

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
Email: ian.mcinnnes@yahoo.com.mx
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	11 September 2016
Sender / Recipient / Medium	Ian Clive McInnes / TPAS (Robert Jones) / Email
Description	Email to the new caseworker, setting out my case more fully, so he should be in no doubt about the issues. <i>I was perhaps charitable in commenting at the top that he showed vastly more consideration for the issues than SW, although against this yardstick this statement is undoubtedly true.</i>
Website Links to More Info	Event Summary

Re: Your complaint about Scottish Widows - TPAS ref. 163274

- [Ian McInnes <ian.mcinnnes@yahoo.com.mx>](mailto:ian.mcinnnes@yahoo.com.mx)
-
- sep 11 a las 1:15 P.M.

Para

- [Robert Jones](#)

Texto del mensaje

Dear Mr Jones,

Thank you for your email of 08 September; this shows vastly more consideration for the issues than I have had from Scottish Widows. I provide here a summary of the points that I think are important in this case.

VERIFICATION

I understand that you are not experts in the area of government anti-money laundering regulations (which is presumably what Scottish Widows' verification requirements are supposed to be about, although their documents state only that they are required under "UK legislation"). However, a fact that one should bear in mind is that, even though my identity is patently beyond doubt (see below), I was refused payment of the lump sum that I am entitled to. This is obviously unacceptable, and would not occur with any proper implementation of legitimate legislation for verification of customer identity. And without the hint that I was making a complaint, I would continue to be denied the funds I placed with Scottish Widows.

The most fundamental proof of my identity is the (HSBC, Mexico) bank account to which the lump sum was to be paid. Firstly, this is in my full name (and I don't think there are many people in Mexico with the name Ian Clive McInnes). And (as I emphasised repeatedly to Scottish Widows) about two years earlier they made a substantial payment to this account, on encashment of an investment plan. Furthermore, I sent them a verified bank statement from this account, and they checked my bank details over the telephone. These facts alone give compelling proof of my identity. [Government guidelines suggest that (only) in suspicious circumstances, one might insist on payment being made to an account in the name of the customer.]

It seems quite clear that Scottish Widows' verification requirements are not simply excessive, but that they should not have been imposed at all. Government documents specifically exclude from verification requirements transactions "carried out as part of an ongoing business relationship"; and this must apply generally to people wishing to take a lump sum from a pension plan. So I think "an extra layer of protection" somewhat understates the matter. This is underlined by my aforementioned recent encashment of a Scottish Widows investment plan of many times the amount of the lump sum into the same bank account; this required only a signed letter without any supporting documents. Why should encashment of a pension plan be any different?

I explained on my website that, even if verification were appropriate, Scottish Widows' requirements are grossly excessive in relation to those required by the government. But, more importantly, they were applied rigidly, without any heed to the circumstances. For example, my application was rejected on the grounds that I could not completely fulfil their requirements for verification of address, even though I gave a detailed explanation of why this was simply not possible. It is therefore clear that Scottish Widows' requirements are applied as an end in themselves, without the discretion necessary in questionable cases. I can only conclude that this (together with the telephone interview) is a wilful strategy to deter people from taking lump sums; or failing this, to at least have their pound of flesh.

I hope that you (and/or the Pensions Ombudsman Service) can interfere with this policy - especially when it leads not only to considerable unnecessary trouble and stress for customers wishing to take a lump sum from their pensions, but also (at least in my case) substantial financial losses.

COMMUNICATION

Firstly, the documentation of the requirements was very confusing, being incongruous, inconsistent and changing. In the postal reply to my email, there was no proper description of what was found to be amiss in the documentation I sent. A changed version of the form was sent, invalidating my certified ID card. In addition to the issues with Scottish Widows' verification requirements, the manner in which they required them to be certified was unnecessarily detailed, and in many cases could not be fulfilled (especially in a country that does not use English as its official language).

Secondly, Scottish Widows answered my emails by post. I would not in any normal circumstances have expected them to respond this way, when it should be very easy to reply to the email with a few lines of explanation. But, given the clear comments I made in the very first paragraph of my first email (and elsewhere) that this takes months to arrive here, a postal response is egregious. Furthermore, they required me to reply within 14 days of the date of the letter! Both my first email and the follow-up email were answered by post (even though the follow-up can only have confirmed the comments I made in my first email). There were also several "requests for information" sent through the post, again showing total disregard of both the issues with post, and my clear explanations of why I simply could not provide what they required.

In fact Scottish Widows only started to respond by email when it was clear that I was making a complaint (I asked for their IDR). Again, I cannot interpret their postal responses as other than deliberate obstruction; they can hardly raise "security" reasons in respect of this.

PURSUIT OF MY COMPLAINT

You may remember that I initially asked Scottish Widows for a copy of their Internal Dispute Resolution Procedure, only for them to deny any familiarity with this term. If Scottish Widows were honest and willing to proceed with a proper complaints process, they would surely have explained at that point what that process is. I later sent an interim (but detailed) complaint by email. In response (from someone who was identified as "Specialist Complaints"), I was offered only discussion by telephone; I think you would agree with my position in rejecting this.

I was subsequently offered the possibility of getting my bank to email my certified ID card alone as verification. I did not proceed with this for three reasons:

1. Firstly, I would sustain substantial losses, for which in all these circumstances I seek full compensation. And I did not want to give the impression of acquiescing (and thus compromising my complaint) to get funds for the moment.
2. Secondly, I can no longer trust the statements of Scottish Widows, and so am no longer prepared to comply with their changing and invalid requirements. As I stated above, I do not accept that they should have required any verification documents whatever. The second version of their form invalidated my certified ID card as a means of verification. And they might well reject this photocopy as not being "clear and legible" (this time with reason), when I also supplied good-quality scans of the original.
3. Thirdly, I hope that by exposing this matter and bringing it to your attention, I can prevent other pensioners being victims of Scottish Widows' conduct. Their draconian policies and cavalier disregard for my carefully-stated circumstances have caused me considerable trouble and stress, and I am sure that I am not alone.

Having heard nothing further from Scottish Widows for four weeks, on August 28 I sent an email to the Pensions Ombudsman Service. Although they agree that no IDRPs are required, they state that I need to have complained through Scottish Widows' "internal complaints process", and to have received a "final response" before they will accept my case. However, they stated that you at the Pensions Advisory Service can help with this. Bearing in mind the above, it seems clear that I will need your help here, so that I can approach the Pensions Ombudsman for an adjudication.

DOCUMENTATION OF MY CASE

My website provides the up-to-date documentation of my side of this case; I give the link here in case you do not already have it:

www.vivazamora.mx/ScottishWidowsComplaint

All documentation directly relevant to the case is also supplied as printable PDF documents. For your convenience, the last page of the website contains a complete list of these documents with descriptions so that they can be selected and downloaded as required:

www.vivazamora.mx/ScottishWidowsComplaint/Documents.html

All textual content in the PDF documents is complete and unedited. There are a few postal items of peripheral interest that can only be viewed as popup images of the first page on the Chronology & Documents page of the website. Otherwise, the PDF documents contain the complete correspondence. There are also four PDF documents (with hot links) that mirror the main pages of the website, plus the eight documents I sent to Scottish Widows as verification. The website and four associated PDF documents have been updated since your colleague Denis O'Brien received the link (but not since your last email).

On reviewing the evidence, I think that you would agree that I have taken all reasonable steps (indeed gone to considerable trouble) to expedite my application, and that in all these circumstances it would be grossly unjust if I had to bear the losses incurred by the delays in processing it. Furthermore, it would send a message to Scottish Widows that they can continue this treatment of customers with impunity.

I attach a PDF document containing the completed application form - thank you for giving me the option to email this. Please let me know if there is anything more I can do to help expedite this case. I have already put in quite a lot of effort, and I would like to see this bear fruit not only for myself, but others.

Yours sincerely,
Ian McInnes.

De: Robert Jones <Robert.Jones@PensionsAdvisoryService.org.uk>
Para: "ian.mcinnnes@yahoo.com.mx" <ian.mcinnnes@yahoo.com.mx>
Enviado: Jueves, 8 de septiembre, 2016 3:36:32
Asunto: Your complaint about Scottish Widows - TPAS ref. 163274

Dear Mr McInnes

Further to previous correspondence you've recently exchanged with my colleague Denis O'Brien, I'm emailing to introduce myself as your TPAS caseworker. Please find enclosed a leaflet which explains our role as well as the Pensions Ombudsman's.

I gather your complaint is about the hurdles Scottish Widows placed in front of you when trying to access your benefits from them. You feel they asked for more proof of identity than they needed to. From what I can see on file, you raised a complaint by email. And their initial response was to suggest a telephone call to discuss the matter. You explained why that wouldn't be appropriate. They then put forward a new solution for you to send the necessary documentation via your bank.

I take it that you didn't proceed with their suggestion on that because of exchange rate movements which meant it was no longer as beneficial for you to take the benefits. So you decided against proceeding with their suggestion.

Having reviewed the paperwork, I'm not sure we'll be able to help you with your complaint. It seems to be mainly about the verification requirements they have for anti-money laundering purposes. We aren't experts on anti-money laundering provisions. And, even if it's the case that you can show they've added an extra layer of protection in terms of the ID verification they require, I don't think they'd be likely to agree that was undoubtedly wrong. If their process is to ask for more verification, we can't interfere with that.

But, having said that, I think I could ask them why they wrote to you in the post following your initial request (when you'd made it clear that contact by post should be avoided), and to ask if they agree they could've suggested you email documents via your bank earlier.

However, I'm not confident that would ultimately lead them to agree to backdate your benefits to April, which I gather is what you're seemingly looking for as an outcome. So, although I could contact them to ask them about those issues, it may only be likely to lead to an explanation and apology, if anything (i.e. only if they accept they could've done more to help you in those regards).

If you would like our further input in the matter, please complete and return the enclosed form of authority. We wouldn't normally recommend returning the form by email, as it isn't generally considered a secure medium for personal data. And we ideally need the original form for our files. But I'm conscious that the issues in your case centre around an inability to return soft copy documents, so you may prefer that option despite the possible security risks.

If you have any questions about this email, please feel free to contact me.

Regards

Robert Jones

Technical Specialist

Dispute Resolution Team

Direct Line 020 7630 2259

Twitter: [@TPASNews](#)

Facebook: [/pensionsadvisoryservice](#)

Pensions helpline: **0300 123 1047** General Office: **020 7630 2250**

Website: www.pensionsadvisoryservice.org.uk

Give us feedback: www.pensionsadvisoryservice.org.uk/about-us/feedback-on-our-service

The Pensions Advisory Service Ltd. Registered Office 11 Belgrave Road, London, SW1V 1RB

The Pensions Advisory Service (TPAS) is an independent body providing independent information and guidance on pension matters as well as providing support for the resolution of disputes in occupational and private pension arrangements. TPAS does not provide regulated advice and any view or recommendation given by TPAS is an opinion in good faith on the basis of the documents and information made available. TPAS cannot be held responsible in law for opinions expressed, nor should any such opinion be regarded as grounds for legal action. Any views expressed by the sender of this message are not necessarily those of TPAS. If you have not been satisfied with the service that you have received from TPAS please [click here](#) for details of our complaints process. This document is strictly confidential and is intended only for use by the addressee.

If you are not the intended recipient, any disclosure, copying, distribution or other action taken in reliance of the information contained in this e-mail is strictly prohibited. If you have received this transmission in error, please use the reply function to tell us and then permanently delete what you have received.

This email was scanned for viruses by TPAS' anti-virus services and on leaving TPAS was found to be virus free.

Please note: Incoming and outgoing e-mail messages are routinely monitored for compliance with our policy on the use of electronic communications.

This message has been scanned for malware by Websense. www.websense.com

- [Descargar](#)

form_of_authority_-_2013 .pdf