

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	13 June 2017
Sender / Recipient / Medium	TPO (Barry Berkengoff: Deputy Casework Manager) / Ian Clive McInnes / Email
Description	<p>This is evidently in response to my email of 10 June, in which I attempted to send files to enable him to access my website offline.</p> <p>He asserts that the IT provider <i>had</i> denied access to my website (which I never questioned - it is why I attempted to send an offline solution).</p> <p>He then (in response to my query) states that he cannot comment on whether they had access to my website at the time of my application. <i>This directly contradicts the statement of the Casework Director (Fiona Nicol), who stated that access to my website would have been blocked from the outset, as the default was to block all websites.</i></p> <p>Again, he leaves me hanging on with "Once I have accessed your website I will let you know".</p>
Website Links to More Info	Event Summary / Details (TPO)

RE: Scottish Widows Complaint PO-14071 Website

- [Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>](mailto:Barry.Berkengoff@pensions-ombudsman.org.uk)
-
- jun 13 a las 5:00 A.M.

Para

- ['Ian McInnes'](#)

Texto del mensaje

Dear Mr MacInnes,

The IT provider *has* denied access to your website. I cannot comment whether we had access or not to your website at the time of your application.

Unfortunately, as a Government body our data is classified and stringent security measures are taken to preserve the integrity of our servers and work laptops.

I appreciate the detail contained within your website and I therefore intend to review your website whilst working from home (on my own laptop), or I will request a non-secure work laptop and connect to the office Wi-Fi.

Once I have accessed your website I will let you know.

Regards

Barry Berkengoff I Deputy Casework Manager I 020 7630 2247

The Pensions Ombudsman

The Pensions Ombudsman and Pension Protection Fund Ombudsman

www.pensions-ombudsman.org.uk

Follow us on: [Twitter](#) | [Facebook.com](#) | [LinkedIn](#)

The information contained in this e-mail is confidential and may be privileged or contain restricted information. It is intended for the addressee only. If you are not the intended recipient, please delete this e-mail immediately and notify the sender. The contents of this e-mail must not be disclosed or copied without the sender's consent. We cannot accept any responsibility for viruses, so please scan all attachments.

From: Ian McInnes [mailto:ian.mcinnnes@yahoo.com.mx]
Sent: 10 June 2017 16:40
To: Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>
Subject: Scottish Widows Complaint PO-14071 Website

Dear Mr Berkengoff,

I recently sent the email below, but it was rejected by your IT system, evidently due to the size of the attached ZIP file containing my web site.

I will refrain from making further comments now, except to say that I am extremely unhappy.

Yours sincerely,

Ian McInnes.

Dear Mr Berkengoff,

From your statement, it is now over three weeks since you were scheduled to view my website, but were denied access to my vivazamora.mx domain. If this has been resolved and you are now in the process of reviewing it, then the remainder of this email (including the attachment) does not apply, and I await your feedback. I can well understand that even a superficial review of my evidence and analysis of this involved case will take several hours.

But it seems more likely that you have still not looked at my website, and this may be because you continue to be denied access. Yet TPO must have accessed my website at the time of my application in order to view my documents (in particular the Final Response). If it has been blocked since, it should be a simple matter to restore access. So if you are still denied access, I can hold out little hope that this situation will change soon.

I therefore offer another means to view my website, in the form of the attached ZIP file. This contains everything except 11 large PDFs containing scanned correspondence; these I will attach in a second email, as my upload limit is 25 MB. Please unzip it to an appropriate location; to enable shared use, this should be on your intranet server, rather than the local machine. The extraction process should create two directories (only) in the target location; one of these is named ScottishWidowsComplaint, and contains the .html files for this case. You can view the entire website by opening any one of these (the front page is named index.html).

This solution is obviously less satisfactory than having it online where I can update it with new events. Also, whilst links within .html files will work (they are relative), links within PDF documents will not, as they reference the vivazamora.mx domain. And the last update time is likely to be incorrect (in Chrome it is the time the browser last loaded the file); in fact I have updated only the pages "Event Summary" and "Document List" since 04 February. But these are not serious limitations, and it is vital that this website is reviewed without further delay.

I have spent hundreds of hours dealing with the issues from Scottish Widows, including painstaking analysis and documentation to make my detailed evidence as amenable as possible to investigation. And with this case, the devil is in the details. But whilst you have not yet seen my website, my emails (including my last of 24 May) should have conveyed something of the gravity of my case. It is not, I can assure you, about Scottish Widows having slightly different processes for overseas customers "to ensure appropriate ID checks are made". If you scrutinised my website with the even-handedness and attention that it merits, you should see that I do not use words like "fraudulent", "deceitful", "evasive", and "abusive" without good reason.

I have made these efforts not only on my own behalf, but also because I had hoped that they could prevent others having to suffer as I have. It is therefore particularly disappointing that, having waited well over 8 months now from TPO's receipt of my application, my case has still not even been looked at. This is despite my having pointed out its serious implications from the outset. Furthermore, only recently has the very limited scope of any TPO investigation been clearly spelled out, despite my having attempted in several emails to ascertain just what TPO could do. TPO's leaflet gave me the impression that it could deal with all aspects of complaints involving pension administration; no limitations in its jurisdiction are mentioned.

As it had seemed appropriate to leave TPO to handle my case, I refrained from taking other steps to deal with it, such as reporting the fraud, publicising it, and litigation. I feel particular regret that the fraud has gone unreported for several months, as this will have left Scottish Widows free to inflict its abuses on numerous others. And my concern for a just outcome is one reason I was not amenable to any "deal" that Scottish Widows might offer. It now seems that this position, whilst principled, was futile and to my serious detriment.

I had intended my pension funds to sustain me until I either receive state pension, or sell my first house, neither of which will happen for a number of years. Denial of my pension during the lean period after construction of my second house has made my position precarious. Having faced financial difficulties for some time, I now lack liquid assets to meet my everyday needs. Whilst I receive a preserved pension, this is paltry (in fact substantially less than the payments to a fund that I am committed to).

These financial difficulties are only partly responsible for my air of pervasive despondency that is also affecting my partner; it now seems that, even after all my efforts to expose this case, Scottish Widows has already won it. If, having read the allegations on my website, you doubt that they would implement such policies (if only because they would never get away with it), I invite you to read the last document in the "Document List" page, entitled "HowScottishWidowsEvadesJustice".

As I mentioned, I have belatedly reported the fraud to the police, and my remaining hope is that they will be diligent in reviewing my evidence. This ought to result in the prosecution of Scottish Widows. Meanwhile, I must content myself with the thought that, after all the work I have put into this case, responsibility for failures to deal with it will lie elsewhere.

Yours sincerely,

Ian McInnes.

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

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

Enviado: Viernes, 26 de mayo, 2017 10:01:53

Asunto: RE: Complaint Against Scottish Widows: PO-14071

Dear Mr McInnes,

Thank you for your email.

More information can be found here on fair treatment of customers <https://www.fca.org.uk/firms/fair-treatment-customers>

Hopefully I will have access to your **.mx** website/blog shortly and will review the complaint in detail at that point.

As I am sure you already know, this organisation is impartial and does not take sides. Each complaint is assessed on its merits and that process is done objectively based on the evidence that is available.

I will not be able to make specific comment on whether or not Scottish Widows are treating customers fairly as my jurisdiction is restricted to events of maladministration, but I can certainly look at the complaint as it stands which is really about the difficulties you have experienced in trying to access and crystallise your two pension policies. I expect Scottish Widows to have slightly different processes in place for customers who reside overseas (as opposed to UK residents) to ensure appropriate ID checks are made etc.

I will be in touch once I have been able to access the **.mx** website.

Regards

Barry Berkengoff I Deputy Casework Manager I 020 7630 2247

The Pensions Ombudsman

The Pensions Ombudsman and Pension Protection Fund Ombudsman

www.pensions-ombudsman.org.uk

Follow us on: [Twitter](#) | [Facebook.com](#) | [LinkedIn](#)

The information contained in this e-mail is confidential and may be privileged or contain restricted information. It is intended for the addressee only. If you are not the intended recipient, please delete this e-mail immediately and notify the sender. The contents of this e-mail must not be disclosed or copied without the sender's consent. We cannot accept any responsibility for viruses, so please scan all attachments.

From: Ian McInnes [<mailto:ian.mcinnes@yahoo.com.mx>]
Sent: 24 May 2017 20:57
To: Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>
Subject: Re: Complaint Against Scottish Widows: PO-14071

Dear Mr Berkengoff,

Thank you for your email, and explanation of why there have been problems in accessing my website. It may help you to know that this is hosted by 1&1, with the following details:

vivazamora.mx IP address: 74.208.215.101 (with 1574 other sites)

Location: Kansas City, MS (or Wayne, Pennsylvania?).

Hostname: clienteservidor.mx

Server Type: Apache

It is not secure, and is thus vulnerable to a "man-in-the-middle" attack from the UK. I have been particularly concerned about this, given the damning evidence it contains against Scottish Widows. However, a contact in the UK assured me that it was working a couple of weeks ago.

I have checked the link you gave me to the website of the Pensions Regulator, and in particular the page entitled "Codes of Practice". Unfortunately, none of the items on this page appears to shed any light on how pension providers are required to treat customers. The word "maladministration" has appeared a few times in TPAS/TPO correspondence, but it is not clear to me just what this means. I can only assume that it refers to non-compliance with these codes of practice. Whilst I have not been able to discover what they are, I think I can reasonably assume that the general conduct that I have experienced from Scottish Widows falls a long way below any kind of "best practice".

But the core of my case is the bogus "verification" requirements that Scottish Widows asserts are "required under UK legislation". Having gone to considerable trouble in my attempts to satisfy them, I am denied access to my personal pension funds, even though Scottish Widows always had the clearest possible proof of my identity. I have continually emphasised this aspect of the case in my correspondence, from my application of 24 September 2016 onwards. And in my last four emails, I explicitly attempted to elicit a response as to whether TPO can and will deal with this criminal misconduct appropriately, without success.

So I reported the matter online to Action Fraud last Saturday (20 May), as it now seemed clear that TPO was not the right organisation to deal with it. I regret not having done this several months ago. Although I understand there is no legal obligation to report fraud, there is clearly a moral imperative, especially when many others will be affected by it.

I expect to receive an update from Action Fraud with an assessment of my report within the next 28 working days. Only then will I have any indication of whether they will investigate it. Even if they did, it would naturally cover only the criminal matters (which it seems you would not deal with), not the maladministration to which you refer. I have no plans to take any separate legal action over the latter, and hope that you will be able to review my website shortly.

Yours sincerely,
Ian McInnes.