

# Scottish Widows Complaint: PO-14071 (Preface)

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This document mirrors one of the main web pages 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.*

*If my comprehensive website is accessible via the above link, please review this instead. This document nonetheless contains active links (underlined) to [web pages](#) in blue and [PDF documents](#) in crimson. It is also more suited to printing than the corresponding web page.*

## Links to Main Web Pages

<a href="#">Key Facts</a>	Key Facts of the case in numbered paragraph format.
<a href="#">Case Overview</a>	Case summary and narratives for SW and TPO.
<a href="#">Verification Issues</a>	Analysis of the "verification" requirements imposed by SW.
<a href="#">Event Summary</a>	Chronological lists of events (two separate timelines).
<a href="#">Details (SW)</a>	Detailed chronology with correspondence involving SW.
<a href="#">Details (TPO)</a>	Detailed chronology with correspondence involving TPO.
<a href="#">Determination</a>	Analysis of the TPO Final Determination.
<a href="#">Epilogue</a>	Analysis of the pensions 'industry' and its protection by TPO & DWP.
<a href="#">Questions for SW</a>	Questions sent to SW to probe their "verification" measures.
<a href="#">Document List</a>	Complete list of documents (including this one).

## Links to Main Sections within This Document

<u>Introduction</u>	
<u>24 Sep 2016</u>	Paper application form sent to TPO by courier, giving links to my website (including the list of documents).
<u>29 Sep 2016</u>	Follow-up email on delivery, followed by two acknowledgements.
<u>30 Oct 2016</u>	Asked whether TPO would like me to follow up on the questions I sent to SW, and reply suggesting I wait another month.
<u>10 Nov 2016</u>	Reported the calls from SW, soliciting any advice TPO may have.
<u>23 Nov 2016</u>	Strangely late response, suggesting that I email SW and ask for a written reply. My response, stating that I had done that.
<u>2 Dec 2016</u>	Probable red herring: First report that my website was inaccessible (this suggested that access to my website had been specifically blocked since my application was received).
<u>18 Jan 2017</u>	Possible red herring: I was sent a "customer" survey that indicated that my case had been closed ( <i>despite TPO "reassurances" it seems likely that my case had indeed been closed without my knowledge or consent</i> ).
<u>5 Apr 2017</u>	Being extremely worried, I tried to get reassurance that TPO would investigate my case. Reply stating that my email had been forwarded to the adjudicator. <i>This was the first time that I had been given his name, even though the case was assigned to him in October 2016</i> ).
<u>14 May 2017</u>	Having waited over 5 weeks for a reply from the adjudicator, I surmised his email address and contacted him directly. At last I received a response.
<u>17 May 2017</u>	My reply, urging him to use my website rather than the telephone.
<u>22 May 2017</u>	A more detailed email from the adjudicator, minimising what he could do, and apparently encouraging me to withdraw my case.
<u>24 May 2017</u>	My reply, explaining more about my case, in particular SW's false pretence for evading pension encashment.
<u>26 May 2017</u>	Response from the adjudicator, claiming that TPO is impartial, then making a ridiculous attempt to justify SW's "verification" demands.
<u>10 Jun 2017</u>	Fearing that he would use lack of access to my website as a pretext to evade investigation, I offered an offline solution.
<u>13 Jun 2017</u>	He affirmed that access to my website had been denied, but showed willingness to use a non-secure connection, stating that he would much prefer to view the information online.
<u>12 Jul 2017</u>	After another month of inaction, I expressed my concerns more strongly. I insisted that he showed an understanding of my case, and that he was taking it seriously.
<u>14 Jul 2017</u>	His reply did nothing to address my concerns.
<u>6 Aug 2017</u>	Being extremely worried, I tried to get some information on my case, but my attempt was simply referred back to the adjudicator.
<u>30 Aug 2017</u>	Another attempt to get information, this time forwarded to the Casework Manager. After claiming that my case had been actively investigated since it was assigned in May 2017, the remains of my concerns were sent to the Casework Director. I sent two follow ups to the Casework Director to correct this, urging investigation.
<u>15 Sep 2017</u>	Outrageous complaint response from the Casework Director, with false accusations, and ludicrous explanations for the inaction.

<u>3 Oct 2017</u>	Shocking email from the adjudicator, making clear that he would not investigate, instead pushing me into a "solution" with SW via the provision of yet more "verification" documents. In my reply (copied to the Casework Director and the Pensions Ombudsman), I made plain that I required a solution based on justice and the rule of law. I also sent clarification to the PO alone.
<u>31 Oct 2017</u>	Another email from the adjudicator, requiring me to either agree to his "solution", or withdraw my case. I forwarded this to the PO and explicitly asked whether he was in agreement with this. <i>No reply.</i>
<u>10 Jan 2018</u>	Noting that the TPO Legal Director evidently (from the list of declared interests) also has a personal pension scheme with Scottish Widows, I sent an email describing the issues with both SW and TPO, soliciting a response. <i>No reply.</i>
<u>5 Nov 2018</u>	After over a year since the last communication from TPO, an email from the Casework Manager continuing the charade of the adjudicator, in requesting a Mexican passport or some ridiculous alternative.
<u>15 Jan 2019</u>	A ludicrous Opinion in the name of the Casework Manager, but sent by another Adjudicator ( <i>Mr Berkengoff left TPO shortly after his second attempt to force the "pragmatic solution"</i> ). This is a desperate effort to prop up the TPO house of cards, containing glaring inconsistencies and some blatantly false statements (lies) that were very easy to dispatch.
<u>22 Jan 2019</u>	An Amended Opinion, apparently by the new Adjudicator, but after discussions with Mr Arter. This was followed just four days later by the final Determination from Mr Arter. This added another "justification" for Scottish Widows' documentation demands.
<u>Postscript</u>	Concluding notes.
<u>Appendix</u>	Report of Misconduct/Malfeasance in Public Office ( <i>in fact the conduct of TPO constitutes a conspiracy to pervert the course of justice, from the Pensions Ombudsman Anthony Arter down</i> ).

# Scottish Widows Complaint: PO-14071 (Content)

## Details (The Pensions Ombudsman)

This document chronicles my dealings with TPO, following my attempts to obtain a lump sum from two SW Personal Pension Plans. Complete correspondence with TPO over this period is represented by thumbnail images and links to PDF documents on my website.

### Introduction

This document was in response to prolonged inaction by TPO, with worrying circumstances that led me to suspect that this neglect was deliberate. My case was assigned to an adjudicator in October 2016; yet I heard nothing from him until 15 May 2017 - and this was only after I had learned his name (Barry Berkengoff), surmised his email address, and emailed him directly.

After the initial contact, it became clear that my case was being studiously ignored by the adjudicator, and that he was doing everything he could to delay and evade investigation. Despite having pressed Mr Berkengoff over my concerns and made repeated requests for reassurance, I had received no evidence to disabuse me of my suspicions, only reassurances that ring hollow in the light of the facts. It was clear that he had done nothing whatever to investigate my case.

*Two further sets of circumstances increased my concerns that my case had been buried:*

- *After apparently being able to access my web-based documents, the assistant adjudicator reported that he could not access the link in my email of 23 November 2016; this suggested that my website had been blocked shortly after my case was assigned.*
- *An email of 18 January 2017 invited me to take part in a "customer" survey, stating that my case had been closed. A second email seemed to confirm that the survey had not been sent in error, which was the only explanation I had been given for receiving it.*

*It now appears that these are red herrings resulting from mishandling by TPO. It seems that they would never have had access to my website, and the second survey sent was intended for those whose cases are open (but the email made no statement to this effect). But although now irrelevant, these events are covered in the following chronological account for completeness.*

However my suspicions that Barry Berkengoff would not investigate my case were confirmed in his email of 3 October 2017, in which he pushed me into a "pragmatic solution" with SW. This followed a Complaint Response of 15 September, which apart from its false accusations, gave explanations for the delays that have no credibility. I reported the matter to the Pensions Ombudsman, but received no reply.

On 31 October 2017, I received another email from Barry Berkengoff, requiring me to either accept his "pragmatic solution" or withdraw my case. Rather than reply to Mr Berkengoff, I forwarded his email to the Pensions Ombudsman, asking if he was in agreement with this stance, and expressing my concerns rather more strongly. Again, I received no reply. This charade was subsequently continued by Jane Stephens (the Casework Manager).

The remainder of this document contains the complete correspondence with TPO, from the time of my application. Descriptions are essentially contemporaneous, except for notes in *italics*.

24 September 2016

20160924AppITPO

I sent an application form with covering letter by DHL Express Letter, at a cost of about £50. But with the strength of my case, I had every reason to believe that this would lead surely to a successful outcome.

*This is the only paper communication with TPO; all other communication was by email. The thumbnail image is of the covering letter only, which contains more useful information than I could supply on the four-page form.*

TPO requires documentation (including at least a Final Response) in order to accept the application. I provided links to the full set of documentation on my website, which I hoped they would find a more practical means of supplying this than a sack of paper through the post.

*On the following day, I sent an email to TPAS advising them of my application to TPO. I also queried how Scottish Widows should best be approached with the questions that I had prepared. They suggested that I put these to Scottish Widows myself before TPO started to investigate, and closed my TPAS application as I had approached TPO.*



29 September 2016

20160929ToTPO

Having found that my application had been delivered, I sent a follow up email to TPO. I also included the links to the website documentation that I had detailed on my paper covering letter (this time more conveniently as hyperlinks).

On this day, I also sent the list of questions to Scottish Widows; I notified TPO of this in my email, and included a link to this document.

*My website is the sole repository of information on this case, and links to it are the only means by which I provided the documentation needed to investigate it. I was relieved to receive nothing to say that they required it in another form, as paper communications between the UK and Mexico are hardly efficient. And my website enables considerably more efficient investigation of my case than would reams of paper.*



20160930FromTPO

The next day, I received an acknowledgement, stating that they had requested my papers from TPAS. But the wording made me rather concerned that they might not accept my application (though I clearly fulfil their stated criteria).



20161004FromTPO

A few days later, I received another acknowledgement from Carl Monk (the Assistant Adjudicator who had replied to an enquiry I made a few weeks earlier). He stated that he would contact me again as soon as they are in a position to progress matters.



30 October 2016

<p>Scottish Widows Completed (P01-1487)</p> <p>From: Carl Monk</p> <p>Reason for message</p> <p>Dear Mr Monk,</p> <p>I would be grateful if you could advise me on further action I might take prior to the adjudication of my case.</p> <p>The issue of my case is the extent/validity of my application for Scottish Widows to accept my application for a written reply to my list of questions. I have included a link to the part of my website that deals with my sending of these questions.</p> <p>The link to my website is: <a href="#">http://www.carlmonk.co.uk</a></p> <p>I am sure that Scottish Widows will be able to access this link and will be able to view the documents I have included in my application. I have included a link to the part of my website that deals with my sending of these questions.</p> <p>Thank you for your help.</p> <p>Yours sincerely, Carl Monk</p>	<p><u><a href="#">20161030ToTPO</a></u></p> <p>Having waited for over a month without response from Scottish Widows to my list of questions, I sent an email to TPO to ask whether they would like me to follow it up. I included a link to the part of my website that deals with my sending of these questions.</p>
<p>The Previous Correspondence</p> <p>From: Carl Monk</p> <p>Reason for message</p> <p>Dear Mr Monk,</p> <p>Thank you for your email of 29 October 2016.</p> <p>I understand that you have contacted Scottish Widows with some additional questions. I suggest that you may wish to contact them on the telephone. Please let me know if you do not hear from them.</p> <p>Your application is considered for an adjudicator but it may be a few weeks before I hear from them. As soon as we are able to progress your case we will contact you again.</p> <p>In the meantime if you have any questions please do not hesitate to contact me.</p> <p>Yours sincerely, Carl Monk</p>	<p><u><a href="#">20161031FromTPO</a></u></p> <p>The next day, I received a reply from Carl Monk suggesting that I wait another month. He also told me that my application was "earmarked" for an adjudicator, but it may be a few weeks before I hear from them.</p> <p><i>Subsequent correspondence (see 15 September 2017) confirmed that my case was assigned to Barry Berkengoff in October 2016. The very early assignment (very shortly after my application was accepted), followed by then having to wait for an unspecified reason for an unspecified period is surely irregular. From what I have heard, the normal course of events would be a possibly lengthy wait for an adjudicator to become available, but for the adjudicator to communicate from then onwards.</i></p> <p><i>It seems clear that TPO must have accessed my website, otherwise they would not have been able to view the documents they require to accept a case. And no problem was reported with the link in my above email.</i></p>

10 November 2016

<p>Scottish Widows Completed (P01-1487)</p> <p>From: Carl Monk</p> <p>Reason for message</p> <p>Dear Mr Monk,</p> <p>As per my email of 10 November, Scottish Widows requested I contact them via the telephone, and will I will email messages regarding me to Carl Monk back. This can only be in connection with this case. Please note we cannot take full attention and/or recording of the phone calls.</p> <p>I think you will understand why I do not want to discuss this matter with them over the telephone. I will be happy to report back to you, and if anyone can assist in any way, please let me know.</p> <p>Yours sincerely, Carl Monk</p>	<p><u><a href="#">20161110ToTPO</a></u></p> <p>Sent an email to TPO to report the telephone calls received from Scottish Widows, with a link to details including a recording of the calls, and soliciting any advice they might offer.</p> <p><i>Again, no problem accessing my website via this email link was reported.</i></p>
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23 November 2016

<p>The Previous Correspondence</p> <p>From: Carl Monk</p> <p>Reason for message</p> <p>Dear Mr Monk,</p> <p>Thank you for your email of 23 November 2016.</p> <p>I suggest that if you do not want to contact the call centre for Scottish Widows that you could email me and ask for a written reply.</p> <p>In case of any further questions or progress updates we will contact you again.</p> <p>In the meantime if you have any questions please do not hesitate to contact me.</p> <p>Yours sincerely, Carl Monk</p>	<p><u><a href="#">20161123FromTPO</a></u></p> <p>Received a reply to my email of 10 November, suggesting that I email Scottish Widows and ask for a written reply.</p> <p><i>It seemed strange that he took nearly two weeks to respond to this simple matter that called for an early response, given the prompt replies at other times (and there was no out-of-office notification). Was this to wait until the TPO deal with Scottish Widows was done?</i></p>
<p>Scottish Widows Completed (P01-1487)</p> <p>From: Carl Monk</p> <p>Reason for message</p> <p>Dear Mr Monk,</p> <p>Thank you for your email suggesting that I email Scottish Widows in response to their telephone calls and request a written reply.</p> <p>This is good to let you know that I have now sent this email, which you may need <a href="#">help</a>.</p> <p>Yours sincerely, Carl Monk</p>	<p><u><a href="#">20161123ToTPO</a></u></p> <p>I replied to the above stating that I had done as suggested, and giving a link to the <a href="#">email</a> I sent Scottish Widows. I took this opportunity to remind Scottish Widows of the list of questions I sent them nearly two months ago.</p> <p><i>This link was the first one reported to be inaccessible (see below).</i></p>

2 December 2016

**This section deals with evidence that suggested targeted blocking of access to my website, but actually indicates that the Assistant Adjudicator did not bother accessing my links.**

	<p><u><a href="#">20161202FromTPO1</a></u> Received advice of the TPO secure email service.</p> <p><i>This does not denote the recent introduction of email encryption by TPO (in fact it was introduced in March 2015).</i></p>
	<p><u><a href="#">20161202FromTPO2-Content</a></u> This is the content of an encrypted email received the same day, advising me that they could not access the link in my email of 23 November.</p> <p><i>I initially assumed that this was a result of the recent introduction of security measures including email encryption, as they reported no problems with previous links to my website, and must have been able to access the documentation needed to evaluate my case. But it now seems that access to websites had always been blocked, and so the Assistant Adjudicator could not have accessed links in any of my emails.</i></p>
	<p><u><a href="#">20161203ToTPO-Wrapper</a></u> This is the content of a secure email I sent the next day. I tried to ascertain what problems they had accessing my website; in particular whether this was a result of changes to the email service (secure or ordinary), or denial of access to my domain.</p>
	<p><u><a href="#">20161203ToTPO</a></u> This is a PDF document that I sent as both a link and an attachment to my secure email of 4 December 2016, as I was not sure by what means it could be accessed.</p> <p><i>It seems clear that the link was not accessible by either secure or normal email, but that the document could be opened as an attachment. This seemed to indicate that access to my domain had been blocked, but was later told that access was only given to a few authorised websites.</i></p>
	<p><u><a href="#">20161204ToTPO</a></u> This is the email used to convey the above document.</p>
	<p><u><a href="#">20161212FromTPO</a></u> Acknowledgement of my recent emails, stating that my link cannot be opened as it is "incompatible". He was presumably able to open the PDF as the attachment to my email, not via a link.</p>

*As the link in my email of 23 November was reported inaccessible but not similar links in any previous emails from 10 November and earlier, it appeared that access to my website had been blocked between these two dates. But accepting that there would never been access to my links, the question remains why the Assistant Adjudicator only reported the link giving the email I sent to Scottish Widows in my email of 23 November. **It appears that he was interested in what I had told Scottish Widows, but not in any of my previous links concerning the case.***

18 January 2017

**This section deals with issues arising from an inappropriate request to participate in a customer survey. The evidence suggests that my case had been closed without my knowledge or consent (although it may have subsequently been reopened).**



[20170118FromTPO1](#)

This is the first email I received in respect of the Customer Survey, requesting me to participate, worryingly stating that my case had been closed.



[20170118FromTPO2](#)

About an hour and a half later, I received a correction to the above. But this stated only that the wrong version of the survey had been sent, and that they would be in touch next week with the correct version.



[20170118ToTPO](#)

Being very concerned about this (especially bearing in mind the lack of action on my case, and other circumstances), I sent this email, asking for reassurance.

In the first paragraph, I pointed out that they had sent a correction, but that this simply stated that the wrong version of the form had been sent.



[20170120FromTPO](#)

The reply was hardly reassuring. He said that the survey was sent to the wrong people, and hoped that I had received a second email from them indicating that the first should be ignored.

*But (as I pointed out in my email), the survey people in their second email stated that the error was in sending the wrong version, and that they would send the correct version later; there was nothing to suggest that they had sent it to the wrong people. And one would hope that they would know better the source of their error than people working in another department.*

And the only reassurance given over my case was repetition of a statement of 31 October 2016 "*your application is earmarked for an adjudicator*" (this time in the present perfect tense: "has been"). This unfortunately did nothing to affirm that my case had not been closed since then.



[20170215FromTPO](#)

The reassurance wore even thinner on 15 February, when as promised the survey department sent another version of the survey. Either:

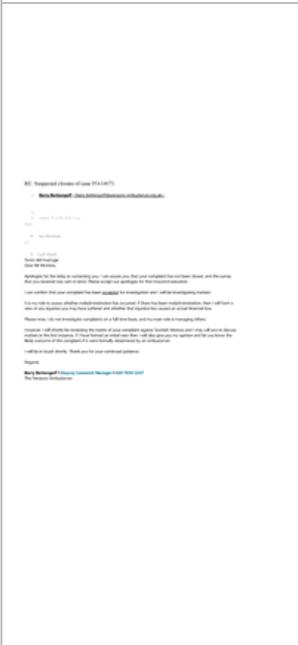
- a) they had not only sent the wrong version of the form, but also sent it to the wrong people; and furthermore had still not corrected the latter error some four weeks later; or
- b) my case had indeed been closed as they stated.

*On 31 August, the Casework Manager gave a verbatim repetition of the above "reassurance". However, on 15 September, the Casework Director stated that there are two versions of the survey; one for those whose cases are complete, and another for those whose cases are still open. Whilst this might explain the situation, it seems unlikely; moreover it is inconsistent with not only the previous reassurances, but also [information from DWP](#).*

5 April 2017

	<p><u><a href="#">20170405ToTPO</a></u> It is now over 5 months since I was told that my application "<i>is earmarked for an adjudicator</i>", and I have received not a shred of information on my case since. Bearing in mind this and the worrying circumstances (plus the gravity of the case), it should not be surprising that I was in despair.</p> <p>So I emailed TPO expressing my concerns, and again asked for reassurance that they would investigate my case, and could deal with it appropriately.</p>
	<p><u><a href="#">20170407FromTPO</a></u> Received a reply stating my that my email had been forwarded to Barry Berkengoff. At last I knew who was supposed to be investigating my case. And the email forwarded to him would give him plenty of information.</p> <p><i>It seemed surprising that Carl Monk did not seem able to answer a simple query about the status of my application himself. But at least I could expect to receive information on my case "from the horse's mouth".</i></p>

14 May 2017

	<p><u><a href="#">20170514ToTPO</a></u> Five weeks later, having hoped to hear from Barry Berkengoff, I have still received no response, or any other information on my case.</p> <p>For some time now, I have been facing serious financial difficulties, and my situation is becoming more perilous with every passing week. All these circumstances have made me despondent.</p> <p>I sent this to Barry Berkengoff, challenging him to give me some proper reassurance (I had to surmise his email address). I attached the email that he should have received from Carl Monk, and added further content. Again, this gave detailed information on my case, which should have made clear that it was a serious one that warranted urgent investigation.</p>
	<p><u><a href="#">20170515FromTPO</a></u> At last, a response from Barry Berkengoff, denying that my case had been closed. He affirmed that he would be investigating, and stated that he may telephone me to discuss matters in the first instance. <i>Apart from this being difficult for me, I hardly think that it would be an apt way to proceed with this involved case that I have spent so much time documenting.</i></p> <p>And it was hardly encouraging to be told that his main role is managing others. <i>Although Carl Monk referred to him on 7 April as "Senior Adjudicator", his title is now given as "Deputy Casework Manager". Is this a recent change of position?</i></p> <p>He stated that he will be in touch shortly, and thanked me for my continued patience. <i>But it appears that he has been sitting on my case for at least six and half months without having done anything whatever, and only reacted after I emailed him directly (not to the email forwarded to him five weeks ago).</i></p>

17 May 2017

20170517ToTPO

My response to the above, urging him to review carefully the website that I have spent hundreds of hours developing, rather than attempt to obtain an understanding over the telephone. However, I agree to make myself available by telephone should it prove necessary.

I also express concerns over just what TPO can do, but express the hope that a just resolution can be achieved through this organisation.

22 May 2017

20170522FromTPO

Received a more extensive response from Barry Berkengoff. He stated that he was scheduled to review my case last week, but was unable to do so as my website was inaccessible; but that he would proceed once the block had been lifted.

He also went into more detail as to what TPO could do, and stated that TPO could only deal with the maladministration event. He then said that I was within my rights to take my own legal action, and that in this case, I would have to withdraw my case with TPO. *The preceding comments and the final sentence seemed intended to rush me into doing just this; which would have been imprudent, to say the least, without any clear alternative.*

24 May 2017

20170524ToTPO

My reply to the email of 22 May. I firstly gave more information on my website. I also explained certain aspects of my case, in particular that Scottish Widows was imposing draconian "verification" requirements under the false pretence that these "*are required under UK legislation*".

26 May 2017

20170526FromTPO

Response by Barry Berkengoff to the above, again stating that his jurisdiction is limited to instances of maladministration (*although this in fact appears to be a broad term*). He stated again that he hoped to have access to my website shortly and would review my case then.

After a paragraph stating that TPO is impartial and does not take sides, he then stated that he expected my case to be the result of Scottish Widows having slightly different processes for overseas customers "*to ensure appropriate ID checks are made*".

*After the numerous clear statements I had made (including in my last email), the above comment is absurd. It is to leap to the side of Scottish Widows, and dismiss everything I had said as either lies or the inane rantings of a lunatic. And I could have no optimism that he would change this position, even when faced with the cogent evidence on my website.*

10 June 2017

	<p><u><a href="#">20170610ToTPO</a></u> If Mr Berkenhoff had not obtained access to my website by now, he most likely never would, so I sent an email with a ZIP of most of my website, to be followed by another email with the remaining files. This would enable my website to be installed locally, thus bypassing the access issues. But my ZIP file was rejected by their delivery system, so I sent another email without the attachment.</p> <p>I explained the concerns I had over these inordinate delays plus the evident lack of regard for my position, and the difficulties and distress that this was causing me.</p>
	<p><u><a href="#">20170610ToTPO2</a></u> This was an attempt to send the individual files, which I aborted when I received a message from their mail delivery system that my ZIP file had been rejected on account of its size. I had intended to send multiple attachments, but abandoned my attempts to provide an offline solution, and sent only a single attachment (the letter from SW rejecting my documents).</p>

13 June 2017

	<p><u><a href="#">20170613FromTPO</a></u> A reply emphasising that access to my website <b>had</b> been denied. <i>I never questioned this; on the contrary, it is why I attempted to send the ZIP file. But he did offer to review my website on a non-secure connection at home, or on the office Wi-Fi (although this was only after I had "threatened" him with a solution that he could use offline in the office).</i></p> <p>He said he could not comment on whether there was access to my website at the time of my application. <i>But the evidence indicates that my website was accessible up to around 10 November and blocked by around 23 November. If there were any (inappropriate) general blocking of websites (.mx and presumably numerous other countries) introduced around this time, he would surely know about it and have mentioned this as the reason. So it seems that my website was specifically targeted.</i></p>
	<p><u><a href="#">20170614ToTPO</a></u> My reply, acknowledging his willingness to use a non-secure connection, and encouraging him to review the website soon.</p>
	<p><u><a href="#">20170615FromTPO</a></u> Apology for the security restrictions, but he hoped that I would understand the reasons why. <i>I do not. If my website has been blocked simply on the basis of its domain name extension, this is arbitrary and inappropriate; most undesirable websites will have common extensions. A more sensible scheme would be to maintain a list of sites known to be undesirable, with the provision to update this list with new sites as they are encountered; I suspect that this has been applied to my domain.</i></p> <p>He stated that he would much prefer to view my case online (<i>seemingly not wanting to use an offline solution that would work in the office</i>). But he did state (or at least imply) that he would review my case early next week.</p>

12 July 2017

20170712ToTPO

After nearly another month, it seems that Barry Berkengoff has still done nothing. So I sent another email to chase up - this time expressing my concerns more bluntly, and challenging him to give me some answers. I made plain that I would not be satisfied with anything less than evidence that he had an understanding of my case, and was taking it seriously.

I put it to him that he had been sitting on my case since the end of October 2016, without having offered any proper explanation for this; and that it was clear that, had I not surmised his email address and contacted him directly on 14 May, I would still have heard nothing.

I also put to him directly that the evidence indicated that my case had been buried, most probably at the behest of Scottish Widows. I again made plain the gravity of my case, and that this involves a blatant false pretence that Scottish Widows would have a strong incentive to cover up.

I also asked whether he would be willing to put the list of questions I had prepared for Scottish Widows, under legislation compelling them to respond or be in a situation tantamount to contempt of court. This would easily show whether Scottish Widows is making "*appropriate ID checks*".

14 July 2017

20170714FromTPO

As expected, a prompt reaction to my email. Unfortunately, it does nothing to address any of the points that I put to him; nor does it offer any evidence that he has done anything to investigate my case. He did nothing to counter my implications that he had done nothing on my case since it was assigned to him at the end of October 2016; and that, had I not emailed him directly, I would still have heard nothing.

Instead, he simply denied any wrongdoing, and made excuses for the delays. He assured me that my case "*has not been buried... at the behest of Scottish Widows*". *This may be true - I think it more likely that it was he who initiated the deal.* He justified the delays in terms of resourcing issues and a heavy workload, and that he can do investigations only one day a week. This can hardly explain the complete inaction since October 2016.

He also indicated that progress was further delayed by security issues with my website (and he clearly did not want an offline solution). These are of their invention (and probably contrivance), not of my creation.

He offered no evidence of any progress on my case, saying only that he would "*be in touch shortly*". This is exactly what he said in his email of 15 May. I can have no expectation of anything further from him other than more delaying tactics; I will therefore no longer jeopardise my health and well-being in fruitless attempts to chase up this matter with him.

6 August 2017

	<p><u><a href="#">20170806ToTPO</a></u> In an effort to try to determine whether or not the strong indication from the survey department that my case had been closed was correct, I sent this.</p> <p>I hoped for either a clear "No" (with confirmation that they had indeed sent the survey to the wrong people) or "Yes" (this would confirm what I had suspected for some time). The worst outcome for me would be an equivocal response; I just want to know the truth.</p>
	<p><u><a href="#">20170807FromTPO</a></u> The response was very prompt, but simply referred the matter back to the adjudicator. This was the worst possible outcome. Whilst details of my case were presumably available, it did nothing to confirm that they had sent the survey to the wrong people, and that therefore my case was presumably open at that time. Had I had such confirmation, I would have accepted that my case had not been closed. And I will not hold my breath waiting for the status report, nor chase the matter up.</p>

30 August 2017

	<p><u><a href="#">20170830ToTPO</a></u> Having failed to get any answers to the question over the customer survey, and dutifully waited for the status report, I sent a follow up; this time with a full discussion of the issues.</p> <p>Apart from the questions over the customer survey, I tried to get information on whether my domain name had been specifically blocked; it was only necessary to try the links I supplied.</p>
	<p><u><a href="#">20170831FromTPO</a></u> My email was simply forwarded to Jane Stephens (Casework Manager), thankfully not Barry Berkengoff, from whom I received this response. There was a repetition of the "assurance" over the customer survey, with a patently erroneous statement that my case has been actively investigated since being allocated to Mr Berkengoff in May 2017. <i>Carl Monk stated that Barry Berkengoff was the Senior Adjudicator investigating my case in his email of 7 April. And he reported that my case was assigned to an adjudicator in his email of 31 October 2016, and this adjudicator must clearly have been Barry Berkengoff. If their database indicates that my case was allocated to him in May, it must be because my case was reopened or updated in response to my email of 14 May.</i></p> <p>Whilst it was stated that my concerns had been passed on to Fiona Nicol (Casework Director), the information sent appears to exclude the points that were "dealt with" above. This would deny the complete inaction since October 2016, and thus negate the core of my complaint. I hoped that this was not the start of a whitewash, indicating that Barry Berkengoff was able to act with the same degree of impunity as Scottish Widows.</p>

	<p><u><a href="#">20170903ToTPO</a></u></p> <p>If Fiona Nicol was given the impression that my case had been actively investigated by Barry Berkengoff since being allocated to him in May 2017, this would be a gross misrepresentation, to say the least. So I thought it prudent to send this email in an attempt to dispel such an impression. I attached PDF documents of my email of 30 August, plus the reply of 31 August to ensure that full information was provided.</p> <p>I hoped that there would be database transaction logs that would confirm what updates there had been to my case since October 2016, although I have little optimism that they could or would check this. I also reproduced the links to check whether my website had been specifically targeted; to do this would take only take a few seconds.</p>
	<p><u><a href="#">20170904FromTPO</a></u></p> <p>An acknowledgement from Fiona Nicol, stating that I could expect a reply to my complaint by 15 September.</p>
	<p><u><a href="#">20170909ToTPO</a></u></p> <p>Fearing that my case had still not been adequately represented, I sent a follow up to my previous email in an effort to avert a whitewash.</p> <p>I stated that it was practically certain that my case was assigned to Barry Berkengoff in October 2016, mentioned the oddity in the way my case was handled (seemingly rapid assignment, followed by complete inaction), and made clear my belief that most likely Mr Berkengoff had initiated a deal with Scottish Widows to bury my evidence.</p>

## 15 September 2017

	<p><u><a href="#">Complaint Response20170915</a></u></p> <p>This first and final complaint response from Fiona Nicol not only whitewashes Mr Berkengoff; it also blackens my integrity with false statements that I had made allegations against TPO and had no evidence.</p> <p>In the first instance, I did not actually raise a complaint; I simply attempted to get information on two sets of circumstances that would indicate burial of my case (over the customer survey, and the apparent blocking of my website). However, this was not forthcoming, and the matter was referred to the Casework Manager, then the Casework Director.</p> <p>As Jane Stephens had clearly grossly misrepresented my situation with a false statement that my case had been actively investigated by Barry Berkengoff since it was assigned to him in May 2017, I found it necessary to send two emails to Fiona Nicol to correct and clarify.</p> <p>It will be clear on perusal of my emails that I merely voiced my suspicions; nowhere did I make an allegation. On the contrary, I urged investigation into my concerns that Barry Berkengoff may be colluding with Scottish Widows, and stated that this might either confirm or refute my suspicions.</p>
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I will now deal some of the points in the Complaint Response, starting with the "customer" survey. For the first time, there is some explanation, in that there were two versions of the survey; one for people whose cases were still open. From this it would appear that the survey sent on 15 February had not in fact been sent in error; however the email contained nothing to indicate this. I can hardly agree that "*it was unfortunate but was later corrected*"; it was unfortunate for me in the anxiety it caused, but it was serious miscommunication by TPO that was not corrected. *On consideration of the facts, including more recent evidence, I now think it likely that this explanation is false, and that my case had indeed been closed.*

The other objective issue that raised questions over the handling of my case was the apparent blocking of my website shortly after my case was assigned to the adjudicator. Accepting the explanation that access to my website had always been denied, this raises a number of obvious points over TPO's handling of my application; especially as TPO staff must have been aware of this issue, and should have dealt with it accordingly. I had given links to documentation in several emails as well as in my TPO application; yet the first indication that my website was inaccessible was on 2 December 2016. It therefore appeared that it had been blocked around the middle of November 2016. Moreover, all mentions of the access issue in the emails from Mr Berkengoff indicate that it was limited to my .mx domain, not a general issue - why? (I subsequently created a new .com domain name in the hope that this would be accessible).

The inaction from Mr Berkengoff was explained by his inability to access my website, but that they may have a "solution"; printing the documents from a laptop with unrestricted access. This is clearly ridiculous; as they must have known that their workstations blocked internet access, they should have made this or some other provision many months ago. I called out the issue in my application of September 2016, and supplied a link to a list of PDF documents. And Mr Berkengoff rejected my offer of a solution that he could use offline, stating that he would much rather view the information online. It was in response to the prospect of an offline solution that he offered to view my website when working from home; but he never did so.

It was acknowledged that my case was assigned to Mr Berkengoff in October 2016, but denied that there was any irregularity in its early assignment. There was no response to the point that I made in both my previous emails that as both Deputy Casework Manager and Senior Adjudicator, Mr Berkengoff may have been in a position to assign my case to himself. It should be clear that such an arrangement could lead to abuse.

The explanation for the delay (that Mr Berkengoff was unaware that my case was awaiting his attention) can have no credibility. Not only is it lame in itself, it is also inconsistent with both the telephone calls of 8th and 9th November 2016 (which can only have been in response to contact by TPO), and that Mr Berkengoff did not respond to the email of 5 April 2017 that was forwarded to him on my behalf, responding only once I found his identity and email address.

The statement "*there is simply no evidence to support these allegations [of collusion and concealment]*" is untrue, both in that I did not make any such allegations, and that there is significant evidence in the email correspondence (which Ms Nicol clearly did not read, despite my urging) that has given me good reason to believe that there may have been collusion. And one should not have to wait for proof (which there will never be) before reporting these serious concerns. Perhaps Ms Nicol does not know the meaning of the word "allegation", or understand that "evidence" is not synonymous with proof. But the Complaint Response has not taken proper account of even the limited amount of information I could provide in my two emails.

Finally, for daring to voice my suspicions, I am accused of mistreating staff. I expressed my legitimate concerns in a moderate and reasonable manner, urging investigation. But there has clearly been no proper investigation of a potentially very serious matter, only rancorous rebuttals, at least some of which directly contradict the facts. And I personally have suffered considerable prolonged stress and anxiety as a result of what is at best incompetence by TPO. This utterly insensitive document adds insult to a considerable amount of injury.

The record of my email correspondence with TPO shows that TPO is the only party to have made false and misleading statements (not to mention false accusations). I stand by my testimony.

### 3 October 2017

	<p><u><a href="#">20171003FromTPO</a></u></p> <p>This stunning email confirms what I had suspected for some time; that Barry Berkengoff will not investigate my complaint. Instead, he is attempting to push me into a "pragmatic solution" with Scottish Widows, via provision of more "verification" documents.</p> <p>Moreover, the email header indicates that it was copied to Fiona Nicol, who must therefore be (at least) in agreement with this arrangement (<i>which grossly violates the Pension Schemes Act 1993/2017</i>).</p> <p>I am asked whether I hold a current UK passport or photo-ID driving licence as an alternative to my Permanent Resident ID card (Scottish Widows had previously offered to accept the latter document alone). <i>This request is not relevant to the reason my documents were rejected, which is my inability to fulfil their proof of Address requirements.</i></p>
	<p><u><a href="#">20171004ToTPO</a></u></p> <p>My reply made very plain that a "pragmatic solution" was unacceptable, especially bearing in mind the very serious nature of my complaint.</p> <p>I copied it to both Fiona Nicol and the Pensions Ombudsman (Anthony Arter, who I hoped would be above this clear misconduct).</p>
	<p><u><a href="#">20171008ToTPO</a></u></p> <p>I sent a follow up email for clarification to Anthony Arter alone. I gave an overview of my case against Scottish Widows, and urged a thorough investigation.</p> <p><i>I received no reply to this, but held out the hope that there was an undercover investigation, in which he had considered it best to operate in total secrecy, including not communicating with me.</i></p>

31 October 2017

20171031FromTPO

Another outrageous email from Mr Berkengoff, this time pushing me into his "pragmatic solution" as an ultimatum. He ridiculously asks whether I hold a signed Mexican passport, stating that this was requested by SW.

He claims that he has the discretion to "find solutions to problems" where the case has become "entrenched" (*even though he made no attempt whatever to investigate; he would not even send SW my list of questions*). Moreover, he has the audacity to assert that this is his decision as I brought the case before TPO (in contradiction of TPO's own information on its remit). *And he certainly has no discretion to do this under the Pension Schemes Act 1993/2017 either; this gives the complainant a statutory right to investigation, followed by a determination made by either the Pensions Ombudsman or his deputy. Arbitration is a function of TPAS, not of TPO.*

He then counteracts the above by claiming that if his "pragmatic solution" is not achievable, the case would be resolved by the proper process of investigation and determination (*which obviously would not happen, as his endeavours to evade investigation could not be clearer*).

I am required to either confirm that I will accept his imposed "pragmatic solution", or withdraw my case. *I will do neither.*

20171101ToTPO

Rather than reply to Mr Berkengoff, I forwarded his email to Anthony Arter, stating my position, and explicitly asking him whether he was in agreement with Mr Berkengoff's stance.

*It is of very serious concern that again, I received no reply. Firstly, Barry Berkengoff's efforts to force me into his "pragmatic solution" contravenes the Pension Schemes Act in at least two ways. Worse, given the nature of Scottish Widows' misconduct, it also amounts to perversion of the course of justice amid strong suggestions of collusion. And I could now be in little doubt that Mr Arter himself is complicit in this.*

10 January 2018

20180110ToTPO

The list of declared interests for senior TPO staff shows that Anthony Arter holds shares in no fewer than 22 pension companies. This, together with his background as a solicitor acting for such companies, makes one wonder how he could possibly be considered impartial.

However, it also shows that Claire Ryan (the Legal Director) is a fellow Scottish Widows personal pension holder. So I sent this in the hope that there may be a sympathetic ear within TPO. *It seems that there is not; or certainly not the moral fibre to speak out. In the face of its unlawful (probably criminal) conduct, this unscrupulous organisation will just close ranks and protect its own.*

5 November 2018

20181105FromTPO

An extraordinary email from Jane Stephens, which **over a year later** essentially continues the ridiculous charade of Barry Berkengoff in requiring additional verification; now a Mexican passport (even though I am a British citizen and have never given any indication to the contrary).

It was now clear that the SW/TPO charade is founded on a supposed lack of satisfactory verification of Name (*this became significant in the following Opinion*), even though this is absolutely contradictory to the documented facts.

The reason SW gave for refusing my application was lack of proof of **Address** (which is not present on a passport). And I supplied SW with both my ID card as permanent resident (giving the same details as a passport), plus a birth certificate. After I challenged SW, they made two "offers" that might have led to acceptance of my existing documents.

This email states that they received an email from SW in November 2017, but were "*unclear from their papers whether this email was forwarded*" to me. I am not sure what "papers" they have to record emails: surely, these are retained on their mail server?

If this extraordinary situation is to be believed, then why was the email from SW not forwarded now? *The embedded text (apparently copied and pasted from the source) hardly gives good evidence of it.* And am I to believe that Barry Berkengoff, who at that time was pressing me into a deal with SW (and by his account negotiating with them directly) neglected to send me this email at the time?

But whatever the truth, this email serves as yet more evidence that TPO is flagrantly violating the Pension Schemes Act by refusing to investigate and determine this case. TPO has no business to negotiate with pension providers; and the reasons for this should be obvious. *In fact, there is clear circumstantial evidence that TPO did a deal with SW around the middle of November 2016; and that this involved a substantial payment by SW.*

20181111FromTPO

My reply again repeated that I would not be party to TPO's unlawful (indeed criminal) conduct.

I demanded that my case be investigated and determined as required under the Pension Schemes Act 1993/2017.

*I received an automatic notification that Jane Stephens would be out of the office until 21 November, but have not mustered the enthusiasm to add this here.*

15 January 2019

This section deals with a quite unexpected Opinion from Jane Stephens, but sent by another Senior Adjudicator named Tunde Adenubi (*Barry Berkengoff left within a few weeks of his second attempt to impose his "pragmatic solution"*). This Opinion attempts to sustain both the false pretence of SW and the protective "pragmatic solution" of TPO. With its serious inconsistencies and statements that are demonstrably false, it does not do a very good job.

*Please note that this Opinion and my rejection of it are too long at 9 and 7 pages respectively to reasonably display as pop-up images. I therefore in each case provide an image of only the first page; please open the corresponding PDF to read the full document.*

*It is also not practical to provide a comprehensive discussion of this Opinion here; again, please read the PDF containing my rejection.*

	<p><a href="#"><u>20190115FromTPO</u></a></p> <p>This is the covering letter for the Opinion, retrieved from mimecast. I am required to respond by 30 January, or the Opinion will become the final resolution.</p> <p><i>There was an introductory email plus two further emails containing user ID and password and explaining how to recover the email and document; these contain no information on this case, and so are not reproduced here.</i></p>
	<p><a href="#"><u>McInnes Opinion</u></a></p> <p>This is the Opinion itself, which was pretty easy to demolish. It contains some quite astounding falsehoods, in a very clear attempt to sustain the SW/TPO position, especially over their request for documents to verify Name (maladroitly attempting to negate the difficulty that my documents were rejected as it was impossible for me to prove my Address, thus demonstrating the invalidity of their demands). Upholding SW's demands for documentation also required that it was reasonable to carry out both customer Identification and Verification of that Identity at the same time.</p> <p>Please read my rejection of this Opinion below for full details.</p>
	<p><a href="#"><u>20190124FromTPO</u></a></p> <p>This is simply to remind me that I must respond to the Opinion by 30 January or it will be assumed that I have accepted it.</p>
	<p><a href="#"><u>20190127ToTPO</u></a></p> <p>This is the covering letter of my rejection, with a PDF document attached. I sent this to both Tunde Adenubi and Jane Stephens.</p>
	<p><a href="#"><u>20190127OpinionRejectionPO-14071</u></a></p> <p>This is the Opinion rejection itself.</p> <p>I firstly debunk some gross misrepresentations about AML requirements (in particular the implication that both Identification and Verification of Identity are required), secondly some ridiculous statements that are said to be Scottish Widows' position, then some of the remaining issues.</p>
	<p><a href="#"><u>20190127FromTPO</u></a></p> <p>This is an out-of-office notification from Jane Stephens, who it is stated will return on 29 January.</p>

	<p><a href="#">20190128FromTPO</a></p> <p>This is an acknowledgement of the Opinion rejection I sent on 27 January. <i>On 29 January, the Department for Work &amp; Pensions accessed web links from my Opinion Rejection over several hours, and there were further accesses (also clearly from this document) on 5 March - see the <a href="#">Access Log Reports</a>.</i></p>
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**22 March 2019**

This last section deals with an Amended Opinion from the Adjudicator (Tunde Adenubi), followed just four days later by the Final Determination from the Pensions Ombudsman (Anthony Arter).

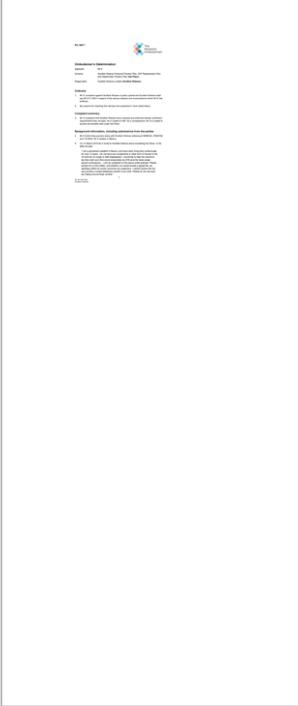
*Please note that the main documents in this section (the Final Determination, and my rejections of this and the Amended Opinion) are too long to reasonably display as pop-up images. I therefore in each case provide an image of only the first page; please open the corresponding PDF to read the full document.*

*It is also not practical to provide a comprehensive discussion of the Determination here; again, please read the PDF containing my rejection.*

	<p><a href="#">20190322FromTPO-Notification</a></p> <p>This is simply a notification that I have received an Amended Opinion via mimecast. I am asked to respond if possible by 25 March (it was sent on Friday, and a response is expected the following Monday).</p>
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	<p><a href="#">20190322FromTPO-Mimecast</a></p> <p>This is the page from mimecast to access the secure message, which contained the Amended Opinion. <i>I had no problems accessing this using the supplied details.</i></p>
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	<p><a href="#">AmendedOpinionPO-14071</a></p> <p>This is the Amended Opinion itself, which is stated to arise from discussions with the Pensions Ombudsman.</p> <p>This basically accepts some failings in Scottish Widows' communication surrounding the verification requirements (<i>these were commented on in the Original Opinion, though not considered maladministration</i>). However, the requirements themselves are fully sustained, while doing nothing whatever to address some awkward facts that I expressed in my Opinion rejection, which directly contradict this position.</p> <p>It states that Scottish Widows has agreed to pay £1000 in respect of the communications failings, even though the Pension Schemes Act authorises TPO only to investigate and determine complaints - negotiation of any kind is not a legitimate TPO function (and it should be obvious that to allow this would be conducive to corruption). <i>Nonetheless, TPO did a lot worse than this in forcing its "pragmatic solution" upon the complainant (I was given the option of accepting this, or withdrawing my case).</i></p>
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	<p><a href="#"><u>20190324ToTPO</u></a>  This is the covering email for my rejection of the Amended Opinion, which I obligingly sent before 25 March as requested. The document below is attached.</p>
	<p><a href="#"><u>OpinionRejectionPO-14071v2</u></a>  This is my rejection of the Amended Opinion. It is essentially a revised version of my rejection of the Original Opinion, with a section added to deal with a few points in the Amended Opinion.</p>
	<p><a href="#"><u>20190326FromTPO-SecureMessageNA</u></a>  This is the page for another mimecast message (<i>in fact it contains the Final Determination, although I had no means of knowing this at the time</i>). But although the browser had saved the user ID and password, I was unable to access the message, even after resetting my password.</p>
	<p><a href="#"><u>20190327ToTPO</u></a>  My response to the above, requesting that future correspondence be by ordinary email.</p>
	<p><a href="#"><u>20190328FromTPO</u></a>  Response from the Adjudicator, attaching the two documents below (Final Determination and Information) in unencrypted form.</p>
	<p><a href="#"><u>McInnes FD</u></a>  Determination from the Pensions Ombudsman (Anthony Arter), sent as an attachment to the above email.</p> <p>It is a travesty that does not withstand scrutiny, with gross misstatements, both in relation to the facts of my case, and in relation to Anti-money laundering regulations. It also contains serious internal inconsistencies. These are inherited from the Opinion, even though I explained the errors fully in my Opinion Rejection, which Mr Arter stated that he considered.</p> <p>I subsequently created two documents that will be used to promulgate my case as appropriate, and in particular dispatch what should be a highly self-incriminating document:</p> <p><a href="#"><u>Key Facts</u></a> includes a concise overview in the form of numbered paragraphs.</p> <p><a href="#"><u>Analysis of Determination</u></a> gives more details, with references to material in the Opinion Rejection.</p>
	<p><a href="#"><u>FD Factsheet</u></a>  Factsheet accompanying the Final Determination. It appears that, being resident in Mexico, I have no chance of bringing this case before the High Court.</p>

**This is the end of my correspondence with The Pensions Ombudsman. Like Scottish Widows, TPO resorted to lies, deceit and evasiveness in response to the issues I raised. The Opinions and Determination that I eventually received are gross travesties, containing statements that go directly against documented facts to sustain SW's false pretence and TPO's "pragmatic solution". TPAS is also clearly guilty of evasiveness and concealment in this matter.**

**The above demonstrates an ongoing conspiracy to pervert the course of justice in the protection of Scottish Widows. Although this may have been initiated by Barry Berkengoff, the above shows active participation by Fiona Nicol and Jane Stephens; and most recently and significantly, Anthony Arter (after failing to respond to three earlier emails on the matter). Berkengoff left TPO within a few weeks of his last email of 31 October 2017, and is now working for Southwark Borough Council as Pensions Manager. His charade was continued after his departure by Jane Stephens.**

See the section [Epilogue: Unlawful Conduct of The Pensions Ombudsman](#) for general concerns over the current activities of TPO. And, as the section [Epilogue: A Conspiracy of Silence](#) shows, there is reason to believe that this cover up of Scottish Widows' misconduct involves other government organisations.

**TPO is answerable to the Commons Select Committee for Work & Pensions. On 5 May 2018, I managed (via a contact) to convey [details of the case](#) to the members of this committee, the Work and Pensions Secretary, and the Pensions Minister. *No response.***

## Appendix - Report of Misconduct/Malfeasance in Public Office

The first of the above offences is criminal, and the second a tort (civil wrong). Apart from criminal misconduct, my case contains several counts of malfeasance; TPO has treated me with the same contempt that it has treated both pensions and criminal law, causing prolonged stress and anxiety. However, this section will concentrate on the criminal matters.

The Pensions Ombudsman (Anthony Arter) has been made fully aware in three emails of the imposition by the adjudicator of a "pragmatic solution" enabling Scottish Widows to escape justice and maintain its false pretence. As he has neither responded nor taken any action, he must be held directly responsible for what is clearly **a conspiracy to pervert the course of justice** (in addition to grossly violating the Pension Schemes Act 1993/2017).

Whilst Barry Berkengoff executed the principal illegal acts, he may have been acting entirely under instructions. But I also think it likely that he took advantage of a corrupt environment to initiate a lucrative deal with Scottish Widows. The primary responsibility for such an environment must lie with the Pensions Ombudsman, and in particular his machinations to evade determinations and legal scrutiny in support of the pension provider. Several other TPO staff are complicit in the misconduct, to a greater or lesser degree. Their evasive behaviour suggests that they knew that unlawful conduct was taking place.

I list here the TPO staff members that I believe should be investigated and/or interviewed, and my assessment of their likely involvement. I use a star system to indicate my confidence in the suspicions I raise:

*****	demonstrably true	100%
****	highly probable	95%+
***	probable	75%+
**	likely	25%+
*	significant possibility	10%+

In the following table, personnel with greater apparent involvement are listed first. Please refer to the detailed list of events with correspondence for further information.

Name and Title	%	Description
Anthony Arter <i>Pensions Ombudsman</i>	*****          ****          **	Full complicity with criminal protection of Scottish Widows. See his <a href="#">Determination</a> , and also <a href="#">my email of 4 October 2017 in rejection of the "pragmatic solution"</a> , <a href="#">my follow up email of 8 October 2017</a> , and <a href="#">my email of 1 November 2017</a> specifically asking whether he endorsed the adjudicator's position.  Issuing instructions to adjudicators in contravention of the Pension Schemes Act 1993/2017, with the aim of evading determinations and scrutiny. This may have allowed the adjudicator to initiate an illegal deal with SW, which if exposed would incriminate himself. <a href="#">See Unlawful Conduct of the Pensions Ombudsman</a> .  Being directly responsible for initiating a specific deal with SW, by either doing so himself, or giving explicit instructions to the adjudicator.
Barry Berkengoff <i>Deputy Casework Manager (or Senior Adjudicator)</i>	*****          *****          ****          ***          *	Criminal protection of Scottish Widows by refusing to carry out the duty of investigation required under the Pension Schemes Act 1993/2017, instead forcing a "pragmatic solution" allowing SW to escape justice for its fraudulent invasion of pension encashment and maintain its false pretence. See <a href="#">email of 31 October 2017</a> and its two appended emails.  Deliberately delaying and evading investigation (for details, see correspondence above). The protection of SW and lack of proper explanation make this quite clear (without which I would have rated it four stars).  Deliberate attempts to mislead as to what TPO could do, and persuade complainant to withdraw case.  Initiation of a (perhaps lucrative) deal with SW to bury what would be a highly-damaging case ( <i>although any such deal might have been under direct instructions</i> ).  Entering false information on the TPO database to indicate that the case was assigned to him only in May 2017, rather than October 2016.

<p>Fiona Nicol <i>Casework Director</i></p>	<p>*****  ****  **</p>	<p>Full complicity with criminal protection of Scottish Widows. See <a href="#">email from adjudicator of 3 October 2017</a>, copied to Fiona Nicol. <i>This followed an appalling <a href="#">Complaint Response</a> of 15 September 2017.</i></p> <p>Knowingly making false statements in the Complaint Response to "explain" the inaction; for example in stating implausibly that the adjudicator was unaware that the case was awaiting his attention.</p> <p>Issuing detailed instructions to the adjudicator to impose a "pragmatic solution".</p>
<p>Jane Stephens <i>Casework Manager</i></p>	<p>*****  *****  *****</p>	<p>Giving false statement in an <a href="#">email of 31 August 2017</a> that my case had been actively investigated by the adjudicator since it was assigned to him in May 2017 (he had done nothing since it was assigned in October 2016). Moreover, this key point was excised from the report passed to the Casework Director. <i>I charitably considered at the time that Barry Berkengoff may have entered incorrect details on the database on exiting his radio silence, leading to a genuine misunderstanding. However, in the light of subsequent events, I now think it much more likely to be another lie and a wilful effort to bowdlerise my evidence against Mr Berkengoff.</i></p> <p>Demonstrated full involvement in the protection of SW in an <a href="#">email of 5 November 2018</a> that pursues Mr Berkengoff's "pragmatic solution" with some quite absurd statements. See also my <a href="#">reply of 11 November</a>.</p> <p>On 15 January 2019, served a ludicrous <a href="#">Opinion</a> that contains blatant falsehoods and misrepresentations in a clear effort to sustain SW's false pretence and TPO's "pragmatic solution" (house of cards) in its cover up. See also see my <a href="#">rejection of 27 January</a>.</p>
<p>Claire Ryan <i>Legal Director</i></p>	<p>*****</p>	<p>Having full knowledge of TPO criminal misconduct, and failing to respond or take any action. See <a href="#">my email to Claire Ryan of 10 January 2018</a> (read, but no reply).</p>
<p>Carl Monk <i>Assistant Adjudicator</i></p>	<p>****  ***</p>	<p>Being aware that Barry Berkengoff was deliberately delaying and evading investigation.</p> <p>Being aware of a deal initiated by Barry Berkengoff towards the beginning of November 2016. See sections above for 10 and 23 November 2016.</p>
<p>Briony Bowen <i>Communications Manager</i></p>	<p>*****</p>	<p>Evasive responses to my queries, which were not answered. Instead my emails were forwarded firstly to Barry Berkengoff (who did not give the promised status report), then Jane Stephens. Both recipients have full involvement in the conspiracy.</p>