

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	22 May 2017
Sender / Recipient / Medium	TPO (Barry Berkengoff: Deputy Casework Manager) / Ian Clive McInnes / Email
Description	<p>Response to my email of 17 May, in which I encouraged him to view my website.</p> <p>The first comment he makes is that access to my .mx domain has been blocked, and that he has applied for it to be lifted. <i>But in the Complaint Response by Fiona Nicol (the TPO Casework Director) it was stated that website access is blocked to everything that has not specifically been allowed. This being so, the adjudicator would certainly have known about it (he used to work in IT projects for TPO), and should have responded accordingly. Instead he implies that it is an issue specific to my .mx domain (and this reference to .mx was repeated at least twice subsequently). I later created a .com domain in the expectation that this would solve the problem.</i></p> <p>It is emphasised that they could only deal with maladministration issues (although this is a broad term, and there are plenty of such issues in my case besides the fraud). The final part of the email is an obvious effort to encourage me to withdraw my application.</p> <p>I consider this email to be evasive in three ways: firstly over the misleading</p>

	information over access my website (assuming that it is as I was told by the Casework Director); secondly in understating the powers of TPO; and thirdly in pushing me inappropriately into withdrawing my case.
Website Links to More Info	Event Summary / Details (TPO)

RE: Complaint Against Scottish Widows: PO-14071

- **Barry Berkengoff** <Barry.Berkengoff@pensions-ombudsman.org.uk>
-
- mayo 22 a las 9:48 A.M.

Para

- 'Ian McInnes'

Texto del mensaje

Dear Mr McInnes,

Thank you for your email.

I was scheduled to look at your case later last week but our IT system blocked your **.mx** website address and therefore I had to refer the matter to our IT providers.

Once that has been lifted I will of course review the information you have collected and documented on your personal website.

To respond to your other queries/comments – I am certain we will be able to communicate over e-mail and therefore I will not need to call you.

And, in response to your final point, this organisation has similar powers to the courts and if a complaint is upheld, any directions made by an Ombudsman are legally binding on all parties.

However, we can only address maladministration issues, and so if an injustice has occurred as a result of maladministration, we would consider the actual financial loss and non-financial injustice such as distress and inconvenience.

We are not a Regulator and so we have no jurisdiction to direct an organisation such as Scottish Widows to amend its policies or how it conducts itself. Only the Pensions

Regulator <http://www.thepensionsregulator.gov.uk/individuals.aspx> has that power. Scottish Widows should be adhering to certain best practices however and these are detailed on the Pensions Regulators website as 'codes of practice', which includes treating customers fairly.

Therefore, your investigation will be confined to the maladministration event being complained about only.

Of course you are within your rights to take your own legal action in the courts for both the maladministration events itself and any "abusive/fraudulent" practices you consider to have affected you and possibly others in a similar position. If you prefer to take your own legal action then you would have to *withdraw* your existing complaint with this organisation.

Before we go any further please let me know what you want to do.

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: 17 May 2017 16:32
To: Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>
Subject: Complaint Against Scottish Widows: PO-14071

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.