

Re: Complaint Against Scottish Widows: PO-14071

- **Ian McInnes** <ian.mcinnnes@yahoo.com.mx>
-
- mayo 24 a las 14:57

Para

- Barry Berkengoff

Texto del mensaje

Dear Mr Berkengoff,

Thank you for your email, and explanation of why there have been problems in accessing my website. It may help you to know that this is hosted by 1&1, with the following details:

vivazamora.mx IP address: 74.208.215.101 (with 1574 other sites)

Location: Kansas City, MS (or Wayne, Pennsylvania?).

Hostname: clienteservidor.mx

Server Type: Apache

It is not secure, and is thus vulnerable to a "man-in-the-middle" attack from the UK. I have been particularly concerned about this, given the damning evidence it contains against Scottish Widows. However, a contact in the UK assured me that it was working a couple of weeks ago.

I have checked the link you gave me to the website of the Pensions Regulator, and in particular the page entitled "Codes of Practice". Unfortunately, none of the items on this page appears to shed any light on how pension providers are required to treat customers. The word "maladministration" has appeared a few times in TPAS/TPO correspondence, but it is not clear to me just what this means. I can only assume that it refers to non-compliance with these codes of practice. Whilst I have not been able to discover what they are, I think I can reasonably assume that the general conduct that I have experienced from Scottish Widows falls a long way below any kind of "best practice".

But the core of my case is the bogus "verification" requirements that Scottish Widows asserts are "required under UK legislation". Having gone to considerable trouble in my attempts to satisfy them, I am denied access to my personal pension funds, even though Scottish Widows always had the clearest possible proof of my identity. I have continually emphasised this aspect of the case in my correspondence, from my application of 24 September 2016 onwards. And in my last four emails, I explicitly attempted to elicit a response as to whether TPO can and will deal with this criminal misconduct appropriately, without success.

So I reported the matter online to Action Fraud last Saturday (20 May), as it now seemed clear that TPO was not the right organisation to deal with it. I regret not having done this several months ago. Although I understand there is no legal obligation to report fraud, there is clearly a moral imperative, especially when many others will be affected by it.

I expect to receive an update from Action Fraud with an assessment of my report within the next 28 working days. Only then will I have any indication of whether they will investigate it. Even if they did, it would naturally cover only the criminal matters (which it seems you would not deal with), not the maladministration to which you refer. I have no plans to take any separate legal action over the latter, and hope that you will be able to review my website shortly.

Yours sincerely,

Ian McInnes.

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

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

Enviado: Lunes, 22 de mayo, 2017 9:48:27

Asunto: RE: Complaint Against Scottish Widows: PO-14071

Dear Mr McInnes,

Thank you for your email.

I was scheduled to look at your case later last week but our IT system blocked your **.mx** website address and therefore I had to refer the matter to our IT providers.

Once that has been lifted I will of course review the information you have collected and documented on your personal website.

To respond to your other queries/comments – I am certain we will be able to communicate over e-mail and therefore I will not need to call you.

And, in response to your final point, this organisation has similar powers to the courts and if a complaint is upheld, any directions made by an Ombudsman are legally binding on all parties.

However, we can only address maladministration issues, and so if an injustice has occurred as a result of maladministration, we would consider the actual financial loss and non-financial injustice such as distress and inconvenience.

We are not a Regulator and so we have no jurisdiction to direct an organisation such as Scottish Widows to amend its policies or how it conducts itself. Only the Pensions Regulator <http://www.thepensionsregulator.gov.uk/individuals.aspx> has that power. Scottish Widows should be adhering to certain best practices however and these are detailed on the Pensions Regulators website as 'codes of practice', which includes treating customers fairly.

Therefore, your investigation will be confined to the maladministration event being complained about only.

Of course you are within your rights to take your own legal action in the courts for both the maladministration events itself and any "abusive/fraudulent" practices you consider to have affected you and possibly others in a similar position. If you prefer to take your own legal action then you would have to *withdraw* your existing complaint with this organisation.

Before we go any further please let me know what you want to do.

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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From: Ian McInnes [mailto:ian.mcinnnes@yahoo.com.mx]

Sent: 17 May 2017 16:32

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

Subject: Complaint Against Scottish Widows: PO-14071

Dear Mr Berkengoff,

Thank you for your email assuring me that my complaint will be investigated.

It seems that you have not yet looked at my case, and state that you may call me initially to discuss matters. As I indicated on my application form, I would like to avoid telephone communication if at all possible, as this would be difficult for me due to my impaired hearing. Apart from this, the number you hold is that of a cellphone (there is no landline at my house), and the signal inside my house varies from marginal to nonexistent due to its reinforced construction and its somewhat remote location. *NB: I live in Mexico.*

However, I have gone to great trouble to provide comprehensive documentation of this case on my website:

www.vivazamora.mx/ScottishWidowsComplaint

and implore you to review this carefully in the first instance. Apart from a full exposition of my side of the case, the website includes the full relevant correspondence, not only with Scottish Widows, but also with TPO and TPAS. You should find that using this site greatly eases your investigative task. *The above link should open a front page leading to 8 main content pages, the first of which is entitled "Case Overview"; please let me know if this is not so (it works here in Mexico).*

I hope that any queries and issues that may arise can be dealt with by email; however, I will make myself available by telephone should it prove necessary. The only reasonable way of doing this would be by arrangement at my partner's house in the city, for which I will give you another number.

My concerns over this case are not just the considerable difficulties that I have experienced, but because these result from abusive (and I contend fraudulent) company policies that will also badly affect many others. I hope that you have the powers to deal appropriately with this matter. If the scope of the investigation is confined to assessing provable financial losses through maladministration, I fear that I must seek justice elsewhere. Nonetheless, I was led to believe that referring my case to TPO was the proper way to deal with it, and must hope that a just resolution can be achieved.

Yours sincerely,
Ian McInnes.