p>This first and final complaint response from the Casework Director not only whitewashes Mr Berkengoff; it also blackens my integrity with false statements that I had made allegations against TPO and had no evidence.</p> <p>In the first instance, I did not actually raise a complaint; I simply attempted to get information on two sets of circumstances that would indicate burial of my case (over the customer survey, and the apparent blocking of my website). However, this was not forthcoming, and the matter was referred to the Casework Manager, then the Casework Director.</p> <p>As the Casework Manager had clearly grossly misrepresented my situation with a false statement that my case had been actively investigated by Mr Berkengoff since it was assigned to him in May 2017, I found it necessary to send two emails to the Casework Director to correct and clarify.</p> <p>It will be clear on perusal of my emails that I merely voiced my suspicions; nowhere did I make an allegation. On the contrary, I urged investigation into my concerns that Mr Berkengoff may be colluding with Scottish Widows, and stated that this might either confirm or refute my suspicions.</p>
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I will now deal some of the points in the Complaint Response, starting with the the "customer" survey. For the first time, there is some explanation, in that there were two versions of the survey; one for people whose cases were still open. From this it would appear that the survey sent on 15 February had not in fact been sent in error; however the email contained nothing to indicate this. As it also appeared to be inapplicable, I did not complete it, and I suspect that most people in my situation would not have done so either. *Hence the low response rate.* I can hardly agree that "*it was unfortunate but was later corrected*"; it was unfortunate for me in the anxiety it caused, but it was serious miscommunication by TPO that was not corrected.

The other objective issue that raised questions over the handling of my case was the apparent blocking of my website shortly after my case was assigned to the adjudicator. Accepting the explanation that access to my website had always been denied, this raises a number of obvious points over TPO's handling of my application; especially as TPO staff must have been aware of this issue, and should have dealt with it accordingly. I had given links to documentation in several emails as well as in my TPO application; yet the first indication that my website was inaccessible was on 2 December 2016. It therefore appeared that it had been blocked around the middle of November 2016. Moreover, all mentions of the access issue in the emails from Mr Berkengoff indicate that it was limited to my .mx domain, not a general issue - why? (I subsequently created a new .com domain name in the hope that this would be accessible).

The inaction from Mr Berkengoff was explained by his inability to access my website, but that they may have a "solution"; printing the documents from a laptop with unrestricted access. This is clearly ridiculous; as they must have known that their workstations blocked internet access, they should have made this or some other provision many months ago. I called out the issue in my application of September 2016, and supplied a link to a list of PDF documents. And Mr Berkengoff rejected my offer of a solution that he could use offline, stating that he would much rather view the information online. It was in response to the prospect of an offline solution that he offered to view my website when working from home; but he never did so.

It was acknowledged that my case was assigned to Mr Berkengoff in October 2016, but denied that there was any irregularity in its early assignment. There was no response to the point that I made in both my previous emails that as both Deputy Casework Manager and Senior Adjudicator, Mr Berkengoff may have been in a position to assign my case to himself. It should be clear that such an arrangement could lead to abuse.




The explanation for the delay (that Mr Berkengoff was unaware that my case was awaiting his attention) can have no credibility. Apart from being lame in itself, it is inconsistent with both the telephone calls of 8th and 9th November 2016 (which can only have been in response to contact by TPO), and that Mr Berkengoff did not respond to the email of 5 April 2017 that was forwarded to him on my behalf, responding only once I found his identity and email address.

The statement "*there is simply no evidence to support these allegations [of collusion and concealment]*" is untrue, both in that I did not make any such allegations, and that there is significant evidence in the email correspondence (which Ms Nicol clearly did not read, despite my urging) that has given me good reason to believe that there may have been collusion. And one should not have to wait for proof (which there will never be) before reporting these serious concerns. Perhaps Ms Nicol does not know the meaning of the word "allegation", or understand that "evidence" is not synonymous with proof. But the Complaint Response has not taken proper account of even the limited amount of information I could provide in my two emails.

Finally, for daring to voice my suspicions, I am accused of mistreating staff. I expressed my legitimate concerns in a moderate and reasonable manner, urging investigation. But there has clearly been no proper investigation of a potentially very serious matter, only rancorous rebuttals, at least some of which directly contradict the facts. And I personally have suffered considerable prolonged stress and anxiety as a result of what is at best incompetence by TPO. This utterly insensitive document adds insult to a considerable amount of injury.

The record of my email correspondence with TPO shows that TPO is the only party to have made false and misleading statements (not to mention false accusations). I stand by my testimony.

03 October 2017

	<p><u>20171003FromTPO</u></p> <p>This stunning email confirms what I had suspected for some time; that Mr Berkengoff will not investigate my complaint. Instead, he is attempting to push me into an arbitrated settlement with Scottish Widows, via provision of more "verification" documents.</p> <p>Moreover, the email header indicates that it was copied to the Casework Director, who must therefore be (at least) in agreement with this arrangement (<i>which violates the Pension Schemes Act 1993</i>).</p> <p>I am asked whether I hold a current UK passport or photo-ID driving licence as an alternative to my Permanent Resident ID card (Scottish Widows had previously offered to accept the latter document alone). <i>This request is not relevant to the reason my documents were rejected, which is my inability to fulfil their proof of Address requirements.</i></p>
	<p><u>20171004ToTPO</u></p> <p>My reply made very plain that an arbitrated settlement was unacceptable, especially bearing in mind the very serious nature of my complaint.</p> <p>I copied it to both the Casework Director and the Pensions Ombudsman (I hoped that the latter would be above this malpractice).</p>
	<p><u>20171008ToTPO</u></p> <p>I sent a follow up email for clarification to the Pensions Ombudsman alone. I gave an overview of my case against Scottish Widows, and urged a thorough investigation.</p> <p><i>I received no reply to this, but held out the hope that there was an undercover investigation, in which he had considered it best to operate in total secrecy, including not communicating with me.</i></p>

31 October 2017

20171031FromTPO

Another outrageous email from Mr Berkengoff, this time pushing me into his "pragmatic solution" as an ultimatum. He ridiculously asks whether I hold a signed Mexican passport, stating that this was requested by SW.

He claims that he has the discretion to "find solutions to problems" where the case has become "entrenched" (*even though he made no attempt whatever to investigate; he would not even send SW my list of questions*). Moreover, he has the audacity to assert that this is his decision as I brought the case before TPO (in contradiction of TPO's own information on its remit). *And he certainly has no discretion to do this under the Pension Schemes Act 1993/2017 either; this gives the complainant a statutory right to investigation, followed by a determination made by either the Pensions Ombudsman or his deputy. Arbitration is a function of TPAS, not of TPO.*

He then counteracts the above by claiming that if his "pragmatic solution" is not achievable, the case would be resolved by the proper process of investigation and determination (*which obviously would not happen, as his endeavours to evade investigation could not be clearer*).

I am required to either confirm that I will accept his imposed "pragmatic solution", or withdraw my case. *I will do neither.*

20171101ToTPO

Rather than reply to Mr Berkengoff, I forwarded his email to the Pensions Ombudsman, stating my position, and explicitly asking him whether he was in agreement with Mr Berkengoff's stance.

It is of very serious concern that again, I received no reply. Firstly, Mr Berkengoff's efforts to force me into arbitration contravenes the Pension Schemes Act in at least two ways. Worse, given the nature of Scottish Widows' misconduct, it also amounts to obstruction of the course of justice amid strong suggestions of collusion. And I could now be in little doubt that Mr Arter himself is complicit in this.

10 January 2018

20180110ToTPO

The list of declared interests for senior TPO staff shows that Mr Arter holds shares in no fewer than 22 pension companies. This, together with his background as a solicitor acting for such companies, makes one wonder how he could possibly be considered impartial.

However, it also shows that Claire Ryan (the Legal Director) is a fellow Scottish Widows personal pension holder. So I sent this in the hope that there may be a sympathetic ear within TPO. *It seems that there is not; or certainly not the moral fibre to speak out. In the face of unlawful (probably criminal) misconduct, this unscrupulous organisation will just close ranks and protect its own.*

This is the end of my correspondence with The Pensions Ombudsman. The last four emails I sent remain unanswered; like Scottish Widows, TPO ceased to respond once I had questions and points that they could not answer without incriminating themselves.

The above demonstrates a conspiracy to obstruct the course of justice in the protection of Scottish Widows, involving the Pensions Ombudsman down. And one must ask what motivation there could be for such serious breaches of the law.

And there is reason to believe that TPO is not the only government organisation protecting SW from criminal prosecution. There is an apparent conspiracy of silence also involving Action Fraud (who claimed that there were insufficient leads and did not respond to further information I sent), and The Pensions Advisory Service.

Whilst TPAS initially gave some useful information on government anti-money laundering regulations, they ducked the "verification" issue once I put my findings to them, offering to mediate only on the non-criminal matter of postal responses to my emails. I now have little doubt that TPAS was also well aware of the illegality of SW's demands.

At the time of writing (25 April 2018), I await a response from the Financial Conduct Authority, who must surely have known about criminal misconduct that has been carried out by a major financial services company for well over two years. But for now I will reserve judgment on whether this organisation is also involved in covering up SW's misconduct.

Scottish Widows Complaint: PO-14071 (Preface)

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

This document mirrors one of the main web pages on my [Personal Pension Fiasco website](#). This contains a shocking account, with analysis and complete correspondence of:

- fraudulent evasion of personal pension encashment under a [blatant false pretence](#) (amongst numerous other malpractices) by Scottish Widows
- unlawful (and almost certainly criminal) protection of Scottish Widows by The Pensions Ombudsman, who (after a year of unexplained inaction) [refuse to investigate](#) the above

The above links are to the last items of correspondence I received from these two organisations; both ceased to respond once I raised issues that they could not address without incriminating themselves.

If my comprehensive website is accessible via the above link, please review this instead. This document nonetheless contains active links (underlined) to [web pages](#) in blue and [PDF documents](#) in crimson. It is also more suited to printing than the corresponding web page.

Links to Main Web Pages

Case Overview	Case summary and narratives for SW and TPO.
Verification Issues	Analysis of the "verification" requirements imposed by SW.
Event Summary	Chronological lists of events (two separate timelines).
Details (SW)	Detailed chronology with correspondence involving SW.
Details (TPO)	Detailed chronology with correspondence involving TPO.
Epilogue	Summary and analysis of the main issues of the case.
Questions for SW	Questions sent to SW to probe their "verification" measures.
Outcome & Conclusion	To be completed.
Document List	Complete list of documents (including this one).

Links to Main Sections within This Document

Customer Perspective (SW, and the Pensions "Industry" in General)
A Case of Fraud by Scottish Widows?
Scottish Widows' Fraud = Means + Motive + Opportunity
Unlawful Conduct of The Pensions Ombudsman*
A Satisfactory Resolution

**Note that all sections except that dealing with The Pensions Ombudsman were written before TPO refused to investigate, amid connotations of its collusion with Scottish Widows. Cases that came to light subsequently revealed that mine was not the only one in which TPO was evading its statutory duties of investigation and proper determination.*

So these older sections express general concerns over the perceived lawlessness of the pensions "industry" and the weak position of the pensioner, even before considering TPO's blatant and unlawful protection of the pension provider.

Scottish Widows Complaint: PO-14071 (Content)

Epilogue

Customer Perspective (SW, and the Pensions "Industry" in General)

I am dismayed by what I have seen of the UK pensions industry, having also experienced serious difficulties in obtaining an Army pension due to me from 13 September 2015, but not received until 18 April 2016. In this case, whilst there were delays in the early stages due to the post, the main issue was a ludicrously-erroneous [Bank Details Form](#) produced and administered by the paying agent, Equiniti Paymaster. This required me to supply a 3-digit bank code plus an account number of up to 34(!) digits, when Mexican banks require a single 18-digit CLABE. Despite my repeated exhortations, plus those from Veterans UK (the pension administrator), Equiniti Paymaster refused to accept my form, until an out-of-the-blue payment notification of 08 April 2016 finally acknowledged the bank details that I had supplied several months ago.

Moreover, during my attempts to deal with the above, it transpired that **Equiniti Paymaster has no IDRPs**. Their [Complaints Procedure](#) describes a two-stage pseudo-IDRP (which it states one must complete even before approaching TPAS). However, it gives no timeframes; moreover (as Equiniti Paymaster's document does not even mention the term IDRPs) it would not be accepted by TPO as a valid IDRPs. It seemed that I had nowhere to go in pursuing this matter, and that it would be futile to continue my efforts to get redress in the interests of justice. *The [website](#) referenced by the above links is unfinished, since I dropped the matter on receiving my pension.*

But bad as all this is, the issues with Scottish Widows are considerably worse, and will clearly affect many of their customers. Their unacceptable policies and conduct include:

- imposing burdensome and completely unjustified "verification" requirements on those wishing to encash (certain types of) pension policies
- further vexing the customer with dreadful documentation of these requirements
- falsely implying that these measures are required by the UK government
- insisting on responding to emails only by post (moreover requiring replies within 14 days of the date of the letter), when it was made clear that post is not viable as it takes months
- disregarding statements I made explaining my circumstances, and unreasonably closing my application (for alleged lack of verification when they had clear proof of my identity, and assuming that I did not want to proceed with it when I had recently sent a follow up)
- dishonest and evasive handling of my complaint (e.g. over the IDRPs, in referring me to the Financial Ombudsman, and in offering only telephone as a medium for its resolution)

The fundamental issue is Scottish Widows' "verification" requirements. These demonstrably have nothing to do with verification, but instead are quite clearly aimed at evading customer pension encashment. They will cause all customers applying to take a lump sum (at best) substantial difficulties; in my case they resulted in denial of payment as I was unable to fulfil them, and Scottish Widows ignored the clear proof of my identity. And their [Final Response](#) disregards these facts, again insisting that I supply documents that I had made clear I could not obtain.

It appears that Scottish Widows intended their requirements to be as burdensome as possible, without being patently impossible to satisfy (as their invalidity would then be clear). They are thus not willing to accept or admit that they cannot be satisfied in my case (without resorting to devious manipulations that would make a nonsense of what would in any case be an invalid verification criterion - that of the mailing address I supplied to receive their paper).

The statement "*Scottish Widows are required under UK legislation to verify your identity(ies)*" implies that their verification demands have legitimacy in government regulations (which could only be anti-money laundering measures). But this is clearly not the case; see [Verification](#) and the (unanswered) [Questions](#). Instead, I believe that it is an oblique and deceitful reference to the Pension Freedom legislation introduced in April 2015; and that these "verification" requirements are designed to prevent their customers from taking advantage of the 25% tax concession that forms part of it. This is surely a case of fraud, demanding a criminal prosecution.

It may seem astounding that a major financial services company would resort to such a strategy. But Scottish Widows would have a cogent financial motive here, to counter the prospect of numerous customers taking year-on-year pension encashments. These "verification" measures would cost Scottish Widows little to implement, requiring (as we have seen) only the lowest grade of documentation and administrative staff; the bulk of the cost would be borne by the customer. They would therefore be well worthwhile, even if they resulted in only a relatively small reduction in pension encashments. The length of time they spent on the telephone in their thinly-disguised efforts to dissuade me from encashing my pension suggests their willingness to invest in this area. And their cavalier attitudes and my experiences with the pensions industry indicate that they might reasonably believe that they could carry out this strategy with impunity. I can only pray that The Pensions Ombudsman will show that this is not so. (*ed: sick laugh*)

Many people are reliant on Scottish Widows for their pensions, and would expect this company to have the highest standards of probity and customer service. But instead, one sees only the very lowest standards. My experiences with Equiniti Paymaster and now Scottish Widows demonstrate that the pensions industry is a law unto itself, holding all the cards as well as all the money. It is manifestly in urgent need of proper regulation and oversight in its treatment of customers.

The current consumer protection processes appear to rely on the customer to make complaints via a rigid and lengthy procedure. I believe that such a reactive and ad-hoc approach is apt only for resolution of disputes involving alleged failings that are specific to the customer; proactive regulation and oversight are needed to prevent and where necessary deal with the more serious issues arising from abusive company policies, such as are exemplified by this case.

As things stand, the pension provider has the firm upper hand; at worst, it may have to pay an occasional (usually trivial) sum in compensation if TPO rules against it. But rarely would even this happen, as the company only has to "*put things right for you*" to avoid it. Scottish Widows would have expected that their (initially telephoned) "concessions" would have silently ended my complaint, and thus have precluded any possibility of sanctions; most customers would have taken up this "offer" in order to get their money. My case is probably unusual in that their attempts to snuff out my complaint failed. This was partly because I was not willing to lose thousands of pounds on exchange rates as a result of their execrable policies, and partly a matter of principle and because they had lost all credibility in my eyes. But they were never going to admit that their "verification" requirements are one huge lie, and discontinue them.

This strategy of "putting things right" to avoid trouble is frequently employed by shady tin-pot companies operating in the grey margins of the law: if the customer complains, they offer redress (for example, return the money) to avoid legal issues. This way they win most of the time, as most customers are led along and do not complain (even about an abysmal product). And a reactive complaints process that requires the customer to carry out a lengthy procedure before any possibility of legal redress can only encourage this reactive attitude by companies, rather than the creation of policies aimed at providing decent customer service.

I am worried that since my case arises from company procedures, the present dispute resolution processes seem impotent to deal with it. They appear instead to be orientated towards dealing with issues only on an individual case basis; I have the impression that there is at the very least reluctance, or perhaps even a complete inability to interfere with company policies, no matter how odious they are. In the case of Scottish Widows, these policies include not only those involved in their outrageous "verification" requirements, but replying to emails only by ordinary post; and it also appears that the only process through which customers can encash a pension plan involves a prolonged telephone interview. From my experiences, Scottish Widows sets the medium type (post or telephone), even though they initially appear to allow several options.

That pension encashment requires a telephone interview (after which it is necessary to fulfil their "verification" requirements) is indicated in Scottish Widows' [email of 18 March](#) that describes their "paperless" process (note the singular). *This is notwithstanding their "Take it in Cash" webpage, which I now believe to be another piece of deception that would not avoid these issues.* If this is so, I think it is quite unacceptable, and can only be another part of their strategy to deter pension encashment. In my case the interview took a total of about an hour and a half, nearly all of which comprised questions and "advice" that (at least in my case) were quite pointless and clearly aimed at dissuading me from encashment. Not only was this very stressful and a waste of time, it also wasted a significant sum of my money, since calls from Mexico to the UK are very expensive. And I cannot be the only one who finds it difficult to understand over the telephone and for whom this means of communication is troublesome.

The use of only ordinary post to respond to an email is generally quite inappropriate; but especially so here since they require replies within 14 days of the date of their letters (and it is clear that these replies must also be by post). In my case (having given clear warning that post can take three months or more to arrive) it was egregious; but as Scottish Widows ought to realise, it is quite unreasonable for many others living overseas. Mexico cannot be the only country to which ordinary post is likely to take more than 14 days just to arrive; to simply blame a foreign postal service for the delays only further manifests their cavalier attitudes. And there was no indication that, after some initial communication by email, they would force the use of post. They only reverted to the use of email on entering complaint-management mode. There was no practical reason whatever to not use email throughout, and every reason for its use.

Yet their Final Response seems confident in its assertions that those are their processes, and nobody can interfere with that. It sustains both their verification demands (which it states are applied to all customers "*prior to the settlement of these types of pension policies*"), and forcing the use of post (blaming the issues from this on the Mexican postal service). Scottish Widows may have good reason to believe that, even if TPO did rule in my favour, it would only be the occasional one they lose against the vast majority they win, and would do nothing to prevent them from continuing to inflict these abusive policies on other customers exactly as before.

Consumer protection in the pensions industry is particularly important since its customers may be vulnerable through infirmities of age, making it all the more difficult for them to comply with the pension provider's demands (such as "verification"), or to pursue action against them. But in any case, when applying to encash a pension, one is clearly in no position to challenge Scottish Widows' demands; one feels obliged to make every effort (as I did) to comply with them in order to get payment.

And this case shows that Scottish Widows has no qualms about denying payment to those who cannot satisfy its demands, even when there is rock-solid verification of identity. *But of course, verification of identity is not what these demands are about.* In my case, only in order to stifle a complaint did Scottish Widows change their stance so as to potentially allow encashment. But this was later abrogated by their obdurate Final Response, which reasserted the original "verification" requirements (*again offering only telephone as a medium for any follow up*). I thus continue to be illegitimately denied access to my funds.

Another reason why the pensions industry requires strong consumer protection is that it has a captive market. As my instincts were against having money tied up in this way, I ceased to make contributions soon after the policies were created, and so can (potentially) fully encash these funds in just two tax years and pay little or no tax. But most people will have a substantial investment tied up in their pension plans that cannot be liquidated quickly without a heavy tax burden. And people who invest in pensions cannot know what kind of regime they will be subjected to as pensioners, until it is too late.

In the case of Scottish Widows, this regime is a dictatorial one. Requiring customers to undergo a prolonged telephone interview, and then supply several certified "verification" documents in order to access their money is one example of this. Amongst its other cavalier treatment, this strategy can only be aimed at undermining the tax concession given by the UK government in its Pension Freedom legislation. Scottish Widows is clearly more concerned about its balance sheet than the welfare of its customers.

Another area that is dictated by Scottish Widows is the communications medium, even though they feign the provision of several options. From my experiences, Scottish Widows imposes the use of telephone for communications that they do not want to be on the record, otherwise post. And in this context they claim that *"our processes are set to suit the majority of our customers"*. They eschew the use of email, except when it suits their purpose; an example of this was in reverting to email in their attempts to extinguish my complaint.

The utter contempt with which Scottish Widows treats its pensioners deeply troubles me; I cannot imagine ever seeing anything like this here in Mexico. And this company would only behave in this way if it believed that it could do so with impunity. I can only hope that such a belief will prove to be mistaken. In the interests of justice and to deter further mistreatment of the pensioner, Scottish Widows' despicable business practices must be met with a potent legal remedy. And this should involve a **criminal prosecution for fraud**.

A Case of Fraud by Scottish Widows?

Making financial gains under false pretences is fraud. Clearly, Scottish Widows loses financially whenever they are required to encash a customer's pension; the corollary of this is that they gain financially whenever they manage to evade encashment. And the false pretences are evident in the bogus "verification" demands that Scottish Widows asserts are "*required under UK legislation*".

Their encashment-reduction strategy appears to also include the telephone interview; however, Scottish Widows would claim that its purpose is to offer customers advice on their options (even though this "advice" would normally be unsolicited and unwanted).

But it should be easy to show that Scottish Widows could not have implemented their "verification" measures in the genuine belief that they are "*required under UK legislation*". And the corollary of this is that their only purpose could be to reduce customer pension encashment, and thus increase profits. This intent with potential financial gains may be sufficient to establish a case of fraud.

Actual financial gains may be more difficult to prove, as one could not in practice determine those who would have encashed their pensions but for Scottish Widows' strategy. However, dividends would be yielded (and victims created) in the following ways:

1. **In causing customers who make encashment applications to abandon them.** This could either be through being browbeaten during the telephone interview, or due to the onerous verification requirements that follow (*this might well have happened in my case*).
2. **In deterring customers who are already aware of the difficulties in encashment,** and who therefore make no attempt to encash their pensions. Whilst this situation might be less common in the short term, customers are likely to be deterred from making future (perhaps yearly) encashments by previous experience of the difficulties involved.
3. **In justifying refusal of payment on the basis of unsatisfactory verification documents** (*this did happen in my case*). Their strategy appears to be to make their requirements difficult but (for obvious reasons) not manifestly impossible to satisfy. However, their demanding requirements give them many possible reasons for rejection, and this could also be a "nice little earner". Whilst there is a risk here that the customer may complain, Scottish Widows only has to "put things right". *My circumstances and contumacious disposition are clearly untypical; people would normally accept the "concessions" in order to get their money. Their ultimate refusal to encash my pension is a specimen case of an actual financial gain here.*

Those who do manage to encash their pensions are also victims of this strategy, as a result of the needless trouble and expense they will have been put to in satisfying the requirements.

Scottish Widows' Fraud = Means + Motive + Opportunity

It goes without saying that Scottish Widows has the means to commit this fraud. And the motive for SW's verification demands is simple: to prevent losses due to increased pension encashment, especially after the 25% tax concession of the Pension Freedom legislation. The rest of this section shows that they were introduced with an excellent opportunity to escape justice.

1. People encashing their pensions feel obliged to comply with SW's requirements in order to get their money. This is especially so since they are stated to be "required under UK legislation"; and this statement from a major financial services company would be accepted as truthful. *One reason I took some time to conclude that their requirements are a total sham is that it seemed implausible that a blue chip company could issue such a blatant lie.*

I too felt bound to accept their requirements, and did my best to comply with them, despite having at least two good reasons at the time to question them:

- a) My identity was absolutely clear to SW at the time of the telephone interview.
- b) No documents were required for a much more substantial encashment of SW investment and mortgage plans about two years earlier (in exactly the same circumstances).

I assumed that this government legislation was specific to pensions, and required verification documents even when one is known to the business with clear proof of identity. Not so.

2. Although the requirements are very cumbersome and problematic, they are not obviously impossible to satisfy. SW clearly makes them as burdensome as they can be, without making their invalidity plain. But they had obviously not considered my particular circumstances (including living overseas, with no postal delivery to my residential address). Nonetheless, SW's Final Response would not entertain any consideration that I legitimately could not satisfy their requirements - to do so would be to acknowledge their invalidity.

But the demanding and very specific nature of their requirements (exacerbated by their confusing, erroneous, and changing documentation), apart from causing customers considerable difficulties, would also give SW numerous grounds for rejection. I suspect that this will have resulted in many others being refused payment; however, if the customer complains, SW only has to "put things right" to avoid any possible issues...

3. Pension holders must attempt to resolve complaints with the pension provider before any possibility of legal redress. For personal pension plans, TPO requires that the pension provider has issued a Final Response; for occupational pension schemes, a lengthy IDRPs must have been completed. **This gives the pension provider ample opportunity to "put things right" or otherwise manipulate the situation, to avoid the matter going to TPO.**

In my case, SW made two "concessions":

1. On 30 June (when they realised a complaint was brewing, after I had enquired about their IDRPs), the documents that they had rejected became valid (they asked me to send them by post).
2. On 01 August (after I had stated that my investigation showed that SW had no business to require proof of both Address and Date of Birth), they offered to accept a scan of my certified ID alone as verification (this gives proof of Name and Date of Birth only, and is a substantial reduction from the original requirements).

Most people would have taken up one or other of these "offers" in order to get their money, thus nullifying the complaint. I was probably unusual in refusing, for the following reasons:

- After Brexit, my lump sum was considerably devalued due to the very weak pound.
- I spent some time investigating government AML requirements; I could consequently no longer trust SW's statements, and was therefore no longer willing to comply with their invalid requirements.
- Further to the above, I felt it important to expose this matter in the interests of justice.

Even after the involvement of TPO, SW evidently made efforts to get me to withdraw my case. They attempted to telephone me several times on 08/09 November (I assume after being put on notice by TPO). *They did not respond to my email in connection with these calls, so clearly did not want to put any of what they had to say in writing.* Again, I think that most people would have been talked into a "deal" in order to get their money. I personally would not have done this (even though in need of funds), as I would consider it to defeat justice and be morally reprehensible.

If a burglar is apprehended for stealing a television, the police would hardly be satisfied by an offer to give the TV back. And neither should SW's offer to "put things right" in the event that the customer complains in any way nullify their fraudulent and abusive policies. Yet the current system encourages just this corrupt "solution".

And SW did everything they could keep complaint management off the record, by the use of telephone. The first "concession" was only emailed (as a password-protected PDF!) after several unsuccessful attempts to telephone me (in contrast to their previous use of post). Only telephone discussion was offered to resolve my formal complaint, even after I had stated that my hearing impairment would make this difficult. This was on the pretext of security and privacy issues with email, even though they had recently emailed me two password-protected PDFs with secure reply. Only telephone was offered for any follow up to their Final Response. And, as noted above, they did not want their final telephoned attempt to get me to withdraw my case to be on the record. *Another reason they like to use telephone is that it gives them an opportunity to manipulate/browbeat people, as in the initial telephone interview.*

It also seems that SW would have preferred me to take my complaint to the Financial Ombudsman rather than TPO. Both their Final Response and their complaint information posted in response to my formal complaint refer to this organisation prominently; however nowhere did they mention either TPAS or TPO. The remit of the Financial Ombudsman does not include pensions, except their sales and marketing; and their website states that any complaints involving administration of pensions will be forwarded to TPO. However, this is not so; a brief search on SW pension complaints within the last year revealed at least six involving purely pension administration - and not a single one of these was upheld. The Financial Ombudsman conspicuously advertises its services, and it is apparently paid on a per-case basis. I must question what kind of relationship this organisation has with SW.

There was also serious misinformation from Equiniti Paymaster. Their complaint information makes no mention of an IDRPs, only a two-stage pseudo-IDRP without timeframes, which it states one must complete even before approaching TPAS. In fact there is no IDRPs for Equiniti Paymaster, and they are thus immune to any investigation by TPO.

This misinformation appears to be intended to deliberately mislead the customer to neutralise complaints, and is much worse than providing no information at all. It demonstrates a complete lack of regulation and scrutiny of complaints procedures; and I can hardly believe that this is the only area of company policy that goes unchecked.

4. TPO's jurisdiction is limited to assessing instances of "maladministration"; TPO is therefore impotent to deal with fraudulent and abusive policies, such as those of SW.

There was no mention of this very limited scope in TPO's information; this is why I left the matter in the hands of TPO rather than reporting the fraud to the police.

Although the most serious cases such as mine are likely to arise from abusive company policies and affect numerous customers, TPO has no power to change these; this can only be done by the Pensions Regulator. And I suspect that conduct in line with company policies (even abusive ones) would not be considered "maladministration". But even if it were, any redress would be based mainly on individual provable financial losses, which may be trivial. Especially as few cases reach TPO, this would do nothing to prevent or deter the company from continuing its abuses as before.

And even when the complaint does reach TPO, there is likely to be a considerable delay before it is investigated. There has been complete inaction on my case since it was assigned to an adjudicator in October 2016. This is despite my having repeatedly stated that it was a very serious one involving fraud, which would affect many others.

The apparent complete lack of proactive regulation and oversight of pensions, the reactive, ad-hoc, and dilatory complaints processes, and the limited scope of TPO's jurisdiction are being exploited by SW (and doubtless other pension providers), leading to the abusive policies demonstrated by this case (and doubtless numerous others).

But all this has been subsumed by the fact that TPO will not investigate my case at all, instead forcing an unlawful (and probably criminal and corrupt) "solution" that would allow SW to escape justice - see the [next section](#).

5. Unravelling and adequately documenting SW's web of deceit and manipulative practices requires a great deal of work. The false pretence of SW's assertions that their "verification" demands are "required under UK legislation" was evident only after information from TPAS led me to spend some time investigating government AML regulations. This was prompted by my documents becoming valid once they knew a complaint was in progress, and my refusal to take up this "offer" (initially because of the devaluation of my funds).

Even so, for a while I considered that their requirements, whilst excessive, must have some validity; it was only after about a week that I rejected them entirely. And even when it was clear that their requirements were completely bogus, it was not immediately apparent that this constituted fraud, and should be reported as a criminal matter.

Surrounding the central issue of their encashment-reduction strategy are numerous other instances of deceitful and manipulative conduct. Apart from the false pretence, this strategy is disguised by feigning willingness to encash; examples are their "Take it in Cash" website (when this would not avoid the lengthy telephone interview and provision of "verification" documents), and posting numerous unnecessary letters and (changing and erratic) forms requesting documents. Their Final Response extolled the sending of all these forms. And my failure to respond to three such letters/forms posted within a few days of each other was used to justify their terminating my application.

SW also feigns the provision of flexible means of communication, when the opposite is the case; they force either post or telephone, with good reason (from their point of view). Apart from requiring complaints to be resolved by telephone, they require postal responses to the above forms within 14 days of the date of the letter (even though the initial requirements documentation was supplied by email, and gave 30 days to respond). With the difficulty of fulfilling their requirements, and the fact that their allowed 14 days includes post both ways, this might well be impossible even for those living in the UK. For those living overseas, the delivery times alone may well greatly exceed 14 days; as I explained to SW at the outset, post from the UK is likely to take well over three months to arrive.

Deceit and underhandedness, together with a cavalier disregard for the pensioner, are SW's modus operandi.

SW must have considered carefully before introducing their "verification" demands whether they would get away with it. If I am the first to report this matter, despite the considerable delay, their calculation was not without merit. My particular circumstances make my case exceptional.

But even with the condemning evidence I present, SW is still likely to escape justice. This is due in no small part to a dysfunctional, unregulated, and reactive system that stacks the odds in favour of the pension provider and against the pension holder. And with SW's entrenched position and its considerable financial and political clout, these odds are even more heavily loaded against a complainant. SW seems to have somehow acquired a high reputation; and those who do not take the trouble to study my evidence carefully will tend to assume that SW is in the right, and dismiss my findings.

I have spent hundreds of hours dealing with the issues from SW; this time includes attempting to fulfil their "verification" requirements, correspondence, detailed analysis, and documentation. I have also suffered chronic stress and depression; especially now that the serious financial difficulties that I having been facing for several months are taking hold, and the prospects of achieving a just outcome are becoming ever bleaker.

My attempts to expose the criminal "verification" measures imposed by Scottish Widows have been met with a **conspiracy of silence**:

- There was no response to the list of questions I sent to SW on two occasions, although they had responded to all my previous communications.
- Initially, TPAS gave me useful information on AML regulations. However, after I reported my findings, they were evasive on the verification issue; they would not raise it with Scottish Widows, and offered only to mediate over their use of post.
- I reported the matter with full details to Action Fraud, only to be told that they have "insufficient leads".
- My email to a solicitor specialising in pensions did not get even the courtesy of a reply.
- The Financial Conduct Authority would take no action, and referred me to the police.
- After a year of (apparently deliberate) inaction, TPO refuses to investigate or do anything to question the validity of SW's demands (see the next section).

It seems that my only recourse is whistle-blowing through the mass media, to expose both SW and TPO for the lawless organisations that they are. Otherwise, they will continue to inflict their abuses on others with impunity, and many others like me will have been not only robbed of their pension funds, but also have suffered great stress in their vain attempts to get justice.

Unlawful Conduct of the Pensions Ombudsman

The above was written before TPO's shocking [email of 3 October 2017](#). In this, the adjudicator made clear that, after a year of unexplained inaction, there would be no investigation or determination of my case. Instead, he forced a "solution" that would allow SW to escape justice, by asking me to supply yet more (irrelevant) "verification" documents. This is the most blatant protection of Scottish Widows, with clear implications of collusion. Moreover, in his [email of 31 October 2017](#) the adjudicator asserted that he had the discretion to do this, and required me to either accept his "pragmatic solution" or withdraw my case. It also became plain that the delay and prevarication of a year was quite deliberate. All this underlines the concerns I expressed above that the pensions industry (at least entrenched businesses with government connections) operates in a protected environment in which it can act with total impunity.

Many other circumstances and cases I am aware of indicate that, far from being impartial as it claims, TPO's business is about protecting the pension provider. In my case at least, TPO has resorted to unlawful (and probably criminal) measures to do this. I am especially worried about the direction TPO is taking since the appointment of Anthony Arter as Pensions Ombudsman, whose 4-year term started in May 2015. His own statements, combined with my experiences and those of others, shed some light on what he is up to.

Anybody who has seen the register of interests for TPO will be astonished that Mr Arter could possibly be considered appropriate for a position in which impartiality is paramount. This shows that he has shares in no fewer than 22 pension providers; furthermore, his background is as a solicitor acting for such companies. This is consistent with his self-publicity in which he was asked "*What's the best advice you've received in your career?*"; to which he answered "*To maximise my savings in pensions*". This duplicitous reply appears to advocate putting money into schemes as a personal pension holder; but Mr Arter with his background knows better than to do that. His interests lie overwhelmingly on the side of the pension provider (not holder).

Mr Arter (like his predecessor Mr King) has also touted the 50/50 rate of upholding complaints as an indication of even-handedness. This specious figure might persuade some that TPO is impartial, but there is no rational basis for such a belief. Considering the obstacles involved in bringing a complaint to TPO (not to mention my experiences with cavalier and abusive pension providers who seem to operate with total impunity), this figure strikes me as surprisingly low. Whilst there will no doubt be cases with unreasonable customer expectations, I suspect that there will be many more like mine that result from abuse by the company.

In fact the latest figures (in the Pensions Ombudsman Update - July 2017) show that 2/3 of the complaints determined by the PO or his Deputy were totally rejected, only 20% fully upheld, and 13% partially upheld. This is particularly surprising given that in 2016/17 only 30% of cases were determined by the PO or his Deputy (as required by the Pension Schemes Act 1993), the remainder being resolved "informally" (see later).

As this 30% will be customers who have not been persuaded by the inevitable manipulations of the adjudicator in avoiding a formal determination, one might expect the majority of these customers to have a good case. So these figures (and consideration of the new policies described later) support my contentions that TPO routinely evades investigation and determination, and certainly of serious cases such as mine.

As an illustration of TPO industry friendliness, in a well-publicised case (PO-7126), Mr Arter sustained Royal London's refusal to transfer funds to a "suspicious" SSAS in Cape Verde, claiming that it was to protect the customer. Even in nanny-state Britain, I find it extraordinary that the basic right to use one's money as one sees fit can be overridden by a pension provider with a vested interest in retaining it.

There was nothing illegal about the transaction, as this determination was thankfully later overturned by the High Court. And the customer was clearly aware of the issues, and chose to complain and appeal on an informed basis (notwithstanding Mr Arter's implication to the contrary in his lengthy, strained, and serpentine determination, with its frequent deviations from legitimate legal considerations).

It would be to go only a little further down this road to uphold denial of pension encashment on the grounds that the customer might fritter away the money. Mr Arter has demonstrated amply, in my case and in others, the degree of concern he has for protecting the pension holder, and I find his claims to be acting in the interests of the customer in this case to be duplicitous.

This is Mr Arter's widely published comment on the above case: *"If you think about liberation, it's a difficult area. How much do you protect the individual if they have been warned and told of the dangers? You may be wrong, and how far do you go before you allow someone to take their money and throw it into the river?"*.

I find this comment quite astounding. Neither the pension provider nor Mr Arter have any business to judge whether the liberation is a good idea; that is the customer's business. Mr Arter's duty is to uphold the law, which he clearly did not do in this case. *And I would much sooner throw money into the river than give it to Scottish Widows, with the resultant dreadful experiences in attempting to obtain justice and lawful access to my funds; if instead the money were in the river, at least it would simply be lost, and that would be the end of it.*

The above case, like mine, is one in which TPO has supported an illegitimate refusal by the pension provider to relinquish their hold on the customer's money. However, in my case the conduct of the pension provider (SW) is criminal, and the means by which TPO has protected SW (which must also be criminal) makes certain that the case is not exposed to legal scrutiny.

It seems that such pension liberation cases, which he described as "fraud" (*by those who would deprive pension providers of their money, of course*) have been a thorn in the side for Mr Arter, comprising at that time some 20% of determined cases. *There will no doubt have been a profusion of these arising from the tax concessions in the "Pension Freedom" of April 2015, and the likelihood of people wishing to make yearly encashments.* But with remarkable prescience he foretold that the incidence of such cases would diminish substantially; and indeed it has, as the latest figure is only 8%. The following will give some idea of how he managed to achieve this.

Mr Arter introduced some significant changes on assuming office. Investigators are now called "adjudicators"; and this is no mere name change, as they are now authorised to give "opinions" that may (*and now usually do*) become final resolutions. It is stated that such an "opinion" must be agreed to by all parties for it to become a binding determination; otherwise the determination will be made as before by the PO or his Deputy. This nonetheless appears to contravene the Pension Schemes Act (which does not allow the function of determination to be delegated). Still, according to the stated policy, the complainant could obtain a proper determination by an Ombudsman by not agreeing to the "opinion" (*although this is now done in relatively few cases*).

The motivation for these changes appears to arise from experiences with the previous PO (Mr King), who was known for making flawed determinations in favour of the pension provider that were overturned in the courts. Probably for this reason, his contract was prematurely terminated. Perhaps with this in mind, it seems Mr Arter wishes to avoid having to make determinations; by either delegating this role, or by avoiding the determination of cases altogether.

And it will be seen later that the changes introduced by Mr Arter give him plenty of scope for avoiding legal scrutiny, and for burying cases harmful to the pension provider.

So the new policy seeks resolution through the adjudicator, thus avoiding the involvement of the PO or his Deputy. One problem with this is that these "adjudicators" are not properly qualified for their new role (*although this might also be said of some of the past Pensions Ombudsmen*). But perhaps even more significant is that there is no statute empowering them to carry out a judicial role, or holding them responsible for the judgments that they make. Their "opinions" are for internal use only, and will not be subjected to external legal scrutiny.

Although Mr Arter stated that from April 2016, he would publish opinions "considered to be of particular interest" and all opinion determinations, I could find only details of cases resolved by formal determination on the TPO website. It thus appears that even on the basis of the stated policies, the majority of TPO resolutions are not published, as at least 70% are done informally through the adjudicator.

Instead, assessment of the "opinion" is placed in the hands of the parties involved. And to promote an easy resolution (in the absence of legal scrutiny), the adjudicator will be inclined to produce an "opinion" that would be accepted by all parties, not necessarily one that is legally sound. To facilitate such a "solution", the adjudicator is able to mislead the complainant as to the legal viability of the case; the lack of expertise and responsibility on the part of the adjudicator (not to mention industry-friendly attitudes) makes such distortions a serious likelihood.

These informal resolutions are thus tantamount to arbitrated settlements, but with the adjudicator not only acting as mediator, but also being in a position to swing the dispute in favour of the pension provider. Moreover, they are becoming increasingly common: in 2014/15, some 44% of cases were resolved informally, in 2015/16, this figure had increased to 58%, whilst the latest figure for 2016/17 is 70%. And this, it appears, is only the thin end of the wedge.

In my case, there would be little scope for the adjudicator to skew the argument to obtain my consent to an "opinion" that would let SW escape justice, as I have explained that SW's conduct is demonstrably fraudulent. So instead, the adjudicator (after delaying as long as possible) has forced a "pragmatic solution", thus allowing SW to continue to maintain the legitimacy of its unlawful "verification" demands. Moreover, he claimed to have the discretion to impose this against my will, stating that his role allows him to "find solutions to problems" as he sees fit. If there is any truth in this, the instructions that Mr Arter has issued to adjudicators go way beyond his stated policies, and amount to utter contempt for the Pension Schemes Act.

Apart from this, the telephone calls from SW, and the strange delay by the assistant adjudicator in response to my reporting of them, are evidence that TPO did a deal with SW shortly after my case was assigned; and this must surely have been initiated by the adjudicator. I cannot be sure to what degree the adjudicator was acting under instructions, and what part of his conduct was autonomous. But in any event, since Mr Arter has been given full details of my case and has not responded or taken any action, he must be considered complicit in the adjudicator's actions.

And if the adjudicator had exceeded his instructions in initiating a lucrative deal with SW, Mr Arter would no doubt protect him, as to deal properly with the matter would be to incriminate himself.

Even if there was no specific "deal" with SW, TPO is guilty of covering up SW's fraudulent policies, and this clearly amounts to a conspiracy to obstruct and/or pervert the course of justice. And there must surely be a stronger motive for committing this offence than plain industry-friendliness, or the desire to produce what it considers to be good "performance" statistics.

The lack of even an "opinion" in my case means that in any event there would be no requirement to publish what would be highly self-incriminating details. I know of other complainants who are in the same situation. I wonder how many other cases have similarly been buried?

Another of Mr Arter's policy changes is that TPO will no longer publish names and addresses of complainants, claiming that this is to protect personal privacy. But the reason stated by TPO for publishing such details previously was to demonstrate transparency, and support scrutiny of its decisions. If the motive really were privacy concerns, why did he not give the complainant the option of withholding such details from publication (as is done for the Electoral Register)?

He also clearly wants to dismiss cases by telephone: *"The traditional way has been with papers going backwards and forwards. We should be picking up the phone and explaining to the customer why a complaint will or won't go somewhere. It can be dealt with and then and they know it is being dealt with, instead of having to draft letters and wait for a response. We have cut that down now"*. Despatching cases in this way would be even better (for Mr Arter) than an "informal determination", as it would leave no record whatever. It is clearly of no concern to Mr Arter that those offering this "advice" will have no legal qualifications or accountability. And, at the time the statement was made, this advisory role was a function of TPAS (which is said to employ pension professionals); TPO had no legitimate business to duplicate this role.

However, on 1 April 2018, the functions of TPAS were transferred to TPO. These were notionally independent organisations, with non-overlapping remits; the complainant could only deal with one at a time (my case with TPAS was closed as soon as I had approached TPO). My case illustrates why the functions of TPAS and TPO must be carried out independently. I do not know the architect of this change, but it is certainly consistent with those made by Mr Arter.

Notwithstanding Mr Arter's duplicitous statements, his policies are clearly aimed at eroding TPO's transparency and accountability, and opening the floodgates to corruption and collusion to protect the pension provider. It should be obvious that to allow the same organisation to either arbitrate or make legally-binding determinations is highly conducive to illicit deals.

In my dealings with TPO, I have found its culture to be tightly-knit and highly self-protective. Its personnel are clearly aware of its serious misconduct, but will not rock the boat; instead they close ranks and protect their own. TPO is very much in the position of the hijackers of an airliner, who through their inside knowledge and cohesion can prevail over a mass of confused, uncoordinated and unconnected passengers.

This is one reason why such organisations (TPO and pension providers) can flout the law and get away with it. Mr Arter has done this most ably. TPO's ultimate complete lack of response (as with that of Scottish Widows) is symptomatic of an organisation that knows its guilt.

A Satisfactory Resolution

I have been motivated to put considerable effort into pursuing this case by both outrage at the maltreatment it reveals, and a sense of moral duty to help other victims of both Scottish Widows and The Pensions Ombudsman.

Scottish Widows should be prosecuted for its fraudulent imposition of "verification" measures. Amongst other sanctions, Scottish Widows must pay compensation to all those who have been forced through a telephone interview and required to supply "verification" documents in order to encash a pension, even if encashment was successful (with higher compensation for denials).

Additionally, a major shake up of Scottish Widows is required over its general malpractices in customer treatment, with the aim of ending its deceitful modus operandi and cavalier disregard for its pensioners. Their current rigidly-set policies must be replaced by new ones aimed at serving the customer. These should include straightforward and honest options for pension encashment, and flexible means of communication. Here, instead of forcing the use of telephone or post, the customer should be offered a choice, including email.

As Scottish Widows is clearly unworthy of its position as a major financial services company, it cannot be trusted to make these changes by itself. Instead, they must be introduced by policies created and/or reviewed externally, and adherence to them checked by frequent inspections.

The machinations within TPO are of even greater concern than the criminal misconduct of Scottish Widows. While some of Mr Arter's early changes appear to be in contravention of the Pension Schemes Act 1993/2017, the move to incorporate TPAS within TPO (which was planned by August 24 2017) is clearly a gross violation. Under this, the two legitimate functions of TPO are investigation and determination; there is no mention of arbitration, or any of the other functions of TPAS. But I fear that this Act will be (or already has been) changed to fit the new scheme.

All this indicates that these artifices are not merely the work of Mr Arter and the TPO, but must involve (at least) the Department of Work and Pensions, which is responsible for the activities of TPO and for appointing its Ombudsman. I can think of no other way of dealing with what appears to be a corrupt government than by blowing the whistle on it, through the mass media. I have third-party access to the Parliamentary Select Committee for Work and Pensions, but representations made to it appear to be going nowhere. I take it the UK still has a free press.

For my own part, I would like a route to encash the two policies to which this case relates with full compensation, and without having to satisfy "verification" requirements or to suffer another stressful and costly telephone interview. Furthermore, it should come as no surprise that I also wish to encash the remaining policy I have with Scottish Widows (7410049) at the beginning of the next tax year, and thus terminate my business with this company. This would preferably be arranged in advance with the instruction to encash the two policies involved in this case, to avoid any further dealings with Scottish Widows.

Scottish Widows Complaint: PO-14071 (Preface)

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

This document mirrors one of the main web pages on my [Personal Pension Fiasco website](#). This contains a shocking account, with analysis and complete correspondence of:

- fraudulent evasion of personal pension encashment under a [blatant false pretence](#) (amongst numerous other malpractices) by Scottish Widows
- unlawful (and almost certainly criminal) protection of Scottish Widows by The Pensions Ombudsman, who (after a year of unexplained inaction) [refuse to investigate](#) the above

The above links are to the last items of correspondence I received from these two organisations; both ceased to respond once I raised issues that they could not address without incriminating themselves.

If my comprehensive website is accessible via the above link, please review this instead. This document nonetheless contains active links (underlined) to [web pages](#) in blue and [PDF documents](#) in crimson. It is also more suited to printing than the corresponding web page.

Links to Main Web Pages

Case Overview	Case summary and narratives for SW and TPO.
Verification Issues	Analysis of the "verification" requirements imposed by SW.
Event Summary	Chronological lists of events (two separate timelines).
Details (SW)	Detailed chronology with correspondence involving SW.
Details (TPO)	Detailed chronology with correspondence involving TPO.
Epilogue	Summary and analysis of the main issues of the case.
Questions for SW	Questions sent to SW to probe their "verification" measures.
Outcome & Conclusion	To be completed.
Document List	Complete list of documents (including this one).

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Scottish Widows Complaint: PO-14071 (Content)

Case Overview

Applicant	
Name	Ian Clive McInnes
Date of Birth	13 September 1955
Country of Residence	Mexico
Email	ian.mcinnnes@yahoo.com.mx
Pension Plans	P56879Q & N80803X

Summary

This document exposes serious misconduct by both Scottish Widows (SW) and The Pensions Ombudsman (TPO). The key issues are:

- 1. That SW unlawfully imposed draconian "verification" measures as a requirement for personal pension encashment, amongst numerous other malpractices.**
- 2. That after more than a year of apparently deliberate inaction and prevarication, TPO refused to investigate a case that would be very damaging to SW if brought to justice.**

Conduct of Scottish Widows

The central issue is that I was denied encashment of two small personal pension policies as, after going to considerable trouble, I was unable to satisfy SW's illegitimate "verification" demands (*specifically, I could not meet their invalid address verification requirements*). These are stated to be "**required under UK legislation**", but this is demonstrably a **false pretence**. I contend that SW's "verification" measures are part of a fraudulent strategy to evade pension encashment (probably arising from the tax concessions in the Pension Freedom legislation of April 2015).

The only legitimate reason SW could have for requiring verification documents "under UK legislation" would be to comply with government anti-money laundering (AML) regulations and guidelines. But government AML documents make clear that verification is not required where there is an ongoing business relationship (which clearly exists between SW as pension provider and myself as a pension holder).

It is also clear that "verification" is required by SW only for certain types of pension policies (both from a statement in their Final Response, and that SW did not require any such documents for a considerably larger encashment of mortgage and investment plans I made about two years earlier, in exactly the same circumstances). But AML is not pension-specific. The fact that SW's demands are applied only to pensions is more evidence that they have nothing to do with AML; and that SW knowingly introduced them as a means of reducing pension encashment.

And my pension encashment was to be made to the same bank account as that to which SW encashed the above investment and mortgage plans. This is an HSBC (Mexico) account in my full name of Ian Clive McInnes (which must be unique in Mexico). There could be no better proof of my identity, and that the payment transaction would not violate AML guidelines.

But even if the government did require AML verification in my case, there would still be numerous instances of maladministration in SW's implementation, on at least three counts:

1. That the requirements are grossly excessive in relation to those specified by the government (for example, in requiring four certified documents when one should suffice, and requiring proof of address in addition to proof of date of birth).
2. That the difficulties in fulfilling these illegitimate requirements are exacerbated by such a poor standard of erroneous, inconsistent, and changing documentation that this must surely also be considered maladministration.
3. That SW did not use the discretion specified by government AML guidelines, and denied payment even with the most definitive proof of identity (as described above).

See the [Verification](#) document for a full analysis of SW's demands against AML requirements.

To give SW an opportunity to justify their position, I prepared a list of questions which I sent to SW on two occasions, without response, although they had responded to all my previous emails (see the webpage/document [Questions for SW](#)).

Apart from the central issue of their "verification" requirements, there are numerous other aspects of cavalier customer treatment by SW that require investigation, including:

- Forcing the customer through a lengthy telephone interview as a requirement for pension encashment (after which their "verification" demands must be met).
- Responding to emails only by post, even after I explained that post between the UK and Mexico is not viable as it takes months; moreover requiring postal responses to be received within 14 days of the date of their letters.
- In general, forcing the medium on the customer (whilst this is usually post, the use of telephone is required for communications that they want to keep off the record). They only reverted to email in their efforts to fend off my complaint.
- Dishonest and evasive handling of my complaint, and a generally deceitful modus operandi.

Conduct of The Pensions Ombudsman

Given the serious issues outlined above, I was confident that my application to TPO would result in a clear resolution in my favour (being concerned only that dealing with such matters on a case by case basis is not apt to deal effectively with abusive policies that will affect many other customers).

But TPO has now made clear that it will not investigate my case at all. Instead I am forced to arbitrate with SW via the adjudicator by way of requests for further "verification" documents; or else withdraw my case. This was after a year of complete lack of communication from the adjudicator followed by evasiveness and inaction. And the explanations that I was given for this (in a vitriolic Complaint Response from the Casework Director) have no credibility. I have little doubt that the prolonged delay was a quite deliberate strategy to weaken my position.

As my case involves criminal misconduct by SW, TPO's stance is surely (at least) obstruction of the course of justice. And forcing arbitration through an adjudicator clearly violates the Pension Schemes Act 1993 on at least two counts. It is hard to escape the shocking conclusion that there is collusion between TPO and SW protect the latter from my potentially damaging case; and that this is likely to involve a substantial payback for TPO. Moreover, TPO's refusal to investigate is clearly sanctioned from the Pensions Ombudsman through the Casework Director, rather than originating from a lone rogue adjudicator as I had previously hoped.

The Pension Schemes Act 1993 (as amended in 2017) Part X makes clear that the functions of TPO are investigation and determination (section 146); and that determinations must be made by either the Pensions Ombudsman or his Deputy (section 145(4C)). The role of TPO does not include arbitration (as indicated both in this Act and in TPO literature); instead this is carried out by the Pensions Advisory Service. It should be clear that an organisation whose stated role is investigation leading to a legally-binding determination must not be involved in arbitration. Allowing TPO at its discretion to impose arbitration on the complainant enables it to protect miscreant pension providers at will. Clearly, this is highly conducive to corruption, as is illustrated by my case where TPO appears to have done a deal with SW.

There is strong evidence that TPO contacted SW shortly after my case was assigned to the adjudicator, as SW made [several attempts to telephone me](#) at that time, clearly in an effort to get me to withdraw my case. I did not return these calls, being intent on achieving justice through TPO. But this suggests that a "deal" was forged with TPO to bury my case around that time; and I further speculate that SW tried to contact me as I would be cheaper to deal with than TPO.

The next section is a narrative of my dealings with SW; this is followed by the corresponding [narrative for TPO](#).

Narrative (Scottish Widows)

Background

My initial reason for encashment of these policies was failure to receive an army pension plus lump sum, due to me on 13 September 2015 (my 60th birthday), and a resultant shortage of funds. For details, see my unfinished [website](#) (I abandoned the case on receiving my pension). I decided to fully encash two of the three personal pension policies I hold with SW. After I had made the initial application, completely out of the blue I received notification that my lump sum and pension were after all going to be paid. But I nonetheless decided to proceed with the encashment, due to the favourable exchange rate (over 25 MXN / GBP) that existed at that time. I am always aware that even small fluctuations can make a substantial difference, and the current rate was significantly higher than the historical average over the last few years.

Note on Post between the UK and Mexico

It should be noted at the outset that the postal service between the UK and Mexico is very slow and unreliable. Most items have taken over two months to arrive, some well over three months, and at least one crucial item has not arrived at all. Since post is simply not a practical form of communication, I have made all efforts to avoid it, including always pointing out this problem in my correspondence. When it has been necessary to send paper documents to the UK, with the exception of two sent by registered post (one of which appears to have not arrived), I have always used courier. Unfortunately this is very expensive, and provides no solution to receiving documents from the UK. So email should be used if at all possible.

Another issue with the use of post is that I cannot receive mail at my residential address as it is somewhat remote, and the ordinary postal service will not deliver to it (conditions here are not the same as in the UK). I therefore use the address of a trusted friend to receive any mail necessary. This and other issues (such as security and privacy concerns with the possibility of it being mislaid or stolen) are additional reasons why I have endeavoured to avoid the use of post. For these reasons, I long ago arranged to not have paper bank statements, pension statements, and other such documents sent through the post. *These circumstances resulted in my inability to satisfy SW's invalid requirements for verification of Address.*

It follows from the above that I had sought a means of encashment that would avoid the use of post. There is a webpage "Take it in cash" that (with surprising alacrity) invites full encashment of a policy, but supports only UK bank accounts. So I sent SW a [fax](#) on [15 March](#) asking for a reply by email (the only practical medium in my case). On [18 March](#) I received their [response](#), which stated that their current encashment procedure is "*paperless*", and involves a telephone interview. I was somewhat worried about this as, due to a hearing impairment, I have considerable difficulty understanding speech over the telephone. Nonetheless I was gratified to see the word "paperless", and thought it would be preferable to a postal method.

Intractable Requirements compounded by Confusing and Erroneous Documentation

The interview of [05 April](#) took about an hour and a half, most of which comprised questions and "advice" that were clearly aimed at dissuading me from encashment. I found this very stressful; and with the high cost of calling the UK from Mexico, it was also costly. I was told I would have to send documents to verify my identity, and after asking had the clear impression that they could be emailed. During the interview, I received an [email](#) with an attached [PDF document](#) specifying verification requirements, giving an email address to which documents can be sent.

The requirements were confusing and replete with inconsistencies, and it was initially unclear what documents needed to be certified. At first sight, there appeared to be flexible options for sending documents, the email content stating that they could be emailed, posted, or faxed. Later, one sees (only after studying the list of acceptable means of verifying Name and Address in the attached document) that they must all be certified; and later that certified documents must be posted. But there can be no other cases; it should have been spelled out at the top of the email that all documents must be both certified and posted. So why this obfuscation? *My considered answer is that it serves two purposes: 1) to create extra difficulties for the customer; 2) to give the initial appearance of being reasonable and compliant, when the reality is quite the opposite.*

I was very anxious about these very onerous requirements, with one that I was ultimately unable to fulfil completely (verification of the address they hold).

Difficulties in Verification of my Address

This was the biggest problem of all, and the basis for my documents being rejected. The issues derive from the circumstances described above in **Note on Post between the UK and Mexico**. The fact that the address held by SW is not my residential address precludes its verification through documents such as utility bills. The only option available to me was a Bank Statement; but for the reasons I described, the last bank statement I had is dated 2007. Furthermore, whilst this statement contains the address held by SW, I cannot request from my bank a recent paper statement with this same address. This is since around two years ago on a review of my bank details, I made some changes in favour of my partner, which included changing the account address to that of her house in the city centre. I now use this address for any new contacts as it is somewhat more convenient; however changing address details of existing contacts would be a pointless exercise, as it would merely be to change one mailing address to another. *Note that the government requires verification to be done on **residential** address, but SW never asked for this; their documents throughout specify only plain address. Clearly, I must supply them with an address to which they can send all their paper. **So their requirements for evidence of Address are based on the wrong criterion, and this alone invalidates them as verification of identity.***

In these circumstances, I supplied my last bank statement dated April 2007, considering it to be better than providing nothing at all (especially as it is for the account to which payment was to be made). This is the best I can do without resorting to ridiculous measures such as changing the address back again, or bribing bank staff - and I should not be required to go to those lengths just to jump through SW's warped hoops. I thus justify my statements that I am unable to fulfil their verification requirements.

Apart from difficulties with provision of the verification documents themselves, there were significant problems with SW's very specific certification requirements. For one thing, they insist that the words "original seen" appear in the certification; however, English is not an official language in Mexico, and I was consequently unable to fulfil this requirement. And the certified photocopies that I was supplied with may not have fulfilled their requirements that they be "clear and legible" (especially my ID card, which does not give good photocopies).

I was worried that however I sent the documents, they would likely be rejected; but sending by courier (apart from the cost of around £50) would tend to invite a postal response that would not be received for months. With all this uncertainty, on [11 April](#) I sent an [email with eight PDF attachments](#), including both certified photocopies and high-quality scans of the originals (to compensate for the poor certified photocopies). If anything were amiss, it would be easy for SW to reply to the email with a few lines of explanation. If they confirmed that the documents were acceptable but must be posted, I would have done this immediately by courier.

The very first paragraph of content of my email explained the following two points:

- 1) that the only means I had of verifying my address was an old bank statement
- 2) that post was by all means to be avoided (I mentioned that it takes around three months)

The remainder of this email explained in detail my circumstances, and in particular why I could not completely fulfil the address requirement. It also made the important point that the bank account to which the funds were to be transferred (and which was used for verification of my Address) was already held by SW, who had about two years earlier made a much more substantial payment to it on encashment of an investment policy. I would have certainly hoped that this would be more than sufficient to remove any doubts as to my identity.

Having received neither payment nor response by well after the expected time, on [21 May](#) I sent a [follow-up email](#), to which I also received no reply. *It only later transpired that this was because SW's policy is to reply to emails only by ordinary post, claiming that this suits the majority of their customers; furthermore, that they cannot be held responsible for delays caused by a foreign postal service.* My follow-up email reiterated the point that verification should not in any case be an issue, given my bank account details. The account to which the money is to be paid is clearly the most fundamental verification criterion of all. Even given this evidence alone, there could be no reasonable grounds to question my identity.

Six Further Postal Requests for Verification Documents with Changed Requirements

The very next day after emailing their verification requirements (06 April), SW sent two letters with (badly-paginated) forms requesting documents (one for [P56879Q](#), one for [N80803X](#), both received on [06 July](#)). As they had just emailed this form as a PDF, these paper ones were superfluous, and could only create more difficulties. Apart from it now seeming necessary to deal with the two policy numbers separately, these (and all other) letters/forms require a postal response within 14 days of the date of the letter, not the 30 days stated in the email. Further aggravation is caused by the paper forms being quite different from that [emailed](#) only a day earlier; and specifications of the documents that I had supplied for verification of both Name and Address had now changed. For Name, my certified ID card was no longer allowed, being replaced by specifications only applicable to Europe. For Address (amongst other blatant errors), it now declared that "statements printed of(sic) the internet are acceptable".

But on [16 June](#), before receipt of the above shoddy and unwanted forms, I received the same form with a letter dated [14 April](#) rejecting my documents. More letters and forms were sent on [24 May](#) (for [P56879Q](#), received 06 July), [26 May](#) (also for [P56879Q](#), received 10 October), and [01 June](#) (for [N80803X](#), received 06 July). The last of these referred to my follow up, and contained a form quite different to the other paper ones, being similar to (but still different from) the PDF document. And they endorsed the sending of all these forms in their [Final Response](#), in which yet another was to be enclosed "for my convenience".

Neglectful and Rigid Response compounded by Egregious Use of Post

In their [rejection letter of 14 April](#) (received [16 June](#)) I learned that my documents had indeed been declined, apparently on the grounds of the 2007 bank statement that was the only means I had of verifying my address. There was no clear explanation of what was found lacking, only some innuendo about being "*unable to accept any documentation that has fall(sic) out of the required timescales*". It seemed that no attention had been paid to my email, beyond the first sentence calling out my inability to completely fulfil the address requirement. I was outraged to be required to supply further documents after having carefully explained why my circumstances precluded this. The disregard shown by SW in their peremptory rejection of my documents stands in sharp contrast to the trouble that I had gone to in providing them.

It was also outrageous that this response was sent by post (the delivery time of over two months being par for the course), given what I stated in the very first paragraph of my email. Moreover, they required a reply within 14 days of the date of the letter! I never would have expected this, when it was only necessary to reply to the email with a few lines of explanation.

On the same day that I received the above rejection (16 June), they sent a [letter terminating my application](#) (received [04 August](#)), as I had not supplied adequate documents, nor responded to their "requests for information". They had totally disregarded my explanations of why I could not satisfy their requirements. And as they closed my application on the very day I received the initial rejection, with the first of these requests being received three weeks later, I would have needed a time machine to prevent this termination, even if I could meet their requirements. Moreover, their statement "we must assume that you do not wish to proceed with this claim" can have no credibility, especially since I sent a follow up, to which they referred in their letter of 01 June. And even if I were in the UK, I would hardly have had their 14 days to respond to this.

Dishonest and Evasive Handling of my Complaint

After receiving the rejection letter on 16 June, I was unsure how best to deal with the matter. My attempts to deal with Equiniti Paymaster's refusal to pay my army pension indicated that before TPO would handle my complaint, I would have to complete an onerous [internal complaints procedure](#), no doubt involving stonewalling and the use of post. Not only was this likely to prove insurmountable, but without a direct and provable financial loss there would probably be nothing to gain. But it was also clear that the impending Brexit referendum of 23 June could significantly affect my case, as the resultant devaluation of the pound would substantially reduce the value of my lump sum. I therefore waited to see if there would be such a financial claim.

After Brexit, I decided that I must attempt to complete the dispute resolution processes, in the hope that I might eventually receive compensation for the financial losses that I had incurred. So I sent an [email](#) to SW on [26 June](#), requesting a copy of their Internal Dispute Resolution Procedure (not realising then that this applies only to occupational pension schemes).

On [01 July](#) I received **by email** two password-protected PDF documents with secure reply:

1. ([dated 27 June](#)) astonishingly denied any familiarity with the term "Internal Dispute Resolution Procedure" (*and SW also handles occupational pensions*).
2. ([dated 30 June](#)) requested me to send the documents by post; it appears that now a complaint was brewing, they had become acceptable. *They stated that they emailed this only after trying several times to telephone me; it was then also posted (received 04 August).*

I then made an online enquiry to TPAS, to which I received a very helpful [reply](#) on 06 July.

On [10 July](#) I sent an interim but detailed [formal complaint](#) by email, to serve while I developed my website. This explained that I could not satisfy their verification requirements. I told them that I was investigating government anti-money laundering regulations, and had already formed the view that these require only verification of either Address or Date of Birth, not both. I also made clear that due to a hearing impairment, I found it difficult to use the telephone.

On [13 July](#) I received an [email response](#) to my complaint, offering only discussion by telephone (*ignoring my hearing difficulties*). They deterred the use of email with risible concerns over my security, and signified that for this reason they were unable to deal with my complaint by email (*despite having been able to email me password-protected PDFs with secure reply on 01 July*).

On 15 July they sent this email again. *The same department also sent a letter containing [Complaint Information](#) (which I received on [10 October](#)); this referred me to the **Financial Ombudsman** on both pages, but there was no mention of either TPAS or TPO.*

I rejected the offer of discussion by telephone in an [email](#) of [17 July](#). Apart from my difficulties with this, it would provide no record for TPO to review; anyway, this case is far too serious to be resolved over the telephone. *And it had become apparent that SW chooses this medium in preference to post for communications that they want to keep off the record.* I had by now reached my present view that SW's verification requirements have no valid basis. I gave a link to my website, now complete (as a first draft); this included the current Verification Issues page that explains the reasoning behind my rejection of their requirements.

On [01 August](#) I received an [email](#) from another source in SW, offering to accept a scan of my certified ID Card (alone) as proof of identity, provided it were emailed by my bank. There were some other stipulations that appear to have been invented on the spur of the moment. *And my certified ID card was disallowed in their Mk I paper form, and might also be rejected as not "clear and legible".* This email was said to be in response to my email of 10 July, and dealt with its verification question, in that proof of Address was no longer required. But I had by now totally rejected their verification requirements on my website (perhaps they did not look at this).

Lacking credibility and not addressing the serious issues I raised, the above email did not seem to require a reply, and I did not see fit to respond to it. *But they sent a [follow-up letter](#) dated 22 August (which I received on 15 September); this introduced yet more changes in requirements.*

Note on the "Concessions" of 30 June and 01 August

Whilst these might have enabled encashment of my pension plans, I did not take up either of these "offers" for the following reasons:

1. Following Brexit my lump sum now has a value of the equivalent of several thousand pounds less than it did at the time that payment should have been made. In all these circumstances, I think it would be grossly unjust if it were I who had to bear these losses.
2. I could no longer trust the statements of SW, and was therefore no longer willing to comply with their changing and invalid requirements. These "concessions" were not consistent with SW's insistence that all these verification documents are "*required under UK legislation*". And after investigation, their deceit became plain, and I could no longer accept that SW should have required any verification documents whatever.
3. I am incensed by the injustices and shabby treatment revealed by this case. I hope that by exposing this matter, I can prevent other pensioners from being victims of SW. Their draconian policies and cavalier disregard for my circumstances have caused me considerable trouble and stress, and I am sure that I am not alone. To accept their reduced demands in order to get funds for the moment would be morally wrong, and undermine my fight for justice.

On 04 August I received the letters of 16 and 30 June, closing and unclosing my application.

On 15 September I received both the email follow up of 22 August, and the Final Response.

Intransigent Final Response and My Conclusion

SW's Final Response is dated 24 August, and arrived less slowly than any other post over this period, so fortunately I did not have to wait for long before approaching TPO.

It reaffirms their obdurate stance before the complaint, and evades the main issue. This is that SW rejected and then closed my application as I could not fulfil their verification requirements, even though from the beginning they had clear proof of my identity. It ignores their "concessions", only reasserts the original requirements with yet another form (*although no form was actually enclosed*). These, it states, must be satisfied "*prior to the settlement of these types of pension policies*", and again "*are required under UK legislation*". These statements pretty much acknowledge that their requirements are an end in themselves, not a means of verifying identity. And once again I am illegitimately denied encashment of my pension plans.

Instead of referring me to TPAS and TPO, I am again referred to the Financial Ombudsman, which I understand is appropriate only for complaints relating to the sales and marketing of pensions. And again, the only medium offered for any follow up is telephone.

They acknowledge that I am unhappy with their requirements documentation, seemingly confident that they cannot be called to account for this, no matter how much trouble it causes the customer. But the emphasis is on the delays, which they assert are due entirely to the Mexican postal service (and of course have nothing to do with their forcing the use of it). A paragraph is devoted to stating that they had always responded in a timely manner (this is perhaps the only positive thing that could possibly be said of their conduct, and was not one of my complaints).

They also complain that I had sent them documents via email, whilst they are insisting that I send them by post. This is immaterial; had I sent them by courier, the outcome would have been just the same, except that the documents would have arrived a few days later, and I would have wasted a significant sum of money in sending them. I have already explained why I sent them by email, and this vindicates my decision. Anyway, they had no good reason to require these verification documents; but even if they were appropriate, scans should have been acceptable.

I find particularly extraordinary the following justifications for their postal responses:

- "*Scottish Widows is a UK based company and our processes are set to suit the majority of our customers*"
- "*We cannot be held responsible for any mail you have not received in a timely manner due to the Mexican postal service*"

I would certainly agree that their "*processes are set*". But I can hardly believe that the majority of their customers in the UK use only post, or would want only postal responses to their emails. And SW should consider that it has a responsibility not only to those using pen and paper in the UK, but also to others who have invested with them, including those who are living overseas. Far from being an imposition, the use of efficient communications media should save SW money; and the vast reduction in paper consumption and transport usage would certainly help to save the environment. I cannot imagine ever seeing these antiquated and Fawltyesque attitudes here in Mexico.

SW's unreasonableness in their use of post is evinced by the fact that they require postal replies within 14 days of the date of their letters (and their letter of 16 June closing my application indicates that this period includes post both ways). As they send by ordinary post, this would make compliance impossible for many others living overseas (especially considering also the difficulties in fulfilling their "verification" demands). *My TPO application took 5 days to reach the UK by the fastest means available (DHL Express Letter), at a cost of around £50.* However, SW **will** use email when it suits **them**, as exemplified in their resuming its use in their attempts to firstly nip a complaint in the bud, and subsequently to firefight it.

But despite the serious failings of SW's communication (both in its fixed and inappropriate medium, and in the considerable deficiencies of its content), I must emphasise that the main issue is that of their "verification" demands. These are applied inflexibly as an end in themselves; as a result, they illegitimately refused to encash my pension. It is patently wrong to reject an application on verification grounds when there is clear proof of identity. That SW did this indicates that their demands have nothing to do with legitimate verification of identity, and that their claims that they are "*required under UK legislation*" are grossly deceitful.

It appears that SW's "verification" measures are applied only to pensions: firstly, they were not required for my much more substantial encashment of investment and mortgage plans; secondly, SW indicated this themselves in their Final Response (referring to "*these types of pension policies*"). But government anti-money laundering regulations are not pension-specific. And they appear to have designed their requirements to cause the customer as much difficulty as possible, without being manifestly impossible to fulfil. But my circumstances make their address verification requirements both unachievable (without devious subterfuge) and invalid. Yet SW will not accept this, still insisting that I satisfy them.

As these "verification" demands can have no legitimate basis in government AML regulations, I can only interpret them as a strategy to make it difficult for pension holders to take advantage of the 25% tax concession provided by the government's Pension Freedom of April 2015. Perhaps being "*required under UK legislation*" is an oblique reference to this? Given SW's deceitful implication that it is the UK government that requires these measures, and the fact that SW gains financially each time it evades pension encashment, I think that this is a clear case of [fraud](#) that demands a criminal prosecution.

Stop Press

On [29 September](#) I sent SW an [email](#) notifying them that the matter is now in the hands of TPO. I attached a list of [Questions](#) to give them an opportunity to clear up my serious concerns, especially over their verification demands. Hopefully, the involvement of TPO would give SW some incentive to respond if they have any answers to these questions. The lack of a satisfactory response could only confirm the illegitimacy of their policies.

On [10 November](#) I recorded three voicemail messages from five telephone calls that were made by SW on 08/09 November. These could only be about my complaint, and asked me to call them back. But I did not do so, having already explained why I will not discuss this complaint over the telephone. However, after a suggestion by TPO on [23 November](#), I sent them an [email in response to these telephone calls](#), requesting that their reply also be by email. I also reminded them of the unanswered list of questions. Yet the most recent written communication I have received from SW remains their Final Response of 24 August.

Narrative (The Pensions Ombudsman)

This section gives a summary of the principal issues with TPO, with selected links. Please see the [DetailsTPO](#) page/document for a chronological account with full links to correspondence.

It is agreed that my case was assigned to an adjudicator in October 2016. Yet I heard nothing from him until an [email of 15 May 2017](#); and this was only after I had surmised his email address and emailed him directly. Since then he showed considerable evasiveness, until his [email of 3 October](#) pushing me into arbitration with SW confirmed my suspicions that he had no intention of investigating my complaint. This was shortly after the Casework Director had slapped down my cautiously-expressed suspicions in a [Complaint Response of 15 September](#).

The explanation that this document gives for the delay (that the adjudicator was unaware that my case was awaiting his attention) lacks credibility. In particular, it is inconsistent with the telephone calls that I received from SW, which must have arisen from having been contacted by TPO. It also does not explain why the adjudicator did not respond to my [email of 5 April 2017](#), which the assistant adjudicator forwarded to him on my behalf on 7 April.

Also lacking credibility is the explanation for the subsequent inaction (that the adjudicator could not access my website, as their IT system blocks everything by default). For one thing, he had rejected my offer of a solution that he could use offline, stating that he would much prefer to view the information online. And the access issue would surely have been known about from the time of my application in September 2016, and should have been dealt with accordingly.

I was worried when making my application that TPO might not be able to deal with my website. For this reason, the covering letter of my [TPO application](#) gives a link to the Document List page, which contains links to all documentation in PDF format (including mirrors of the main web pages). TPO has a laptop with full access to the internet, and could have used this long ago to print out the required documents in the absence of any other solution.

The adjudicator made other excuses and showed evasiveness that has nothing to do with failure to access my website. For example, he explained his complete inaction for months in being able to do casework only one day a week (one would hope that his case workload would then be correspondingly lighter). There were many other ways in which he demonstrated unwillingness to take my case seriously, which are best assessed by reviewing the [correspondence](#).

The fact that the attempt by the adjudicator in [his email of 3 October](#) to push me into arbitration was copied to the Casework Director indicates (at least) connivance with the TPO organisation. In my [reply of 4 October](#), (copied to both the Casework Director and the Pensions Ombudsman), I made clear that I would not enter into a "deal" with SW. On 8 October, I sent an [email to the Pensions Ombudsman](#) alone, for clarification and to urge an investigation. I hoped that he would be above this shabby business and respond favourably, but he did not reply.

Another [email of 31 October](#) from the adjudicator, this time requiring me to either agree to an arbitrated "solution" or else withdraw my case, cast further doubt on whether there would be any investigation. Instead it seemed that the Pensions Ombudsman himself was in full complicity with the dealings with SW. In my [email of 1 November](#), I expressed my concerns more bluntly, making clear that I was concerned about widespread corruption within TPO; again without reply. I can only interpret this as evidence of a conspiracy involving the whole of TPO.

Scottish Widows Complaint: PO-14071 (Preface)

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

This document mirrors one of the main web pages on my [Personal Pension Fiasco website](#). This contains a shocking account, with analysis and complete correspondence of:

- fraudulent evasion of personal pension encashment under a [blatant false pretence](#) (amongst numerous other malpractices) by Scottish Widows
- unlawful (and almost certainly criminal) protection of Scottish Widows by The Pensions Ombudsman, who (after a year of unexplained inaction) [refuse to investigate](#) the above

The above links are to the last items of correspondence I received from these two organisations; both ceased to respond once I raised issues that they could not address without incriminating themselves.

If my comprehensive website is accessible via the above link, please review this instead. This document nonetheless contains active links (underlined) to [web pages](#) in blue and [PDF documents](#) in crimson. It is also more suited to printing than the corresponding web page.

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Outcome & Conclusion	To be completed.
Document List	Complete list of documents (including this one).

Links to Main Sections within This Document

Summary
Introduction
Was Any Verification Appropriate?
Issues with Scottish Widows' Verification Requirements
General Deficiencies in Specifications
Fundamental Errors
Failure to Use Discretion / Common Sense
Conclusion

Scottish Widows Complaint: PO-14071 (Content)

Verification Issues

Summary

This document shows that the onerous verification requirements of Scottish Widows are without valid basis. The only valid reason there could be for such verification is compliance with government anti-money laundering regulations and guidelines.

But Scottish Widows' requirements do not conform to this in the following respects:

1. that no verification should have been required in my case (as a face-to-face customer with an ongoing business relationship with Scottish Widows, taking a lump sum as part of that relationship).
2. that even if verification were appropriate, Scottish Widows' requirements in its implementation (apart from being unclear, erratic, and inconsistently specified), are grossly excessive in relation to government requirements.
3. that Scottish Widows applied these draconian requirements rigidly as an end in themselves, without the discretion and use of further information that is appropriate in questionable cases.

In summary, my application could not be rejected on the legitimate grounds of inadequately satisfying the verification that the government requires in its anti-money laundering regulations. Instead it was rejected on the narrow and illegitimate grounds that the best documents I can provide do not completely fulfil the verification that Scottish Widows falsely states is "*required under UK legislation*".

Introduction

It seemed contrary to common sense to have to supply documents to verify my name, address, and age (and/or date of birth). I have held both pension and investment policies with Scottish Widows, and had thus been known to the business for many years. Furthermore, I had encashed Scottish Widows investment policies about two years previously, to the same bank account (in my name) to which payment was to be made in respect of the lump sum - then, only a signed letter was required.

The justification for Scottish Widows' requirements is given in Scottish Widows' documents only as "UK legislation". Initially, the above led me to believe that this legislation must be specific to pensions. However, it is now clear (after consultation with The Pensions Advisory Service) that it can only refer to anti-money laundering regulations, for which the same considerations ought to apply to encashment of both investments and pensions.

References

Government (HM Revenue & Customs)	
<u>PDF</u>	<p>Anti-money laundering guidance for trust or company service providers</p> <p><i>The numeric references on this page refer to this document.</i></p>
<u>Web Page</u>	<p>Money Laundering Regulations: your responsibilities</p> <p>A useful supplement to the above, expressing some of the points more clearly.</p>
Scottish Widows (Email of 05 April)	
<u>Content</u>	<p>Request for Documents</p> <p>The first page specifies what verification is required. The second page describes how the documents may be sent. <i>In fact they must all be both certified and posted.</i></p>
<u>Form</u>	<p>Individual Identification and Verification Form</p> <p>This details what types of documents are accepted (for Name and Address only). <i>This is the first version I received; the very next day, Scottish Widows sent a quite different version by post, invalidating my certified ID card.</i></p>

Apart from Scottish Widows' demands being very burdensome and confusingly specified, I am unable to fulfil their invalid address verification requirements. I have been put to considerable trouble and suffered great anxiety in my efforts to deal with them. Although I gave a clear and full explanation of my circumstances with the documents, and made clear that I had supplied the best I could, my application was summarily rejected (by post, received well over two months later). The issues therefore include not only Scottish Widows' draconian requirements, but also their rigid enforcement of them when other factors should have been considered.

It should be noted here that Customer Due Diligence involves two phases (see Section 8.1.1):

1. An Identification phase, in which details (including name, address, and date of birth) are taken from the customer. This must clearly be carried out by the Business (here Scottish Widows); it should have been done when the pension plans were created (during which I was physically present).
2. A Verification phase, in which the details taken above are verified. In many cases, this would also be carried out by the Business; however, in my case the onus for providing verification documents has been placed on the Customer.

Was Any Verification Appropriate?

The above government documents indicate that Scottish Widows had no reason to apply any verification measures in my case of taking a lump sum from a Scottish Widows personal pension plan that I have held for a number of years. This would fall into the category of "Occasional Transactions", but is specifically excluded from verification requirements in Section 7.9, which states:

"As defined in Money Laundering Regulations 2007, occasional transaction means a transaction (carried out other than as part of an ongoing business relationship) amounting to 15,000 euro (or the equivalent in sterling) or more, whether the transaction is carried out in a single operation or several operations which appear to be linked."

The relationship between Scottish Widows and I as pension provider and pension holder clearly represents an ongoing business relationship; and the payment of a lump sum from a Scottish Widows pension plan that I have held for many years clearly represents a transaction carried out as part of that relationship. Furthermore, I do not fall into the category of a non face-to-face customer (for which additional measures may be required - see section 7.11.2), as I was physically present during the Identification phase. I therefore contend that it was inappropriate for Scottish Widows to require any verification in my case; and this is also likely to apply to others wishing to take a lump sum from a pension plan they hold.

But even if verification were appropriate, the following two sections show that:

1. Scottish Widows' implementation of the requirements is erroneous and unreasonable, in demanding much more than is indicated by government documentation
2. These unduly onerous and invalid requirements are rigidly enforced, rather than using the discretion that is appropriate in many cases, and certainly in my case where Scottish Widows' requirements quite legitimately cannot be fulfilled

Issues with Scottish Widows' Verification Requirements

There are many questionable points concerning the verification documents that Scottish Widows states are required, and the means by which Scottish Widows requires they be certified. I firstly deal with some of the more minor points, then the fundamental issues (most importantly, that I should never have been required to supply evidence of address). Apart from the unreasonable requirements, Scottish Widows' documentation on them is unsatisfactory, being full of errors, inconsistent, changing, and generally unclear. These factors have caused me considerable anxiety and uncertainty.

General Deficiencies in Specifications

The Content of Scottish Widows' email of 05 April states that separate documents for proofs of name, age, and address are required; additionally, they need a certified copy of my birth certificate. It is surely unreasonable to require a separate proof of age in addition to a birth certificate. As this seemed to be clearly erroneous, I supplied three documents (not the four implied here). Apart from this, government requirements state that verification is to be done on date of birth (not age as required by Scottish Widows). *If it is necessary to prove that I have reached the age of 55 (as needed to qualify for taking a lump sum), this is clearly subsumed in the date of birth, for which I provided the required certified birth certificate.*

A significant flaw in Scottish Widows' documents is that throughout they use the term "Address" rather than "Residential Address". This is not consistent with government documents, which always use the term "Residential Address" in this context. In my case, these two terms mean quite different things. Due to the circumstances I carefully described, I cannot receive mail at my residential address. I therefore gave Scottish Widows an address at which mail can be received (that of a trusted friend). So I attempted to provide documents to verify the address held by Scottish Widows (not my residential address). I could not completely fulfil this, since I long ago arranged to not have private material such as bank statements (and Scottish Widows pension statements) sent through the post. Had Scottish Widows properly specified the term "Residential Address", my goal would have been quite different. Whilst I doubt my residential address in Mexico would be much use for verification purposes (Scottish Widows never asked for it), at least documents such as utility bills could have been used to verify it.

Regarding certification, the email Content mentions this only in connection with the birth certificate. However, the attached Form states (inconspicuously, under Notes for Completion) that all documents must be certified, with clearer notes in parentheses that only certified copies are required. *This requirement appeared to change in a letter dated 01 June, which stated that originals must be sent (even though they must also be certified); however, I was given the option of presenting the originals at a branch of Lloyds TSB - of which there are none in Mexico.* If everything must be certified (as seems to be the case), this should have been stated clearly by Scottish Widows at the top of each document. For a while, it appeared to me that only the birth certificate need be certified. And it was never clear by what means the documents could be sent.

The certification requirements are inappropriate, especially in being far too specific. Scottish Widows ought to understand that the precise manner of the certification will vary, especially in foreign countries. In particular, it is not reasonable to expect the certification to be marked with the words "original seen" in a country that does not use English as its official language. What is important is that it has been carried out by an appropriate body; and no appropriate body would certify a document when the original had not been seen. And if Scottish Widows were to specify this, they should have said something like: "the certification should indicate that the original document has been seen".

Although the above points are less serious than the issues that follow, they are nonetheless likely to cause the customer considerable uncertainty and anxiety. Even if I could verify my address to the satisfaction of Scottish Widows, I would still be worried that my application could be rejected on other points.

Fundamental Errors

Since I supplied good evidence of my date of birth, **Scottish Widows should not have required me to supply any evidence of (residential) address.** Scottish Widows should thus not have rejected my application on the grounds that I could not completely fulfil their requirements for address verification. And as discussed above, such verification would be invalid as it would be on the wrong criterion (mailing address, rather than residential address).

Scottish Widows requires (with a separate document for each) verification of all three types: Name, (Residential) Address, and Date of Birth. But **government documents state clearly that verification of EITHER Residential Address OR Date of Birth (not both) is required.** I refer here to Appendix 5.1: Acceptable evidence of identity (private individuals). Section 5.1.1 deals with the Identification requirements (these should have been carried out by Scottish Widows, and must include name, (residential) address, and date of birth). Section 5.1.2 deals with the Verification requirements, for which the onus in this case is on the Customer.

In each place, it is made plain that verification is required only on Name plus EITHER Residential Address OR Date of Birth (in each place where Residential Address is stated as a verification requirement, Date of Birth is given as an alternative). The web page is clearer here: this requirement is summarised near the top (under the heading "What customer due diligence is"), with several examples further down.

Scottish Widows' Form lists acceptable documents only for Name and Address (with very few options available for those living overseas). The government clearly allowed the option of verifying either (residential) Address or Date of Birth for good reason; denying this option is likely to result in requirements that quite legitimately cannot be fulfilled.

In my case, the clear evidence of name and date of birth (present on both my birth certificate and my ID card), should have been more than sufficient proof.

For evidence of Date of Birth, Scottish Widows invalidly imposes a birth certificate (*plus some separate document for proof of age?*). Other documents (including my ID card) provide good proof of this, and should also have been allowed.

Government documents do not support Scottish Widows' demands that a separate document be provided for each verification type. Indeed, the word "document" is used in the context of verification requirements, indicating that a single document (invariably containing Name, plus either Address or Date of Birth) can provide sufficient verification. This will particularly be the case with government-issued documents (these provide the greatest degree of confidence). I supplied two such documents - my national ID card (Mexican government), and my birth certificate (British government), each of which contains both Name and Date of Birth.

It is also clearly unreasonable for Scottish Widows to insist on the documents being sent by post. Section 11.6 makes clear that such records may be kept as scans, and they should therefore have been accepted in this form by Scottish Widows. *Nonetheless, had they indicated by email that they would accept my documents, I would have sent the certified documents immediately by courier, and this case would not have arisen. Had I otherwise sent them by courier, the outcome would have been the same - Scottish Widows' summary rejection (received by post over two months later, and requiring a reply within 14 days of the date of the letter, with no remedy available on my part), and subsequent termination of my application.*

Failure to use Discretion / Common Sense

In many situations, the legitimate requirements are not clearly defined and are subject to interpretation; there may be some circumstances in which even requirements consistent with government guidelines legitimately cannot be fulfilled. Both of the government references above indicate that in some cases, discretion must be used. Even if Scottish Widows' specifications could be justified, it is important to remember that the aim is to prevent money laundering; where appropriate other information must be used to judge the risk.

Instead, Scottish Widows rigidly applied their own criteria, insisting that I provide up-to-date verification of my address, despite my detailed explanation of why I could not provide this. Furthermore, it should have been clear that such verification, being based on a mailing address rather than my residential address, would be invalid. All this indicates that Scottish Widows considers their requirements to be an end in themselves, without proper reference to AML regulations. It is axiomatic that if I legitimately cannot fulfil the requirements needed to access the funds I entrusted to Scottish Widows, then their requirements are illegitimate.

Whenever there is any reason to doubt identity, additional information should be considered. Scottish Widows appears to have completely ignored an important piece of information I provided - the bank account to which payment is to be made. This gives perhaps the most definitive verification - I assume that it has not been specified as one of the government requirements, as it would be unworkable in practice. But one additional security measure that may be employed in suspicious circumstances (mentioned in the government guidelines: Regulation 144 (EDD), page 39 at the end of Appendix 4) is to insist that the transaction be made to a bank account in the customer's name.

The bank account to which I asked the funds to be transferred is not only in my full name (which is probably unique in Mexico), but its details were already held by Scottish Widows. Moreover, Scottish Widows had about two years previously transferred a substantial sum (many times the amount of the lump sum) from an investment plan to this account without any such verification being required, and Lloyds TSB had from 2006 onwards made numerous payments to the same. My documents included a certified Bank Statement from this account, with my name, account number, the address held by Scottish Widows, and all other details clearly displayed. I pointed out all these facts in my email to Scottish Widows of 11 April, and also in my follow-up email. Furthermore, my bank details were checked at length during the telephone interview of 05 April. What more verification of identity could they need?

Conclusion

I contend that even if verification were appropriate, the documents I supplied are in any case more than sufficient to satisfy government regulations, and that my circumstances give no cause whatever for suspicion that I am involved in money laundering. Scottish Widows had no reason to reject my application on these grounds; it has been rejected only on the invalid grounds that it does not conform completely to Scottish Widows' requirements.

I conclude that "UK legislation" is a deceitful term used by Scottish Widows to make their draconian demands appear legitimate, and has no basis in legitimate anti-money laundering measures required by the UK government.

But (after a hint that I was about to make a complaint), my documents became acceptable to Scottish Widows. A communication dated 30 June acknowledged receipt of my email and attachments, and indicated that they just needed me to post the certified documents. This followed a communication of 27 June, in which Scottish Widows denied any familiarity with the term "Internal Dispute Resolution Procedure". A subsequent email (dated 01 August) offered to accept a scan of my certified ID card alone, if emailed by my bank (my certified ID card was allowed as a means of verifying Name in the form I received as an email attachment, but denied in a new version of the form subsequently sent by post).

It is as well in my case that I was no longer in immediate need of funds. But typically, people will want to take a lump sum from their pensions because they are short of money; being denied the funds that they entrusted to Scottish Widows as a result of the latter's oppressive policies is therefore likely to lead to serious hardships. At best, the policies and conduct of Scottish Widows cause their customers unnecessary trouble, stress, and expense.

Scottish Widows was obviously hoping that I would send off the (now acceptable) documents in order to receive payment, and the matter would rest. I am not prepared to do this for three reasons. Firstly, in all these circumstances I seek full compensation from Scottish Widows for the substantial financial losses that I would incur. Secondly, I can no longer trust the statements of Scottish Widows, and so am no longer willing to comply with their changing and invalid demands. Thirdly, I think it is important to expose Scottish Widows' draconian policies and conduct, in the hope of preventing other pensioners being victims of it.

In their [Final Response](#) of 24 August, Scottish Widows ignored the "concessions" they had made and reasserted their original requirements, so I am once again unable to encash my pension.

Scottish Widows Complaint: PO-14071 (Preface)

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

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Links to Main Sections within This Document

Introduction
Questions as sent to Scottish Widows

Scottish Widows Complaint: PO-14071 (Content)

Questions for SW

This document contains the unedited list of questions that I sent to Scottish Widows as a [PDF attachment](#) to my [email of 29 September](#), after I had made an application to The Pensions Ombudsman. Hopefully, my mention of TPO in this email will put Scottish Widows under some pressure to respond.

Of the twelve questions, ten concern Scottish Widows' verification requirements, and form the important part of this list. Question 7 deals with their postal responses to emails; however, their [Final Response](#) confirms that they will just continue to do things in their own set way, heedless to the expressed needs and wishes of the customer, and to the resultant adverse consequences. Question 8 concerns their [professed ignorance of the term IDRPs](#); whilst I do not expect an illuminating answer here (they could simply blame a junior employee), it does serve to introduce their change of position once they realised a complaint was brewing.

Another line of investigation that might be worth pursuing that is not covered by these questions is to ask (or otherwise ascertain) when Scottish Widows first required verification documents in order to encash a pension. It appears that these measures were introduced recently (I suspect in response to the 25% tax concession forming part of the Pension Freedom of April 2015). One could then enquire why verification was "required under UK legislation" after that time, but not previously.

To be surer of a response, I sent this list of questions to two email addresses: that to which I sent the verification documents and my complaint (this appears to be their general portal), and that of the [email of 13 July](#) offering discussion of my complaint by telephone. On 23 November, I sent a [reminder](#) to these two addresses, again attaching the PDF document. But I have still received no answers to these questions.

Since Scottish Widows appears to require complaint resolution to be done over the telephone, and stated that "*To ensure your security, at this time we are not able to respond to the specifics of your complaint by e mail*", they may use these policies to justify their lack of response. But Scottish Widows WILL use email when it suits them, as they did in their initial attempts to stifle my complaint. And with the serious implications of these questions, they would surely have responded if my premises were incorrect, or they otherwise had any good answers to them.

However, in the absence of any response, these questions serve as a compendium of the circumstances showing the illegitimacy of Scottish Widows' verification requirements. This should help to prove that they could not possibly have been introduced in the genuine belief that they were "required under UK legislation". Given this, plus the draconian and inordinately burdensome nature of the requirements, it should follow fairly easily that their only purpose could be to gain financially from reduced customer pension encashments. This, combined with Scottish Widows' deceitful implication that they are imposed by the UK government, should result in their prosecution for fraud.

The PDF document that I sent corresponds exactly to the remaining four pages of this document...

Questions for Scottish Widows

The following two government documents are used as references:

[Anti-money laundering guidance for trust or company service providers](#)

[Money Laundering Regulations: your responsibilities](#)

Numeric references relate to the first of these documents.

(1)	<p>Just over two years before his application to take a lump sum, the applicant Ian Clive McInnes (ICM) encashed a Scottish Widows Investment Plan (OEC 11215134) plus a Mortgage Plan (K168358K) for many times the amount of the two Pension Plans, and in the same circumstances as the current encashment request.</p> <p>For this only a signed letter (dated 02 December 2013) was required, without any supporting documents.</p> <p>Why did Scottish Widows require verification documents for encashment of the Pension Plans, but not for the Investment/Mortgage Plans? In general, are there any verification considerations specific to encashment of pensions? If so, why?</p>
(2)	<p>The (HSBC, Mexico) bank account to which the lump sum was to be paid provides the most compelling and definitive verification possible.</p> <p>This account is not only in his full name (which must be unique in Mexico), but is the account that Scottish Widows already held, and to which they had encashed the above Investment / Mortgage Plans. Lloyds TSB had also made numerous payments to this account since 2006. Details of this account were checked at length during the telephone interview, and ICM had also previously given full details of this account in his initial fax of 15 March.</p> <p>Why was ICM required to supply verification documents, when his identity was already confirmed beyond any doubt during the telephone interview?</p>
(3)	<p>Scottish Widows' requests for documents throughout state only that "Scottish Widows are required under UK legislation to verify your identity(ies)." This indicates that these verification measures are imposed on Scottish Widows, and suggests (but does not state) that this is with the authority of the UK government.</p> <p>Does "UK legislation" refer to government anti-money laundering (AML) regulations and guidelines? If not, please describe what is meant by "UK legislation".</p>
(4)	<p>Scottish Widows' Final Response of 24 August again states that these (verification documents) "are required under UK legislation"; but interestingly adds "we would ask all customers to satisfy these requirements prior to the settlement of these types of pension policies". This indicates that the verification measures are only applied to certain types of pension policies.</p> <p>If the purpose of Scottish Widows' verification requirements is to comply with government AML regulations, why are they applied only to certain types of pension policies?</p>

<p>(5)</p>	<p>Government AML documents specifically exempt from verification requirements those transactions "carried out as part of an ongoing business relationship" (see Occasional Transactions, Section 7.9).</p> <p>Does Scottish Widows agree that when a customer takes a lump sum from an established pension plan (as in the case of ICM), this constitutes a transaction carried out as part of an ongoing business relationship? If not, why not?</p>
<p>(6)</p>	<p>In the postal reply to ICM's email of 11 April, his documents were rejected and his application subsequently closed on the grounds that the bank statement used to verify his address was not recent. This was despite the facts that:</p> <ul style="list-style-type: none"> • In his email, ICM gave a detailed explanation of his circumstances that should have made quite plain why he (quite legitimately) could not possibly provide other or more up-to-date verification of his address. • There was compelling evidence of his identity in the form of his bank details. ICM pointed this out not only in his initial fax and during the telephone interview, but also in his email of 11 April and its subsequent follow-up. ICM also supplied a certified bank statement from this account. <p>Government AML guidelines make plain that in questionable cases, other information should be considered in order to evaluate the risk. It would be hard to find a case with less risk than this one.</p> <p>In all these circumstances, how can Scottish Widows justify their summary rejection of his application, and its subsequent termination?</p>
<p>(7)</p>	<p>In the very first paragraph of his email of 11 April, ICM made the problems with using post very clear (stating that it takes around 3 months). Nonetheless, Scottish Widows answered this by post; furthermore requiring a reply within 14 days of the date of the letter (which while dated 14 April, was received only on 16 June). This was in the context of email communication, and ICM had every reason to expect a response by the same means. Under any normal circumstances, replying to the email with a few lines of explanation would be far more efficient as well as much faster. Moreover, his follow-up email was also answered by post, even though this can only have confirmed how unworkable post is. Several (impossible to fulfil) "requests for information" were also sent by post, each also requiring a response within 14 days of the date of the letter.</p> <p>Why did Scottish Widows use post to answer ICM's email of 11 April and its follow-up of 21 May, and for requests for information, when this means was clearly not viable? And why did they return to the use of email only on the hint of a complaint?</p>
	<p><i>From the above two issues, ICM was denied the possibility of remedying the situation in order to obtain payment in two ways:</i></p> <p><i>Firstly (as he explained at length), he had no means of providing the documentation for verification of address that Scottish Widows insisted on.</i></p> <p><i>Secondly, he received the first letter rejecting his documents on the same day as the date of the letter of 16 June terminating his application, with subsequent "requests for information" being received three weeks later. This clearly denied him the possibility of remedy, even if he could satisfy the documentation requirements.</i></p>

(8)	<p>On 26 June, ICM sent Scottish Widows an email asking for their Internal Dispute Resolution Procedure (not realising at the time that this applies only to occupational pension schemes).</p> <p>Why did Scottish Widows (implausibly) deny knowledge of this term in a password-protected PDF document of 27 June, rather than provide information on Scottish Widows' complaints procedure?</p>
(9)	<p>The letter dated 14 April insinuates that Scottish Widows is "unable to accept documentation that has fall(sic) out of the required timescales", and throughout Scottish Widows emphasises that provision of all these documents is required "under UK legislation".</p> <p>So why (after they realised that ICM was about to make a complaint) did his invalid documents become acceptable to Scottish Widows?</p> <p><i>This request to post the documents was in another password-protected PDF document dated 30 June, also just after ICM asked about their IDR, and two weeks after Scottish Widows had closed the application in a letter of 16 June.</i></p>
(10)	<p>Whilst interpretation of government AML requirements may vary in detail, those of Scottish Widows are plainly draconian. Even where verification is appropriate, the following are two examples of extra-government demands imposed by Scottish Widows:</p> <ul style="list-style-type: none"> • Government regulations require verification of Name plus EITHER Date of Birth OR Address; whereas Scottish Widows requires verification of all three (and separate verification of age was also given as a requirement). • Government regulations make clear that a single document can give sufficient verification, whereas Scottish Widows requires at least three separate documents (and imposes a birth certificate as evidence of Date of Birth). <p>See Appendix 5.1: Acceptable evidence of identity (private individuals). There are numerous other questionable specifications combined with unclear and changing documentation of them, but the above two issues alone add a considerable unnecessary burden to the customer.</p> <p>How can Scottish Widows justify their statements that these extra specifications are required "under UK legislation"?</p> <p><i>Money laundering is a matter for the government. It is for the government to determine what is required and for Scottish Widows to comply with those requirements; Scottish Widows has no business to determine that government AML measures are insufficient. And did Scottish Widows not consider that the government has good reasons for its more limited stipulations, including the fact that more stringent requirements may quite legitimately (as in the case of ICM) be impossible to fulfil?</i></p>

On 01 August, Scottish Widows offered to accept ICM's certified ID card alone as verification, provided it were emailed by his bank. Whilst his ID card alone would indeed give good proof of both Name and Date of Birth, and thus satisfy government AML regulations (were verification required), it falls well short of the specifications in Scottish Widows' documentation.

(11) **So again, how could an ID card by itself be acceptable now, when previously at least three separate documents were required to prove Name, Address and Date of Birth?**

This latest "offer" was in response to ICM's initial complaint, in which he stated that he was investigating government AML regulations, and that he was already of the view that Scottish Widows should NOT have required proof of both Address and Date of Birth (although he had not at that time reached his current view that Scottish Widows' requirements "under UK legislation" are a total sham).

Apart from considerably reduced verification requirements, the email of 01 August also introduces the option of sending a scanned (certified) document (provided it is emailed by his bank with some unclear and incongruous stipulations). Whilst this would indeed also conform to government verification requirements (see Section 11.6), Scottish Widows had up to that time always insisted that certified documents must be posted.

Why is Scottish Widows able to accept a scan now, but not previously? And why can they not accept his certified ID card from his email account, only from his bank?

(12) *Amongst other confusing and inconsistent aspects of their requirements documents, Scottish Widows did not state clearly in their initial details the means by which the verification documents must be sent. At first ICM was led to believe that they could be emailed - only after further perusal did it become apparent that they must all be certified, and that certified documents would not be accepted as scans.*

After much deliberation, ICM considered that nonetheless the only sensible way to send the documents was as email attachments. With all the uncertainties surrounding the verification requirements, he was concerned that his documents were likely to be rejected (as indeed they were). Sending them initially by courier would not only have wasted the significant cost of this, but would also tend to invite a postal response. By using email, he had expected that if Scottish Widows would not accept the documents, they would simply reply to the email with an explanation. Had Scottish Widows confirmed that they would accept the documents, but that they must be posted, he would have done so immediately by courier. He did his utmost to comply fully with Scottish Widows' demands in order to obtain payment. He did not in any case expect to have any problems in verifying his identity, since his bank details alone make this clear.

Scottish Widows Complaint: PO-14071 (Preface)

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

This document mirrors one of the main web pages on my [Personal Pension Fiasco website](#). This contains a shocking account, with analysis and complete correspondence of:

- fraudulent evasion of personal pension encashment under a [blatant false pretence](#) (amongst numerous other malpractices) by Scottish Widows
- unlawful (and almost certainly criminal) protection of Scottish Widows by The Pensions Ombudsman, who (after a year of unexplained inaction) [refuse to investigate](#) the above

The above links are to the last items of correspondence I received from these two organisations; both ceased to respond once I raised issues that they could not address without incriminating themselves.

If my comprehensive website is accessible via the above link, please review this instead. This document nonetheless contains active links (underlined) to [web pages](#) in blue and [PDF documents](#) in crimson. It is also more suited to printing than the corresponding web page.

Links to Main Web Pages

Case Overview	Case summary and narratives for SW and TPO.
Verification Issues	Analysis of the "verification" requirements imposed by SW.
Event Summary	Chronological lists of events (two separate timelines).
Details (SW)	Detailed chronology with correspondence involving SW.
Details (TPO)	Detailed chronology with correspondence involving TPO.
Epilogue	Summary and analysis of the main issues of the case.
Questions for SW	Questions sent to SW to probe their "verification" measures.
Outcome & Conclusion	To be completed.
Document List	Complete list of documents (including this one).

Links to Main Sections within This Document

Introduction
Events involving Scottish widows and Other Parties (My Side)
Events involving Scottish Widows Only (Their Side)

Scottish Widows Complaint: PO-14071 (Content)

Event Summary

Introduction

This document presents two chronological lists of the main events of the case, with summary information and links. These include references to all relevant correspondence, plus all event details in the Details (SW) and Details (TPO) web pages.

The need to present two chronologically-ordered lists arises from the extreme delays resulting from Scottish Widows' use of post. Thus the sequence of events as seen from **my side** as the recipient of this post is quite different from the sequence of events from **their side** as sender. Only by viewing the sequence of events from both sides can one obtain a complete picture.

The first list contains the complete significant correspondence, both with Scottish Widows and with other parties, in chronological order of the dates on which I received it (**my side**). The second list contains relevant correspondence with Scottish Widows (only), in chronological order of the dates on which the documents were sent (**their side**). The following color coding is used for descriptions: **letter** | **telephone/fax** | email.

Events involving Scottish Widows and Other Parties (My Side)

The date in the first column is that on which I sent or received the document(s), and provides a link to further details. For events involving Scottish Widows, this link is to the corresponding event details on the Details (SW) page of the website; for those involving other parties, it is to the PDF document containing the correspondence.

The second column gives the sender and receiver of the correspondence. For events involving TPO, it also contains a link to corresponding event details on the Details (TPO) website page. The senders and receivers of the correspondence are indicated as follows:

ICM Ian Clive McInnes
SW Scottish Widows
TPAS The Pensions Advisory Service
TPO The Pensions Ombudsman
TPR The Pensions Regulator
FCA The Financial Conduct Authority
CWP Commons Select Committee - Work and Pensions
WIX Wixted & Co. (Solicitors)
AF Action Fraud

15 Mar 2016	ICM-SW	Sent a fax to enquire on options for pension encashment.
18 Mar 2016	SW-ICM	Received an email describing a "paperless" procedure involving a telephone interview.
05 Apr 2016	ICM-SW	Nightmare 1.5 hour telephone interview with Scottish Widows.
05 Apr 2016	SW-ICM	Received an email and attached PDF document during the above, specifying verification and certification requirements.
11 Apr 2016	ICM-SW	Sent an email with 8 PDF verification documents attached.

21 May 2016	ICM-SW	Sent a follow-up email, after having received nothing.
16 Jun 2016	SW-ICM	Received four postal items, including a letter and (changed and erroneous) form in rejection of my documents. <i>And on this very day, Scottish Widows sent a letter terminating my application.</i>
26 Jun 2016	ICM-SW	Requested a copy of Scottish Widows' Internal Dispute Resolution Procedure (not realising then that this does not apply to Personal Pension Plans). But this clearly gave Scottish Widows the hint that I was about to make a complaint.
01 Jul 2016	SW-ICM	Received two password-protected PDF documents. The first (dated 27 June) claimed ignorance of the term Internal Dispute Resolution Procedure. The second (dated 30 June after attempts to telephone me) asked me to post the (now valid) documents.
06 Jul 2016	TPAS-ICM	Received a very helpful email from TPAS (which includes the text of my online application at the top). This puts me right about the IDRP. It also states that evidence of identity is not a pensions-specific matter, so they are not experts in this area; but supplied useful links to information on government anti-money laundering regulations. <i>This provided the starting point of my investigations into verification requirements, as it was clear that Scottish Widows applies them only to pensions.</i>
06 Jul 2016	SW-ICM	Received seven postal items, including four further requests for documents with forms. The first three of these forms was the same as that sent with the rejection letter; the fourth form was a new version similar (but not identical) to the PDF form. The last request of 01 June was sent in response to my follow-up email.
10 Jul 2016	ICM-SW	Sent an interim (but detailed) complaint by email.
13 Jul 2016	SW-ICM	Received an email in response to the above, offering only discussion by telephone, and discouraging the use of email (citing concerns over my online safety). A further identical email was received two days later on 15 June.
17 Jul 2016	ICM-SW	Rejected discussion by telephone for three very clear reasons: firstly I had made clear that my impaired hearing made this difficult; secondly, that this would leave no record for TPO to review (their clear reason for offering only this medium); and thirdly that discussion by telephone was not appropriate for this involved case. I gave a link to my website.
17 Jul 2016	ICM-TPAS	Sent a further email to TPAS, stating that I had made a complaint to Scottish Widows, and giving a link to my website.
18 Jul 2016	TPAS-ICM	Reply from TPAS, indicating that they were set up to deal with documents rather than websites, and again intimating that they could not help with evidence of identity issues.
24 Jul 2016	ICM-TPAS	Enquired what documentation TPAS required, and how they could help with my case. I gave a link to my newly-created Document List page to give easy access to printable documents.
01 Aug 2016	SW-ICM	Received an offer to accept my national ID card (alone) as verification, provided it were emailed by my bank (with some additional stipulations that appear to be invented on the spot).
04 Aug 2016	SW-ICM	Received two postal items: the first (sent 16 June) closing my application; the second (sent 30 June) a copy of the email of that date requesting me to post the (now acceptable) documents.

19 Aug 2016	TPAS-ICM	Received a notification that my application is to be passed to another advisor.
19 Aug 2016	TPAS-ICM	Received another acknowledgement, giving my case number.
28 Aug 2016	ICM-TPO	Made an initial enquiry to TPO, not being sure at what stage they would handle my complaint.
30 Aug 2016	TPO-ICM	Reply from Carl Monk (Assistant Adjudicator), stating that they will need a Final Response from Scottish Widows to proceed.
08 Sep 2016	TPAS-ICM	Initial email from my TPAS caseworker, raising doubts as to what they could do, as they were not experts in verification. However, they offered to question Scottish Widows' postal responses to my emails.
11 Sep 2016	ICM-TPAS	Reply to the above, setting out my case more fully.
15 Sep 2016	SW-ICM	Received four postal items, including a follow up to the email of 01 August, and their Final Response . The latter refers me to the Financial Ombudsman , and encloses their leaflet. It deals mainly with the delays (for which the blame is laid squarely on the Mexican postal service), and ducks the main issue (that I legitimately cannot fulfil their "verification" requirements).
18 Sep 2016	ICM-TPAS	Update to state that I had received Scottish Widows' Final Response, and had prepared a list of questions to put to them to probe their verification policies. They appear to apply these only to certain types of pension policy, which is not consistent with their being legitimate AML measures.
23 Sep 2016	TPAS-ICM	Reply to the above, offering to pursue Scottish Widows' use of postal communications, but not wanting to get involved with AML issues or Scottish Widows' policies. It suggested that I ought to send the list of questions to Scottish Widows myself, but offered to comment on any replies (<i>none were received</i>).
24 Sep 2016	ICM-TPO	Sent application form and covering letter to TPO, by DHL Express Letter. <i>This cost the equivalent of around £50. The alarming error in selection of post rather than email as my preferred means of communication is corrected on the form I sent (I did not get chance to rescan it first).</i>
25 Sep 2016	ICM-TPAS	Sent reply to TPAS stating that I did not feel that questioning Scottish Widows' use of post would achieve a useful outcome. I also stated that their Final Response was to deny me any means of encashment, and having no prospect of a satisfactory arbitrated settlement, I had sent an application to TPO. I also stated that I would like my list of questions to be raised with Scottish Widows, but queried how best to do this in such a way as to put pressure on them to respond.
26 Sep 2016	TPAS-ICM	Reply from TPAS, closing my case as I had approached TPO, but suggesting that I put the questions to Scottish Widows myself before TPO starts to investigate.
29 Sep 2016	ICM-SW	Sent PDF document containing list of Questions (mainly to probe their verification policies).
29 Sep 2016	ICM-TPO	Sent a follow up to my application to TPO (that they had just received), giving links to my online documents, and stating that I had sent Scottish Widows the list of questions.

30 Sep 2016	TPO-ICM	Acknowledgement from TPO, indicating that it would be several weeks before they decide whether to investigate my complaint. Hopefully the decision will be made on the criteria given in their leaflet, which I clearly fulfil; I would be mortified if they did not pursue this case.
04 Oct 2016	TPO-ICM	A further acknowledgement, from Carl Monk (who responded to the initial email I sent to TPO, and will be my main contact).
10 Oct 2016	SW-ICM	Received three postal items, including complaint information arising from the email of 13 July, which inappropriately refers one to the Financial Ombudsman.
30 Oct 2016	ICM-TPO	Email to TPO, asking whether it was worthwhile for me to chase up on the list of questions I sent to Scottish Widows.
31 Oct 2016	TPO-ICM	Reply to the above, suggesting that I wait another month.
10 Nov 2016	SW-ICM	On 08/09 November, I received 5 telephone calls with 3 voicemail messages requesting me to call back.
10 Nov 2016	ICM-TPO	Email to TPO, reporting the telephone calls and voicemail messages from Scottish Widows.
23 Nov 2016	TPO-ICM	Reply to the above, suggesting that if I did not want to return their calls, I should email them requesting a written response.
23 Nov 2016	ICM-SW	Email sent to Scottish Widows in response to their voicemails, following the above suggestion.
23 Nov 2016	ICM-TPO	Notified TPO that I had sent the above email.
02 Dec 2016	TPO-ICM	Email from TPO advising me of email encryption.
02 Dec 2016 02 Dec 2016	TPO-ICM	Email with password-protected PDF requesting me to resend the link in my email of 23 November, as they were denied access.
03 Dec 2016 03 Dec 2016	ICM-TPO	Email to TPO sent by the secure service with a PDF document both as a link and as an attachment.
04 Dec 2016	ICM-TPO	Follow up to the above, using the normal service.
12 Dec 2016	TPO-ICM	Acknowledgement of my emails of 03/04 December.
18 Jan 2017	TPO-ICM	Request for Customer Survey participation from another department, stating that my case had been closed.
18 Jan 2017	TPO-ICM	Correction, but only to say that they had sent the wrong version of the form, and would subsequently send me another email.
18 Jan 2017	ICM-TPO	My response to the above survey emails, reflecting my concern (especially bearing in mind the lack of action on my case). I asked for reassurance that my case would be investigated, and some indication of when this would happen.
20 Jan 2017	TPO-ICM	The reply was hardly reassuring. He said that the survey was sent to the wrong people (whereas the survey department said that they sent the wrong version). And the only "reassurance" given was repetition of a statement of 31 October 2016 "your application is earmarked for an adjudicator", this time in the present perfect tense; this unfortunately did nothing to affirm that my case had not been closed subsequently.
15 Feb 2017	TPO-ICM	Another request for Customer Survey participation (this time presumably with the correct version of the form). Either they had both sent the wrong version of the form and sent it to the wrong people (and furthermore failed to correct the latter error some four weeks later), or my case had indeed been closed.

<u>05 Apr 2017</u>	<u>ICM-TPO</u>	It is now over 6 months since I was told that my application "is earmarked for an adjudicator", and I have received not a shred of information on my case since. It should not be surprising in all these circumstances that I was extremely worried. So I sent this to TPO expressing my concerns, and again asking for reassurance that they would investigate my case.
<u>07 Apr 2017</u>	<u>TPO-ICM</u>	Reply stating that my email had been forwarded to Barry Berkengoff. At last I had the the name of the Senior Adjudicator who was to investigate my case.
<u>29 Apr 2017</u>	ICM-WIX	Enquiry sent to award-winning solicitors Wixted & Co, as I was becoming increasingly worried about the situation with TPO. This was the only appropriate practice I could find that supplied an email address, rather than offering only callback by telephone. <i>However, in the great British tradition, I was not given the courtesy of a reply.</i>
<u>14 May 2017</u>	<u>ICM-TPO</u>	Five weeks later, I have still received no response, or any other information on my case; and my personal circumstances are becoming very difficult. I sent this to Barry Berkengoff (I surmised his email address as it was not given), challenging him to give me some proper reassurance.
<u>15 May 2017</u>	<u>TPO-ICM</u>	At last, a response from the investigator of my case. But this raises many doubts as to what TPO can and will do.
<u>17 May 2017</u>	<u>ICM-TPO</u>	My response to the above, urging him to look at the website that I have spent hundreds of hours developing. I express concerns over whether TPO is the right body to deal with this case.
<u>20 May 2017</u>	ICM-AF	I feel a moral duty to ensure that the fraudulent part of Scottish Widows conduct is dealt with appropriately, so I made an online report (unfortunately belated) to Action Fraud.
<u>22 May 2017</u> <u>22 May 2017</u>	AF-ICM	Received an acknowledgment, with attached PDF document (I obscured the password for security reasons).
<u>22 May 2017</u>	<u>TPO-ICM</u>	Received a more informative response from BB, stating that he had tried to access my website but access was denied, and that he had raised the matter with their IT providers. He also stated that their jurisdiction was limited to "maladministration", and that if I want to take my own action in the courts, I would have to withdraw my case; the last sentence pressed me into deciding if I wanted to do this.
<u>24 May 2017</u>	<u>ICM-TPO</u>	My reply, stating that I had reported my case to Action Fraud, and had no plans to take any action in the courts.
<u>26 May 2017</u>	<u>TPO-ICM</u>	Response to the above, stating that his jurisdiction is limited to instances of maladministration, and that he would review my website when he had access. I was concerned that, despite the statements I made in my emails, that he seemed to think that my problems were due to slightly different processes for overseas customers "to ensure appropriate ID checks are made".
<u>10 Jun 2017</u> <u>10 Jun 2017</u>	<u>ICM-TPO</u>	If he had not obtained access to my website by now, he most likely never would, so I sent an email with a ZIP of most of my website, to be followed by another email with the remainder. But this was rejected by their delivery system. I therefore sent another email without the attachment. The second email here is that which was to contain the remaining separate files.

13 Jun 2017	TPO-ICM	He indicated that the access denial was long-term, but would access my website using another connection.
14 Jun 2017	ICM-TPO	Acknowledged his willingness to do the above.
15 Jun 2017	TPO-ICM	He implied that he would review my website early next week.
22 Jun 2017	AF-ICM	Received a response from ActionFraud, stating that they do not have the "leads" needed to successfully pursue this case. This was very disappointing given my clear evidence. And it seemed to be a standardised response, without any reference to my case. But they emphasised that the case remained open.
25 Jun 2017	ICM-AF	My response to the above (via the online form), clarifying certain points and urging them to reconsider.
12 Jul 2017	ICM-TPO	It seems clear that he has still done nothing, so another email to chase up - this time expressing my concerns more bluntly.
14 Jul 2017	TPO-ICM	As expected, received a prompt reaction to my email, denying any wrongdoing, and stating that the delay was simply due to a heavy workload and that he does investigations only one day a week, also citing the alleged security issues with my website. He offered no evidence of progress on my case, saying (again) that he would be in touch shortly. As he has clearly been sitting on my case since late October 2016, I will not waste more time pursuing this matter with him.
06 Aug 2017	ICM-TPO	I sent an email to the survey department to try to determine whether or not my case had been closed as they indicated.
07 Aug 2017	TPO-ICM	Received a very prompt reply, but this was simply to refer me to the adjudicator.
30 Aug 2017	ICM-TPO	Having failed to achieve anything with my short email, I tried again with a full explanation.
31 Aug 2017	TPO-ICM	Received a reply from the Casework Manager, stating that my case is being referred to the Casework Director.
03 Sep 2017	ICM-TPO	Sent an email to the Casework Director to clarify a few points.
04 Sep 2017	TPO-ICM	Acknowledgement from the Casework Director, stating that I could expect a reply by 15 September.
09 Sep 2017	ICM-TPO	I sent a follow up to my email of 03 September to clarify some more, in an attempt to avert a whitewash.
15 Sep 2017 15 Sep 2017	TPO-ICM	Highly unsatisfactory first and final response from the Casework Director, in which I am falsely accused of making allegations and of having no evidence.
03 Oct 2017	TPO-ICM	This email from Mr Berkengoff is an extraordinary attempt to force me into settling with Scottish Widows. It should now be clear that he will not investigate my case. Although this ought to be the beginning of the end for Mr Berkengoff, I fear that TPO will protect him, especially as this email was copied to the Casework Director.
04 Oct 2017	ICM-TPO	My reply to the above, copied to both the Casework Director and the Pensions Ombudsman. I explained that my case is not one for which arbitration with Scottish Widows is appropriate, and made plain that I would not be party to this. <i>And the business of TPO is investigation and adjudication; it does not (and must not) include arbitration, which is a function of The Pensions Advisory Service.</i>

08 Oct 2017	ICM-TPO	An explanatory follow up to the Pensions Ombudsman alone, giving a brief history of my case. My unsettled state of mind caused me to neglect to send this at the time of my last email.
31 Oct 2017	TPO-ICM	Having hoped that Mr Berkengoff's email would lead to an investigation, I was shocked to receive another email from him. He requires me to either confirm my acquiescence in a "deal" with Scottish Widows, or else withdraw my case.
01 Nov 2017	ICM-TPO	I was not prepared to do either of the above. Rather than reply to the above email, I forwarded it to the Pensions Ombudsman, asking whether he was in agreement with Mr Berkengoff's position, and expressing my suspicions rather more plainly.
10 Jan 2018	ICM-TPO	Mr Berkengoff's position is in clear violation of the Pension Schemes Act 1993. Noting that the Legal Director of TPO is also a Scottish Widows personal pension holder, I sent this in the hope that there might be a sympathetic ear in TPO.
17 Jan 2018	ICM-TPR	Sent an email to The Pensions Regulator expressing my concerns over TPO and requesting an investigation.
05 Feb 2018	TPR-ICM	Received an apparently helpful reply from TPR, but stating that they have no jurisdiction over TPO, and that instead I should refer the matter to the Work and Pensions Department.
28 Feb 2018	ICM-CWP	Sent an email with several attachments to all 11 members of the Commons Select Committee for Work and Pensions. <i>Bounced.</i>
22 Apr 2018	ICM-FCA	Sent an email with several attachments to the Financial Conduct Authority, giving evidence of SW's criminal misconduct.
24 Apr 2018	FCA-ICM	Acknowledgement, stating that they had forwarded my email to the appropriate department.
25 Apr 2018	FCA-ICM	Further email, with suggestions, but offering no action.

Events involving Scottish Widows (Their Side)

The first column contains a link to the corresponding document, and gives its date. The second column contains a link to details in the Details (SW) page; for items sent by Scottish Widows, it gives the date on which the communication was received.

15 Mar 2016	(ICM)	Fax to enquire on options for pension encashment.
18 Mar 2016	18 Mar	Email response to fax enquiry.
05 Apr 2016	(ICM)	Telephone interview with Scottish Widows.
05 Apr 2016	05 Apr	Email specifying general verification and certification requirements.
05 Apr 2016	05 Apr	PDF form, sent as an attachment to the above email, specifying accepted verification documents for Name and Address, plus additional certification and other requirements.
05 Apr 2016	16 Jun	Confirmation of telephone interview for policy P56879Q.
05 Apr 2016	06 Jul	Confirmation of telephone interview for policy N80803X.
06 Apr 2016	06 Jul	Request for documents for policy N80803X, comprising letter plus form. However this paper form is quite different from the PDF equivalent, and contains conspicuous errors. Both specifications affecting me have changed. The printout is badly paginated. <i>It now seems that this version (which I denote Mk I) is older than the PDF - perhaps it is from a stock of preprinted copies.</i>
06 Apr 2016	06 Jul	Letter and form identical to the above, but for policy P56879Q.

11 Apr 2016	(ICM)	Email with detailed explanations in response to verification requirements, with 8 document scans attached.
14 Apr 2016	16 Jun	Letter in rejection of my documents, with another Mk I form (this time properly paginated).
21 May 2016	(ICM)	Follow-up email, having received neither payment nor reply.
24 May 2016	06 Jul	Request for documents for policy P56879Q with another Mk I form, identical to that sent on 14 April, but occupying two more pages.
26 May 2016	10 Oct	Request for documents for policy P56879Q, identical to the above except having previous pagination.
01 Jun 2016	06 Jul	Request for documents for policy N80803X, referring to my follow-up email. But this has both a different letter (now apparently requiring original documents as well as certified ones) and a Mk II form (similar but not identical to the PDF version).
16 Jun 2016	04 Aug	Letter closing my application, as my documentation was inadequate and I had not responded to their requests for further information. <i>This was sent just 15 days after the above response to my follow-up email; so their allowed response time of 14 days must include post both ways, and is rigidly enforced. And the fact that they had recently received this follow-up email discredits their statement "we must assume that you do not wish to proceed with this claim".</i>
26 Jun 2016	(ICM)	Request for Scottish Widows' IDRPs (complaint hint).
27 Jun 2016	01 Jul	Password-protected PDF claiming ignorance of the term IDRPs.
30 Jun 2016	01 Jul	Password-protected PDF requesting me to post the (now apparently acceptable) documents. Sent after telephoning me without success.
30 Jun 2016	04 Aug	Postal version of the above.
10 Jul 2016	(ICM)	Interim but detailed complaint.
13 Jul 2016	13 Jul	Response from "Specialist Complaints", offering only discussion by telephone, and refusing to deal with my complaint by email.
15 Jul 2016	15 Jul	Another email from "Specialist Complaints", identical to the above.
15 Jul 2016	10 Oct	Letter from the same source containing complaint information (inappropriately referring me to the Financial Ombudsman).
17 Jul 2016	(ICM)	My reply to the above emails, declining discussion by telephone, and giving a link to my website.
01 Aug 2016	01 Aug	Email in response to my interim complaint, offering to accept a scan of my certified ID card (alone) as verification if it were emailed by my bank (with certain dubious stipulations).
22 Aug 2016	15 Sep	Follow-up letter to the above (which did not appear to need a reply).
24 Aug 2016	15 Sep	Final response, again referring me to the Financial Ombudsman. This ignores the main issue and reasserts their original verification requirements, blaming the poor communication on the Mexican postal service. Again, only telephone is offered for any follow up.
29 Sep 2016	(ICM)	Sent list of Questions to Scottish Widows to both the address given for verification documents, and to the "Specialist Complaints" who offered to talk to me on the telephone. Received notification that the latter will be out of the office until 10 October.
10 Nov 2016	10 Nov	On 08/09 November received 5 telephone calls with 3 voicemail messages requesting me to call back.
23 Nov 2016	(ICM)	Email sent to Scottish Widows in response to their voicemails, at the suggestion of TPO.