

Re: Scottish Widows complaint PO-14071

De: Ian McInnes (ian.mcinnnes@yahoo.com.mx)
 Para: Jane.Stephens@pensions-ombudsman.org.uk
 Fecha: domingo, 11 de noviembre de 2018 12:32 GMT-6

Dear Ms Stephens,

I made abundantly clear in my last four emails to TPO that I will not be party to the unlawful (indeed criminal) efforts by yourselves to evade your statutory duties of investigation and determination by an Ombudsman, in protection of Scottish Widows. A year later, my position remains unchanged, only fortified by my subsequent experiences.

The four emails that I refer to (none of which has been responded to) are as follows:

- to Mr Berkengoff on [4 October 2017](#) (copied to Fiona Nicol and Anthony Arter), in response to his initial attempt of [3 October 2017](#) to push me into a "deal" with Scottish Widows)
- a follow-up to Mr Arter alone on [8 October 2017](#), giving background information
- a further email to Mr Arter on [1 November 2017](#), after Mr Berkengoff's final email of [31 October 2017](#)
- an email to Claire Ryan (the Legal Director) on [10 January 2018](#), inviting a response to my comments about the lawless conduct of TPO, as well as that of Scottish Widows

Mr Arter clearly found himself unable to respond to any of these emails (and I know he responds to complainants on rather more trivial matters). Your legal expert Claire Ryan was also unable to contest my statements.

Your Casework Director evidently thought that I could be bullied by a litigation-worthy [Complaint Response](#) (to a *complaint that I never made*) into accepting the ensuing "pragmatic solution" from the Adjudicator. This charade has now reached a new level of absurdity with your email, which serves only to further undermine the credibility of TPO and confirm the contempt with which it treats pension law.

You continue with Mr Berkengoff's request for a Mexican passport, even though:

- I am a British citizen, and have at no time given any indication to the contrary
- In my [original application](#), I supplied as evidence of Name my certified ID card as permanent resident (which contains the same verification information as a passport), plus a certified birth certificate (*I thus provided satisfactory proofs of **Name and Date of Birth***)
- My [documents were rejected](#) as I could not completely satisfy SW's requirements for proof of **Address** (*which is not present on a passport*)
- On 30 June 2016, [SW offered to accept the documents as I emailed them](#), requiring only that they be posted (*this was after I asked about their IDRP, and received a reply denying familiarity with this term*)
- On 01 August 2016, SW [offered to accept ascan of my ID card alone](#) as proof of identity, provided it were emailed by my bank (*this was after I had stated that they had no business to require proof of address*)

You claim that Scottish Widows wrote to TPO in November **2017** on the verification issue, but state "*I am unclear from our papers whether this email was forwarded to you*". I am not sure what "papers" TPO has to record emails; surely, these are retained on your mail server? *I have retained all my emails as evidence, and this must surely apply to TPO.* But if I am to believe this extraordinary situation, then why did you not forward Scottish Widows' email now? *The embedded text (apparently copied and pasted from the source) hardly provides good evidence of it.*

And am I to believe that Mr Berkengoff, who at that time was doing his utmost to press me into a deal with SW (and by his account, and I have reason to believe, was negotiating directly with them), neglected to send this email at the time?

And why is he not handling this now?

All things considered, I can give these statements little more credibility than the reasons given in the said Complaint Response for the delay and prevarication of a year after my case was assigned to the Adjudicator. *Incidentally, you asserted on 31 August 2017 that my case had been actively investigated since it was assigned in May 2017; however your Casework Director was forced to acknowledge that it was actually assigned in October 2016, as I had stated.*

But whatever the truth of this matter, your email demonstrates that TPO is continuing to cover up a very serious case in protection of Scottish Widows.

As I have made more than abundantly clear, Scottish Widows is guilty of criminal misconduct in imposing onerous "verification" requirements under the blatant false pretence that they "*are required under UK legislation*". In fact, no verification whatever is required for financial transactions where there is an ongoing business relationship. **And if this were not so, TPO (as well as TPAS and SW) would have repudiated my numerous statements to this effect, rather than resorting to evasive tactics.** My case reveals numerous other instances of cavalier treatment, and would bring criminal charges and have other very serious consequences for SW if brought to justice. TPO is thus knowingly protecting SW from the law.

Also, I have clear circumstantial evidence that TPO did a "deal" with Scottish Widows around the middle of November 2016 (shortly after my case was assigned to the adjudicator); and that this involved a substantial payment by Scottish Widows.

But even if there were no such deal, protection of a pension provider against criminal charges is a clear case of Obstruction/Perversion of the Course of Justice. And even if this were not the case, the forcing by TPO of a "pragmatic solution" upon the complainant is a clear case of the criminal offence of Misconduct in Public Office.

And the corruption within TPO clearly extends well beyond my case. The machinations of Mr Arter in his evasion of determinations subject to legal and public scrutiny in support of the pension provider ought to be obvious. What is not clear is how somebody with shares in 22 pension providers, and with a background as a solicitor defending such companies, could possibly be considered suitable for a position in which impartiality is paramount.

TPO's protection of pension providers is despicable in that it will certainly badly affect many vulnerable people. Access to one's pension funds is a right, not a discretionary privilege. Even in nanny-state, big-brother Britain, it is appalling that access to one's funds is at the discretion of the pension provider and TPO. Although my health is good, I might have needed immediate access to my funds to pay for medical expenses.

My honest and principled position stands in sharp contrast to the lies, deceit, and evasiveness from both yourselves and those you are protecting.

You are sitting on a time bomb - it may take a little while to detonate, but when this scandal comes to the attention of the public and the judiciary, certain individuals in both SW and TPO should be spending lengthy periods in prison. I know what I am up against - a corrupt British Establishment - but you cannot suppress everything all the time, and the law of the land will ultimately prevail.

I demand that my case be investigated and a legally-binding determination open to legal and public scrutiny be made by an Ombudsman: in accordance with the Pension Schemes Act 1993/2017 sections 145(4C) and 146, statements in your own literature, and indeed those from Mr Berkengoff when he finally came out of hiding on [15 May 2017](#).

For your information, my website (which contains the above links) is:

<https://www.elpobrecorderito.com/PersonalPensionFiasco/>

Yours sincerely,

Ian McInnes.

El lunes, 5 de noviembre de 2018 9:32:46 GMT-6, Jane Stephens <Jane.Stephens@pensions-ombudsman.org.uk> escribió:

Dear Mr McInnes

I am currently reviewing the papers in relation to your complaint and see that the last correspondence we received from you was in November 2017. Please accept my sincere apologies for the delay in contacting you. In November 2017 Scottish Widows wrote to this office and advised as follows:

"If we have confirmation from Mr McInnes that he does not have a current Mexican passport, we can try the 'Financial Exclusion' route.

Of course, if he does have a passport, this will resolve things and would suffice for Name verification.

If not though, in situations where we have insufficient or no documentation to satisfy the primary list, we can consider a letter of introduction from the final financial exclusion list. The following are letters that may be accepted as verification in the limited circumstances described (not all will be relevant to Mr McInnes of course):

- Letter from UK Forces base commander: to verify members of armed forces address only.
- Letter from University/college or school: to verify address of student or pupil only.
- Letter from Matron of a Nursing Home: to verify address of an elderly resident of home only.
- Home Office Letter granting exceptional leave to remain in the UK: verifies identity only.
- Home Office letter confirming refugee status: verifies identity and address of refugee.

- A letter of introduction from a person of responsibility confirming both name & address of the customer. The person of responsibility must be from the following list:

Doctor, solicitor, barrister, accountant, councillor, civil servant, staff in the registry of a higher education facility, minister of religion, teacher, midwife/district nurse who has visited at home, hostel manager, social worker, armed services officer (active), UK forces base commander, care home managers, prison governors, probation officers, police officers, Members of parliament, Members of the Scottish Parliament or the Northern Ireland Assembly, a Justice of the Peace. **The letter of introduction must include the customer's name and address and in most cases the introducer must confirm that they have known the customer for at least 12 months.**

Once received, Verification will still be required to examine the documentation and determine suitability. They may also need to translate any foreign correspondence but have the means to do so, if required.

In terms of how we can receive the documentation, this will still need to be decided depending on what is being sent to us. I'd therefore recommend we are informed once Mr McInnes believes he is in a position to obtain this information so that we can confirm what method of receipt will be acceptable."

I am unclear from our papers whether this email was forwarded to you. I understand however from Scottish Widows that they have not heard further from you and your policies are yet to be settled so I am assuming it was not for which I apologise. Please can you confirm whether you have a current Mexican passport and, if not, whether you are able to provide one of the letters listed above in order that the Name verification can be progressed and the policies settled?

Yours sincerely

Jane Stephens | Casework Manager | 020 7630 2225

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