

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	25 April 2018
Sender / Recipient / Medium	Financial Conduct Authority / Ian Clive McInnes / Email
Description	<p>This is a full response to an email I sent to an address provided by the Financial Conduct Authority for whistle blowers, a day after an acknowledgement was received.</p> <p>It confirms that they do not investigate individual cases, but that as the issues will impact others, they had "logged the concerns". However, no information would be available to the complainant about any action taken.</p> <p>They also state that they have no rules that determine the form of any verification that is required, and I am referred to the police over the issue of the false pretence (<i>I had long ago reported the matter to Action Fraud</i>).</p> <p>The paragraph about ICO is not relevant, as my complaint does not relate to data protection issues.</p> <p>Finally, I am advised to seek legal guidance (<i>where? I had already contacted a solicitor who appears to specialise in such matters, without even a reply</i>).</p>
Website Links to More Info	Event Summary

Customer Contact Centre <consumer.queries@fca.org.uk>

Para:ian.mcinnnes@yahoo.com.mx

25 abr a las 10:04

Dear Ian,

Thank you for contacting the Financial Conduct Authority (FCA) regarding your concerns about Scottish Widows. I understand you believe the firm has broken the law in regards to verification requirements they've asked of you in relation to the encashment of two personal pension schemes. I appreciate that this matter has caused you a great amount of frustration.

Our role

As you've correctly identified, we're unable to investigate or intervene on individual cases and we don't have dispute resolution powers for individual complaints. I note however that you feel that the issues you've encountered will also likely impact others and with this in mind, I've today logged the concerns you've raised against Scottish Widows Limited and made them available to the FCA supervisory team tasked with monitoring the conduct of the firm.

They can use this information to understand how the firm is treating their customers and how they're behaving in the marketplace which can then be used to help form guidance that can be issued to the firm or, if necessary, disciplinary action being taken against them. Please note that we're unable to provide feedback regarding what action is taken as a result of the information that is shared with us. You can read more about this [here](#).

FCA rules

We have no rules which state what information a firm can or cannot request in the form of verification documents or how such documents should or shouldn't be provided.

I note that you've been told that the requirements placed upon you by Scottish Widows are as a result of legislation and you state you have evidence to suggest that this is not actually the case.

If you feel that Scottish Widows, or any other firm/organisation you've dealt with, has not adhered to legislation and/or has acted in a criminal manner, you should report this to the police as they're the appropriate authority to investigate illegal activity.

The Information Commissioners Office (ICO)

If you haven't already done so, you may also find it useful to [contact the ICO](#) as they're the authority within the UK in relation to information management and data protection and so they may be able to provide you with guidance regarding the data protection requirements that Scottish Widows are required to adhere to in relation to the personal information they can request and in what format they can or can't request that information.

The ICO can also take action against a firm that is found to be in breach of the Data Protection Act.

Your next steps

I note that you've already raised your concerns with Scottish Widows directly and that you've also contacted a number of other organisations for assistance with this matter but as yet, the issue remains unresolved. If you feel you've exhausted the complaints process with the firm and you've been unable to resolve the matter with the assistance of TPAS and TPO etc. your next step would be to seek legal guidance in order to ascertain your rights and any further options you have available for recourse.

I appreciate that this isn't the response you were hoping for but I trust the information provided has been useful in informing you of our remit and your appropriate next steps. I'd like to thank you again for taking the time to contact us and shared the details of this matter and I wish you the best in obtaining a satisfactory resolution.

Kind Regards,

Pete Scrivener
Associate | Consumer Contact Centre
Financial Conduct Authority | www.fca.org.uk
Consumer Helpline: 0800 111 6768

From: Ian McInnes [mailto:ian.mcinnnes@yahoo.com.mx]
Sent: 22 April 2018 19:30
To: Whistle
Subject: Scottish Widows' Fraudulent Evasion of Pension Encashment

I include links (underlined) to [PDF documents](#) and [web pages](#) on my comprehensive [website](#)

. In case you cannot access this, I attach corresponding PDF documents (see list at end).

This is to report criminal misconduct by Scottish Widows in the form of draconian and extremely onerous "verification" requirements imposed on customers wishing to encash a personal pension policy (after first being forced to undergo a lengthy telephone interview). What makes this criminal (rather than simply abusive) is that these demands are imposed under the blatant and demonstrably false pretence that they "are required under UK legislation".

The UK government does not require any verification measures where there is an ongoing business relationship (as exists between pension provider and pension holder), and Scottish Widows could not possibly have believed otherwise. The corollary (supported by other evidence) is that they are part of a fraudulent strategy to reduce pension encashment. These demands have been imposed on customers for well over two years (I suspect that they arise from the "Pension Freedom" legislation of April 2015), and it is shocking that SW has been able to flout the law for so long.

As evidence that Scottish Widows imposes these requirements under this false pretence, I present the following communications from SW:

- ['Information Requested'](#) email outlining the requirements (including four certified documents).
- [PDF document](#) detailing acceptable means of proving name and address.
- [Paper version of the above document](#) (one of two sent by post the very next day, with numerous errors and differences creating additional confusion).
- [Final Response](#) confirming that these demands are imposed generally.

As evidence of the illegitimacy and consequent illegality of these demands, please read:

- [Verification Issues](#) (analysis of government requirements against those of SW)
- [Questions for SW](#) (a list of questions sent to SW on two occasions without response)
- [Case Overview](#) (overview of my cases against both SW and TPO)

Further evidence that these requirements are unlawful (in fact criminal) is in the quite extraordinary conspiracy of silence and evasiveness surrounding them (see later). It seems that Scottish Widows (and no doubt other pension providers) can act with total impunity, thanks to the support of organisations that ought to be ensuring that pensioners get a fair deal.

You state that you do not investigate individual complaints from consumers. However, as the above should make clear, the matter I bring before you does not apply only to an individual customer, but generally. And in no country with any pretensions to justice and upholding the rule of law should this flagrant abuse of pensioners be allowed to continue as they have (despite my efforts).

Furthermore, with the conspiracy of silence that I mentioned above, I have no recourse to justice via the means outlined on your page entitled "How to Complain". Neither Scottish Widows, The Pensions Advisory Service, Action Fraud, nor (especially) The Pensions Ombudsman will address the "verification" issue I have against Scottish Widows. All these organisations appear to be complicit in protecting it from my very serious charges.

As I indicated, Scottish Widows ceased to respond after I questioned their "verification" demands. The Pensions Advisory Service initially provided some information that enabled me to establish the illegitimacy of SW's "verification" demands. However, once I put my findings to them, they ducked the "verification" issue, stating that they were not experts on the subject. They offered only to mediate on the non-criminal matter of postal responses to my emails (when I had made clear that post can take well over 3 months to arrive here). I also raised the matter with Action Fraud, who claimed that they did not have the leads they required for a successful prosecution. My follow up with new information and new angles met with no response.

But most egregious of all is the grossly unlawful (and almost certainly criminal) conduct of TPO, in its blatant protection of SW. After a year of inaction and prevarication (for which the explanations given are frankly ludicrous, and which would certainly have continued much longer without my interventions), I have been forced to either enter into a "pragmatic solution" with Scottish Widows via the provision of yet more irrelevant "verification" documents (thus legitimising their unlawful requirements), or else withdraw my case.

As you may know, the Pensions Schemes Act 1993/2017 (as well as TPO's own "customer" information) states that the functions of TPO are investigation followed by a legally-binding determination (with the functions of advice and arbitration being confined to TPAS). However, it is of deep concern that from 1 April this year, these functions are now incorporated within TPO. There are numerous other general concerns with the direction in which TPO has been moving since the appointment of the new Pensions Ombudsman - see [here](#). Although TPO claims to be impartial, it has shown itself in cases other than mine to be anything but. I have no qualms about stating here that TPO is utterly corrupt in its bias towards the pension provider.

The best single piece of evidence for what is clearly (at least) a TPO conspiracy to obstruct/pervert the course of justice is my [last correspondence from TPO](#). I received no response to four subsequent emails I sent in connection with this:

- my [rejection of 04/10/2017](#) to the first attempt to push me into a "solution", copied to the Casework Director and the PO
- a [follow up email of 08/10/2017](#) sent to the PO alone
- an [email of 01/11/2017](#) sent to the PO in response to the adjudicator's email of 31/10/2017
- an [email of 10/01/2018](#) sent to the Legal Director (who is apparently also a SW personal pension holder)

This clearly demonstrates complicity from the Pensions Ombudsman downwards, and that TPO is knowingly flouting pensions law (and almost certainly also criminal law) to cover up SW's criminal misconduct.

I hope you understand from the above why I can have little optimism of obtaining satisfaction from another government organisation involved in the regulation of pension providers. And it is hard to believe that FCSA can be unaware of SW's misconduct. But if the case I present is valid (i.e. SW's demands are not "required under UK legislation"), you ought to take action; and if instead SW's claim is valid, perhaps you could explain why?

If I do not receive a satisfactory response, I must add FCA to my list of government organisations complicit in the protection of SW. Further, in the absence of any law enforcement by government-appointed organisations, my only recourse is clearly to promulgate this via the mass media - I take it the UK still has a free press.

Yours sincerely,

Ian McInnes.

Attached Documents

If possible, please view the [website](#) instead. The links below may be used as an alternative to opening the attachments.

Evidence of Scottish Widow's "verification" requirements:

20160405DocRequirements email outlining SW requirements

Individual Identification and Verification Form detailing acceptable means of proving name and address

20160706cReqDocsN808003X One of several paper versions of the above document

20160915Final0824 Final Response confirming that the "verification" is applied generally

Evidence of Illegitimacy of SW Requirements:

Verification (analysis of government requirements against those of SW)

Questions (a list of questions sent to SW on two occasions without response)

Overview (overview of cases against SW and TPO)

TPO Correspondence and Commentary:

20171031FromTPO my last correspondence from TPO forcing me into a "pragmatic solution" to protect SW

20171004ToTPO my [rejection of](#) the first such attempt, copied to the Casework Director and the PO

20171008ToTPO [follow up to](#) the above, sent to the PO alone

20171101ToTPO [email](#) to the PO in response to the adjudicator's ultimatum of 31/10/2017

20180110ToTPO [email](#) sent to the TPO Legal Director

Epilogue commentary (select link: Unlawful Conduct of The Pensions Ombudsman)

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