

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	17 May 2017
Sender / Recipient / Medium	Ian Clive McInnes / TPO (Barry Berkengoff: Deputy Casework Manager) / Email
Description	My reponse to the first communication, discouraging the use of telephone (which he seemed to want to use, but which would be inappropriate for several reasons), encouraging him to instead view the information on my comprehensive website.
Website Links to More Info	Event Summary / Details (TPO)

Complaint Against Scottish Widows: PO-14071

- **Ian McInnes** <ian.mcinnnes@yahoo.com.mx>
-
- mayo 17 a las 10:31

Para

- Barry Berkengoff

Texto del mensaje

Dear Mr Berkengoff,

Thank you for your email assuring me that my complaint will be investigated.

It seems that you have not yet looked at my case, and state that you may call me initially to discuss matters. As I indicated on my application form, I would like to avoid telephone communication if at all possible, as this would be difficult for me due to my impaired hearing. Apart from this, the number you hold is that of a cellphone (there is no landline at my house), and the signal inside my house varies from marginal to nonexistent due to its reinforced construction and its somewhat remote location. *NB: I live in Mexico.*

However, I have gone to great trouble to provide comprehensive documentation of this case on my website:

www.vivazamora.mx/ScottishWidowsComplaint

and implore you to review this carefully in the first instance. Apart from a full exposition of my side of the case, the website includes the full relevant correspondence, not only with Scottish Widows, but also with TPO and TPAS. You should find that using this site greatly eases your investigative task. *The above link should open a front page leading to 8 main content pages, the first of which is entitled "Case Overview"; please let me know if this is not so (it works here in Mexico).*

I hope that any queries and issues that may arise can be dealt with by email; however, I will make myself available by telephone should it prove necessary. The only reasonable way of doing this would be by arrangement at my partner's house in the city, for which I will give you another number.

My concerns over this case are not just the considerable difficulties that I have experienced, but because these result from abusive (and I contend fraudulent) company policies that will also badly affect many others. I hope that you have the powers to deal appropriately with this matter. If the scope of the investigation is confined to assessing provable financial losses through maladministration, I fear that I must seek justice elsewhere. Nonetheless, I was led to believe that referring my case to TPO was the proper way to deal with it, and must hope that a just resolution can be achieved.

Yours sincerely,
Ian McInnes.

De: Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>

Para: 'Ian McInnes' <ian.mcinnnes@yahoo.com.mx>

CC: Carl Monk <Carl.Monk@pensions-ombudsman.org.uk>

Enviado: Lunes, 15 de mayo, 2017 4:03:36

Asunto: RE: Suspected closure of case PO-14071

Dear Mr McInnes,

Apologies for the delay in contacting you. I can assure you, that your complaint has not been closed, and the survey that you received was sent in error. Please accept our apologies for that miscommunication.

I can confirm that your complaint has been accepted for investigation and I will be investigating matters.

It is my role to assess whether maladministration has occurred. If there has been maladministration, then I will form a view of any injustice you may have suffered and whether that injustice has caused an actual financial loss.

Please note, I do not investigate complaints on a full time basis, and my main role is managing others.

However, I will shortly be reviewing the merits of your complaint against Scottish Widows and I may call you to discuss matters in the first instance. If I have formed an initial view then I will also give you my opinion and let you know the likely outcome of the complaint if it were formally determined by an ombudsman.

I will be in touch shortly. Thank you for your continued patience.

Regards

Barry Berkengoff | Deputy Casework Manager | 020 7630 2247

The Pensions Ombudsman

The Pensions Ombudsman and Pension Protection Fund Ombudsman

www.pensions-ombudsman.org.uk

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From: Ian McInnes [mailto:ian.mcinnnes@yahoo.com.mx]

Sent: 14 May 2017 19:06

To: Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>; Carl Monk <Carl.Monk@pensions-ombudsman.org.uk>

Subject: Suspected closure of case PO-14071

I refer to the email below that I sent to Carl Monk on 05 April, to which I received a reply on 07 April stating that he had forwarded it to Barry Berkengoff. My email voiced concerns about apparent inaction over my case, and requested reassurance that TPO can and will investigate it. Up to this time, I had received prompt email responses from Carl Monk. But unfortunately, well over a month later, I have received no response to my concerns, or any other information to reassure me that my case has not been closed.

It seemed strange that Carl Monk evidently did not feel able to give me any reassurance himself, instead finding it necessary to escalate the matter. A sentence or two describing its status should have been sufficient. These facts, together with the circumstances I describe below, only underscore my previous fears that TPO silently closed my case, probably around the middle of November 2016.

My case is a very serious one involving what is clearly criminal misconduct by Scottish Widows, which in the interests of justice requires a legal remedy and measures to protect the public from further abuses. To facilitate its investigation, I have put considerable work into documenting it. I contend that you could hardly have a more blatant case of abusive treatment of the pensioner; nor a clearer exposition of it than that provided by my website. In my case, it amounts to robbing me of my pension funds, as I legitimately cannot fulfil their invalid "verification" requirements.

It appears that TPO put Scottish Widows on notice just before 08 November 2016 (which I assume is done routinely once a case has been accepted). At this time, Scottish Widows attempted to telephone me several times at various

unsocial hours, presumably in an effort to get me to withdraw my case. I did not return these calls, but instead sent them an email requesting a written reply (to which I received no response).

I feel a sense of duty to prevent other pensioners being abused by Scottish Widows, and would consider it reprehensible to "do a deal" with them, even though my financial situation is now parlous. But this entrenched company clearly has considerable financial and political clout, and especially bearing in mind the scandalous nature of my case, I fear that it has prevailed upon TPO in some way to terminate its investigation.

My first indication of this was on 18 January, when another department in TPO asked me to participate in a customer survey, as their records showed that my case was now closed. I emailed Carl Monk about this, requesting reassurance that it was not so. He expressed regret that this had happened, and told me that the survey had been sent to the wrong people. However, a second email from the survey department averred that the mistake was in supplying the wrong version of the form, and that they would subsequently send me another email with the correct version (which they did four weeks later).

The only clear indication that I have had that my case will be investigated is a statement of 31 October 2016: "your application is earmarked for an adjudicator". The sole "reassurance" given in response to my concerns over the survey: "your application has been earmarked for an adjudicator to investigate" in the email of 20 January unfortunately does nothing to affirm that it had not been closed after 31 October (note that now the present perfect tense is used, rather than the simple present).

I hope that you understand from the above the reasons for my grave concerns, and I certainly do not want to believe that there has been any collusion between Scottish Widows and TPO. But if I do not receive a satisfactory statement on my case within two weeks, I must assume that it has been closed as indicated above, and pursue and publicise it as I outlined in the email below. Otherwise, I must write off the pension funds that I entrusted to Scottish Widows, and let them continue to inflict these abusive policies on others.

Yours sincerely,
Ian McInnes.

----- Mensaje reenviado -----

De: Ian McInnes <ian.mcinnnes@yahoo.com.mx>

Para: "Carl.Monk@pensions-ombudsman.org.uk" <Carl.Monk@pensions-ombudsman.org.uk>

Enviado: Miércoles, 5 de abril, 2017 14:55:52

Asunto: Scottish Widows Complaint PO-14071

Dear Mr Monk,

It is now a year since I attempted to clear the considerable hurdles placed by Scottish Widows in order to take a lump sum from my personal pension plans, only for payment to be refused as I could not completely fulfil their draconian "verification" requirements. This was despite their having had the clearest possible proof of my identity from the outset.

After an hour-and-a-half long telephone interview that (especially with my poor hearing) left me a nervous wreck, I sent by courier several certified verification documents that they assert "are required under UK legislation". These were rejected as I quite legitimately could not fulfil their address verification requirements. This arises from the fact that mail cannot be delivered to my residential address; the address that Scottish Widows is therefore an address at which I can receive their mail. *Scottish Widows documents throughout specify only plain address.*

Investigation of government verification requirements shows that no verification documents whatever should have been required, never mind the extremely burdensome requirements imposed by Scottish Widows. Their reference to "UK legislation" is clearly a false pretence intended to legitimise what can only be part of a fraudulent strategy to reduce pension encashment. But even if verification were required under government anti-money laundering regulations, the documents I supplied were more than sufficient to meet these requirements. In particular no proof of address should have been required, since I supplied good proof of date of birth (in any case, proof of address must be done on **residential** address).

The burdensome nature of these requirements was exacerbated by confusing, inconsistent, erroneous, and changing documentation of them. Further issues are their insistence on replying to emails only by post even though I had made clear that it is unusable as it takes several months, and dishonest and evasive handling of my complaint.

It is also well over six months since TPO received my application, which I had hoped that would lead to both a just resolution for myself, and avert similar difficulties for other customers. I was told I may have to wait a few weeks, but it now appears that my application has been either overlooked, rejected, or given low priority.

I am now facing serious financial difficulties, as a result of Scottish Widows' refusal to honour their obligations and the lack of any remedy. But this case is not just about me; the serious issues of this case will also badly affect numerous other customers. Nor is it just a matter of some questionable numerical calculation, but one which I believe involves criminal conduct that should long ago have been referred to the Director of Public Prosecutions.

And I fear that this delay will make it all the more difficult for justice to prevail and prevent others being victims of Scottish Widows in this captive market. Especially since a year has now elapsed since the telephone application required by Scottish Widows, they may now with greater conviction be able to claim that they are unable to supply the required documents (including the telephone interview, which I am sure they archive, but of which I unfortunately have no record) as evidence.

This is not the first time I have illegitimately been refused pension payment: my preserved army pension was denied, as Equiniti Paymaster (the paying agent) required me to supply bank details on a ludicrously-erroneous form that required invalid information, and ignored my repeated efforts over several months to convey to them the correct requirements (and 18 months later, they have still not corrected their online form).

My experiences indicate that pension providers inhabit a world in which they can do as they please, with little or no scope for redress. In the case of Equiniti Paymaster, there was no IDR, and therefore no way to pursue the case through TPO. Scottish Widows would evidently have preferred my case to be dealt with by the Financial Ombudsman. But although I felt I was on the right track by referring it to TPO rather than the organisation they mentioned, I am increasingly worried that this will not lead to a satisfactory outcome.

I would like some reassurance that TPO can and will investigate my case, and has the powers to impose appropriate measures on Scottish Widows, including prosecution if it is found to have acted unlawfully. In the absence of this, I must look at other ways of progressing the matter, including litigation; I believe this case is a solid one that would be accepted on a no-win-no-fee basis. I also think it important that the public be aware of the conduct of Scottish Widows, and possibly pension providers in general, and consider it appropriate to promulgate this via the popular media.

I have put a great deal of effort into documenting this case via my website, which I had hoped would greatly facilitate investigation by TPO, to the benefit of the general public. But if appropriate, it will also serve as a vehicle in these other two avenues.

Yours sincerely,

Ian McInnes.

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