

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	31 October 2017
Sender / Recipient / Medium	TPO (Barry Berkengoff: Deputy Casework Manager) / Ian Clive McInnes / Email
Description	<p>This email forces the "pragmatic solution" that the adjudicator had pushed in his email of 03 October, and that I had rejected in my emails of 04 and 08 October. <i>Those of 03 and 04 October are appended below, and that of 08 October was sent to Mr Arter alone to urge an investigation.</i></p> <p><i>On 01 November, in response to this email of 31 October, I sent another email to Mr Arter, specifically asking whether or not he was in agreement with the stance of the adjudicator. There was no response to this, nor was there any answer to my emails of 04/08 October and one of 10 January 2018 to the Legal Director. This indicates that TPO is knowingly guilty.</i></p> <p>It is now clear that there is general complicity in this corrupt deal to protect SW, from the Pensions Ombudsman (Anthony Arter) down. Notable is the adjudicator's statement that his role allows him to "find solutions to problems". Whilst this is clearly in gross contravention of the Pension Schemes Act 1993/2017, I suspect that there may be some truth in what he says, in that he has been given such instructions by Mr Arter and Ms Nicol.</p> <p>Whatever negotiations may have been taking place between Mr Berkengoff</p>

	<p>and SW are an obvious charade to to enable SW to escape justice and maintain their false pretence. I am given the option of either agreeing to his corrupt deal with SW, or else withdrawing my case. <i>Whilst he states at the end that if such a deal cannot be achieved, the case would be resolved by the proper means of investigation and determination, this would clearly not happen, as his steps to avoid it over many months are very clear. And it contradicts his previous implication that matters were "entrenched" and that this was the reason he could/would not investigate this case.</i></p>
Website Links to More Info	<p>Event Summary / Details (TPO)</p>

RE: Scottish Widows complaint PO-14071

- **Barry Berkengoff** <Barry.Berkengoff@pensions-ombudsman.org.uk>
-
- oct 31 a las 6:48 A.M.

Para

- 'Ian McInnes'

Texto del mensaje

Dear Mr McInnes,

Thank you for your email below. I have been in ongoing discussions with Scottish Widows about your complaint and wanted to get their response before contacting you again.

Scottish Widows have now asked if you hold an unexpired signed Mexican Passport? Please confirm if you do or do not.

I appreciate your frustration but this organisation is trying to assist with your complaint and enable a solution which allows you to encash both your Scottish Widows policies.

Whilst I accept your comment below that this is potentially a larger issue affecting others, the Pensions Ombudsman (**TPO**) is not a regulator and we are not here to name and shame Scottish Widows, or force them to change their processes and policies. Further details of this were provided in my email of 22 May 2017.

My role allows me to find solutions to problems and often that course of action gives the best outcome to parties when matters have become entrenched. I note you do not want a pragmatic solution to this complaint but with respect, that decision is for myself to make as you brought this complaint to TPO.

Also explained in my email of 22 May, if you do not want to resolve matters to ultimately access your pension policies then you have the right to withdraw your complaint and seek justice in the courts.

I await your response to the question above and confirmation that you do still want TPO to investigate your complaint with a view that matters might be resolved. If the matter cannot be resolved this organisation can issue a formal Opinion which may lead to an Ombudsman making a Determination which is final and binding on all parties concerned.

Regards

Barry Berkengoff | Deputy Casework Manager | 020 7630 2247

The Pensions Ombudsman

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

Sent: 04 October 2017 20:43

To: Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>; Fiona Nicol

<Fiona.Nicol@pensions-ombudsman.org.uk>; Anthony Arter <Anthony.Arter@pensions-ombudsman.org.uk>

Subject: 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

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