

## Refusal to Investigate PO-14071

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De: Ian McInnes (ian.mcinnnes@yahoo.com.mx)

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

Fecha: miércoles, 1 de noviembre de 2017 14:32 GMT-6

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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 inculcate 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](http://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.

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

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

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

**Enviado:** Martes, 31 de octubre, 2017 6:48:29

**Asunto:** RE: Scottish Widows complaint PO-14071

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**

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**From:** Ian McInnes [mailto:ian.mcinnnes@yahoo.com.mx]  
**Sent:** 04 October 2017 20:43  
**To:** Barry Berkengoff <Barry.Berkengoff@pensions-ombudsman.org.uk>; Fiona Nicol <Fiona.Nicol@pensions-ombudsman.org.uk>; Anthony Arter <Anthony.Arter@pensions-ombudsman.org.uk>  
**Subject:** Scottish Widows complaint PO-14071

Dear Mr Berkengoff,

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

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

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

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 <b>the only plausible reason for these calls is that they had been contacted by TPO</b>.

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

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

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

Yours sincerely,  
Ian McInnes.

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

**De:** Barry Berkengoff <[Barry.Berkengoff@pensions-ombudsman.org.uk](mailto:Barry.Berkengoff@pensions-ombudsman.org.uk)>

**Para:** 'Ian McInnes' <[ian.mcinnnes@yahoo.com.mx](mailto:ian.mcinnnes@yahoo.com.mx)>

**CC:** Fiona Nicol <[Fiona.Nicol@pensions-ombudsman.org.uk](mailto:Fiona.Nicol@pensions-ombudsman.org.uk)>

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

**Asunto:** Scottish Widows complaint PO-14071

Dear Mr McInnes,

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

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

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

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

Regards

**Barry Berkengoff | Deputy Casework Manager | 020 7630 2247**

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