

Scottish Widows Complaint: PO-14071

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

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

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

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

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

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

Document Details

Date Sent / Received	06 July 2016
Sender / Recipient / Medium	TPAS (Denis O'Brien) / Ian Clive McInnes / Email
Description	<p>Response to my initial enquiry to The Pensions Advisory Service (made via their online form, the text from which is embedded within the email, and the enquiry response given here). I asked firstly about the IDRP, and secondly what verification of name and address is required by the government to take a lump sum from a personal pension plan.</p> <p>Apart from informing me about the IDRP, the most significant part of this email is the last paragraph concerning verification. It is stated that this is a requirement for all financial organisations, and consequently it is beyond their area of expertise. <i>But notwithstanding the statements that they are not experts, they must surely have known (as ex-pension professionals) that the answer to my specific question was 'None'</i>. However, I was given links to government documents that, after a few days careful perusal, enabled me to answer this question with certainty myself.</p> <p><i>I thought it strange at the time that TPAS could/would not answer this simple question. They subsequently refused to get involved at all on the verification issue (they would not even put my questions to them), offering to mediate only on SW's postal responses to my emails.</i></p>
Website Links to More Info	Event Summary / Verification

- [Denis O'Brien <Denis.O'Brien@PensionsAdvisoryService.org.uk>](mailto:Denis.O'Brien@PensionsAdvisoryService.org.uk)
-
- jul 6 a las 5:45 A.M.

Para

- 'ian.mcinnnes@yahoo.com.mx'

Texto del mensaje

Dear Ian,

Thank you for the following emailed enquiry:

I am resident in Mexico, and have attempted to encash two Personal Pension plans of Scottish Widows. Essentially, I am quite legitimately unable to meet the requirements of proof of name and address that they state the government requires for this encashment, and thus obtain payment.

It is my understanding that in order to obtain a ruling by the Pensions Ombudsman, I must first have completed the Scheme's Internal Dispute Resolution Procedure. Having searched on the internet and found no reference to an IDR for Scottish Widows, I emailed them asking that they send me this; to which I received this stunning response (copied and pasted from the password-protected PDF they sent):

"Thank you for your email dated 26 June 2016 in reference to you pension policies P56879Q, N80803X.

Unfortunately we are not aware of the expression "Internal Dispute Resolution Procedure" If you would be kind enough to clarify what you want, we would be happy to assist you if we can."

I can only interpret this a a refusal to supply me with this document, and thus deny me any means of pursuing my case.

I would therefore be grateful if you would resolve the following issues:

- 1. How I can obtain the IDR for Scottish Widows, or otherwise how I can pursue my case if such cannot be obtained*
- 2. What verification of Name and Address is required by the government in order to take a lump sum from a Personal Pension Scheme*

To start with, it may help if I clarify our role which is to try to help individual members of the public who require general information about pensions, or are concerned about their entitlement under an occupational, personal pension or stakeholder pension scheme. In helping members of pension schemes our aim is to ensure that they receive their correct benefits from the trustees/scheme authorities and understand their rights but we do not give legal advice.

Furthermore, when there is evidence of maladministration which has created financial loss for an individual and the individual has done what they can to resolve the matter in writing, we will consider mediating with the parties involved on behalf of the individual to seek satisfactory resolution. We have no statutory powers but use our skill and experience to mediate with the parties concerned to try and reach a successful outcome to ensure the individual has not suffered a financial loss.

In the following link you will find a leaflet outlining our role “Who we are” as well as our leaflet “Avoiding and resolving disputes” for your information and assistance:

<http://www.pensionsadvisoryservice.org.uk/publications/category/leaflets-and-guides>.

From these you will note that when a problem arises with a pension scheme, the first thing to do is to raise this in writing with the people responsible asking that they support their feedback with copies of appropriate documentation / legislation. This will give the parties involved an opportunity to either correct an error if one has taken place or justify their actions.

Once you have received a response or if you have already written and received a response or if an acceptable response has not been forthcoming within a reasonable period of time, if you remain dissatisfied and believe the treatment is unfair, you can then write to us with a summary of your concerns, supplying copies of **all** items of relevant correspondence and documentation, whereupon we will review the position to see if we can help. Please note, we will need actual copies of the correspondence rather than summaries, excerpts or transcripts.

In the meantime I can explain that Internal Disputes Resolution Procedures (IDRP) are features of occupational pension schemes. Personal pension plans are not occupational pension schemes and they do not have IDRP. In other words, to escalate an unsuccessful complaint to the Pensions Ombudsman Service for a personal pension plan you can do this once you have exhausted your written efforts to have resolved this - there is no IDRP to complete first. There is also no obligation to avail yourself of our services although the POS will often suggest that you do.

As to evidence of identity, this is not a pensions specific matter; it is a requirement for all financial organisations. Consequently, it is beyond our area of expertise but I have managed to find the following links to Government information on this topic which may help you: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/372271/mlr8_tcsp.pdf and <https://www.gov.uk/guidance/money-laundering-regulations-your-responsibilities>. As mentioned, we are not expert with this matter so it may be more appropriate for you to refer to the Information Commissioner (IC) about this. I am attaching a link to the IC’s website for your assistance: <http://www.ico.gov.uk/>.

I hope this has helped.

As money related decisions can be those that affect our life the most you may be interested in a new free service we have been given access to that will help you know when and where to trust your own ‘money’ judgement in future. Bamboozing is an easy online test. It takes about ten minutes and provides you with a free report that will give you an insight into your ‘financial personality’ and how that might, or might not, sometimes serve you!

Click the following link to get started: [How are you Bamboozing?](#)

Kind regards,

Denis O’Brien Dip PFS

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