

Bob Winsor – Written evidence (FDF0006)

1.This submission only deals with consequences of signature fraud by civil servants resulting in . the systemic defrauding of individuals by Private insolvency practitioners, civil servants and private law firms..

Ben Chapman in the Independent:

Forgery, tampering with court docs, falsification of evidence, perverting the course of justice, fraud, and harassment...

The human impact is enormous. People's homes repossessed, mental health ruined, many have lost everything, including - in some tragic cases - their lives. All of this on the basis of what appear to be falsified documents, presented at every stage of court proceedings.

It's an absolute disgrace what has happened. People have ended up living in cheap hotels, families have been broken and there have been suicides.

Parliament

'The impact cannot be understated

The impact on individuals and the wider economy of the issues we are highlighting cannot be understated. Job losses, personal bankruptcy, mental health problems, suicide, family

break-ups and loss of revenue to councils, HMRC and others, are all direct effects of the current system.

At

<https://www.appgbanking.org.uk/parliament-2015-2019/insolvency-reform/>

[A short explanation of how I became a homeless bankrupt prior to answer the questions on how systemic bankruptcy fraud might be remedied](#)

2.I have been asset-stripped and made homeless. Total losses £423,000. Fraud on the public purse £78,000. All my personal property such as photo albums, love letters, video recordings were thrown away.

3. In 2012 I submitted a cast-iron counter-bankruptcy appeal from the Court of Protection to the Court of Appeal.

4. grounds for the appeal, as identified by the National Fraud Intelligence Bureau: Bribery, financial abuse of a Protected Party, abuse of position, dishonest removal of £176,000 and money laundering through the Insolvency Service Account at the Bank of England.

5. Instead of passing the appeal to a Lord Justice for an initial paper decision in May 2013, a Court of Appeal case lawyer spent thirteen months manipulating the Insolvency Service. The manipulation consisted of the Ministry of Justice (HMCTS) asking Official Receiver to sign that the appeal is not from the Court of Protection; that there are no costs; and that the Protected Party does not exist. My standing was altered from Appellant (civil fraud £176,000) to Applicant (wishing to dismiss the appeal on behalf of all parties).

6. After the form was signed, the Ministry of Justice (HMCTS) used correction fluid to remove the signature and name of the Private Insolvency Practitioner. My name was inserted with a Court of Appeal staffer signing underneath my name that I wish to dismiss the appeal. I have the forensic examination of the signature fraud and document tampering

7. Following on from signature fraud, the Trustee in Bankruptcy stole the title deeds to my home and sold it for £430,000. He kept the money in his own bank account instead of the government account. The Trustee in Bankruptcy the paid the embezzled £176,000 Court of Appeal matter, back to the criminals who were subjects of the civil fraud appeal. No money came back to me. There have never been any proofs of debt to warrant making me homeless. This is because the Trustee in Bankruptcy signed that there are no costs. The Registry of Trusts confirm that there are no court actions or costs orders in my name.

8. As a result of these cases of systemic signature fraud, Parliament is being misled on the number of fraud cases, and abuse-of-Protected-party cases being heard in the Court of Appeal. For example, If the Justice Committee notices, from annual Court of Appeal records sent to Parliament, a spike in the number of appeals from the Court of Protection then the Mental Capacity Select Committee may hold a hearing. If, however, the Court of Appeal systemically commits signature fraud and then destroys entire cases, the annual court records to Parliament are false.

9. To steal my title deeds the Private Insolvency Practitioner designed his own questions to answer on a faked Insolvency Service Certificate. This fake certificate was passed to the Land Registry to sign the title deeds to my home over to the private insolvency practitioner.

10.From ex - PCC Stansfeld, Thames Valley lead fraud after he kindly assessed the same evidence previously assessed by the National Fraud Intelligence Bureau

Quote. Emphasis added

Dear Winsor,

I am pushing for a proper judicial public inquiry into bank and accountancy fraud, and your case, being on file, will be submitted.

I cannot take on individual cases, there are vastly too many. *However there is progress in bringing the whole scandal to public attention, I am doing my best.*

The Treasury Select Committee is looking into Economic Crime. I have made a submission, and hope to be called before the Committee.

Yes, we have a serious problem with the Regulatory Authorities,

It is the same problem across the board. The police, SFO, NCA etc do not have the finance to take on serious fraud. When they do, in such cases as HBOS Reading, the costs are never paid back to them.

If combatting fraud was given a decent budget, out of the money the FCA fines companies for misconduct, then it would pay for itself many times over within two years. *The Treasury is against this as it would put some banks on the rack, and the Treasury does not want that.*

I do not think this whole business will be dealt with until there is a full judicial inquiry based on the Dame Linda Dobbs inquiry into Loyds. That I am trying to force, but with Covid, Brexit, and the US elections it is a bad moment to get government action. I am doing my best,

Anthony Stansfeld,

PCC TVP.

11.Quote from the 2021 Treasury Select Committee report. Mr Stansfeld ex Thames Valley Police and Crime Commissioner

'There should also be a look into how the bankruptcy courts are being manipulated, and why the Land Registry and Insolvency Services have failed to guard the rights of property owners. *The behaviour of some of the most prominent legal companies who have acted on behalf of the banks should also be examined. Finally the failure by some of the major trade bodies that are meant to regulate the behaviour of their members should be looked into. They would seem to have become more concerned about protecting their members rather than seeing they operate within the law.*

*In June last year the Treasury Select Committee asked the National Crime Agency (NCA) to look into the alleged **industrial scale forging of signatures by banks **and the alteration of documentation****. Twelve large files of evidence were given to the NCA. In spite of having a responsibility for Serious Organised Crime, the files were immediately given to the FCA which has been aware of the problem for years. It was then passed to the SFO, who have been in possession of similar documentation for several months. It is now back with the NCA with no apparent investigation having been started. The ability of the Regulatory Authorities to pass the parcel between each other without anyone taking responsibility is a neat way to avoid action being taken. There are now 19 files of evidence with the NCA. As of now no investigation has moved forward further than an 'assessment' of the evidence. In the last week the TSC has gone back to the NCA and asked why there has been no progress on this.'*

Unquote

Anthony Stansfeld,

PCC Thames Valley Police APCC Portfolio Lead on Fraud.

Q. What fraud risks are UK individuals particularly vulnerable to today, and what are the reasons for this?

12. Mr Stansfeld has confirmed in the extract above that individuals are at risk from the systemic abuse of the Insolvency Service and Land Registry as a result of lawyers tampering with documents and signature fraud.

13. What future economic and technological developments are likely to impact how fraudsters seek to commit crime over the next five to ten years, and how might these be prepared for and mitigated? What role can technology and tech companies play in combatting fraud across this timescale?

14. This question is not applicable. No matter what economic and technological developments there are, white-collar fraudsters will still be able to commit

signature fraud. This is because the regulatory framework is not only useless but it is complicit in signature fraud. In my case it has been proved that the Official Receiver and the Private Insolvency Practitioner altered computer records, backdated court papers to keep me bankrupt for four years after I had already been discharged from bankruptcy.

15. Is fraud and its victims treated as a priority? If not, what are the reasons for this. The Committee is particularly interested in responses that can explain any barriers preventing effective counter-fraud cooperation within Government, law enforcement, the public sector and the private sector.

16. It is common knowledge that the UK is the go to country for regulatory fraud because we have a serious problem with the Regulatory Authorities.

17. The police, SFO, NCA etc do not have the finance to take on serious fraud. Least of all when fraud is committed by civil servants wishing to mislead parliament and the Home Office on Home Office Counting Rules such as NFIB 11.

NFIB 11 is applicable when a Trustee in Bankruptcy shows favour to defendant's (in a civil fraud and embezzlement appeal) by dismissing the proceedings contrary to Insolvency Rule 6.14

18. There is no point in the National Fraud Intelligence Bureau disseminating fraud packages to local police forces because the police do not have the resources to investigate fraud. If ever police do investigate the costs are never paid back to police.

There is a conflict between the Treasury and fraud authorities because the treasury will not reimburse costs of a fraud investigation even if an investigation secures millions being returned to the economy.

Ex Police and Crime Commissioner Anthony Stansfeld, Thames Valley Police:

'If combatting fraud was given a decent budget, out of the money the FCA fines companies for misconduct, then it would pay for itself many times over within two years. The Treasury is against this as it would put some banks on the rack, and the Treasury does not want that.'

. What is the role of international actors in the UK's fraud landscape? What are the barriers to tackling borderless fraud?

19. Effective regulation has always been the answer. I refer the committee to Lord Sikka: Hansards:

Quote damage being done to UK plc and the Westminster model of democracy.

*'If you could commit financial crime, where would you like to commit it?' The response is always, "The US, because there is a lot of money to be made." The next question I ask is, "If you are caught, where would you like to be prosecuted?" **At that point, laughter sets in and they all say, "The UK." Indeed, this country has become kind of a standing joke in regulatory circles.** If I were referring to any other country and explaining how Ministers and regulators have colluded to protect organisations which, by their own admission, engage in criminal conduct, many Members of the House would say, "Well, that country is corrupt" or "It is a banana republic". But I find it surprising that the ministerial response is basically "Well, we are good, and we don't really need to take account of any of these events." That is really the tip of a corrosive iceberg, because this corruption goes very deep.'*

Unquote

20. It is the combination or the separation of financial services regulations and insolvency regulations that enables directors of regulated companies to steal client money and bury the theft through insolvency. Both regulators don't talk to each other. Insolvency practitioners are uniquely independent and almost impossible to hold to account.

Action to Tackle Fraud

. How effective is the current structure for policing fraud? How successful are the City of London Police, including Action Fraud and the National Fraud Intelligence Bureau, at executing their role as the lead police force for fraud?

21. It is common knowledge that the City of London police/Actionfraud are useless. The proof in the words of Lord Sikka, quoted above, and Mr Stansfeld quoted above - there are too many cases of fraud as a result of regulatory collusion for Mr Stansfeld to take on, thus his upcoming call for a public inquiry. If regulation worked then I, and many others, would not be homeless bankrupts.

6. Are sufficient resources available to Government organisations (such as the Serious Fraud Office and Crown Prosecution Service) and wider police forces to tackle fraud and support victims, and how should this be addressed if not? Answers need not be limited to financial resources.

22. No. Police forces often obstruct victims of crime from giving statements after they receive a fraud package from the National Fraud Intelligence Bureau. This is because the UK, generally speaking, does not investigate fraud. If the police do take a statement they always dismiss it thus further misleading the Home Office about the numbers of certain categories of crime.

What are the legislative or regulatory impediments to sharing fraud risk data across and between the private and public sectors? For example, to what extent does General Data Protection Regulation (GDPR) limit data sharing?

23. The legislative impediments have been described above: Select Committees and the Home Office are being misled as to the true level of fraud offences disseminated to police forces; and, in my case, the true level of fraud in the Court of Protection despite the assurances given by the Government to Lord Hardie's Mental Capacity Act Select Committee in 2014.

24. The Regulator impediments exist as a result of Official Receivers and private insolvency practitioners colluding to disapply statutory underpinnings in place to protect bankrupts from financial ruin, and as a means to commit fraud under the radar.

A very important consequence is that the Insolvency Service Account at the Bank of England is regularly used to deposit proceeds of crime brought about by signature fraud.

What is the role of the individual in relation to fraud? Are consumers well informed about the risks of fraud and how to prevent them? If not, which bodies or organisations should do more to ensure this? What are the most effective methods of educating the public about fraud crime and prevention?

25. Consumers are not aware. The media does not publish, select committees become a form of controlled opposition, and the suicides continue.

26. I don't think MP's can possibly know what it feels like for citizens to be criminalised by corrupt lawyers. I have been arrested, detained overnight in Hereford police station before a four-hour drive to the cells at the Royal Courts of Justice. The arrest warrant was issued at the request of the Trustee in Bankruptcy to the Central London County Court. The judge had no right to have me arrested because the Registry of Trusts confirm that there are no costs orders against me. The Trustee cannot have me arrested and double-handcuffed after he committed signing fraud and faked Insolvency Service certificates.

I was Bundled in the side evidence of the Royal Courts of Justice, down into bowels of the building, and through a door into a very modern looking room with cells.

I remember looking through the oblong window from a bench against the back wall. To my right was a court officer behind a glass screen.

I kept thinking whether they knew that the prison van transported an innocent man to these cells. Did the cell warden know or care I'm that I am innocent?

There are no court records of which court room I was in, I was denied access to the duty lawyer, I was shouted at, I found out The recording equipment was switched off when I asked for a transcript of proceedings. It appears that an essential part of the fraud is for judges to use court rooms that haven't been booked merely to intimidate innocent citizens that they will be remanded in prison for the foreseeable future.

27. Fifteen months before my arrest, A twenty-four year-old Deputy Master in the highest court in the building gets the tippex out removes all details of the man who was later to secure an arrest-on-sight warrant. I turned myself in instead.

Again, I was wondering if the desk Sergeant knew that the Insolvency Practitioner who requested the warrant should be in the cells for tampering with documents related to my case.

As he was rifling through my wallet I just wish he knew that, in 2012, three years prior to my arrest, senior CoA lawyer Taz Said, and the Official Receiver, Barry Gould had colluded in signature fraud, destruction evidence, backdating computer records and faking certificates. "And that, sargeant is why I've been arrested". I'd be laughed at. "No officer, I will resist being examined by the man who tampered with court documents so he could take £50,000 from my estate".

The TiB also gave Barry Gould, the OR who appointed him, £44,000 in "administration fees". £22,000 went to VAT but CGT of £78,000 was concealed.

All my money from making me homeless was making wealthy professionals even wealthier whilst I sat in the cells.

I can't talk about it because it's so hard to believe that this can happen in England. I have twice been admitted to a secure unit after becoming suicidal.

Legislative Remedies

What is your assessment of the Fraud Act 2006? What has been the impact of the Act and is it having any unintended consequences; if so, what are these?

27. The Fraud Act 2006 is weak from the point of view of citizens. The lack of Legal Aid means that for many it is impossible to access. Citizens are not aware that the police do not have funds to investigate fraud so it would be a waste of time even if a citizen was able to afford a lawyer. The unintended consequences, in the context of lawyers manipulating the Insolvency Service is, in some cases, suicide, in all cases, homelessness.

. Is existing legislation effective in tackling the increase in modern forms of fraud? If not, is there a legislative remedy, or should fraud be addressed primarily through implementation of existing provisions? Answers may refer to existing mechanisms such as increasing the scope and powers of regulators. You may refer to any legislation and are not limited to the Fraud Act 2006

28. I will suggest a USA-style legislative remedy by incorporating criminal offences that would make it easier to prosecute the Insolvency Practitioner:

Note how in the UK, all specific Insolvency Service criminal legislation is focused against the bankrupt alone. The only legislation that may hold the Insolvency Practitioner to account are mere rules with weak, ambiguous words such as 'should':

*'Insolvency Rule 45.111 'When an appeal hearing is pending the official receiver **shou-ld***

not routinely seek any order affecting the bankrupt,..'

*A creditor's bankruptcy petition **should** only be considered for undisputed debts*

Compare the UK system to the prohibitions used in the USA system: emphasis added

29. *18 U.S. Code section 155 deals with unauthorized fee agreements. Debtors, **creditors, trustees, attorneys, receivers, and others involved in bankruptcy proceedings are prohibited from entering into agreements for purposes of fixing fees or compensation to be paid in connection with the proceedings from assets held by the estate. Conviction could result in imprisonment up to one year as well as a fine.***

30. 18 U.S. Code section 156 prohibits knowingly disregarding bankruptcy laws or rules. Under this statute, if a bankruptcy case or related proceeding is dismissed as a result of a knowing attempt by a bankruptcy preparer to disregard bankruptcy rules, that bankruptcy preparer could be sentenced to up to one year of imprisonment.

Unquote

31. US Code 156 would certainly deter Insolvency Practitioners from disregarding bankruptcy rules such as Rule 44.111 mentioned above. This is because of the direct link from making false statements to a prison sentence.

UK legislation does not have any specific legislation which could be used to sentence Official Receivers and Trustees in Bankruptcy. If a bankrupt is defrauded then he/she has to rely on the Fraud Act and the Act's ambiguous definitions of 'dishonesty'. There needs to be criminal legislation which applies directly to Insolvency practitioners to act as deterrent.

32. Of course, such laws are only effective if authorities holding Crown Prosecution Service powers use those powers when a bankrupt reports his trustee for fraud.

Under the current system all government departments advice is the same - if you have been defrauded, for example by a government official such as the Official Receiver, report it to the police. This should not be the case if the bankrupt reports fraud of which the Government takes an administrative fee. The Insolvency Service took £44,000 from my estate in administrative fees and yet takes no responsibility to hold official receivers to account.

33. The £44,000 government fees are to reward the government for using signature fraud to bankrupt me contrary to US codified law 156 shown above. Code 156 specifically deals with government employees (the Official Receiver) serving a year in prison **'...if a bankruptcy case or related proceeding is dismissed as a result of a knowing attempt by a bankruptcy preparer to disregard bankruptcy rules...'**

34. The UK does not have the equivalent of code 156 instead it rewards fraudsters. Not only did the OR take £44,000 but the private trustee in bankruptcy took over £60,000. Would he have done this if the UK had the equivalent of code 156?

Why is are Code 156 violations relevant to Parliament?

Because of the lack of a criminal code against insolvency practitioners, many statutory underpinnings, important principles of law, (and case law strengthening statutory law) can all be dismissed by a Trustee in Bankruptcy thus setting a very dangerous precedent.

In my case the signature fraud had allowed the continued defrauding of a protected party after, according to statements, nurses have been threatened and bribes offered. Obviously this situation, contrary to statutory law, is an extremely dangerous precedent for P.

If Insolvency Rule 6.14 (which is also a statutory underpinning) was strengthened by Code 156 perhaps P would be safe.

Code 156 could state that if a Trustee dismisses a part-heard civil fraud appeal by tampering with documents then he will face a sentence of one year. Here is rule 6:14 as it stands in the UK. Note the weak wording of 'should' is used again.

6.14 Appeal pending -

*When an appeal hearing is pending the official receiver **should** not routinely seek any order affecting the bankrupt, or requiring him/her to carry out some duty, which might prove to be undesirable or unnecessary if the appeal succeeds (e.g. a public examination [Note 15] or the seizure of property [Note 16]). But in assessing this situation the official receiver **must** attempt to come to a balanced view as to whether the bankrupt is pursuing a series of largely vexatious or frivolous appeals (perhaps with similar applications) merely to delay the proceedings without offering any co-operation to the official receiver and/or trustee in bankruptcy and/or the estate may be in jeopardy. The directions of the court may be sought as to how, in all the circumstances, the matter ought to proceed. Furthermore, an order under appeal remains valid and in the case of the bankruptcy would leave the disabilities of a bankrupt and the duties of the official receiver unaffected over the period it takes to conclude the appeal. An appeal does not operate as a stay of any order or decision of the lower court, **unless the appeal court or lower court orders otherwise [Note 17].***

Unquote

Is the current system in place for prosecuting fraud cases working effectively? If not, what are the key barriers to prosecution?

35 As described in paras 30 - 33 above, there is no criminal prosecution framework in place to tailor-made to each specific civil service department to deter fraud by civil servants and, in my case, a private insolvency practitioner.

Best Practice

. What lessons can be learned from effective policy interventions and schemes both in the UK and overseas?

36. Adopt US Bankruptcy laws by codifying current UK financial “rules” into specific criminal laws punishable by prison.

Can you suggest one policy recommendation that the Committee should make to the Government?

37. No. The whole regulatory system in the UK is ineffective and encourages fraudsters to come to the UK as described by Lord Sikka above.

7 April 2022