



**BURNS**

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Wednesday, 12<sup>th</sup> February, 2014.

The Pensions Regulator  
Napier House  
Trafalgar Place, Brighton BN1 4DW.

**My Ref: PB00614.**

**Your Ref:**

The Error - Synopsis.

*In October 1964 Belfast Fireman Reg No:392 Burns P.P. , was injured in an explosion at operations in the city. His hearing was damaged.*

*In January 1997 after 33.5 years of pensionable service and 6.5 years earlier than his intended completion of his 40 years service, Divisional Fire Officer Reg No: 516 Burns P.P., was compulsorily medically discharged by Lancashire County Fire Brigade because of permanent hearing loss.*

*The LCFB awarded him an Ill-health Pension with a 'qualifying' Injury Award. When calculating his initial pension the LCFB paid him the wrong pension. They underpaid him by paying a 30 year(service completed) 'Ordinary Pension' in error. The Fire Brigade refuses to correct their error when it was pointed out to them.*

*This unsophisticated issue is not a question of law but the correct application of the existing law and simple accountancy.*

### **Draft Code of Practice no. 14 – Commentary.**

Dear Regulator,

During my detailed investigation of the above personal pension issue in conjunction with my eminent barrister I have comprehensively studied all the relevant Acts and Codes and as you might expect especially investigated those who 'govern' my Firefighters Pension Scheme.

The governance hierarchy includes the DCLG with its Fire Pension Team and its Firefighters Pension Committee; my delegated Scheme at the Lancashire Fire & Rescue Service(LFRS) with its contracted out to Lancashire County Council, Pensions Services(LCC PS).

Because I have been exposed to the administration of my particular Scheme, which I now believe is typical of those 46 fire pension schemes in England governed by the DCLG I believe that I have well-formed views which I ought to express to you at this consultative stage.

Although the report by the Public Sector Pensions Commission was an overview of the existing 'system' and made the case for modernisation it failed to provide the look ahead in scrutiny at those who would ultimately administer the existing Schemes under the envisaged new enactment, the Public Service Pensions Act 2013, after the 'house' has been put in order.

It is all well and good to provide the structure of 'governance' but this presupposes that pension administrative errors will be few because of the calibre of those administering these Schemes.

Yet disappointingly neither the Commission, the new Act, nor in your draft did anyone take the time to 'set the standards' which would be desirable in those carrying out this day to day work.

Whilst the overall objective may be admirable in tightening up 'governance' this cannot be achieved if those at the coal face are incapable of providing quality service on a daily basis.

No one thought to set out the basic-to-advanced skills levels required in administrators at various levels, nor to outline a career progressive professional qualification ladder up which a successful pension administrator/practitioner can advance.

I would see your CoP 14 as an opportunity to correct the omissions in the Commission's report and indeed in the Act which surely requires amending to close this damaging loophole because put simply if this is not corrected then all this collective effort will have been in vain.

Do the facts support my contention? Indeed they do and here are some brief facts.

The DCLG govern 46 Firefighters Pension Schemes in England(ignoring Scotland, Wales, and N.Ireland).In the year 2012/2013 the taxpayer expended £666m on these Schemes.

The three Civil Servants on the Fire Pension Team state to me they have no nationally recognised formal pension management qualifications; no actuarial qualifications; and no accountancy qualifications. Yet they advise their Minister and through him the government of the day in such matters as draft legislation etc, even though it is clear in direct contact they have scant knowledge of pension law and are clearly not enthused with the prospect of having to learn any either, but the law states they will.

It is a reasonable expectation by the taxpayer that those in governance in a budget of this magnitude should at the very least be individually qualified in those 3 principles I have outlined, pension management qualifications; actuarial qualifications; and accountancy qualifications.

A recent rambling letter(see attached) from Mr. Mooney the deputy Team Leader to my barrister states the DCLG has no wish to be involved, and worse, the discreditable disinclination to get involved even though he attended a presentation by your Mr.Scruton on the 24<sup>th</sup> April 2013 the day before the PSP was enacted which made it crystal clear the DCLG has been, and will continue to be, even more involved in lawful accountable governance.

The DCLG Fire Pension Committee individual members(up to 21) with the exception of the GAD members hold no such qualifications either and whilst the Act will in future ensure by law and enforced training that they will have to have skills and knowledge for the position they hold on this Committee it really ought to be supported by the necessity to 'grow' this knowledge into formal nationally recognised qualifications and your Code should state that this is a governance objective of the Regulator.

If this follow-through in detailed objectives is not achieved then the lawless debacle which passes for 'pension management' in Lancashire will simply expensively repeat itself.

The LCC Pensions Services the contractor for the LFRS 'manages' 140,000 pensions spread over many Schemes including the LG, the Police, and including the pensions of the LFRS and the Cumbria Fire Service.

The present Head of the PS Ms.Lister joined the LCC as a clerk in 2002. In a recent civil court appearance she was asked to explain to the Court what her nationally recognised pension management/accountancy/actuarial qualifications were and which were obviously reflected in her salary, her succinct answer was "none".

When asked how many of her staff held or were aspiring to nationally recognised pension management qualifications; to accountancy or actuarial qualifications again the answer was "none".

In January 2011 the Audit Commission in a report on the LCC PS stated that it had identified 2,215 errors which included over and underpayments to 167+/- (retired Lancashire Firefighters The largest over-£65,000.0;under-£45,000.0) and bizarrely this litany of error included 1007 payments to deceased pensioners; a further 762 were identified as former employees who retired and then were taken back into employment though it is not clear, whether or not, this was with their former employer the LCC in a double dipping exercise?; there was an unaccounted case of alleged fraud ; and a 'missing' balance of 414 allegedly overpaid payees whose existence remains a complete mystery as does the final figures of losses or missing taxpayers monies.

Eventually on the 13<sup>th</sup> June 2012, after 18 months, this debacle was reported to the LCC scrutinising Pensions sub-committee. Ms.Lister explained that all this maladministration was clearly the fault of the pensioners ... "***It was noted that in most cases there was a straightforward explanation for non-disclosure and that the majority of cases were found to be genuine oversights rather than fraudulent cases.***"

Who it seems included 1007 who failed to inform the LCC PS, among other things, of their own death...Ms. Lister remains in post.

This, and this alone, makes the case for the critical need for administrative staff to be honest and transparent; to be properly educated, trained, and retrained, all leading to the acquisition of nationally recognised qualification standards which provide a career ladder which ultimately re-builds the trust with Fire Service pensioners which has been lost nationally.

Even more importantly this provides transparent accountability to the taxpayers for the substantial budgets which the current 'practitioners' administer in an atmosphere of laissez faire, make up the rules as you go along; where errors and mistakes become inviolable and unchallengeable unlawful 'policies' by those with no recognisable substance to their 'professional practitioner' name.

It is ironic that none of these retired Firefighter whose pension they 'administer' was ever permitted to act operationally without being trained, re-trained, and Statutorily qualified...

Yours Sincerely,



Paul P. Burns. GIFireE  
Divisional Fire Officer (Rtd)  
HM-t-Q-LSGCM



For Exemplary Fire Service

Oklahoma Medal of Honor  
& Honorary Citizen.



Soviet Union  
Order of Excellent Fire-fighter.





Department for  
Communities and  
Local Government

Mr John Bruce  
30 Broadway  
PR2 9TH

Our Ref: 034124/13  
Your Ref:

6 December 2013

Dear Mr Bruce,

Thank you for your letter of 7 November addressed to the Rt Hon Theresa May MP, the Home Secretary, about the firefighters' pension scheme. Your letter has been passed to the Department for Communities and Local Government to respond to as the Department responsible for policy on firefighter pensions in England.

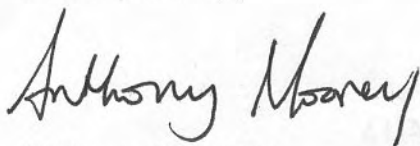
In your letter you have referred to a particular incident where the Lancashire Fire and Rescue Authority (LFRS) made the decision to require one of its firefighters to retire early with an ordinary pension. You have set out that it is your view that the individual's retirement had been caused by a qualifying injury and, as such, should have entitled him to payment of an enhanced ill-health pension and compensatory injury award. You have also suggested that this practice may affect other former employees of the LFRS.

There are currently two firefighters' pension schemes in operation in England, namely the Firefighters' Pension Scheme 1992 and the New Firefighters' Pension Scheme 2006. Whilst the Department has responsibility for the policy framework and legislation of both these schemes, it does not have any involvement in the administration of member pensions. Each employing fire and rescue authority is directly responsible for the local administration of the pensions in respect of the firefighters they employ, and for implementing the rules of the firefighter pension schemes, and to seek legal advice where they think it necessary.

You should be aware that there are established internal established internal disputes resolution procedures for dealing with a dispute between an individual and their employer on pension related issues. In the case where the individual remains dissatisfied with the outcome, they will have a further option of referring their case to the Pensions Ombudsman. LFRS should be able to provide any member of the scheme with details of the process on request.

The Department for Communities and Local Government has no role in the dispute resolution procedures and, in the event that the matter gets referred to the Pensions Ombudsman, it would be inappropriate for me to comment further on this issue.

Yours sincerely,



**Anthony Mooney**