

# Firefighters' Pension Scheme: Internal Disputes Resolution Procedure (IDRP)



## Stage Two Application

*If a person is dissatisfied with the decision of the Chief Fire Officer or the person specified by him at Stage 1 of the IDRP, an application may be submitted by that person (or nominated representative) for the decision to be confirmed or replaced by the decision of elected members of the fire and rescue authority. The authority may provide for decisions to be taken by or on their behalf by one or more of their number.*

### To the Lancashire Fire and Rescue Authority

1. I am applying for reconsideration of the decision of (See Notabena) made under section 50 of the Pensions Act 1995. I understand that the Fire and Rescue Authority will either confirm the decision or replace it  
**N.B: Stage I Application(Hand delivered) was not acknowledged or implemented.**
2. I understand that an application may not be made where, in respect of the matter:
  - A notice of appeal has been issued under Rule H2 of the Firefighters' Pension Scheme 1992, Part 8, rule 4 of the New Firefighters' Pension Scheme 2006 or Part 6, rule 2 of the Firefighters' Compensation Scheme 2006 (appeal to a board of medical referees against a decision on an issue of a medical nature), or
  - Proceedings in respect of this dispute have begun in any court or tribunal, or
  - The Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to him.
3. I attach a copy of the notice of the decision referred to in paragraph 1 and a statement of the reason(s) for dissatisfaction with that decision.**(Unable to comply due to CFO failure).**

### Complete in all cases (in Block capitals)

Full Name of Scheme Member	R [REDACTED] R [REDACTED] B [REDACTED]
Role and employment reference	Rtd Firefighter Pension Ref [REDACTED]
Address of Scheme Member	[REDACTED]
Member's Date of Birth	17th January 1949
Member's National Insurance Number	[REDACTED]

### Complete if complainant is not a Scheme member (in Block Capitals)

Full Name of Complainant	N/A
Address for Correspondence	N/A
Relationship of complainant to Scheme Member (if relevant)	N/A

## Nature of Disagreement

Give a statement of the nature of the disagreement with the decision made by the Chief Fire Officer or the person specified by him. If necessary, continue details on to another page and attach the application form with any supporting documents.

### Internal Dispute Resolution Procedure – Stage II. Nature of the Disagreement.

- No Appeals Notices have been issued pursuant to any FS Pension Scheme;
- No proceedings are pending in Court or Tribunal;
- No Complaint has, at this point, been referred to the Pensions Ombudsman.

1. My Stage I IDR Application was electronically despatched with a read certificate to Mr Hamilton @ 11:36hrs on the 9<sup>th</sup> September 2014 .

Also on the 9<sup>th</sup> September 2014 I hand delivered a printed copy of my Application to SHQ marked for the attention of Mr. Warren the CFO's nominee for Stage I for which I retain a receipt from Registry.

The first auto Receipt was electronically received by me from this source was @ 22:47 hrs on the 9<sup>th</sup> September 2014.

The second auto Receipt was received @ 10:20hrs on 14<sup>th</sup> November 2014 immediately after my telephone conversation with Ms Hutchinson.

On Friday morning the 14<sup>th</sup> November 2014 I called Ms J. Hutchinson Pension Manager at HR. I asked for a Stage II Application Form. I made a further 2 calls to Ms. Hutchinson on Monday the 17<sup>th</sup> and Tuesday 18<sup>th</sup> November 2014 without a response

2. A Stage II Application Form was by delivered electronically Ms. Hutchinson @ 15:16hrs on Tuesday 18<sup>th</sup> November 2014.  
She also informed me that my Stage I Application could not be traced which seems at variance with the auto reply received from the LFRS@ 10:20hrs on 14<sup>th</sup> November 2014 .
3. The Chief Fire Officer and/or his nominee Mr. Warren my pension scheme manager have failed their Statutory duty, by not acknowledging or implementing Stage I and have now alleged the loss on my Stage I Statutory Application.
4. This is further confirmation of maladministration of my pensions compounded by Mr. Warren's repeated refusals to release my Personal Record Files to me so that I can correctly check and compute my pension entitlements.  
In the light of these failures I now consider that deliberate malfeasance is occurring in the administration of my pensions.
6. In exercise of my rights under Statutory IDR Procedures, I now invoke Stage II, again delivered both electronically and in person by hand this day.
7. The nature of this *specific* disagreement is the incorrect deduction of Retirement Allowance from my Injury Pension since 17<sup>th</sup> January 2014;

8. 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.

9. On the 13<sup>th</sup> 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 Awards.

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.”.*


10. I have sent the LCFA pension contractors, the Lancashire County Council Pensions Services(LCC PS) a copy of this Guidance Note on 27<sup>th</sup> 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.

11. I have written on the 1<sup>st</sup> September 2014 to the LCC PS asking them to provide a copy of the legal “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.

12. Unless, and until, the Lancashire Combined Fire Authority produces a Court Judgement; examples of established case law; and/or the original Statutory written legal “authority” for such a deduction the LCFA are acting in ultra vires, which is directly contrary to the instruction and guidance issued to them by the DCLG.

Accordingly, the LCFA must immediately refrain further from deducting RA from my Injury Award and must repay to me the deducted monies with County Court compound interest because of their unlawful self-enrichment.

Signature of Complainant 

 Date 19<sup>th</sup> November 2014.



Phone: 01772 530530

Email: Connect2Pensions@oneconnectlimited.co.uk

Our ref: YPS/KM  
Your ref: [REDACTED]  
Date: - 4 AUG 2014

Dear Mr E [REDACTED]

**THE FIREFIGHTERS' PENSION SCHEME**

I refer to your recent enquiry concerning your injury pension entitlement.

As confirmed in my colleagues letter dated 27 January 2014 (copy enclosed), under the instruction of Lancashire Fire and Rescue Service, Retirement Allowance is a deductible benefit from an Injury Entitlement payable to an eligible member.

In January 2014 a review of your injury pension entitlement was undertaken. The calculation was based on your Industrial Injuries Disablement Benefit amounting to £32.32 per week and your Retirement Allowance amounting to [REDACTED] per week. The injury pension payable from 17 January 2014 amounted to [REDACTED] per month increasing in line with Pensions Increase to [REDACTED] per month from 7 April 2014. Please find attached a breakdown of the calculation.

If the level of your DWP benefits alter, you should notify this office of the details in order that your pension can be amended if necessary.

If you require any further information please contact the Pensions Helpdesk.

Yours sincerely

Keith Mackie  
Senior Caseworker

FGENMEM

Administered by

In partnership with



Your Pension Service  
PO Box 100, County Hall, Preston, PR1 0LD

