

Scottish Widows Complaint: PO-14071

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

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

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

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

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

Document Details

Date Sent / Received	7 September 2019
Sender / Recipient / Medium	Ian Clive McInnes / The Department for Work and Pensions / Email
Description	First email sent to the Department for Work and Pensions, following the second reply I received from the Committee for Work and Pensions. This is effectively in response to the hits on my website after I had sent my Opinion Rejection to the new Adjudicator. I also make very clear my concerns about the appointment and conduct of Anthony Arter.
Website Links to More Info	Event Summary

Whistleblowing/Consultation by TPO Adjudicator over TPO Corruption

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

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7 sep. a las 9:44

Case: PO-14071

The Department for Work & Pensions is well aware of TPO corruption in connection with the above case, having received the [Opinion Rejection](#) I sent on 27 January 2019 to the Adjudicator (Tunde Adenubi) in response to Jane Stephens' preposterous [Opinion](#) of 15 January. This is shown by hits on my website from your office that originate from links in this document. These hits occurred on 29 January (over a period of four and a half hours), 5 March (for over an hour) and again on 5 June. The documents examined include key evidence with proof of criminal misconduct by both TPO and Scottish Widows. See the [Access Reports](#).

This may have arisen from whistleblowing by an Adjudicator who had every reason to be concerned about what he read in my Opinion Rejection. If so, he has clearly been brought into line, as on 22 March 2019 (after consultation with Mr Arter) he issued an [Amended Opinion](#), to which I sent a [response](#) on 24 March. And if it was consultation over how to handle the considerable difficulties I raised over the absurd statements in the Opinion, he already knew that DWP is in corrupt protection of TPO.

That DWP has done nothing to deal with the self-evident criminal misconduct by is shown clearly by Mr Arter's ensuing [Determination](#) of 26 March 2019 (just four days after the Amended Opinion). This gave a deadline for appeal in the High Court of 22 April (Bank Holiday Easter Monday!); but anyway I am denied this as I live overseas. And Mr Arter is no doubt aware that he has nothing to worry about from the Metropolitan Police, which evidence shows do not investigate reports against TPO. It now seems clear that he also has nothing to worry about from DWP.

This Determination contains many gross misstatements and misrepresentations, both over the facts of my case, and of anti-money laundering (AML) regulations. Many, if not all of these are quite clearly deliberate, and are inherited verbatim from the absurd Opinion by Jane Stephens. For example, compare the account of the documentation requirements given in Scottish Widows' email of 5 April 2006 as given in [paragraph 7](#) of the Determination with the actual requirements given in the [email](#) and attached [form](#). This is despite careful explanations with supporting documentation in my Opinion Rejection (which Mr Arter indicated that he had considered) showing them to be false. There are also such serious internal inconsistencies that it would not withstand close scrutiny, even by an uninformed reader.

The section headed "Scottish Widows' position" (starting with [paragraph 24.1](#)) is preposterous, and shows that TPO never questioned Scottish Widows, in particular over the highly onerous "Identification and Verification" documentation requirements for pension encashment that they state only are "required under UK legislation". In the absence of any input from Scottish Widows, TPO's position is that they are they are to comply with AML regulations. Instead of obtaining any explanation from Scottish Widows (or failing this, an evaluation from HMRC), TPO acted as Scottish Widows' advocates and self-appointed AML experts. The results are simply laughable, especially the outrageous and utterly muddled statements by Jane Stephens. Mr Arter substantially revised those dealing with AML, but to no good effect; for example, see the only specific analysis by Jane Stephens in [paragraph 28.4](#) (the rest being waffle).

The Determination is the culmination of nearly two and a half years of evasive and dishonest behaviour by TPO. This includes clearly-documented misconduct in public office in refusing to investigate, instead imposing a blatantly illegal and incongruous "pragmatic solution" on the complainant. This is in gross violation of the Pension Schemes Act 1993/2017, and in clear protection of Scottish Widows from serious (criminal) charges. This [email of 31 October 2017 from the Adjudicator](#) alone is clear evidence of this. *The original Adjudicator was Barry Berkengoff, who left TPO within a few months of sending this, and now works as Pensions Manager for Southwark Borough Council. He has been cited with two other TPO staff in connection with bribery of BT Pensions (in a Tweet deleted by TPO - but they could not delete the cache). However, it is clear that Mr Berkengoff did not act in my case without instructions from above.*

Much of the Determination is quite ludicrously devoted to sustaining this "pragmatic solution", which is based on the premise (against incontrovertible evidence) that the national identity card I supplied as verification of Name was unacceptable, and requiring me to supply a passport or driving licence instead in order to encash my pension. *The facts of my case, including the full correspondence, show beyond any doubt that my ID card was valid verification and accepted*

as such. It was my Address that was impossible to verify, and my documents were rejected as my best attempt at this was a 2007 bank statement.

Mr Arter brazenly refers to this in [paragraph 41](#) of the Determination as "an attempt by my office to achieve a mediated resolution". But if he managed to acquire the power of mediation after the consultations of December 2018, he certainly did not have it at this time. And this was hardly "mediation"; the correspondence shows clearly that not only was it forced upon the complainant, but that its motive was to allow Scottish Widows to maintain its false pretence and escape justice. Five emails I sent in rejection of this "mediated resolution" (including three copied or sent to Mr Arter) remain unanswered. Only after my fifth rejection in which I explicitly demanded that my case be investigated and determined under the provisions of the Pension Schemes Act did Jane Stephens issue a whitewash Opinion.

Moreover, there is [strong circumstantial evidence of a deal between Scottish Widows and TPO](#), that was concluded shortly before 23 November 2016, within a few weeks of my case being assigned to the Adjudicator. Before this, Scottish Widows appeared to have something to fear from TPO, as their complaint information nowhere mentioned either TPAS or TPO, instead referring me conspicuously to the Financial Ombudsman Service (*this organisation has wrongfully handled and thrown out several Scottish Widows purely pension administration complaints*).

The Department for Work & Pensions promoted as Pensions Ombudsman somebody who, with shares in 22 pension providers and a background as a solicitor acting for such companies, could hardly be less suited to a position in which impartiality is paramount. And the numerous "reforms" that he has been able to introduce are plainly intended to undermine TPO transparency and accountability, in protection of the pension provider and against the customer. This is notwithstanding his numerous duplicitous statements, in which he denies the legal rights of the consumer while claiming it is for their own good. If he has also been given the power of mediation (despite the provisions in the Pension Schemes Act 1993/2017), the above illustrates clearly that this is to open the floodgates to further corrupt protection of the pension provider.

Conspicuously absent in the [parliamentary document](#) on the appointment of Anthony Arter is any discussion of the selection process, including the number of candidates considered. For example, if it were a two-phase process, how many were selected from the advertisement for a preliminary hearing, and how many of these for a second interview. The information in this document suggests that the preferred candidate (Mr Arter) was the only candidate. And even though your Department did not actually appoint Mr Arter, it was clearly behind the decision.

I have consistently refused to be party to criminal misconduct in order to access my pension funds, and will continue to pursue this case with all the means and vigour at my disposal. The longer you continue your promotion of Mr Arter, oppression of complainants, and suppression of the facts, the greater will be the scandal when it finally breaks.

For full details of this case, including the complete correspondence, see:

<https://www.elpobrecorderito.com/PersonalPensionFiasco/>

For a more general discussion of the corruption surrounding UK pensions, see:

<https://www.elpobrecorderito.com/>

Yours sincerely,

Ian McInnes.

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