

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	12 July 2020 (not delivered)
Sender / Recipient / Medium	Ian Clive McInnes / The Department for Work and Pensions (Hazel Hobbs)
Description	A revised version of an email sent to Hazel Hobbs in response to a Tailored Review of the Pensions Ombudsman
Website Links to More Info	Event Summary

TPO Conspiracy to Pervert the Course of Justice

I refer to your document [Tailored Review of the Pensions Ombudsman](#) dated 27 August 2019, in which you endorsed an organisation that is guilty of serious criminal misconduct, a case of which I have the clearest documented proof. This is a conspiracy to pervert the course of justice in protecting a major finance company (Scottish Widows) from criminal charges. And it has become clear that this case is far from an isolated one.

You acknowledged in your report that TPO funding wholly originates from ordinary scheme members in the form of the General Levy on pension schemes. It is therefore all the more obscene that TPO's manifest objective is to protect the pension "provider" against the basic legal rights of the pension holder. And it has shown utter contempt for both pensions and criminal law in the process. This has been facilitated by a complete absence of representation by TPO funders; all consultations have involved only the "industry".

Your review is patently one-sided, and only underlines the lack of consumer representation. If instead you were an inspector of prisons, you would (or at least should) have spoken with the inmates; yet you consulted only with TPO staff (*just as consultations for sweeping TPO "reforms" have involved only those associated with the pensions "industry"*). Regardless of whether it would have been practical to interview the captives of this "industry", it is axiomatic that a well-coordinated team without input from the other side can easily pull the wool over the eyes of even the most astute and impartial reviewer. And, as I indicate below, well-coordinated they are.

This one-sidedness also applies to published Determinations, which can easily be made to appear reasonable when the facts on which they are based can not be verified; and the Pensions Ombudsman (Anthony Arter) has made it impossible to contact the complainant involved for that purpose. *Notwithstanding, the inconsistencies and false assertions relating to anti-money laundering regulations in my Determination should raise the eyebrows of an astute reader even without reference to the context.*

TPO misconduct is not about one or two rotten apples taking bribes; it is pervasive corruption involving the whole organisation, from the Pensions Ombudsman down. I find it quite astounding that nobody will break ranks, even though many within TPO know that criminal misconduct is taking place. My emails reporting TPO misconduct to several staff have been met with at best evasiveness; otherwise either lies or non-response. In my case, there was only one possible whistle-blower (the second Adjudicator, see below) - and if so, he has clearly been brought into line.

It seems TPO has been business-friendly for a number of years, but the situation for pension holders has become considerably worse with the appointment of Anthony Arter. Anyone discerning person who examines his numerous "reforms" should see that they are aimed at removing TPO accountability and transparency, thereby opening the floodgates to even more TPO abuses. And, after numerous machinations to promote early resolution, it seems that he is now able to evade Determination altogether (see [here](#) and [here](#)).

If my Determination ever comes before the Courts, he might regret this did not happen earlier - scrutiny of this document should see him spend a lengthy stretch in prison. Not surprisingly, TPO went to some lengths to avoid making it. However, my location in Mexico together with TPO manipulation made appeal impossible. And my efforts to report the matter to the Metropolitan Police show that they do not investigate crimes by TPO, only individuals.

TPO crimes are against people who had the misfortune to put their money in the hands of pension "providers" (often with little or no choice), whose behaviour as payers (rather than payees) they could not possibly have foreseen. At best, these unconnected and unrepresented (*except by TPO!*) individuals are at a huge disadvantage against an informed and highly-cohesive organisation such as TPO.

And TPO does not operate in a vacuum; it is supported by other government departments (TPR, FCA, DWP) that have responsibility for the regulation and oversight of pensions. These are evasive when confronted with its abuses. Their refusal to deal with individual cases (even where there is provable criminal misconduct) alone means that there is no proper redress for the consumer (only an onerous, and in my case impossible, appeal in the High Court).

DWP in particular has the responsibility of supervising TPO, and therefore has a legal obligation to deal with its abuse. Yet DWP has been made well aware of TPO criminal misconduct on a number of occasions, but has done nothing. My reports to various DWP departments have met with only stonewalling. Indeed, DWP appears to support the activities of TPO, and I have come to suspect that TPO is just doing DWP's dirty work.

I now outline some of the specifics of my case (I am acquainted with other TPO misconduct, but can only reasonably relate my own experiences). It would be futile to explain the numerous issues here; instead I give links to detailed information on my website. This contains full documentation, including the complete correspondence involved.

The page [Key Facts](#) should be read first, as it gives a concise overview of the case in numbered paragraph format.

The following sections contain links to a page detailing the conduct of TPO.

Correspondence is presented in the form of popup images for a quick review (click the thumbnail and hold down the mouse button) and PDF documents via icons on the right for detailed viewing, printing and saving.

TPO corruption was first clearly demonstrated on [3 October 2017](#), when the Adjudicator (Barry Berkengoff) pressed me into a ridiculous "pragmatic solution" requiring me to supply further documents to access my pension funds (*quite unrelated to the reason SW rejected my documents*). I rejected this on 4 October 2017 with an email copied to the Casework Director and Mr Arter, with a further email to Mr Arter alone. There was no reply, but on [31 October 2017](#), the Adjudicator confirmed that TPO was protecting SW from criminal charges by forcing this charade upon me.

In [paragraph 41](#) of his Determination, Mr Arter brazenly referred to this as "an attempt by my office to achieve a mediated resolution". Yet the Pension Schemes Act 1993/2017 makes quite clear that the functions of TPO are confined to investigation and determination; this does not allow for any kind of arbitration (which was a function of TPAS). And the correspondence shows clearly that I was required to either accept the "solution", or else withdraw my case. This was hardly mediation, and to support such conduct is to support systemic corruption.

This followed a year of quite deliberate delay and prevarication after my case was assigned to the Adjudicator:

1. I heard nothing whatever from the Adjudicator for the first seven months after the case was assigned to him (he should have contacted me on assignment). This was broken only by my intervention on [14 May 2017](#) after considerable anxiety when I learned his name, surmised his email address, and contacted him directly.
2. There then followed another stressful period of evasiveness and inaction. My email of [12 July 2017](#) and his response finally confirmed that he had no intention of investigating.
3. I subsequently tried to get information on my case from elsewhere (see [06 August 2017](#) and the following section for 30 August). My concerns were passed to Jane Stephens (the Casework Manager), who assured me that my case had been actively investigated since it was assigned in May 2017. These are two false statements in clear contradiction of the facts, which I now believe to be blatant lies (the first of many).
4. Jane Stephens passed my concerns to Fiona Nicol (the Casework Director) - minus the key point that nothing had been done to investigate my case since its assignment in October 2016. Consequently it was necessary to send two emails to Fiona Nicol to correct this.
5. On [15 September 2017](#) I received a malfeasant Complaint Response from Fiona Nicol, who evidently thought that I could be bullied into accepting the ensuing "pragmatic solution". Although forced to accept the facts of the delays in the light of the evidence, there are untenable "explanations" (these are also self-evident lies).

I received no response to three mails (all sent/copied to Mr Arter) expressing my concerns and making clear that I would not be party to the unlawful "pragmatic solution". On [10 January 2018](#) I sent an email to Claire Ryan (the Legal Director) explaining the issues with SW and TPO inviting a response; again there was none.

On [5 November 2018](#) (over a year after the last TPO communication) I received an unexpected email from Jane Stephens, again pushing the "pragmatic solution", but with a ridiculous alternative to supplying documents which I had made plain I did not possess (and which in any case were not relevant to the issues with SW). In my reply, I demanded that my case be investigated and determined as required by the Pension Schemes Act 1993/2017. I received no reply to this; *however, quoting the Pensions Schemes Act seemed to be effective...*

On [15 January 2019](#), I received an unexpected Opinion from Jane Stephens, sent by Tunde Adenubi (*a second Adjudicator; Barry Berkengoff left TPO within a few weeks of attempting to impose the "pragmatic solution"*). This Opinion contained some quite outrageous statements, which I corrected meticulously in my Opinion Rejection, sent on 27 January 2019 to the new Adjudicator. This Opinion shows that TPO never questioned SW (or consulted with HMRC) over the requirements; instead TPO acted as SW's advocates and AML experts (with ludicrous results).

*On 29 January 2019 there were numerous hits on my website from the Department for Work & Pensions and on two subsequent occasions over several hours (see the Access Report at the foot of the section linked to above). **These were from links in my Opinion Rejection.** Somebody in DWP is very well aware of the serious nature of my case, but has done nothing to bring the matter to justice. You should be able to find an email sent to your office from TPO dated 27-29 January 2019 with my Opinion Rejection as an attachment. Was this whistle-blowing, or simply consultation over how to deal with the difficulties I raised?*

On [22 March 2019](#) I received an Amended Opinion from the Adjudicator, stating that Scottish Widows had agreed to pay £1000 compensation in respect of communications failings (*this apparent negotiation is obviously inappropriate - TPO is supposed to act like a Court*), while fully sustaining their documentation requirements. I was urged to respond by 25 March, and did so with an amended rejection on 24 March 2019.

The Final Determination was sent in a way that suggests deliberate efforts to prevent me from appealing. Firstly, it appears that they changed the password required to decrypt it (I had no problems with their previous encrypted emails). Secondly, the date on which it was sent (26 March 2019 after pressing me to respond quickly) meant that the deadline for leave to appeal and make the appeal was 22 April 2019 (Bank Holiday Easter Monday). This, together with my location in Mexico, ensured that it was impossible for me to obtain justice in the Courts.

I cannot possibly go into all the absurdities of the Determination here, and why it is as well for Mr Arter that it did not reach the High Court. Please read [Key Facts \(Determination\)](#) for a summary and the [Determination](#) page for details (with quotes from both Opinion and Determination).

There is strong evidence of a [deal between TPO and Scottish Widows](#) shortly after my case was assigned to the Adjudicator. Although the Adjudicator may have benefited personally from this, it is clear that TPO staff from the PO downwards are fully implicated in it.

As I have indicated above, there are numerous issues surrounding the "reforms" introduced by Mr Arter - see [Epilogue \(Unlawful Conduct of the Pensions Ombudsman\)](#).

Another concern is over the appointment of Mr Arter. This was clearly brought about by DWP (even though they did not technically make the appointment). With shares in 22 pension providers and a background as a solicitor acting for such companies, Mr Arter could hardly be less impartial. And the [document relating to his appointment](#) suggests that only Mr Arter was considered. Under the auspices of DWP, Mr Arter has been able to make sweeping changes that appear to have no basis in law under the provisions of the Pension Schemes Act.

More general coverage of UK pensions abuse involving a number of organisations is given on my [home page](#).

In its supervisory role with respect to TPO, your department has a legal responsibility to deal with the TPO crimes that I report here. Failure to do so will only confirm the evidence that your department views itself as above the law, and that TPO is just a DWP lackey.

I have consistently refused to accept corrupt "offers" from both Scottish Widows and TPO in order to access my pension funds. My shock and outrage at the insidious and pervasive government corruption in favour of big business to the serious detriment of the individual has motivated the considerable effort I have put into pursuing this case, and I will not desist. For me, achieving justice for pension holders in general comes before my privacy, security and financial position.

Yours sincerely,

Ian McInnes.