

Nature of disagreement

Give a statement of the nature of the disagreement with sufficient details to show why aggrieved. If necessary, continue details on to another page and attach the application form with any supporting documents.

Internal Dispute Resolution Procedure – Stage I. Nature of the Disagreement.

1. The nature of this disagreement is the incorrect deduction of Retirement Allowance from my Injury Pension since 17th January 2014;
2. Retirement Allowance(RA) was introduced in 1988 to show a distinction, at state pension age, between a benefit designed to recognise reduced earnings capacity as a result of an industrial injury (Reduced Earnings Allowance) and a benefit that recognises reduced pension entitlement due to a lower level of pension benefit accrual.
3. On the 13th October 2010 the Department of Communities and Local Government issued **FPS Guidance Note 4/2010** to all Fire Authorities including the Lancashire Combined Fire Authority(LCFA) my pension provider. This note dealt with the non-deduction of RA from Fire Service Injury Pensions.
It stated the following:
“The purpose of this Guidance Note is to point out to administrators of the Firefighter Pension Schemes that the rules of the Firefighters’ Compensation Scheme (FCS), which are drafted differently to those of the Police (Injury Benefit) Regulations 2006, do not in our view provide for the deduction of Retirement Allowance from FCS injury pensions.”
Furthermore:
“It is our view that Retirement Allowance did not replace any of the existing DWP benefits that could be deducted from a firefighter’s injury pension under the Social Security Act 1975 or Social Security Pension Act 1975.”
4. I have sent the LCFA pension contractors, the Lancashire County Council Pensions Services(LCC PS) a copy of this Guidance Note on 27th May 2014 assuming that the Fire Authority will have already retained their own copy. But on follow up enquiries both verbally and in writing the LCC PS continue to deduct this Allowance from my Injury Award saying they are continuing to act on the lawful instructions of the Fire Authority.
5. I have written on the 1st September 2014 to the LCC PS asking them to provide a copy of the “authority” which both they and the Fire Authority are relying upon for the purpose of this deduction. I have had no reply from either party.
6. Unless, and until, the Fire Authority can produce a Court Judgement and/or the written legal “authority” which acts contrary to the central government advice they have received the LCFA must refrain from deducting RA from my Injury award and must repay me the deducted amounts with County Court compound interest because of their unlawful self-enrichment.
7. I only seek what is mine by law.

Signature of Complainant

R.R.B.



Date 5th September 2014.