

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	15 September 2017
Sender / Recipient / Medium	TPO (Fiona Nicol: Casework Director) / Ian Clive McInnes / Email Attachment
Description	<p>This contains the PDF document that is the appalling Complaint Response. Before examining this document, it is important to understand something of the context in which it was sent. It was sent as a response to nearly a year of complete inaction since my case was assigned, with clear evidence that the adjudicator had no intention of investigating it. This involved several months of radio silence by the adjudicator (broken only after I found out his email address and emailed him directly), after which he showed considerable evasiveness. This, together with two very worrying sets of circumstances, caused me considerable and prolonged stress and anxiety. As a result, I attempted to get information on my case, especially over the two circumstances that gave me good reason to believe that it had been buried. This Complaint Response is the culmination of more evasiveness and misinformation by TPO in response to my queries.</p> <p>Please note that I did NOT make a formal complaint. I firstly only tried to get information. When this was not forthcoming, I also voiced my concerns about the adjudicator's conduct (<i>it seemed at that time that any collusion must be that of a rogue individual, not a conspiracy</i>). In doing so, contrary to Fiona Nicol's paranoid and false accusations, at no time did I make any statement about TPO remotely resembling an allegation. Please read the cautious and measured statements I did make in the TPO correspondence.</p>

The Complaint Response was preceded by two emails I sent to Fiona Nicol on 03 and 09 September. These were principally to correct a bowdlerized version of events sent to Ms Nicol by the Casework Manager, who stated that the adjudicator had been actively investigating my case since it was assigned to him in May 2017 (*when he had not lifted a finger to investigate since it was assigned to him in October 2016*). This gross misrepresentation removed the key issue from my evidence, and required correction. Being concerned about this fundamental misstatement, I felt it necessary to make some caveats to ensure the matter was dealt with appropriately. The most charitable explanation for the Casework Manager's distortion is that the adjudicator (Barry Berkengoff) updated the TPO database in May 2017 (when he finally broke radio silence) to make it appear that my case had not been allocated to him until then. I also thought it important to make clear the importance of a thorough and rigorous investigation.

With these two points in mind, I made perhaps the strongest statement of all: "Mr Berkengoff is likely to be intent on concealing his actions, and may have been able to manipulate your IT systems (I know that he has been involved in their evaluation)". This resulted in the following ridiculous statement in the Complaint Response from Fiona Nicol: "You allege that our staff have concealed information or manipulated our IT systems". *The cautiously-expressed suspicion that I made then is nothing like an allegation, but hindsight enables me to state confidently now that TPO is corrupt from the PO down.*

The attacks on my integrity in this Complaint Response are especially despicable considering the great stress and anxiety I have suffered as a result of TPO incompetence and corruption, and the restrained way in which I have expressed my serious concerns in urging an investigation.

But it should be clear on reviewing the email correspondence where the truth and merits lie. I suspect that my restrained manner was interpreted as a sign of weakness by this arrogant and dogmatic Casework Director, who has given ludicrous explanations for the inaction and evasiveness. It is clear now that TPO delayed deliberately, and would have continued this delay indefinitely without my unwelcome feedback.

This document was followed on 03 October by the clearest confirmation of my suspicions; in this email the adjudicator pushed a "pragmatic solution" to protect Scottish Widows. Perhaps the Casework Director thought that I had been softened up sufficiently after the delay and slapping down I had received in the Complaint Response to yield to this.

But no: my experiences have only made me realise what a contemptible organisation TPO is, staffed by a closed circle of apparatchiks who know well the illegality of their actions, but will never speak out. My resolve to bring to justice those responsible in both SW and TPO for their despicable treatment of the pensioner has only been strengthened now that I have seen something of the depth and extent of this stinking morass of corruption.

In this description, I have discussed mainly the context of the Complaint Response. The second of the two links below gives analysis of some of the specific issues with it.

Website Links to More Info

[Event Summary](#) / [Details \(TPO\)](#)

By email

Mr Ian McInnes

Our Ref: Misc-18641

15 September 2017

Dear Mr McInnes

Your complaint about our service

Thank you for your emails of 3 and 9 September 2017 explaining why you are dissatisfied with our service. I am responsible for making a decision on your complaint.

As I understand it, your complaint concerns:

- Our customer survey that indicated your case with us had been closed – when the matter was still open. And you were given two explanations for that;
- The delay in starting an investigation into your pension complaint;
- The handling of your case was irregular in that it did not appear to follow the expected route; and
- Access to your website (in which you have stored documents relating to your pension complaint) appears to have been blocked.

You also allege that our staff:

- have concealed information or manipulated our IT systems and
- colluded with Scottish Widows.

My findings

I have looked into your concerns and my findings are explained below.

Customer survey

I can confirm that, at no point, was your case closed. I have checked our casework management system and I am satisfied that the matter has remained open since October 2016 when we received the last piece of information from you that enabled us to proceed.

You were given two explanations for the incorrect survey being sent to you: that the survey was sent to the wrong people and that an incorrect version had been issued. In fact, both are correct. Originally, two questionnaires were prepared for the survey, one for closed cases and one for open. Data for the survey was misinterpreted at the point at which it was used to send out the questionnaires which meant that people with open cases received the questionnaire that had been intended for people whose cases had been closed.

It was unfortunate but was later corrected.

Delay

Looking at the history of your case I can see that there has been a delay in dealing with it for which I apologise.

The case was in fact allocated to Mr Berkengoff in October 2016. I understand that Mr Berkengoff was not aware that the case was waiting for his attention; I am afraid I cannot now be clear on the circumstances but, in my view, the principal issue is that we delayed starting our investigation and we did not update you in the meantime. This is not in line with the service that we aim to provide and I am sorry.

Irregularities in our handling of your case

There were, in fact, no irregularities in how your case was handled. Yes, it was allocated shortly after acceptance but this is entirely in line with a process that has been in place for some time where cases are passed to adjudicators as soon as possible after being accepted for investigation. The thinking behind it is to reduce waiting times. Clearly this did not work in your case.

Access to your website has been blocked

I do not believe we would ever have been able to access your website. We have a very secure system here that denies us access to most websites except those that are investigated and deemed to be "safe". The purpose is to protect the platform on which our information sits. We have asked our IT provider to unblock your website but our request has been refused. I cannot access your website from my desktop, and this is the problem faced by Mr Berkengoff. He has explained to you that he can only access the website, and therefore see the documents, from an alternative device.

However, we might have a solution. We have one laptop here that we can use for unrestricted access to the internet. I have asked someone to visit your website and print off the relevant papers. This should mean that we can move forward.

I realise you think the website was blocked at some stage after you made your application but I really do not think that was the case. The only documents I can see on your file are emails you sent to us; there is nothing that has been downloaded from a website (except for the papers previously downloaded by your TPAS adviser).

Concealment/collusion

There is no evidence whatsoever that our staff have concealed information about their activities on your case. I can see an entire history of your case on our system and I have also reviewed the paper version of our file. There is nothing irregular to be found.

Your allegations of collusion, I take very seriously. However, there is no evidence to suggest any of the people you name have acted improperly, and neither would I expect them to. I can give you my assurance that there has been no collusion with Scottish Widows.

Conclusion

I have found that there has been a significant delay in starting an investigation into your pension complaint and it has not progressed as it ought. This should not have happened and I am taking steps now to make sure that the investigation moves forward. I hope you will accept my apologies for the delay.

I completely refute your allegations that our staff have concealed information or colluded with the respondent to your complaint. There is simply no evidence to support these allegations.

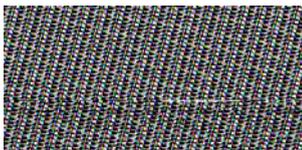
This is our final response to your complaint about our service. If you remain dissatisfied you may be able to raise your complaint with the Parliamentary and Health Service Ombudsman. The contact details are:

Website: www.ombudsman.org.uk/make-a-complaint
Helpline: 0345 015 4033

Protecting our staff

We have a policy in place to ensure that our staff are treated with the same respect that they give to users of our service. I feel that your allegations of collusion and concealment are unreasonable since there is no evidence to support them. I would ask you not to write to, or about, our staff in those terms again.

Yours sincerely



Fiona Nicol
Casework Director

020 7630 2233
fiona.nicol@pensions-ombudsman.org.uk