

# Scottish Widows Complaint: PO-14071 (Preface)

Complainant: Ian Clive McInnes  
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Website: <https://www.elpobrecorderito.com/PersonalPensionFiasco/>

This document mirrors one of the main web pages 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.*

*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

<a href="#">Key Facts</a>	Key Facts of the case in numbered paragraph format.
<a href="#">Case Overview</a>	Case summary and narratives for SW and TPO.
<a href="#">Verification Issues</a>	Analysis of the "verification" requirements imposed by SW.
<a href="#">Event Summary</a>	Chronological lists of events (two separate timelines).
<a href="#">Details (SW)</a>	Detailed chronology with correspondence involving SW.
<a href="#">Details (TPO)</a>	Detailed chronology with correspondence involving TPO.
<a href="#">Determination</a>	Analysis of the TPO Final Determination.
<a href="#">Epilogue</a>	Analysis of the pensions 'industry' and its protection by TPO & DWP.
<a href="#">Questions for SW</a>	Questions sent to SW to probe their "verification" measures.
<a href="#">Document List</a>	Complete list of documents (including this one).

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# Scottish Widows Complaint: PO-14071 (Content)

## Case Overview

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

## Summary

**This page describes the conduct of Scottish Widows and The Pensions Ombudsman in a more detailed and discursive manner than the Key Facts document.**

### *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 web page/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 affecting others).

But after a year of delay and inaction, TPO refused to investigate; instead the Adjudicator imposed a "pragmatic solution" that would allow Scottish Widows to maintain its false pretence and escape justice. This involved a request for an alternative to the national identity card I used to verify my name. Apart from being blatantly illegal, it was quite incongruous, as it was my address that I was unable to verify. My national identity card was quite clearly accepted as proof of name (indeed, Scottish Widows' second "offer" was to accept this document alone). This followed a bullying "complaint response" after I expressed my concerns with the conduct of the Adjudicator and urged an investigation. This document accused me of making allegations without evidence (I made none) and of mistreating staff. The explanations it gave for the delay and prevarication have no credibility. Both were clearly deliberate, and would have continued indefinitely without my interventions.

The "pragmatic solution" was continued by the Casework Manager a year later in a quite extraordinary email that has no credibility. Only after having rejected this "solution" in five emails and quoting the Pension Schemes Act did I receive a ludicrous whitewash Opinion.

This is protection by TPO of Scottish Widows against criminal charges is a clear case of a conspiracy to pervert the course of justice, from Anthony Arter (the Pensions Ombudsman) down. TPO has no business to "mediate", never mind impose its "pragmatic solution".

*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; instead this is carried out by the Pensions Advisory Service.*

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 it appears 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)**

*All dates of events involving Scottish Widows are in the year 2016.*

### ***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 web page "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 [5 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 [6 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 6 July), [26 May](#) (also for [P56879Q](#), received 10 October), and [1 June](#) (for [N80803X](#), received 6 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 [4 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 1 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 [1 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 4 August).*



I then made an online enquiry to TPAS, to which I received a very helpful [reply](#) on 6 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 1 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 Service 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 [1 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 1 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 [4 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 Service, 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. Apart from this and the troublesome nature of their requirements, the gross errors and various versions of their forms indicate that this documentation was introduced only shortly before my application of April 2016. If their requirements documentation were created to comply with the relevant 2007 AML regulations, all significant errors should have long since been corrected.

I therefore contend that these "verification" demands are part of a strategy to make it difficult for pension holders to take advantage of the 25% tax concession provided by the Pension Freedom legislation 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 (Non-Response, Telephone Calls)***

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 8/9 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 only a brief summary of the principal issues with TPO, with selected links. Please see the [DetailsTPO](#) page/document for a chronological account with full correspondence. Also of particular relevance here is the section [Unlawful Conduct of The Pensions Ombudsman](#) in the [Epilogue](#) page/document. In fact, at least in my case, the behaviour of TPO is not merely unlawful, but criminal (*and TPO essentially acknowledged this by their non-response to my last five emails raising the matter, just as Scottish Widows ceased to respond when I confronted them with my findings over their "verification" demands*).

### *Deliberate Inaction from October 2016 to May 2017*

By common consent (after I was given false information - see below), my case was assigned to the Adjudicator (Barry Berkengoff) in October 2016. Yet the first communication I received from him was an [email of 15 May 2017](#); and this was only after I had found out his name, surmised his email address and emailed him directly.

Up to then, I had raised my concerns with the Assistant Adjudicator (Carl Monk), and made the gravity of my case very clear. During this period, two sets of circumstances, combined with the undue delay and serious nature of my case, gave me good reason to be worried that my case had been closed or otherwise buried, and considerably exacerbated the anxiety resulting from the long delay. Only on 15 September 2017 (see below) was I given any reasonable explanations for these circumstances. But even if these two issues are red herrings, they still indicate (at best) serious mishandling by TPO, and are worth describing here as they are relevant to later events.

#### **Worrying Situation 1: Apparent Targeted Blocking of my Website**

The Assistant Adjudicator reported on [2 December 2016](#) that he could not access links to my website in my email of 23 November 2016, but reported no problems with similar links in three previous emails of 10 November 2016 and earlier. At the time, I assumed that this was due to introduction of new security measures around the middle of November 2016. However, it later it became plain that this was not the case, and I feared that access my website (which, as I made clear from my application onwards, was the sole source of documentation of my case) had been deliberately blocked shortly after my case was assigned.

The explanation of 15 September 2017 was that their IT system routinely blocks access to websites for security reasons, and that they would therefore never have had access to my website. *If so, the Assistant Adjudicator either did not bother to access links in three previous emails (more important than those he did access), or else did not report the failure. Furthermore, he and others in TPO must surely have known not only that access to these links would be blocked, but that they would not be able to access (at least from their desktops) the case documentation, for which the sole source was my website. And the first I was told of this was on 15 September 2017 (the Adjudicator subsequently mentioned only issues with my .mx domain, without stating that this was a general issue).*

#### **Worrying Situation 2: "Customer" Survey Indicated My Case Was Closed**

A request of [18 January 2017](#) to take part in a "customer" (actually 'complainant') survey indicated that my case had been closed. I could not get any reassurance by way of proper explanation from the Assistant Adjudicator over this, and subsequent emails from the survey department only confirmed my fears.

I later attempted to get satisfactory explanations for this from the Communications Manager (see below), but received only verbatim repetition of the previous bald statement. Only in the Complaint Response (see below) of 15 September 2017 was there an explanation that there is a separate version of the survey for those whose cases are still open. Whilst this seems incongruous, I must accept this statement. But this being so, it indicates very serious miscommunications from the communications department, both in their initial emails indicating that my case was closed, and their later failure to satisfactorily clarify the issue.



*But there is another matter relating to this period, for which no explanation has been given:*

### **Evidence of a Lucrative TPO Deal to Protect Scottish Widows**

On [8 and 9 November 2016](#), Scottish Widows attempted to telephone me on five occasions at various times of the day (including at 0045 UK time!), and left three voicemail messages asking me to call back. **I can come up with no plausible reason for SW to have made these calls, other than in response to contact by TPO over the impending very serious case against them.** At the time, it seemed that TPO had put SW on notice of investigation, and SW was desperate to avoid this by persuading (perhaps bribing) me to withdraw my case. *You will note from the above narrative for SW that they had previously made me two "offers" to avoid being brought to justice (in pursuit of which they also made unsolicited telephone calls, for the first time ever). So I am practically certain that they were trying to make me another "offer" (which I would never have accepted, on principle).*

In my [email of 10 November 2016](#) I reported these calls to TPO, stating that I would not discuss this matter over the telephone with SW, and soliciting any advice they may have. But I did not receive a reply until [23 November 2016](#), with the advice that if I did not want to return their calls, I send them an email requesting a written reply. I thought that it was strange that TPO took nearly two weeks to respond to this simple matter that required an early reply (they usually respond within a couple of days), but (rather belatedly due to this delay) I did as suggested.

As TPO later refused to investigate my case, my initial interpretation of SW's motivation for making these telephone calls must be modified: that TPO did put Scottish Widows on notice of investigation, but offered a "solution"; however, this would involve a substantial payment by SW, and it would be cheaper for SW to deal with me. This would explain the unusual delay by TPO in replying to my email; had I communicated with SW earlier, it would most likely have scuppered the deal. So it appears that TPO did a lucrative deal (probably initiated by Barry Berkengoff) to protect SW shortly before 23 November 2016. Whilst the evidence I present is circumstantial, I can think of no other scenario that would properly explain the facts. And a specific deal seems likely, as the first two "offers" and other behaviour by SW suggest that it at that time had reason to fear investigation by TPO (although it seems that SW already had an arrangement with the Financial Ombudsman Service - see [here](#)).

Several weeks before Barry Berkengoff finally communicated, the Assistant Adjudicator stated that he had [forwarded my email of 5 April 2017](#) to Mr Berkengoff (and the situation leaves me no reason to doubt this statement). But even after this, Mr Berkengoff did not communicate. All the circumstances indicate that this inaction by Mr Berkengoff was quite deliberate, and would have continued indefinitely had he not been forced out of hiding by my initiative in sending him an email directly (although I had never been given his email address, and only on 7 April did I have his name). It should not be surprising that by this time I was already extremely concerned.

### ***Subsequent Evasiveness and Prevarication***

The considerable anxiety resulting from the above delay and other issues was compounded by the subsequent conduct of Barry Berkengoff. He showed considerable evasiveness throughout, and an unwillingness to take my case seriously. For example, in his email of [26 May 2017](#), after claiming that TPO is impartial, he expressed the ludicrous expectation that my case would be a result of SW having slightly different processes for overseas customers "*to ensure appropriate ID checks are made*". This was to leap to the side of SW, and dismiss the numerous clear and documented statements that I had made. He also made an early attempt to get me to withdraw my case, and understated the jurisdiction of TPO.



To fully appreciate the evasiveness and unwillingness of Barry Berkengoff to do or say anything against SW, see the [chronological account of this period](#). This, combined with the circumstances surrounding the previous delay, caused me considerable further stress and anxiety. It was now quite clear that the Adjudicator never had any intention of investigating my complaint.

In my [email of 12 July 2017](#) I challenged Mr Berkengoff to counter my suspicions, and stated that if he did not do so, I would assume that he was refusing to investigate. His [reply of 14 July 2017](#) contained no substance whatever, blaming the delays on a heavy workload and only being able to investigate on one day per week, as his main role was managing others. *This being so, one would think that his caseload would be correspondingly lighter.*

This led me to attempt to get information on my case from elsewhere in TPO, in the hope that what was clearly serious misconduct was confined to a rogue individual.

### ***My Attempts to Get Information, then Report Suspicious Conduct***

With the numerous, but subjective issues surrounding the conduct of Barry Berkengoff, I firstly attempted to get information on a specific objective aspect of my case that had caused me considerable concerns; the questions over the "customer" survey. So in my [email of 6 August 2017](#) to the Communications Manager (Briony Bowen), I asked whether or not my case had been closed as their survey indicated. Rather than answer this simple question or give any explanation over the survey, my email was forwarded to Barry Berkengoff, with only an assurance that he would give me a status report (*which he never did*).

Having failed in my attempt to get this basic information, I sent a [follow-up email of 30 August 2017](#) to the Communications Manager (after dutifully awaiting the status report), this time explaining my concerns over the evasiveness of Barry Berkengoff. This email was simply forwarded to the Casework Manager (Jane Stephens) without notifying me.

In the [email of 31 August 2017](#) from Jane Stephens, I was given the same vague and inconsistent "explanation" over the customer survey that I had been given previously. I was also told to be assured that my case had been actively investigated since it was allocated to Barry Berkengoff in May 2017 (two false statements, which are also contradicted my statement that it was assigned to Mr Berkengoff in October 2016).

Jane Stephens also stated that the other matters that I had raised would be passed to the Casework Director (Fiona Nicol). Clearly the above two issues had been "dealt with"; the information sent to the Casework Director would therefore be minus the key issue - that nothing had been done to investigate my case since it was allocated in October 2016 (as I had already been told by the Assistant Adjudicator). This behaviour was clearly dishonest and evasive.

To rectify Jane Stephens' attempts to bowdlerise my concerns, I sent two emails to Fiona Nicol on [3 September 2017](#) and [9 September 2017](#) explaining the situation fully, and urging that the matter be investigated. I had hoped that Barry Berkengoff was an individual rogue Adjudicator, who would be brought to justice by his superiors. But my measured and cautious efforts to convey my suspicions culminated in an appalling service Complaint Response.

*As will be seen from the above, I never made any kind of formal complaint requiring a Complaint Response; I firstly simply attempted to get information about my case, and only when this was not forthcoming did I report my concerns about the conduct of the Adjudicator and urge an investigation.*

### ***A Bullying Response to a Complaint I Did Not Make***

The malfeasant [Complaint Response of 15 September 2017](#) is an appalling way to deal with my attempts to report suspicious behaviour by Barry Berkengoff. In any normal circumstances, there would be a constructive and responsible reaction to the serious issues I raised, stating that the matter would be investigated. But instead, Fiona Nicol slapped down my cautiously-expressed concerns in a vitriolic document replete with false accusations, blank denials, and untenable explanations. At several points I am accused of making allegations without evidence.

*I choose my words carefully, and nowhere did I make a statement on the matter even remotely resembling an allegation. All statements I made relating to my suspicions are qualified by phrases such as "may have". I expressed my reasonable concerns that Barry Berkengoff may be colluding with Scottish Widows, to urge an investigation; I also stated that this might either confirm or refute my suspicions - hardly consistent with an allegation.*

But I most certainly had good reason for the considerable and prolonged stress and anxiety I suffered at the hands of TPO, and I think that few people would have acted with the patience and restraint that I did. *I only made more assertive statements about the criminal behaviour of TPO, and its conspiracy to pervert the course of justice in protection of Scottish Widows with hindsight; on reviewing my past comments, I have frequently found them to be over cautious.*

There was an admission that my case was assigned in October 2016, not in May 2017 (although this would be difficult to deny, as the Assistant Adjudicator had already told me that). But the reasons given for the seven-month delay and the subsequent evasiveness are untenable.

The explanation for the initial delay (that Barry Berkengoff was unaware that my case was awaiting his attention), apart from being lame in itself, is hardly consistent with the fact that Mr Berkengoff still did not respond when he was forwarded the email I sent on 5 April 2017 to the Assistant Adjudicator. There is also the matter of the telephone calls from Scottish Widows referred to above, for which there is no conceivable explanation other than contact by TPO; and this contact would (at least in normal circumstances) have been made by the Adjudicator.

Also lacking credibility is the explanation for the prevarication (that Barry Berkengoff could not access my website, as their IT system had always blocked website accesses by default). For one thing, Mr Berkengoff rejected my offer of an offline solution, stating only that he would much prefer to view the information online. And he must have known of the general access denial (especially as he had evaluated TPO's IT systems); yet he said he could not comment on whether they had access to my website at the time of my application, referring only to issues with my **.mx** domain. *I later created a **.com** domain in the expectation that this would solve the problem.*

Also, I had made clear in the covering letter of my [TPO application](#) (received by TPO on 29 September 2016) that all case documentation was on my website. This letter gives a link to the [Document List](#) page (*which gives 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. And other personnel in TPO would have known about the access issue since my application was received in September 2016, and should therefore have dealt with it accordingly.

I sent emails with vital website links on [29 September](#), [30 October](#), [10 November](#) and [23 November](#) (all 2016). Yet only on [2 December 2016](#) was it reported that the link in my previous email was inaccessible. So this Complaint Response only served to confirm my suspicions that the delay and subsequent prevarication were quite deliberate, and a result of collusion with Scottish Widows. Even worse, it was now becoming clear that the matter was not down to a single rogue Adjudicator, but was a TPO-wide conspiracy to pervert the course of justice.

*With hindsight, I believe that the main motivation of Fiona Nicol for sending this inappropriate (to put it mildly) document was to "soften me up" into accepting the ensuing blatantly illegal "pragmatic solution" from Barry Berkengoff...*

### ***A Forced "Pragmatic Solution" in Protection of Scottish Widows***

Barry Berkengoff's [email of 3 October 2017](#) pushing me into the "pragmatic solution" with SW fully confirmed my suspicions of several months. This brazen charade involved requests for yet more certified "verification" documents; and these were not even relevant to the reason my documents were rejected by SW (*this was my inability to completely satisfy the requirements for proof of **Address** that they claim are "required under UK legislation" - and I had made plain that my circumstances made it impossible for me to fulfil these requirements*).

Barry Berkengoff stated that he had been involved in discussions with SW trying to find a solution to "simplify" the "verification" process. But whatever negotiations that Mr Berkengoff had been conducting with SW were clearly designed to enable SW to maintain its criminal false pretence with impunity. *Anyway, under the provisions of the Pensions Schemes Act 1993/2017, TPO has no business to negotiate with pension providers, only investigate and determine cases on the basis of the evidence; so his statements are an admission of the criminal offence of Misconduct in Public Office (at the very least).*

### ***A Clear Conspiracy, with Non-Response to Five Emails***

The fact that the attempt by Barry Berkengoff in to push me into his "pragmatic solution" was copied to Fiona Nicol indicates (at least) connivance within the TPO organisation. In my [reply of 4 October 2017](#), copied to Fiona Nicol and the Pensions Ombudsman (Anthony Arter), I made clear that I would not enter into an illegal "deal" with SW. I received no response to this.

On 8 October 2017, I sent an [email to Anthony Arter alone](#), for clarification and to urge an investigation. I still hoped that he would be above this shabby business and respond favourably, but again there was no reply.

Another [email of 31 October 2017](#) from Barry Berkengoff this time required me to either agree to his "pragmatic solution" or else withdraw my case. He stated that SW now asked for a Mexican passport. *Yet (1) I am a British citizen (2) a passport does not contain Address details, and (3) I had already supplied good proof of Name and Date of Birth.* And I was surprised that he could proceed with this patently ridiculous charade after my responses rejecting it.

I was not prepared to either be party to an unlawful (indeed criminal) "pragmatic solution", or withdraw my case. So in response, on [1 November 2017](#) I sent another email to Anthony Arter, in which I expressed my concerns more bluntly, making clear that I was concerned about widespread corruption within TPO. Again, there was no reply, nor was any action taken; this confirms that there is a conspiracy to pervert the course of justice involving the whole of TPO, from the Pensions Ombudsman down.

On 10 January 2018, I sent an [email to the TPO Legal Director](#), who (according to the list of declared interests for senior TPO personnel) also holds Scottish Widows personal pension plans. In this I described the lawless conduct of both SW and TPO, and invited a response. But again, there was no reply; the TPO legal expert was also unable to contest my statements.

I had not expected to hear further from TPO, but I received a ludicrous [follow up on 5 November 2018](#) (*over a year after their last communication forcing the "pragmatic solution"*). This brought the charade of Barry Berkengoff to a new level of absurdity (please open this link and read the document and my reply below to see how ridiculous this is).

In my [forthright reply of 11 November 2018](#), I again (for the fifth time) stated that I would not be party to their protection of SW, and demanded that my case be investigated and determined by an Ombudsman, as the Pension Schemes Act requires. This email (including my comments about their criminal misconduct, lies, deceit, and evasiveness) again went unanswered.

### ***Absurd Opinions and Determination***

These contain many demonstrably false statements and misrepresentations, in defence of both Scottish Widows and the TPO "pragmatic solution". They show that TPO never asked Scottish Widows to explain their documentation requirements; nor did they ask HMRC for an evaluation. Instead, TPO acted as Scottish Widows' advocates and self-appointed AML experts. In so doing TPO made egregious errors, and the Determination would be highly self-incriminating if brought before the judiciary.

Please refer to the following documents for details of the flaws in the Opinions and Determination; this section is mainly a narrative.

#### **Opinion**

TPO Opinion of 15 January 2019, by Jane Stephens.

#### **Opinion Rejection**

My rejection of the Opinion, sent on 27 January 2019.

#### **Amended Opinion**

Amended Opinion of 22 March 2019, by new Adjudicator (Tunde Adenubi).

#### **Amended Opinion Rejection**

My rejection of the Amended Opinion of 24 March 2019.

## Final Determination

Final Determination of 26 March 2019, by Anthony Arter.

## Determination

Analysis of the Determination (not sent to TPO).

## Key Facts

This contains a more compact review of the Determination, which should be read before the analysis above.

The unexpected Opinion was sent by Tunde Adenubi (an unfamiliar Adjudicator). *I now know that Barry Berkengoff left TPO within a few weeks of his second attempt to impose the "pragmatic solution" of 31 October 2017, and now works for Southwark Borough Council as Pensions Manager (I have no knowledge of whether he jumped or was pushed).* What was not surprising, of course, is that my case was not upheld. I had been given no prior opportunity to comment on this, and a response was required by 30 January, otherwise this would be the final resolution. But it was easy to demolish its blatant lies and misrepresentations.

*Two days after Mr Adenubi received my Opinion rejection, there were hits on my website from the Department for Work & Pensions over several hours, and again on 5 March. These clearly originated from links in my rejection - see the [Acces Log Reports](#).*

The Amended Opinion partly upheld my case, and stated that Scottish Widows had offered £1000 in compensation (*this is no more appropriate than an offender in Court offering the Judge a fine*). The compensation was awarded in respect of purported failings to appreciate my difficulties in meeting Scottish Widows' documentation requirements and offer an "alternative approach" much earlier. *This pretext conceals Scottish Widows' two offers to accept documents that did not meet their requirements in order to defuse my complaint.* I was urged to respond quickly, and did so two days later.

The Determination was received just four days after the Amended Opinion, and contained the same outcome. *Since one has 28 days in which to apply for permission to appeal in the High Court and lodge the appeal, the deadline was 22 April 2019. The fact that this was Bank Holiday Easter Monday might explain the evident rush to issue the Determination. But in any case, as a resident of Mexico, I have no means of appealing in the High Court.*

The Determination is mainly a superset of the Opinion. There is substantial revision and pruning of Ms Stephens' inept statements on AML regulations, but no correction of blatant misstatements called out in my Opinion Rejection. Mr Arter added some sections, mainly in a further attempt to justify the core area of Scottish Widows' application of AML measures (he no doubt realised that Ms Stephens' position is dubious, even after his revisions). But these efforts also do not hold water.



## Conclusion

There is further discussion of many of the issues here in the [Epilogue](#) web page/document.

### *Provable Criminal Misconduct by SW and TPO*

With the numerous instances of cavalier and abusive customer treatment, malfeasance, lies, deceit, and evasiveness, together with suspicious circumstances in the conduct of both Scottish Widows and The Pensions Ombudsman, it is important to not lose sight of the core issues. These are the overtly criminal matters of which there is clear proof:

Charge	Main Evidence
1. That <b>Scottish Widows</b> imposed onerous "identification/verification" requirements to encash a pension under the false pretence that they " <i>are required under UK legislation</i> ".	The <a href="#">email of verification requirements</a> and separate accompanying <a href="#">PDF form</a> , their <a href="#">Final Response</a> , plus the list of <a href="#">Questions</a> I sent to Scottish Widows twice without response.
2. That <b>The Pensions Ombudsman</b> imposed a "pragmatic solution" on the complainant in conjunction with SW, refusing its statutory duty to investigate and determine the above under the provisions of the Pension Schemes Act sections 145(4C) and 146. This was quite clearly to protect Scottish Widows.	Their last three emails of <a href="#">3 October 2017</a> , <a href="#">31 October 2017</a> and <a href="#">5 November 2018</a> , in response to which I sent five emails in rejection of their "pragmatic solution" without reply. The ludicrous <a href="#">Opinion</a> resorts to blatant lies in an effort to sustain SW's false pretence and TPO's "pragmatic solution" (see my <a href="#">rejection</a> ).

*The complete lack of response by both these organisations when I questioned then challenged their misconduct is clearly significant. TPAS was also very evasive on the matter of SW's purported "verification" requirements (see later). And why would TPO resort to such a blatant violation of the Pension Schemes Act if there were not a very serious matter to cover up?*

### *A Rotten Deal for Pension Holders*

My case was initially all about Scottish Widows, with general concerns about the environment in which it and other pension providers operate. This was after serious difficulties I experienced in obtaining an Army pension due to gross negligence and intransigence by the paying agent. See the [Customer Perspective](#) section of the Epilogue web page/document for my full comments on cavalier treatment by a UK pensions "industry" that operates with neither proper proactive regulation and oversight, nor any effective complaints procedures, with a captive market. Those who put money into pension schemes (voluntarily, and increasingly, compulsorily) have no means of knowing how they will be treated when it is their turn to receive money; and from what I have seen, it will be pretty badly. Access to one's pension funds is a right, not a privilege - and strategies such as those of Scottish Widows to evade pension encashment are likely to cause many vulnerable people hardship. I am in good health, but I might have needed to draw on my pension funds to pay for urgent medical treatment or other necessities.

And the conditions required to bring a case before TPO (for example, completion of a lengthy IDR) are likely to themselves be difficult for many to fulfil; and even if TPO does investigate the complaint, it is likely to take many months or years to resolve, during which time the pension provider continues to deny the complainant money that may be needed urgently.

## *Protection of SW (and Probably Others) from The Law*

In consideration of all the above, the blatant protection of the pension provider by TPO is all the more despicable. There is clear circumstantial evidence that TPO refused to investigate my case after some kind of a lucrative deal. But even if there were no such deal, to protect a pension provider from criminal charges is clearly perversion of the course of justice. And even if this were not so, to force this "pragmatic solution" upon a complainant is a clear case of the criminal offence of Misconduct in Public Office.

And it is clear that TPO corruption extends well beyond my case. The numerous machinations of the Pensions Ombudsman (Anthony Arter) in his evasion of determinations that may be subjected to legal and public scrutiny should be obvious (see [Unlawful Conduct of The Pensions Ombudsman](#)). That he is clearly heavily biased in favour of the pension provider should be evident from the fact that he owns shares in 22 of them, in addition to having a background as a solicitor acting for such companies. He was appointed by the Parliamentary Select Committee for the Department of Work and Pensions - why?

A number of Mr Arter's early determinations (e.g. [PO-7126](#)) are clearly unlawful in their support of the pension provider (Mr Arter's business is to uphold the law, not determine whether the transaction is a good idea). Nonetheless, these were conspicuously defended by the then new Legal Director, Claire Ryan. *It is worth noting that, from joining TPO in 1999, Ms Ryan rose from being an Investigator in July 2015 to the Legal Director by June 2016 (this pronto promotion attained near the beginning of Mr Arter's tenure was clearly not without reason).*

I am in no doubt that TPAS, although at that time supposed to be independent of TPO, is also knowingly covering up for Scottish Widows. They refused to deal with the verification issue, claiming that they did not have expertise in this area. Yet they must surely have known that no verification is required for pension funds, where there is an ongoing business relationship with a face-to-face customer. They **did** know that the government would require verification only in relation to anti-money laundering regulations (which are not specific to pensions), and endeavoured to give me the impression that it applies to **all** financial transactions.

When I later presented TPAS with the findings from my investigation into these "verification" requirements, there was no reply for nearly four weeks; they then stated (without explanation) that my case was to be allocated to another advisor, and that there would be a further delay. The new advisor continued to duck the issue of SW's "verification" demands, and would not even forward them my list of questions (he offered only to raise SW's use of post).

## *Fruitless Further Attempts to Get Justice*

On [20 May 2017](#), I sent a report of Scottish Widows' fraudulent "verification" requirements to Action Fraud by online form (the only means offered). On [22 June 2017](#), I received what is clearly a standard fob-off response stating that they do not have the "leads" necessary to pursue my case (though they emphasised that it remained open). This was a ridiculous response to the information I gave them. I sent follow ups on [25 June 2017](#), and nearly a year later on [20 June 2018](#), without response. *It seems that I am not the only one to have been fobbed off like this with clear evidence - see the extraordinarily negative reviews of Action Fraud [here](#).*

On [17 January 2018](#), I sent an email to the Pensions Regulator, which stated that they were unable to address the issues I raised. They also stated that they had no jurisdiction over TPO, but that it was stewarded by the Department of Work and Pensions. I was referred to the Financial Conduct Authority to address the issue of the conduct of my pensions schemes provider. They also mentioned that I could report fraud via Action Fraud (*yes you can, but they do sod all*).

On [28 February 2018](#), I sent an email to all members of the Parliamentary Select Committee for Work and Pensions, but (although email addresses of the members together with photos were published on the Commons' website), my email was rejected, evidently as spam.

On [22 April 2018](#), I sent an email to the Financial Conduct Authority. They stated that they were unable to intervene in individual cases, but had "logged my concerns" (this phrase was similar to that in Action Fraud's standard fob-off message). They mentioned the ICO (not relevant to my case), and also stated that if I have exhausted the complaints process, that I should seek "legal guidance" (from where was not stated). Apparently helpful, but actually useless.

On [5 May 2018](#), I sent a PDF document to the Select Committee via a contact who does have access to them; this was after an invitation for such documents, with a deadline of 18 May. But although my document was received (I know this from the hits on my website from scans of embedded links), it was clearly ignored, even though I reported very serious cases of criminal misconduct. *This may not be surprising, considering that it was they who appointed Mr Arter.*

On [20 June 2018](#), I tweeted TPO misconduct to the Metropolitan Police, giving a link to my website (Twitter is given as one of the legitimate means of reporting crime, and it was not possible for me to use their online form, as it required a UK postcode). My tweet was ignored.

On [4 July 2018](#), I sent a comprehensive paper report (about 90 pages) by registered post to the Metropolitan Police. This was also clearly ignored. *Perhaps this again is not surprising, considering that Mr Arter and one or two others in TPO are ex-cops. And anyway, TPO and other government organisations appear to be immune to the law. But I'm sure that if it were a minor infraction by some poor homeless guy, they'd come down like a ton of bricks...*

On [9 February 2019](#), suspecting that TPO was immune from action by the Metropolitan Police, I sent another report via Twitter, but this time raised it directly against the Adjudicator (taking care to avoid any mention of TPO). This time my report was forwarded, but seemingly dropped after a few accesses to my website when they realised it was about TPO.

### ***Postscript***

The British government is encouraging (indeed coercing) people to give their money to pension providers to reduce payment of state pensions (*and perhaps also to put money into the coffers of big financial companies with government connections*). Unfortunately, it appears to believe that, rather than improve the lot of the pension holder, it is better to suppress the bad news. Given the nasty deceit and corruption I have seen in the UK, I am very pleased to be living here in Mexico. But not so happy to be a pensioner dependent on funds I have over there...