

Report of Misconduct in Public Office by The Pensions Ombudsman

Complainant: Ian Clive McInnes

TPO Case Number: PO-14071

Full Details: www.elpobrecorderito.com/PersonalPensionFiasco/

I firstly present an overview of this case, and secondly the evidence and details.

Abstract

I brought before The Pensions Ombudsman a very serious case against Scottish Widows, involving several issues of maladministration and misconduct. Its core is difficult (and in my case impossible) to fulfil "verification" requirements that SW asserts are "required under UK legislation". This is a **false pretence**; the UK government does not require any customer verification whatever when there is an ongoing business relationship, and SW could not possibly have believed otherwise. These draconian measures can only have been contrived as part of a strategy to evade/reduce pension encashment, and I have accordingly reported the matter to ActionFraud. *For full details, analysis, and proof of this, please review the website above, in which I supply the complete unedited correspondence as evidence.* My case would be very damaging for SW (but avert much misery for SW pensioners) if brought to justice.

But The Pensions Ombudsman refuses to carry out its statutory duty of investigation and determination (the latter of which must be by an Ombudsman); instead it has imposed a blatantly illegal "pragmatic solution" through the Adjudicator. This "solution" involves the provision of more (irrelevant) certified "verification" documents, thus enabling SW to escape justice and maintain its false pretence. And it followed an unexplained and clearly quite deliberate delay of a year, which would have continued indefinitely without my interventions. In the circumstances, this connotes collusion with and protection of SW, and must amount to obstruction/perversion of the course of justice. But even if this were not so, TPO's gross violations of the Pension Schemes Act 1993/2017 Sections 145(4C) and 146 are a clear case of **Misconduct in Public Office**. And there is complicity in this from the Pensions Ombudsman down.

Please note that both SW and TPO ceased to respond when I raised the above matters. I sent questions about SW's verification requirements on two occasions (each time to two email addresses) without response; yet SW could easily have answered these if their demands had any justification. I escalated the matter of the Adjudicator's forced resolution to both the Casework Director and Pensions Ombudsman, urging an investigation (in the hope that it was confined to a rogue individual). All these emails remain unanswered (including three to the Pensions Ombudsman, in which I specifically asked whether or not he endorsed the Adjudicator's position); as does a further email I sent to the TPO Legal Director.

Please also be clear that TPO has done nothing whatever to investigate my case, or done anything that might culminate SW. Instead, after several months of radio silence (broken only when I found out his email address) the Adjudicator showed considerable evasiveness. For example, I suggested on two occasions that he send my list of questions to SW, if necessary under Pension Schemes Act Section 150(4); this would enable TPO to easily determine whether or not SW's verification demands had any legitimacy. I invite you to review my correspondence with TPO and judge for yourselves where the merits lie.

And I am aware of others who have experienced problems with TPO evasion of determination, although these cases amounted to stonewalling rather than a blatant refusal to investigate. There are particular concerns over a number of fundamental changes introduced by the current Pensions Ombudsman, Mr Anthony Arter. Holding shares in 22 pension providers, with a background as a solicitor defending such companies, he hardly seems appropriate for a position in which impartiality is imperative. His changes are aimed at delegating determinations that may be subjected to legal and public scrutiny through "informal" resolutions. This is eroding TPO transparency, and opening the floodgates to corruption.

Pension holders rely on TPO to deal with mistreatment by pension providers, but I fear that they now have little prospect of obtaining this, especially with a serious case such as mine. I hope that your investigation of this case will result in a reformed organisation worthy of the trust the public must place in it.

Evidence and Details

The key evidence lies in the correspondence. My website contains the entire correspondence relating to the case, including that with SW, TPO, The Pensions Advisory Service, and several other parties; however only that with TPO is likely to be of interest here. This is entirely in the form of emails, with the sole exception of my TPO application, which I sent by courier. I include in this report the unedited textual content of all my most recent correspondence with TPO (that dating from 03 October 2017).

All emails reside on the Yahoo email server. If required, I will issue a temporary password to my account to enable some appropriate person to verify them. Whilst this would impinge on my privacy, this is secondary to achieving justice in a case that reveals dreadful treatment of the pensioner by both SW and TPO.

In this section, I present a list of items extracted from my website. However, for comprehensive information, please view this website instead. This also contains a complete up-to-date list of PDF documents, including those mirroring web pages, for use where printouts are required.

The items are in the following categories:

1. all recent correspondence with TPO (from being presented with a "pragmatic solution" onwards)
2. report of TPO misconduct in public office, giving my assessment of individual involvements
3. narrative and details of my dealings with TPO
4. analysis of some worrying changes introduced by the Pensions Ombudsman

The copies of emails I present here and on the website were created by selecting the entire text in the Yahoo email browser window, and copying it and pasting it into a Word document. There may have been some adjustments to whitespace for better presentation (mainly removing redundant blank lines), but the textual content is completely unaltered.

Page	Description
3	Email from the Adjudicator of 03 October 2017, pushing a "pragmatic solution" (copied to the Casework Director).
4	My email of 04 October 2017 in rejection of the "pragmatic solution" (copied to the Casework Director and the Pensions Ombudsman).
6	My follow-up email of 08 October 2017 to the Pensions Ombudsman alone, giving more information and urging an investigation.
8	Email from the Adjudicator of 31 October 2017, forcing the "pragmatic solution".
10	My email of 01 November 2017 to the Pensions Ombudsman, querying the position of the Adjudicator.
12	My email of 10 January 2018 to the Legal Director, explaining the issues with SW and TPO, and inviting a response.
15	Report of Misconduct/Malfeasance in Public Office, taken from the Details (TPO) web page.
17	Summary narrative of events involving TPO, taken from the Case Overview web page.
19	Detailed narrative of events involving TPO, with thumbnails of correspondence, taken from the Details (TPO) web page (please see website for popup images and complete PDF documents).
33	Concerns over machinations by the Pensions Ombudsman to evade determinations that may be subject to legal and public scrutiny (taken from the Epilogue web page).

Email from the Adjudicator of 03 October 2017, pushing a "pragmatic solution" (copied to Casework Director)

www.elpobrecorderito.com/PersonalPensionFiasco/Docs/TPO/20171003FromTPO.pdf

This amounts to proof of what has been evident for some time; that the adjudicator will not investigate my case. Instead he imposes a "pragmatic solution" that is quite obviously in protection of Scottish Widows. This not only in gross contravention of the Pension Schemes Act 1993/2017; but given the fraudulent nature of SW's conduct, it is also clearly criminal obstruction of the course of justice. *It later transpired that this is a conspiracy involving TPO as a whole, from Anthony Arter (the Pensions Ombudsman) down.*

The purported negotiations with SW are a quite obvious charade, and the additional verification documents do not involve address, the lack of satisfactory proof of which is the reason why my documents were rejected. And on 30 June 2016, SW had already both accepted my documents as they stood (they asked me to post them), and later offered to accept a scan of my ID card alone (containing proof of name and date of birth) as verification.

The reference to a Francisco F Granados is to the local notary public (which in Mexico is an experienced government-appointed lawyer) that certified my documents. And, as an aside, this is not the proper way to abbreviate a Spanish name; the abbreviated form is Francisco Figueroa.

Scottish Widows complaint PO-14071

- **Barry Berkengoff** <Barry.Berkengoff@pensions-ombudsman.org.uk>
-
- oct 3 a las 5:09 A.M.

Para

- 'Ian McInnes'
- CC
- Fiona Nicol

Texto del mensaje

Dear Mr McInnes,

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

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

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

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

Regards

Barry Berkengoff | Deputy Casework Manager | 020 7630 2247

The Pensions Ombudsman

The Pensions Ombudsman and Pension Protection Fund Ombudsman

www.pensions-ombudsman.org.uk

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My Email to the Adjudicator of 04 October 2017, rejecting the "pragmatic solution" (copied to Casework Director and Pensions Ombudsman)
www.elpobrecorderito.com/PersonalPensionFiasco/Docs/TPO/20171004ToTPO.pdf

My response to the effort of the adjudicator dated 03 October to push me into a "pragmatic solution" that would allow SW to escape justice and maintain its false pretence.

The email of 03 October was worryingly copied to the Casework Director, and I copied this additionally to Anthony Arter (the Pensions Ombudsman) in the hope that he would be above this stinking deal (*he is not*).

Scottish Widows complaint PO-14071

- [Ian McInnes <ian.mcinnnes@yahoo.com.mx>](mailto:ian.mcinnnes@yahoo.com.mx)
-
- oct 4 a las 2:43 P.M.

Para

- Barry.Berkengoff@pensions-ombudsman.org.uk
- Fiona Nicol
- Anthony.Arter@pensions-ombudsman.org.uk

Texto del mensaje

Dear Mr Berkengoff,

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

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

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

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

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

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

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

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

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

Yours sincerely,

Ian McInnes.

(email from Adjudicator of 03 October 2017 appended to original email).

My Email of 08 October 2017 to the Pensions Ombudsman, following up and clarifying my email of 04 October 2017

www.elpobrecorderito.com/PersonalPensionFiasco/Docs/TPO/20171008ToTPO.pdf

This follows my rejection of the first attempt by the adjudicator to push me into a "pragmatic solution" that would allow SW to escape justice and maintain its false pretence.

Concerned that perhaps the email I copied to him on 04 October did not present the full picture, I sent this in clarification. I was still hopeful that he would deal with the serious (almost certainly criminal) misconduct for which there is the clearest evidence; the implications of a failure to deal with such activity should be obvious. *Yet there was no reply to this or the previous email.*

Scottish Widows complaint PO-14071

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

Para

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

Texto del mensaje

Dear Mr Arter,

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

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

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

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

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

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

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

Yours sincerely,

Ian McInnes.

(email from Adjudicator of 03 October 2017 and my email of 04 October 2017 appended to original email).

Email from the Adjudicator of 31 October 2017 forcing the "pragmatic solution"
www.elpobrecorderito.com/PersonalPensionFiasco/Docs/TPO/20171031FromTPO.pdf

This email forces the "pragmatic solution" that the adjudicator had pushed in his email of 03 October, and that I had rejected in my emails of 04 and 08 October. *Those of 03 and 04 October are appended below, and that of 08 October was sent to Mr Arter alone to urge an investigation.*

On 01 November, in response to this email of 31 October, I sent another email to Mr Arter, specifically asking whether or not he was in agreement with the stance of the adjudicator. There was no response to this, nor was there any answer to my emails of 04/08 October and one of 10 January 2018 to the Legal Director. This indicates that TPO is knowingly guilty.

It is now clear that there is general complicity in this corrupt deal to protect SW, from the Pensions Ombudsman (Anthony Arter) down. Notable is the adjudicator's statement that his role allows him to "find solutions to problems". Whilst this is clearly in gross contravention of the Pension Schemes Act 1993/2017, I suspect that there may be some truth in what he says, in that he has been given such instructions by Mr Arter and Ms Nicol.

Whatever negotiations may have been taking place between Mr Berkengoff and SW are an obvious charade to enable SW to escape justice and maintain their false pretence. I am given the option of either agreeing to his corrupt deal with SW, or else withdrawing my case. *Whilst he states at the end that if such a deal cannot be achieved, the case would be resolved by the proper means of investigation and determination, this would clearly not happen, as his steps to avoid it over many months are very clear. And it contradicts his previous implication that matters were "entrenched" and that this was the reason he could/would not investigate this case.*

RE: Scottish Widows complaint PO-14071

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

Para

- 'Ian McInnes'

Texto del mensaje

Dear Mr McInnes,

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

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

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

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

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

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

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

Regards

Barry Berkengoff | Deputy Casework Manager | 020 7630 2247
The Pensions Ombudsman

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(email from Adjudicator of 03 October 2017 and my email of 04 October 2017 appended to original email).

My Email to the Pensions Ombudsman of 01 November 2017 in response to imposition of the "pragmatic solution" by the Adjudicator

www.elpobrecorderito.com/PersonalPensionFiasco/Docs/TPO/20171101ToTPO.pdf

This is in response to the Adjudicator's email of 31 October in which I am forced to either agree to a "pragmatic solution" that would allow SW to escape justice and maintain its false pretence, or else withdraw my case. I am now presented with a request for a Mexican passport. Again, this is not relevant to the reason my documents were rejected (unsatisfactory verification of address). And, being a permanent resident of Mexico (British citizen), I am hardly likely to hold this document.

Not being prepared to do either of the above, I sent this to the Pensions Ombudsman (Anthony Arter). I asked specifically whether he was in agreement with the stance of the adjudicator. And this email should make very plain the gravity of the matter (if it were not before), and give him another chance to deal with it. *He did not - as with my previous emails of 04 and 08 October, there was no reply.*

This is the clearest evidence of Mr Arter's complicity (as well as that of the Casework Director and others) in a conspiracy to obstruct/pervert the course of justice in protecting Scottish Widows from criminal charges.

Please note that at this time, I was not familiar with the relevant sections of the Pension Schemes Act, but this treatment was clearly contrary to their role as stated by TPO, which is to investigate and determine complaints in accordance with the law. And the implications of this forced "solution", especially in consideration of the gravity of my case, were very clear.

Refusal to Investigate PO-14071

- [Ian McInnes <ian.mcinnnes@yahoo.com.mx>](mailto:ian.mcinnnes@yahoo.com.mx)
-
- nov 1 a las 14:32

Para

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

Texto del mensaje

Dear Mr Arter,

I am shocked to have received another email from Mr Berkengoff (appended) forcing me into a negotiated settlement with Scottish Widows in order to encash my personal pension plans.

My understanding was always that the main role of TPO is to investigate and adjudicate, which Mr Berkengoff is clearly refusing to do. This is of particular concern as my case involves criminal misconduct by Scottish Widows, as well as numerous counts of maladministration. I do not believe that it should be a matter for his discretion to impose arbitration in these circumstances.

I will state frankly that I can see no reason for his refusal to investigate other than collusion with Scottish Widows, to prevent my very damaging case from being brought to justice. I would have hoped that my emails of 4 and 8 October (to which I received no reply) made clear that this matter must be investigated. Given its implications, I am astounded that it appears to have been completely ignored.

Mr Berkengoff implies that he adopted his approach as matters have become entrenched. Yet he has clearly done nothing whatever to investigate my case. As I have suggested in two emails to Mr Berkengoff, a simple measure to assess the validity of Scottish Widows' "verification" requirements is to send them my list of Questions (attached) under Section 150(4) of the Pension Schemes Act 1993. But he is simply refusing to do anything that might inculpate Scottish Widows. And even if the verification issue were intractable, there are numerous other instances of maladministration that should have been investigated.

Apart from this, since being assigned my case in October 2016, he did not communicate until May 2017; and this was only after I had managed to surmise his email address and emailed him directly. He did not respond to an email forwarded to him on my behalf in April 2017. And the explanation that I was given for this lacks credibility.

If you can access my website, you can review all the correspondence here:

www.elpobrecorderito.com/PersonalPensionFiasco/DetailsTPO.html

I believe that this is necessary to arrive at a proper judgment. I also attach PDF documents of some of my website pages, although these are best viewed on the website if you have access.

I hope that you are able to dispel my growing impression that Mr Berkengoff's refusal to act against Scottish Widows' criminal misconduct is sanctioned by TPO. I therefore ask you to give me your judgment on Mr Berkengoff's position, as evinced in the email below, and in other correspondence. I would prefer a reply by email, but you can leave a voicemail message on: +52 351 512 3899 (preferably after about 1pm your time, when nobody will answer).

My position remains clear: I will only accept a resolution that is based on justice and the rule of law. If TPO will not provide this, I must clearly seek justice elsewhere.

Yours sincerely,
Ian McInnes.

(email from Adjudicator of 03 October 2017, my email of 04 October 2017, and my email of 31 October 2017 appended to original email).

My Email to the Legal Director of 10 January 2018

www.elpobrecorderito.com/PersonalPensionFiasco/Docs/TPO/20180110ToTPO.pdf

I noted from the list of declared interests for senior TPO staff that the Legal Director (Claire Ryan) also holds SW pension plans. *This apparent interest as a pension holder stands in sharp contrast to those of Anthony Arter (the Pensions Ombudsman) who has shares in 22 pension providers, as well as a background as a solicitor acting for such companies.* So I sent this in the hope that somebody at TPO might see my side. I invited an off-the-record response. But, as with my previous emails to Mr Arter, there was no reply.

Perhaps this should not have been surprising considering the numerous published statements supporting Mr Arter and his unlawful determinations issued by Ms Ryan, who from joining TPO in 1999 rose from being an Investigator in July 2015 to the Legal Director by June 2016. This substantial promotion, achieved near the beginning of Mr Arter's tenure, was clearly not without reason.

But it is surprising that someone who is in a position to know what the pensions "industry" is about not only holds SW personal pension plans, but also shows such total unconcern for the very serious issues that I described in my email. Anybody giving SW money for a pension or any other form of investment in the light of my information belongs on a funny farm.

Case against Scottish Widows : PO-14071

- [Ian McInnes <ian.mcinnnes@yahoo.com.mx>](mailto:ian.mcinnnes@yahoo.com.mx)
-
- ene 10 a las 3:00 P.M.

Para

- Claire.Ryan@pensions-ombudsman.org.uk

Texto del mensaje

Dear Ms Ryan,

As a fellow Scottish Widows personal pension holder, I think you should be made aware of the unlawful measures taken by SW to evade pension encashment. Apart from this flagrant abuse, my case also reveals numerous other malpractices and a deceitful modus operandi that show SW to be unworthy of its position as a major financial services company.

But of even greater concern to pension holders in general are the unlawful measures taken by TPO to protect the pensions industry, thus allowing its abuses to continue. My case is only one of a number I know of that TPO will not investigate. Instead, after a year of inaction with no credible explanation, I am being forced into an arbitrated settlement with SW through the adjudicator. This is in clear violation of the Pension Schemes Act 1993, and in all the circumstances connotes TPO collusion with SW.

Summary of Issues (Scottish Widows)

To encash a SW pension, one must first undergo a lengthy telephone interview (mine took about an hour and a half, most of which comprised thinly-disguised efforts to dissuade me from encashment). After considerable difficulties trying to make sense of and comply with SW's requirements documentation, one must then send four certified "verification" documents that SW asserts "**are required under UK legislation**". Arising from the fact that mail is not deliverable to my residential address here in Mexico, I could not satisfy their (totally invalid) requirements for proof of address, and my application was rejected and terminated. This was despite clear explanation of my circumstances, and definitive verification of my identify. *SW no doubt intended their requirements to be as burdensome as they could be, without being manifestly impossible to satisfy; but they obviously did not consider my situation.*

"**UK legislation**" could only legitimately refer to government anti-money laundering (AML) regulations. However, the UK government does not require any verification where there is an ongoing business relationship (as clearly exists between pension provider and pension holder). SW's assertion is thus a false pretence; and one which SW could not possibly have genuinely believed to be true. The corollary is that SW imposed these demands as part of a fraudulent strategy to evade pension encashment. They are clearly not applied to other SW financial transactions, for which the same AML criteria would apply. *I suspect that "UK legislation" is an oblique reference to the Pension Freedom of April 2015.*

But even if government AML measures were applicable, there would be numerous examples of maladministration in SW's implementation, including:

- Grossly excessive and over-specific requirements for documents and their certification (one document

with proof of name and date of birth should suffice).

- Dreadful erroneous, confusing, and changing documentation of these requirements.
- Failure to use the discretion required by AML guidelines; the requirements are taken as an end in themselves. *Payment was to be made to a known HSBC (Mexico) bank account in my full name of Ian Clive McInnes; and to which SW had transferred a considerably larger sum from encashment of investment and mortgage plans about two years earlier. There is no basis for withholding payment under AML regulations in these circumstances.*

Although my documents became acceptable once SW realised I was about to make a complaint, I did not take up their "offers" (another was made after I had sent the complaint). This was initially because after Brexit the value of my prospective encashment had depreciated by several thousand pounds, and it would be grossly unjust (considering SW's other misconduct) if it were I who had to bear these losses. But after consulting TPAS and subsequently reviewing government AML documents, it became clear that SW's draconian demands were not only excessive, but completely without valid basis and unlawful. I therefore thought it vital that the matter be brought to justice in the interests of other SW pension holders. *With the apparent complete absence of proactive regulation and oversight of the pensions industry, the reactive "dispute" resolution processes give the pension provider carte blanche to carry out abusive and illegal practices, as it has plenty of opportunity to "put things right" to evade justice in the event of a complaint.*

Altogether, my case is comprehensive and (potentially) damaging to SW, and I had every expectation that TPO would fully uphold my complaint. But I was misled by TPO claims to be impartial, and could never have imagined how far TPO will go to protect the pensions industry from serious cases such as mine...

Summary of Issues (The Pensions Ombudsman)

Although my case was assigned to an adjudicator in October 2016, I heard nothing from him until 15 May 2017; and that was only after I had found out his name, surmised his email address, and emailed him directly. Since then, he showed considerable evasiveness and unwillingness to take my case seriously. It became clear that he had no intention of investigating, and the circumstances suggested collusion with SW to bury my case.

My suspicions of several months were confirmed in his email of 3 October 2017, which pushed me into arbitration with SW via requests for more irrelevant "verification" documents (*SW will obviously never admit that their requirements are one huge lie*). I sent two emails to Mr Arter on 4 and 8 October, to bring the matter to his attention and urge investigation; but there was no response.

On 31 October, I received another email from the adjudicator, this time requiring me to either agree to an arbitrated "solution" with SW, or withdraw my case. Rather than comply with the terms in this email, I forwarded it to Mr Arter, expressing my concerns more strongly and asking whether he was in agreement with the adjudicator's position. Again, I received no response; nor have I heard anything else from TPO to date.

To deny a complainant investigation followed by a determination made by the Pensions Ombudsman or his Deputy clearly violates the Pension Schemes Act 1993. Furthermore, the reasons that the Casework Director gave me for the inaction have no credibility, and I am in no doubt that this delay was a deliberate ploy to weaken my position. Worse, there is apparent complicity in all this from the Pensions Ombudsman down.

There is strong evidence that TPO contacted SW shortly after my case was assigned to the adjudicator; this is one reason why I do not believe the explanation that the adjudicator was unaware that my case was awaiting his attention. Since there can have been no intention to investigate my case from shortly after its assignment, there is reason to believe that TPO did a deal with SW around that time.

The function of TPO is to investigate and make legally-binding determinations, with the role of arbitration being confined to TPAS. As my case illustrates, to allow TPO to impose arbitration on the complainant is highly conducive to corrupt protection of the pensions industry. Yet this is apparently what Mr Arter wishes. I am not alone in wondering how someone with Mr Arter's background and declared interests could be considered impartial.

I urge you to review my website, which contains the complete correspondence (of which I have a verifiable record):

www.elpobrecorderito.com/PersonalPensionFiasco

I realise that you do not have access to this from your desk at TPO, so I also attach three PDF documents that mirror webpages, plus one PDF containing the latest correspondence with TPO. However, it will be far better to view the comprehensive website online.

I hope that you are concerned about what I have revealed, and can do something to promote justice. If there is anything that I can do to this end, please let me know. I will treat any supportive reply as strictly confidential (this naturally means that I will not publish it on my website or elsewhere that might enable it to be viewed by others in TPO).

Yours sincerely,
Ian McInnes.

- 4 Archivos adjuntos

- [Ver todo](#)
- [Descargar todos](#)
- [Overview.pdf](#)
- [Verification.pdf](#)
- [Questions.pdf](#)
- [20171101ToTPO.pdf](#)

Report of Misconduct/Malfeasance in Public Office

www.elpobrecorderito.com/PersonalPensionFiasco/DetailsTPO.html#misconduct

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 obstruct or pervert the course of justice (in addition to grossly violating the Pension Schemes Act 1993/2017).

Whilst Mr 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
Barry Berkengoff <i>Deputy Casework Manager (or Senior Adjudicator)</i>	***** ***** **** *** **	Unlawful/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 email of 31 October 2017 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.
Anthony Arter <i>Pensions Ombudsman</i>	*****	Full complicity with unlawful/criminal protection of Scottish Widows. See my email of 04 October 2017 in rejection of the "pragmatic solution" , my follow up email of 08 October 2017 , and my email of 01 November 2017 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. See Unlawful Conduct of the Pensions Ombudsman . Being directly responsible for initiating a specific deal with SW, by either doing so himself, or giving explicit instructions to the adjudicator.
Fiona Nicol <i>Casework Director</i>	***** **** **	Full complicity with unlawful/criminal protection of Scottish Widows. See email from adjudicator of 03 October 2017 , copied to Fiona Nicol. <i>This followed an appalling Complaint Response of 15 September 2017.</i> 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. Issuing detailed instructions to the adjudicator to impose a "pragmatic solution".
Claire Ryan <i>Legal Director</i>	*****	Having full knowledge of TPO misconduct, and failing to respond or take any action. See my email to Claire Ryan of 10 January 2018 (no reply).
Carl Monk <i>Assistant Adjudicator</i>	**** ***	Being aware that Barry Berkengoff was deliberately delaying and evading investigation. Being aware of a deal initiated by Barry Berkengoff towards the beginning of November 2016. See sections above for 10 and 23 November 2016.
Jane Stephens <i>Casework Manager</i>	*****	Giving false statement that my case was assigned to the adjudicator in May 2017 (and moreover had been actively investigated since then), not October 2016. <i>The most charitable explanation for this is that it was due to incorrect details on the database, entered by Barry Berkengoff on exiting his radio silence.</i>
Briony Bowen <i>Communications Manager</i>	*****	Evasive responses to my queries, which were not answered. Instead my emails were forward firstly to the adjudicator (who did not give the promised status report), then the Casework Manager.

Summary Narrative of Events Involving TPO

www.elpobrecorderito.com/PersonalPensionFiasco/Overview.html#narrativetpo

This section gives only a brief summary of the principal issues with TPO, with selected links. Please see the [next section](#) for a chronological account with links to the full correspondence.

It is now agreed that my case was assigned to an adjudicator in October 2016 (*although when I raised concerns over my case, I was told to be assured that it had been actively investigated since it was assigned to him in May 2017*). Yet the first communication I received from the adjudicator was an [email of 15 May 2017](#); and this was only after I had surmised his email address and emailed him directly. Since then he showed considerable evasiveness, until his [email of 3 October](#) pushing me into a "pragmatic solution" with SW confirmed my suspicions of several months that he had no intention of investigating my complaint.

This "pragmatic solution" involved the provision of yet more certified "verification" documents (that were not relevant to the reason my documents were rejected). The adjudicator stated that he had been involved in discussions with SW trying to find a solution to simplify the "verification" process. But whatever negotiations that the adjudicator may have been conducting with SW were clearly a charade, designed to enable them to maintain their false pretence with impunity.

I had previously made attempts to get information on my case, and during these voiced my suspicions over the conduct of the adjudicator, urging an investigation. This resulted in more evasiveness and misinformation, culminating in an appalling [Complaint Response of 15 September](#). In this, the Casework Director slapped down my cautiously-expressed concerns in a vitriolic document replete with false accusations, blank denials, and untenable explanations. In particular, at several points I am accused of making allegations without evidence. I choose my words carefully, and nowhere did I make a statement on the matter even remotely resembling an allegation. And there is plenty of evidence supporting my concerns in the email correspondence.

The explanation that this document gives for the delay (that the adjudicator 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 that I received from SW (which can only have arisen from having been contacted by TPO), and the fact that the adjudicator did not respond to my [email of 5 April 2017](#) (which the assistant adjudicator stated was forwarded to him on my behalf on 7 April; and he clearly had every reason to pass the matter to the adjudicator).

Also lacking credibility is the explanation for the subsequent inaction (that the adjudicator could not access my website, as their IT system blocks everything by default for security reasons). For one thing, he had rejected my offer of a solution that he could use offline, stating only that he would much prefer to view the information online. And the access issue would surely have been known about from the time of my application in September 2016, and should have been dealt with accordingly. *In fact, my correspondence with the assistant adjudicator suggests that TPO could access my website until around the end of November 2016.*

I was worried when making my application that TPO might not be able to deal with my website. For this reason, the covering letter of my [TPO application](#) gives a link to the Document List page, which contains links to all documentation in PDF format (including mirrors of the main web pages). TPO has a laptop with full access to the internet, and could have used this long ago to print out the required documents in the absence of any other solution.

The adjudicator made other excuses and showed evasiveness that has nothing to do with failure to access my website. For example, he explained his complete inaction for months in being able to do casework only one day a week (one would hope that his case workload would then be correspondingly lighter). After claiming that TPO is impartial, he made a quite absurd statement in defence of SW's "verification" demands. He also understated the powers of TPO, and made an early effort to get me to withdraw my case. There were many other ways in which he demonstrated unwillingness to take my case seriously, which are best assessed by reviewing the [TPO correspondence](#).

The fact that the attempt by the adjudicator in to push me into his "pragmatic solution" was copied to the Casework Director indicates (at least) connivance within the TPO organisation. In my [reply of 4 October](#) (copied to both the Casework Director and the Pensions Ombudsman), I made clear that I would not enter into a "deal" with SW. I received no response to this. On 8 October, I sent an [email to the Pensions Ombudsman](#) alone, for clarification and to urge an investigation. I hoped that he would be above this shabby business and respond favourably, but he did not reply.

Another [email of 31 October](#) from the adjudicator, this time requiring me to either agree to his "pragmatic solution" or else withdraw my case, confirmed that there would be no investigation. Instead it seemed that the Pensions Ombudsman himself was in full complicity with the dealings with SW. In my [email of 1 November](#), I expressed my concerns more bluntly, making clear that I was concerned about widespread corruption within TPO; again without reply. I can only interpret this as clear evidence of a conspiracy to obstruct justice involving the whole of TPO.

On 10 January 2018, I sent an [email to the TPO Legal Director](#), who (according to the list of declared interests for senior TPO personnel) also holds Scottish Widows personal pension plans. In this I expressed my concerns with both SW and TPO, and invited an off-the-record response. But again, there was no reply.

So my last four emails remain unanswered. Like Scottish Widows, TPO ceased to respond when I raised issues that they could not address without incriminating themselves. And this blatant cover up by TPO on behalf of SW is further evidence of the fraudulent nature of their "verification" requirements, as discussed in the [Verification Issues](#) web page and document.

Detailed Narrative of Events Involving TPO

www.elpobrecorderito.com/PersonalPensionFiasco/DetailsTPO.html

<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>02 Dec 2016</u>	Probable red herring #1: 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>	Probable red herring #2: Great British cock-up over the "customer" survey (this indicated that my case had been closed without my knowledge or consent).
<u>05 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>06 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>03 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>

Introduction

I added this document in response to prolonged inaction by TPO, together with some worrying circumstances that led me to suspect that this neglect was quite deliberate. Although my case was assigned to an adjudicator in October 2016, I heard nothing from him until 15 May 2017; and this was only after I had 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 the adjudicator 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 the adjudicator 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 the adjudicator, requiring me to either accept his "pragmatic solution" or withdraw my case. Rather than reply to the adjudicator, 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.

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

24 September 2016

	<p>20160924ApplTPO</p> <p>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.</p> <p><i>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.</i></p> <p>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.</p> <p><i>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.</i></p>
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29 September 2016

	<p>20160929ToTPO</p> <p>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).</p> <p>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.</p> <p><i>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.</i></p>
	<p>20160930FromTPO</p> <p>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).</p>
	<p>20161004FromTPO</p> <p>A few days later, I received another acknowledgement from Carl Monk (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.</p>

30 October 2016

	<p>20161030ToTPO</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>20161031FromTPO</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>20161110ToTPO</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>20161123FromTPO</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>
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	<p>20161123ToTPO</p> <p>I replied to the above stating that I had done as suggested, and giving a link to the email 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 reported to be inaccessible (see below).</i></p>
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02 December 2016

This section deals with evidence that suggests targeted blocking of access to my website around the middle of November.

	<p>20161202FromTPO1</p> <p>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>
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	<p>20161202FromTPO2-Content</p> <p>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 no new general security measures affecting access to websites were introduced around this time.</i></p>
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	<p>20161203ToTPO-Wrapper</p> <p>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>
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	<p>20161203ToTPO</p> <p>This is a PDF document that I sent as both a link and an attachment to my secure email of 04 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 indicates that access to my domain had been blocked.</i></p>
	<p>20161204ToTPO</p> <p>This is the email used to convey the above document.</p>
	<p>20161212FromTPO</p> <p>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>
<p><i>Considering that the link in my email of 23 November was clearly inaccessible, but there was apparently no problem in accessing the link in my email of 10 November, access to my website appears to have been blocked between these two dates. And later information suggests that no blanket blocking of domains on the basis of country or other extension was introduced at this time (which in any case would be fairly unlikely due to the short time period). So the evidence suggests that denial of access was targeted specifically at my vivazamora.mx domain.</i></p>	

18 January 2017

<p>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).</p>	
	<p>20170118FromTPO1</p> <p>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.</p>
	<p>20170118FromTPO2</p> <p>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.</p>
	<p>20170118ToTPO</p> <p>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.</p> <p>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.</p>
	<p>20170120FromTPO</p> <p>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.</p>

	<p><i>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.</i></p> <p>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.</p>
	<p><u>20170215FromTPO</u></p> <p>The reassurance wore even thinner on 15 February, when as promised the survey department sent another version of the survey.</p> <p><i>Either:</i></p> <ol style="list-style-type: none"> <i>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</i> <i>my case had indeed been closed as they stated.</i> <p><i>Regrettably, although I considered replying to this email at the time to try to ascertain which of these was the case, I did not do so. So this matter remains unresolved.</i></p>

05 April 2017

	<p><u>20170405ToTPO</u></p> <p>It is now over 5 months since I was told that my application "is earmarked for an adjudicator", 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>20170407FromTPO</u></p> <p>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>20170514ToTPO</u></p> <p>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>20170515FromTPO</u></p> <p>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 07 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

	<p><u>20170517ToTPO</u></p> <p>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.</p> <p>I also express concerns over just what TPO can do, but express the hope that a just resolution can be achieved through this organisation.</p>
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22 May 2017

	<p><u>20170522FromTPO</u></p> <p>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.</p> <p>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. <i>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.</i></p>
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24 May 2017

	<p><u>20170524ToTPO</u> 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 "<i>are required under UK legislation</i>".</p>
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26 May 2017

	<p><u>20170526FromTPO</u> Response to the above, again stating that his jurisdiction is limited to instances of maladministration (<i>although this in fact appears to be a broad term</i>). He stated again that he hoped to have access to my website shortly and would review my case then.</p> <p>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 "<i>to ensure appropriate ID checks are made</i>".</p> <p><i>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.</i></p>
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10 June 2017

	<p><u>20170610ToTPO</u> If he 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>20170610ToTPO2</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>20170613FromTPO</u></p> <p>A reply emphasising that access to my website had been denied. <i>I never questioned this; on the contrary, it is why I attempted to send the ZIP file.</i> But he did offer to review my website on a non-secure connection at home, or on the office Wi-Fi (<i>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>20170614ToTPO</u></p> <p>My reply, acknowledging his willingness to use a non-secure connection, and encouraging him to review the website soon.</p>
	<p><u>20170615FromTPO</u></p> <p>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

	<p><u>20170712ToTPO</u></p> <p>After nearly another month, it seems that he 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.</p> <p>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.</p> <p>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.</p> <p>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 "<i>appropriate ID checks</i>".</p>
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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.



06 August 2017

20170806ToTPO

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.

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.



20170807FromTPO

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.



30 August 2017

	<p><u>20170830ToTPO</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>20170831FromTPO</u> My email was simply forwarded to the 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.</p> <p><i>Carl Monk stated that Barry Berkengoff was the Senior Adjudicator investigating my case in his email of 07 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 there was also a statement that my concerns had been passed on to the 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 Mr Berkengoff was able to act with the same degree of impunity as Scottish Widows.</p>
	<p><u>20170903ToTPO</u> If the Casework Director was given the impression that my case had been actively investigated by Mr 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>20170904FromTPO</u> An acknowledgement from the Casework Director, stating that I could expect a reply to my complaint by 15 September.</p>
	<p><u>20170909ToTPO</u> 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 Mr 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

Complaint Response 20170915

This first and final complaint response from the Casework Director not only whitewashes Mr Berkengoff; it also blackens my integrity with false statements that I had made allegations against TPO and had no evidence.

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.

As the Casework Manager had clearly grossly misrepresented my situation with a false statement that my case had been actively investigated by Mr Berkengoff since it was assigned to him in May 2017, I found it necessary to send two emails to the Casework Director to correct and clarify.

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 Mr Berkengoff may be colluding with Scottish Widows, and stated that this might either confirm or refute my suspicions.

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. As it also appeared to be inapplicable, I did not complete it, and I suspect that most people in my situation would not have done so either. *Hence the low response rate.*

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.

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.

03 October 2017

	<p><u>20171003FromTPO</u></p> <p>This stunning email confirms what I had suspected for some time; that Mr 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 the Casework Director, who must therefore be (at least) in agreement with this arrangement (<i>which violates the Pension Schemes Act 1993</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>20171004ToTPO</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 the Casework Director and the Pensions Ombudsman (I hoped that the latter would be above this malpractice).</p>

	<p><u>20171008ToTPO</u></p> <p>I sent a follow up email for clarification to the Pensions Ombudsman 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>
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31 October 2017

	<p><u>20171031FromTPO</u></p> <p>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.</p> <p>He claims that he has the discretion to "find solutions to problems" where the case has become "entrenched" (<i>even though he made no attempt whatever to investigate; he would not even send SW my list of questions</i>). 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). <i>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.</i></p> <p>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 (<i>which obviously would not happen, as his endeavours to evade investigation could not be clearer</i>).</p> <p>I am required to either confirm that I will accept his imposed "pragmatic solution", or withdraw my case. <i>I will do neither.</i></p>
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	<p><u>20171101ToTPO</u></p> <p>Rather than reply to Mr Berkengoff, I forwarded his email to the Pensions Ombudsman, stating my position, and explicitly asking him whether he was in agreement with Mr Berkengoff's stance.</p> <p><i>It is of very serious concern that again, I received no reply. Firstly, Mr 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 obstruction 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.</i></p>
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10 January 2018

	<p><u>20180110ToTPO</u></p> <p>The list of declared interests for senior TPO staff shows that Mr 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.</p> <p>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. <i>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.</i></p>
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Concerns over Machinations by The Pensions Ombudsman

www.elpobrecorderito.com/PersonalPensionFiasco/Epilogue.html#tpo

The above was written before TPO's shocking [email of 3 October 2017](#) (after a year of complete and unexplained inaction). In this, the adjudicator confirmed that he would not investigate my case. Instead, he imposed a "pragmatic solution" that would allow SW to escape justice, by asking me to supply yet more (irrelevant) "verification" documents. This is the most blatant protection of Scottish Widows, with clear implications of collusion. Moreover, in his [email of 31 October 2017](#) the adjudicator asserted that he had the discretion to do this, and required me to either accept his "pragmatic solution" or withdraw my case. It also became plain that the delay and prevarication of a year was quite deliberate. All this underlines the concerns I expressed above that the pensions industry (at least entrenched businesses with government connections) operates in a protected environment in which it can act with total impunity.

Many other circumstances and cases I am aware of indicate that, far from being impartial as it claims, TPO's business is about protecting the pension provider. In my case at least, TPO has resorted to unlawful (and probably criminal) measures to do this. I am especially worried about the direction TPO is taking since the appointment of Anthony Arter as Pensions Ombudsman, whose 4-year term started in May 2015. His own statements, combined with my experiences and those of others, shed some light on what he is up to.

Anybody who has seen the register of interests for TPO will be astonished that Mr Arter could possibly be considered appropriate for a position in which impartiality is paramount. This shows that he has shares in no fewer than 22 pension providers; furthermore, his background is as a solicitor acting for such companies. This is consistent with his self-publicity in which he was asked "*What's the best advice you've received in your career?*"; to which he answered "*To maximise my savings in pensions*". This duplicitous reply appears to advocate putting money into schemes as a personal pension holder; but Mr Arter with his background knows better than to do that. His interests lie overwhelmingly on the side of the pension provider, not holder.

Mr Arter (like his predecessor Mr King) has also touted the 50/50 rate of upholding complaints as an indication of even-handedness. This specious figure might persuade some that TPO is impartial, but there is no rational basis for such a belief. Considering the obstacles involved in bringing a complaint to TPO (not to mention cavalier and abusive pension providers that show no regard whatever for the pensioner), this figure strikes me as surprisingly low. Whilst there will always be cases with unreasonable customer expectations, I suspect that there will be many more like mine that result from abuse by the company.

In fact the latest figures (in the Pensions Ombudsman Update - July 2017) show that 2/3 of the complaints determined by the PO or his Deputy were totally rejected, only 20% fully upheld, and 13% partially upheld. This is particularly surprising given that in 2016/17 only 30% of cases were determined by the PO or his Deputy (as required by the Pension Schemes Act 1993), the remainder being resolved "informally" (see later).

As this 30% will be complainants who have not been persuaded by the inevitable manipulations of the adjudicator in avoiding a formal determination, one might expect the majority of these to have a good case. So these figures (and consideration of the new policies described later) support my contentions that TPO routinely evades investigation and determination, and certainly of serious cases such as mine.

As an illustration of TPO industry friendliness, in a well-publicised case (PO-7126), Mr Arter sustained Royal London's refusal to transfer funds to a "suspicious" SSAS in Cape Verde, claiming that it was to protect the customer. Even in nanny-state Britain, I find it extraordinary that the basic right to use one's money as one sees fit can be overridden by a pension provider with a vested interest in retaining it.

There was nothing illegal about the transaction, as this determination was thankfully later overturned by the High Court. And the customer was clearly aware of the issues, and chose to complain and appeal on an informed basis (notwithstanding Mr Arter's implication to the contrary in his lengthy, strained, and serpentine determination, with its frequent deviations from legitimate legal considerations).

It would be to go only a little further down this road to uphold denial of pension encashment on the grounds that the customer might fritter away the money. Mr Arter has demonstrated amply, in my case and in others, the degree of concern he has for protecting the pension holder, and I find his claims to be acting in the interests of the customer in this case to be duplicitous.

This is Mr Arter's widely published comment on the above case: *"If you think about liberation, it's a difficult area. How much do you protect the individual if they have been warned and told of the dangers? You may be wrong, and how far do you go before you allow someone to take their money and throw it into the river?"*.

I find this comment quite astounding. Neither the pension provider nor Mr Arter have any business to judge whether the liberation is a good idea; that is the customer's business. Mr Arter's duty is to uphold the law, which he clearly did not do in this case. *And I would much sooner throw money into the river than give it to Scottish Widows, with the resultant dreadful experiences in attempting to obtain justice and lawful access to my funds; if instead the money were in the river, it would simply be lost, and that would be the end of it.*

The above case, like mine, is one in which TPO has supported an illegitimate refusal by the pension provider to relinquish their hold on the customer's money. However, in my case the conduct of the pension provider (SW) is criminal, and the means by which TPO has protected SW (which must also be criminal) makes certain that the case is not exposed to legal scrutiny.

It seems that such pension liberation cases, which he described as "fraud" (*by those who would deprive pension providers of their money, of course*) have been a thorn in the side for Mr Arter, comprising at that time some 20% of determined cases. *There will no doubt have been a profusion of these arising from the tax concessions in the "Pension Freedom" of April 2015, and the likelihood of people wishing to make yearly encashments.* But with remarkable prescience he foretold that the incidence of such cases would diminish substantially; and indeed it has, as the latest figure is only 8%. The following will give some idea of how he managed to achieve this.

Mr Arter introduced some significant changes on assuming office. Investigators are now called "adjudicators"; and this is no mere name change, as they are now authorised to give "opinions" that may (*and now usually do*) become final resolutions. It is stated that such an "opinion" must be agreed to by all parties for it to become a binding determination; otherwise the determination will be made as before by the PO or his Deputy. This nonetheless appears to contravene the Pension Schemes Act (which does not allow the function of determination to be delegated). Still, according to the stated policy, the complainant could obtain a proper determination by an Ombudsman by not accepting the "opinion" (*although the fact is that few now actually do this*).

The motivation for these changes appears to arise from experiences with the previous PO (Mr King), who was known for making flawed determinations in favour of the pension provider that were overturned in the courts. Probably for this reason, his contract was prematurely terminated. Perhaps with this in mind, it seems Mr Arter wishes to avoid having to make determinations; by either delegating this role, or by avoiding the determination of cases altogether.

And it will be seen later that the changes introduced by Mr Arter give him plenty of scope for avoiding legal scrutiny, and for burying cases harmful to the pension provider.

So the new policy seeks resolution through the adjudicator, thus avoiding the involvement of the PO or his Deputy. One problem with this is that these "adjudicators" are not properly qualified for their new role (*although this might also be said of some of the past Pensions Ombudsmen*). But perhaps even more significant is that there is no statute empowering them to carry out a judicial role, or holding them responsible for the judgments that they make. Their "opinions" are for internal use only, and will not be subjected to external legal scrutiny.

Although Mr Arter stated that from April 2016, he would publish opinions "considered to be of particular interest" and all opinion determinations, I could find only details of cases resolved by formal determination on the TPO website. It thus appears that even on the basis of the stated policies, the majority of TPO resolutions are not published, as at least 70% are done informally via the adjudicator.

Instead, assessment of the "opinion" is placed in the hands of the parties involved. And to promote an easy resolution (in the absence of legal scrutiny), the adjudicator will be inclined to produce an "opinion" that would be accepted by all parties, not necessarily one that is legally sound. To facilitate such a "solution", the adjudicator is able to mislead the complainant as to the legal viability of the case; the lack of expertise and responsibility on the part of the adjudicator (not to mention industry-friendly attitudes) makes such distortions a serious likelihood.

These informal resolutions are thus tantamount to arbitrated settlements, but with the adjudicator not only acting as mediator, but also being in a position to swing the dispute in favour of the pension provider. Moreover, they are becoming increasingly common: in 2014/15, some 44% of cases were resolved informally, in 2015/16, this figure had increased to 58%, whilst the latest figure for 2016/17 is 70%. And this, it appears, is only the thin end of the wedge.

In my case, there would be little scope for the adjudicator to skew the argument to obtain my consent to an "opinion" that would let SW escape justice, as I have explained that SW's conduct is demonstrably fraudulent. So instead, the adjudicator (after delaying as long as possible) has forced a "pragmatic solution", thus allowing SW to continue to maintain the legitimacy of its unlawful "verification" demands. Moreover, he claimed to have the discretion to impose this against my will, stating that his role allows him to "*find solutions to problems*" as he sees fit. If there is any truth in this, the instructions that Mr Arter has issued to adjudicators go way beyond his stated policies, and amount to utter contempt for the Pension Schemes Act.

Apart from this, the telephone calls from SW, and the strange delay by the assistant adjudicator in response to my reporting of them, are evidence that TPO did a deal with SW shortly after my case was assigned; and this must surely have been initiated by the adjudicator. I cannot be sure to what degree the adjudicator was acting under instructions, and what part of his conduct was autonomous. But in any event, since Mr Arter has been given full details of my case and has not responded or taken any action, he must be considered complicit in the adjudicator's actions.

And if the adjudicator had exceeded his instructions in initiating a lucrative deal with SW, Mr Arter would no doubt protect him, as to deal properly with the matter would be to incriminate himself.

Even if there was no specific "deal" with SW, TPO is guilty of knowingly covering up SW's fraudulent policies, which amounts to a conspiracy to obstruct/pervert the course of justice. And there must surely be a stronger motive for committing this offence than plain industry-friendliness, or the desire to produce what it considers to be good "performance" statistics.

The lack of even an "opinion" in my case means that in any event there would be no requirement to publish what would be highly self-incriminating details. I know of other complainants who are in the same situation. I wonder how many other cases have similarly been buried?

Another of Mr Arter's policy changes is that TPO will no longer publish names and addresses of complainants, claiming that this is to protect personal privacy. But the reason stated by TPO for publishing such details previously was to demonstrate transparency, and support scrutiny of its decisions. If the motive really were privacy concerns, why did he not give the complainant the option of withholding such details from publication (as is done for the Electoral Register)?

He also clearly wants to dismiss complaints by telephone: "*The traditional way has been with papers going backwards and forwards. We should be picking up the phone and explaining to the customer why a complaint will or won't go somewhere. It can be dealt with then and they know it is being dealt with, instead of having to draft letters and wait for a response. We have cut that down now*". Dispatching cases in this way would be even better (for Mr Arter) than an "informal determination", as it would leave no record whatever. It is clearly of no concern to Mr Arter that those offering this (off-the-cuff) "advice" will have no legal qualifications or accountability. And, at the time the statement was made, this advisory role was a function of TPAS, and TPO had no legitimate business to duplicate this role.

However, on 1 April 2018, the functions of TPAS were transferred to TPO. These were notionally independent organisations, with non-overlapping remits; the complainant could only deal with one at a time (my case with TPAS was closed as soon as I had approached TPO). My case illustrates why the functions of TPAS and TPO must be carried out independently. I do not know the architect of this change, but it is certainly consistent with those made by Mr Arter.

Notwithstanding Mr Arter's duplicitous statements, his policies are clearly aimed at eroding TPO's transparency and accountability, and opening the floodgates to corruption and collusion to protect the pension provider. It should be obvious that to allow the same organisation to either arbitrate or make legally-binding determinations is highly conducive to illicit deals.

In my dealings with TPO, I have found its culture to be tightly-knit and highly self-protective. Its personnel are clearly aware of its serious misconduct, but will not rock the boat; instead they close ranks and protect their own. TPO is very much in the position of the hijackers of an airliner, who through their inside knowledge and cohesion can prevail over a mass of confused, uncoordinated and unconnected passengers.

This is one reason why such organisations (TPO and pension providers) can flout the law and get away with it. Mr Arter has done this most ably. TPO's ultimate complete lack of response (as with that of Scottish Widows) is symptomatic of an organisation that knows its guilt.