

## Case against Scottish Widows : PO-14071

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De: Ian McInnes (ian.mcinnnes@yahoo.com.mx)

Para: Claire.Ryan@pensions-ombudsman.org.uk

Fecha: miércoles, 10 de enero de 2018 15:00 GMT-6

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Dear Ms Ryan,

As a fellow Scottish Widows personal pension holder, I think you should be made aware of the unlawful measures taken by SW to evade pension encashment. Apart from this flagrant abuse, my case also reveals numerous other malpractices and a deceitful modus operandi that show SW to be unworthy of its position as a major financial services company.

But of even greater concern to pension holders in general are the unlawful measures taken by TPO to protect the pensions industry, thus allowing its abuses to continue. My case is only one of a number I know of that TPO will not investigate. Instead, after a year of inaction with no credible explanation, I am being forced into an arbitrated settlement with SW through the adjudicator. This is in clear violation of the Pension Schemes Act 1993, and in all the circumstances connotes TPO collusion with SW.

### Summary of Issues (Scottish Widows)

To encash a SW pension, one must first undergo a lengthy telephone interview (mine took about an hour and a half, most of which comprised thinly-disguised efforts to dissuade me from encashment). After considerable difficulties trying to make sense of and comply with SW's requirements documentation, one must then send four certified "verification" documents that SW asserts **"are required under UK legislation"**. Arising from the fact that mail is not deliverable to my residential address here in Mexico, I could not satisfy their (totally invalid) requirements for proof of address, and my application was rejected and terminated. This was despite clear explanation of my circumstances, and definitive verification of my identity. *SW no doubt intended their requirements to be as burdensome as they could be, without being manifestly impossible to satisfy; but they obviously did not consider my situation.*

**"UK legislation"** could only legitimately refer to government anti-money laundering (AML) regulations. However, the UK government does not require any verification where there is an ongoing business relationship (as clearly exists between pension provider and pension holder). SW's assertion is thus a false pretence; and one which SW could not possibly have genuinely believed to be true. The corollary is that SW imposed these demands as part of a fraudulent strategy to evade pension encashment. They are clearly not applied to other SW financial transactions, for which the same AML criteria would apply. *I suspect that "UK legislation" is an oblique reference to the Pension Freedom of April 2015.*

But even if government AML measures were applicable, there would be numerous examples of maladministration in SW's implementation, including:

- Grossly excessive and over-specific requirements for documents and their certification (one document with proof of name and date of birth should suffice).
  - Dreadful erroneous, confusing, and changing documentation of these requirements.
  - Failure to use the discretion required by AML guidelines; the requirements are taken as an end in themselves.
- Payment was to be made to a known HSBC (Mexico) bank account in my full name of Ian Clive McInnes; and to which SW had transferred a considerably larger sum from encashment of investment and mortgage plans about two years earlier. There is no basis for withholding payment under AML regulations in these circumstances.*

Although my documents became acceptable once SW realised I was about to make a complaint, I did not take up their "offers" (another was made after I had sent the complaint). This was initially because after Brexit the value of my prospective encashment had depreciated by several thousand pounds, and it would be grossly unjust (considering SW's other misconduct) if it were I who had to bear these losses. But after consulting TPAS and subsequently reviewing government AML documents, it became clear that SW's draconian demands were not only excessive, but completely without valid basis and unlawful. I therefore thought it vital that the matter be brought to justice in the interests of other SW pension holders. *With the apparent complete absence of proactive regulation and oversight of the pensions industry, the reactive "dispute" resolution processes give the pension provider carte blanche to carry out abusive and illegal practices, as it has plenty of opportunity to "put things right" to evade justice in the event of a complaint.*

Altogether, my case is comprehensive and (potentially) damaging to SW, and I had every expectation that TPO would fully uphold my complaint. But I was misled by TPO claims to be impartial, and could never have imagined how far TPO will go to protect the pensions industry from serious cases such as mine...

### Summary of Issues (The Pensions Ombudsman)

Although my case was assigned to an adjudicator in October 2016, I heard nothing from him until 15 May 2017; and that was only after I had found out his name, surmised his email address, and emailed him directly. Since then, he showed considerable evasiveness and unwillingness to take my case seriously. It became clear that he had no intention of investigating, and the circumstances suggested collusion with SW to bury my case.

My suspicions of several months were confirmed in his email of 3 October 2017, which pushed me into arbitration with SW via requests for more irrelevant "verification" documents (*SW will obviously never admit that their requirements are one huge lie*). I sent two emails to Mr Arter on 4 and 8 October, to bring the matter to his attention and urge investigation; but there was no response.

On 31 October, I received another email from the adjudicator, this time requiring me to either agree to an arbitrated "solution" with SW, or withdraw my case. Rather than comply with the terms in this email, I forwarded it to Mr Arter, expressing my concerns more strongly and asking whether he was in agreement with the adjudicator's position. Again, I received no response; nor have I heard anything else from TPO to date.

To deny a complainant investigation followed by a determination made by the Pensions Ombudsman or his Deputy clearly violates the Pension Schemes Act 1993. Furthermore, the reasons that the Casework Director gave me for the inaction have no credibility, and I am in no doubt that this delay was a deliberate ploy to weaken my position. Worse, there is apparent complicity in all this from the Pensions Ombudsman down.

There is strong evidence that TPO contacted SW shortly after my case was assigned to the adjudicator; this is one reason why I do not believe the explanation that the adjudicator was unaware that my case was awaiting his attention. Since there can have been no intention to investigate my case from shortly after its assignment, there is reason to believe that TPO did a deal with SW around that time.

The function of TPO is to investigate and make legally-binding determinations, with the role of arbitration being confined to TPAS. As my case illustrates, to allow TPO to impose arbitration on the complainant is highly conducive to corrupt protection of the pensions industry. Yet this is apparently what Mr Arter wishes. I am not alone in wondering how someone with Mr Arter's background and declared interests could be considered impartial.

I urge you to review my website, which contains the complete correspondence (of which I have a verifiable record):

[www.elpobrecorderito.com/PersonalPensionFiasco](http://www.elpobrecorderito.com/PersonalPensionFiasco)

I realise that you do not have access to this from your desk at TPO, so I also attach three PDF documents that mirror webpages, plus one PDF containing the latest correspondence with TPO. However, it will be far better to view the comprehensive website online.

I hope that you are concerned about what I have revealed, and can do something to promote justice. If there is anything that I can do to this end, please let me know. I will treat any supportive reply as strictly confidential (this naturally means that I will not publish it on my website or elsewhere that might enable it to be viewed by others in TPO).

Yours sincerely,  
Ian McInnes.



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