



Lancashire Fire & Rescue Service
Headquarters
Mr.B.J.Hamilton.
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BURNS

Monday, 21st April, 2008.

My Ref: PB05208.

Your Ref:

The Lancashire Fire & Rescue Service – Injury Pension Review.

Dear Mr.Hamilton,

You are the Head of Human Resources at the LFRS and thus you bear direct responsibility for all the daily activities of your department, specifically those relating to FS pensions. In respect of this 'Review' you are the person directly responsible for issuing lawful instructions to your pensions Contractor the LCC Pensions Services and have been so mandated by the Resources Committee of the CFA.

You have a duty of care to ensure that your instructions comply with the common law in every respect and to aid you in so doing an in-house LFRS solicitor is provided and immediately available to you should you have any legal doubt concerning the issuance of an instruction to the LCC PS, or indeed any action you may propose.

You also have a duty of care to ensure your compliance with the broader common law in respect of the human rights of your FS Pensioners and for ensuring that any 'Review' or policy you are mandated to implement by the Chief Fire Officer and the Chairman of the CFA complies itself with all current legislation. It is a failure of this duty of care if you fail to ensure that any action carried out by you whether by default or proactively causes human distress and alarm, or brings consequential financial hardship to those FS pensioners placed within your care.

Should you, by the maladministration of pensions, or non compliance with any applicable Act fail in any, or all, of these duties then you become liable in law for those consequences, whether they could be perceived or not.

Whether or not you were formally mandated to do so, you had a special and specific duty of care to carry out an impact study to ensure that the implementation of this 'Review' caused as little distress as possible to FS Pensioners, particularly in view of their known disablements. You did not do so **before** commencing this 'Review'.

Equally, your opposite number at the LCC PS Mrs.D.Lister has similar duties of care to FS Pensioners to ensure the proper administration of their pensions. Mrs.Lister has an additional duty, other than compliance with the common law, which is that she

must satisfy herself that the instructions that you issue to her and that she acts upon are unequivocally lawful in every respect.

In satisfying herself legally she also has immediately available in-house legal services and if she fails to satisfy herself that your instructions are lawful and implements those without legal advice then she also negligently fails in her duty of care to the FS Pensioners and the common law.

Similarly she also had a duty of care, even though you failed to do so, such as ensuring that her actions and the actions of her department could in no manner contribute to the distress of FS Pensioners placed by Contract under her care. Mrs.Lister did not do so either **before** commencing this 'Review'.

You are aware from my copied correspondence to you, that I have been investigating all the circumstance surrounding your departmental activities in respect of the above legal issues. You will also be aware from my recent copied correspondence with the DWP that I now believe I have reached the point whereby I have before me prima facie evidence of your department's unlawful activities in respect of the Data Protection Act 1998 which in due course I will present to the Chief Constable of Lancashire.

You are also fully aware that any failure to comply with the Act, or to act with premeditation to defeat the spirit and intent of the Act, are criminal offences.

Unlike the treatment of the FS Pensioners to date, we actually believe in natural justice and wish to demonstrate this commitment to you, to Mrs.Lister, and to your collective staffs.

It is incumbent upon me prior to placing a formal complaint as member of the public before the Chief Constable and in exercising your collective entitlement under the laws of natural justice, that you too should have the public opportunity to express your opinions and defend your collective roles in this 'Review' in conjunction with the LCC PS your pensions contractor.

You have had before you since the 1st April 2008 my 'Notional Study' which highlights your collective role in these affairs yet I do not have before me a single written word of response from either department, or indeed in personal rebuttal.

Nevertheless, I invite you now collectively, or personally, to publicly react and respond in respect of all those issues I have brought directly to your attention.

As a consequence of my continuing investigation I have concluded that there exists in respect of your department a further anomaly which greatly disturbs myself and other FS Pensioners who stand accused by you of being in receipt of 'overpayments' or of being Dissenters.

I have before me anecdotal evidence which suggests that your department has engaged in activities which treat some FS Pensioners more favourably than others in the operation of this 'Review'. I have also referred to this in detail in recent published correspondence copied to you.

This is also a matter which I have addressed publicly with you, your Chief Fire Officer, and the Chairman of the CFA *without, to date, a single line of rebuttal either personal or corporate.*

I require you to specifically address this apparent anomaly in your reply, in addition to those I have already brought to your attention in respect of the DPAct, so we can all be reassured that neither you, your department, nor in complicit accord with Mrs.Lister of the LCC PS, have personally or collectively engaged in any such activities which have been, or are, detrimental to those less well favoured FS Pensioners in the manner in which they find themselves either subject to scrutiny, or more favourably, absolved from scrutiny by your 'Review'.


We have a right to expect a detailed publicly transparent reply to all these matters.

Should you fail to respond then no doubt the Public, and in time the Courts, will draw their own conclusions.

A reply, notwithstanding, I shall nevertheless continue with the support of my FS Pensioner colleagues to investigate this troubling state of affairs in order to reach a definitive conclusion regarding the legality, or otherwise, of this latest anomaly.

The simple answer is of course to have all your decisions tested by public scrutiny and I am making arrangement to that end.

Yours Truly,


Paul P. Burns. GFireE
Divisional Fire Officer (Rtd)



Order of Excellent Fire-fighter
Russia



Oklahoma Medal of Honour
&
Honorary Citizen





Mr P Burns
7 Kings Drive
Preston
Lancashire
PR2 3 HN

Please ask for: Brendan Hamilton
Direct Line: 01772 866856
Email: brendanhamilton@lancsfirerescue.org.uk
Your Ref:
Our Ref:
Date: 24 April 2008

Dear Mr Burns

This is to acknowledge receipt of your letter dated 21 April 2008.

I note your comments but I decline to respond to your assertions about my role, my responsibilities or indeed your requirements of me. You also indicate that you are engaged in proceedings against the Service. I have no knowledge of this nor am I the appropriate person to consider such matters. You have indicated that you have written to a number of individuals in the Service but have not received a corporate or personal rebuttal to your assertions. You also indicate that you have previously copied me in on a number of your correspondences to other organisations or individuals. I must advise you that I do not wish to be in your circulation list for any matter nor do I wish you to write directly to me again.

My understanding is that LFRS Executive Managers and Solicitors have written to you to offer you guidance and direction on your numerous complaints. I will pass your letter through to Mr Bob Warren, Director of People and Development to provide a single channel of contact for any future correspondence to the Service.

Yours Sincerely

Brendan Hamilton
Head of Human Resources

cc: Bob Warren DoPD

Headquarters

Lancashire Fire & Rescue Service
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Mr.P.Holland
Chief Officer
Lancashire Fire & Rescue Service
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Wednesday, 13th April, 2011.

BURNS

My Ref: PB01211.

Your Ref: MBW/HLG

**The Injury Pension 'review' – Integrity and Honesty
and now
Corruption.**

Dear Mr. Holland,

Thank you for your letter of the 6inst.

I entirely disagree that integrity, honesty, and now demonstrable corruption have little to do with this dispute or with the conclusions the Court may subsequently reach on you and those you are responsible for. It has everything to do with it.

The Court will take the view that you are entitled to challenge my honesty and integrity and in equity recognise my entitlement to challenge your collective honesty and integrity with, unlike you, documented evidence.

No doubt the Court will note your failure as an accountable public servant to rebut or deny the truth of the evidence I have recently placed before you and your complete failure as head of your organisation to provide clarity and transparency in general and in particular on your personal role in these grave matters. The Court are entitled to draw inferences from such failures.

You and your staff chose, when it suited your purpose of cover up in deflecting public scrutiny of your pension scheme maladministrative debacle, to make evidentially unsupported assertions designed to publicly and iniquitously smear the good names and characters of your own innocent disabled Fire Service Veterans and their families.

In addition the Court will no doubt note Mr. Hamilton's and your failure to deny the corrupt manner of his 'appointment' for which he paid the price later in this dispute when you called in your IOU.

This was the price.

You will recall in my letter (Ref PB05208) I put it directly to Mr.Hamilton that he was engaged in the application of dual standards of resolution with the disabled FSVs involved. I wrote then...

"As a consequence of my continuing investigation I have concluded that there exists in respect of your department a further anomaly which greatly disturbs myself and other FS Pensioners who stand accused by you of being in receipt of 'overpayments' or of being Dissenters.

I have before me anecdotal evidence which suggests that your department has engaged in activities which treat some FS Pensioners more favourably than others in the operation of this 'Review'. I have also referred to this in detail in recent published correspondence copied to you. This is also a matter

which I have addressed publicly with you, your Chief Fire Officer, and the Chairman of the CFA *without, to date, a single line of rebuttal either personal or corporate.*

I require you to specifically address this apparent anomaly in your reply, in addition to those I have already brought to your attention in respect of the DPAAct, so we can all be reassured that neither you, your department, nor in complicit accord with Mrs.Lister of the LCC PS, have personally or collectively engaged in any such activities which have been, or are, detrimental to those less well favoured FSPensioners in the manner in which they find themselves either subject to scrutiny, or more favourably, absolved from scrutiny by your 'Review'. We have a right to expect a detailed publicly transparent reply to all these matters.

Should you fail to respond then no doubt the Public, and in time the Courts, will draw their own conclusions.

A reply, notwithstanding, I shall nevertheless continue with the support of my FS Pensioner colleagues to investigate this troubling state of affairs in order to reach a definitive conclusion regarding the legality, or otherwise, of this latest anomaly."

You will note the anodyne contents of Mr. Hamilton's subsequent reply (attached) which astonishingly did not deny my allegations or rebut them in any manner whatever. His consistent failure of denial juxtaposed with independent evidence now available confirms that your organisation did treated some FSV brethren more equally than others.

These 'privileged' FSVs, including those initially accused by you of receiving substantial amounts of 'overpayments' of £40k and more, have never actually paid a single penny back and yet others including myself have had their Injury Awards unlawfully stopped. We and the Public are due explanations from you in open Court.

When invited, Mr. Hamilton has consistently failed to deny these allegations including his ritual bullying; his failure to deny the circumstances of his departure from the Probation Trust; his subsequent 'appointment' by you; and your failure to provide clarity and transparency when asked publicly to do so. One can only conclude that in your professional capacity you and your organisation have applied dual standards in a raft of legally questionable acts which taken in totality must be viewed as nothing more or less than institutionalised corruption.

Furthermore I am informed that on the 24th February 2011 FSV Mr.F.G wrote to you in a recorded delivery letter concerning his own pension dispute which need not concern us here. He drew your attention to his concerns regarding his perception of the use of alleged corrupt practice of dual standards by Mr.Hamilton and Mr.Warren. He wrote thus to Mr.Warren...

"Recently it has come to my attention that anecdotal or actual evidence exists which seems to indicate that two or more 'standards' were applied by the LFRS in resolving individual alleged 'overpayments'. It would appear that, for example, if one was a Freemason, any alleged debt was dealt with by using a different 'standard' to that applied to non-Freemasons. I suggest to you that in practice Freemasons did not repay any of their alleged 'debt', whilst non-Freemasons are continuing to repay their debt or have repaid it in full whether due to you or not. If this is the case, then it would be an appalling state of affairs with foreseeable grave consequences for those personally involved.

I request your personal written assurance and the personal written assurance of your deputy, Mr Hamilton, who is responsible for the day-to-day administration of the LFRS Pension Scheme, that there is no foundation whatsoever in these rumours and that all those affected Fire Service Veterans, regardless of their membership of any particular organisation, have been treated fairly and with exactly the same 'standard'."

I am further informed, that approximately 2 weeks later having had no acknowledgement or response from you or your staff FSV Mr.F.G wrote once more reminding Mr.Warren that he had had no response to his deep concerns, neither had he received your denials, nor

had you provided any transparency in allaying his concerns. He received no acknowledgement or response to this second letter either.

It is insufficient to be either dismissive of, or to ignore these very serious charges which includes the charge that you knowingly presided over an organisation that institutionally and regularly exercised dual standards, discrimination, and corruption on this issue. Open Court and the laws of perjury will ensure that you, Mr.Hamilton, and others, will not ignore these questions when the time comes to put them to you.

It seems Mr.Hamilton not content with the complete maladministration of our pensions; not content with the sly methods he and you used to blame, smear, and bully the victims of your gross pension ineptitude; but in content complicity with you and others then engaged in a massive cover up during which you corruptly and in discrimination made special arrangements for the members of your privileged 'family'.

You jointly with Mr.Hamilton did so in the knowledge that your actions would and did lead to direct detrimental financial hardship and the loss of personal tranquillity to other disabled FSVs who were not in your 'family'. An action by you in your warped thinking which would act as a warning to others and as a punishment for those disabled FSV who still have the temerity to stand up to your injustice, bullying, and corruption.

Your disabled Fire Service Veterans have the right, indeed the Public interest demands, that you provide clarity concerning all these serious issues and I urge you once more to do so, whether or not, you remain in your present post as a uniformed or civilian manager.

If you do not publish all the relevant documents of Mr. Hamilton's 'appointment' and do not provide rebuttal and explanations for all these grave issues of honesty, integrity, and corruption which I am raising directly and publicly with you then the question arises how you can continue to hold public office without the confidence of the Public, in either role?

I will be in touch with you or your replacement shortly concerning the activities of your solicitor, Mr.A.Harold.

Yours Truly,



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



For Exemplary Fire Service

Order of Excellent Fire-fighter
Soviet Union



Oklahoma Medal of Honor
& Honorary Citizen

