

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	08 October 2017
Sender / Recipient / Medium	Ian Clive McInnes / TPO (Anthony Arter: Pensions Ombudsman) / Email
Description	<p>This follows my rejection of the first attempt by the adjudicator to push me into a "pragmatic solution" that would allow SW to escape justice and maintain its false pretence.</p> <p>Concerned that perhaps the email I copied to him on 04 October did not present the full picture, I sent this in clarification. I was still hopeful that he would deal with the serious (almost certainly criminal) misconduct for which there is the clearest evidence; the implications of a failure to deal with such activity should be obvious. <i>Yet there was no reply to this or the previous email.</i></p>
Website Links to More Info	Event Summary / Details (TPO)

Scottish Widows complaint: PO-14071

- [Ian McInnes <ian.mcinnnes@yahoo.com.mx>](mailto:ian.mcinnnes@yahoo.com.mx)
-
- oct 8 a las 12:51

Para

- Anthony.Arter@pensions-ombudsman.org.uk

Texto del mensaje

Dear Mr Arter,

This is a follow up and clarification of the email I sent to you on 4 October, which was my reply to Mr Berkengoff's extremely disquieting email of 3 October. I apologize if this caused you confusion, and I perhaps should have sent you a separate explanatory email at that time. However, I thought it important that the other two recipients be aware that you have been informed about this very serious matter.

His email (appended below) is the clearest evidence to date of what I have suspected for some time; that Mr Berkengoff has no intention of investigating my case. Yet not only did he feel able to send me an email that ought to be highly self-incriminating; he also apparently copied it to your Casework Director (who unfortunately on 15 September responded with vitriolic denials to my attempts to convey my suspicions). I find this deeply troubling.

I should perhaps give you a little background on my case. I hope that my previous email made plain that I have a very serious complaint against Scottish Widows, requiring investigation and adjudication, not arbitration. I allege criminal misconduct, which Scottish Widows would have a very strong motive to prevent being brought to justice.

This case was assigned to Mr Berkengoff in October 2016 (although I had previously been assured that it was allocated to him in May 2017). Yet the first time I heard from Mr Berkengoff was on 15 May 2017; and this was only after I had surmised his email address and contacted him directly. *I had waited for over five weeks for a response to my email of 5 April to Carl Monk, which he stated was forwarded to Mr Berkengoff (only then did I know the name of the adjudicator who was assigned my case). I am quite sure that had I not subsequently emailed Mr Berkengoff directly, I would still not have heard from him.*

The explanation that I was given for this delay is that Mr Berkengoff was unaware that the case was awaiting his attention. But this is inconsistent with the fact of the telephone calls made by Scottish Widows on 08 and 09 November 2016, for which the only conceivable explanation is that they had been contacted by TPO. It also does not explain why Mr Berkengoff did not respond to the email forwarded to him on my behalf by Mr Monk (and I have no reason to believe that Mr Monk did not do this).

Since his initial email, Mr Berkengoff has displayed considerable prevarication and evasiveness, which is best assessed by reviewing the correspondence. On 12 July, I sent Mr Berkengoff an "ultimatum", stating that if he did not give me any evidence that he was taking my case seriously, I would assume that he was refusing to investigate it. I received no such evidence, only denials.

I have outlined only some of the inconsistencies involved in this case; nonetheless, I hope that you will understand its serious implications and the importance of a thorough investigation.

Yours sincerely,

Ian McInnes.

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

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

Para: "Barry.Berkengoff@pensions-ombudsman.org.uk" <Barry.Berkengoff@pensions-ombudsman.org.uk>; Fiona Nicol <fiona.nicol@pensions-ombudsman.org.uk>; "Anthony.Arter@pensions-ombudsman.org.uk"

<Anthony.Arter@pensions-ombudsman.org.uk>

Enviado: Miércoles, 4 de octubre, 2017 14:43:27

Asunto: Scottish Widows complaint PO-14071

Dear Mr Berkengoff,

I do not hold either of these documents. But in any case they are not germane to the central issue of my case, which is that pension encashment was denied on the grounds that I could not satisfy Scottish Widows' invalid requirements for proof of address.

Anybody who has looked at my case should see that it is a damning indictment of the conduct of Scottish Widows, involving fraud under a blatant false pretence, amongst numerous other instances of maladministration. My comprehensive website provides plenty of evidence of this, in addition to analysis.

Before they will encash a pension, Scottish Widows requires at least three certified verification documents, on the basis that they "are required under UK legislation". However, investigation shows that no verification whatever is required by the government in the case of a face-to-face customer where there is an ongoing business relationship; never mind the extremely onerous and burdensome demands of Scottish Widows. I conclude that they are part of a fraudulent strategy to evade pension encashment (*Unlike the cautious and measured suspicions I have voiced concerning TPO, this **is** an allegation.*)

I have strong principles and concerns for the numerous other customers who will have been badly affected by Scottish Widows' misconduct. I therefore seek not a "pragmatic" solution, but one based on justice and the rule of law.

During my dealings with Scottish Widows, they made three attempts to defuse a case that would have very serious implications for them if it were brought to justice:

- Firstly, on 30 June 2016 (having denied familiarity with the term "Internal Dispute Resolution Procedure"), the invalid documents I had sent became acceptable.
- Secondly, on 01 August 2016 (after I explained that my investigations showed that they had no legitimate basis to require proof of both address and date of birth), they offered to accept a scan of my national ID card alone.
- Thirdly, on 08/09 November 2016, Scottish Widows attempted to telephone me on five occasions (including at 0045 UK time), and left three voicemail messages (of which there is a recording on my website). This was clearly in an effort to get me to withdraw my case, and **the only plausible reason for these calls is that they had been contacted by TPO**.

I was not about to enter into a reprehensible "deal" with Scottish Widows then, and I am not about to do so now.

An important means of determining the validity of Scottish Widows' demands is the list of questions that I sent to them on 29 September 2016, and again on 23 November 2016. If their requirements were legitimate, they would be able to provide some satisfactory answers; and given the serious issues involved, would have a strong incentive to do so. But as I had expected, I received no response.

It seems that you are unwilling to put these questions to Scottish Widows yourself, as I suggested in my email of 12 July, or give any indication that you understand the gravity of my case. But they nonetheless contain compelling evidence, and I again attach this document. I also attach a copy of the PDF document corresponding to the "Case Overview" web page (I assume that TPO does not have access to my website).

Yours sincerely,

Ian McInnes.

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

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

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

CC: Fiona Nicol <Fiona.Nicol@pensions-ombudsman.org.uk>

Enviado: Martes, 3 de octubre, 2017 5:09:21

Asunto: Scottish Widows complaint PO-14071

Dear Mr McInnes,

I have been in regular contact with Scottish Widows discussing your complaint, trying to find a pragmatic solution to simplify the verification process which has resulted in you being unable to access your two pension policies.

Progress is being made and the matter is back with the legal/compliance team at Scottish Widows to consider my suggestions.

In the meantime, I would be grateful if you could let me know if you have a valid (unexpired) UK Passport or a photo-ID driving licence as an alternative to the "Residente Permanente" document you have already submitted?

If you do have such documents please let me know, and how much effort would be involved in taking those original documents to Francisco F Granados, the Notary Public in Mexico, to be copied, certified by him, and then emailed by Mr Granados to myself in the UK. This is *not* a definitive request at this stage, but it may assist as part of an overall solution to resolve matters for you.

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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