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Mr P P Burns  
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Your ref

Our ref

Date:

RDF/PEN/DEL

28 March 2008

Dear Mr Burns

### Firefighters' Pension Scheme – Injury Pension Review

We have previously written to you requesting that you consent to the Department for Work and Pensions (DWP) disclosing information in relation to any benefits that you may be receiving in relation to the injury that resulted in your retirement. The purpose of this letter is to clarify why the information is required and explain the steps being taken by Lancashire Pensions Services who administer the Scheme on behalf of Lancashire Fire & Rescue Service (LFRS).

As you know, LFRS is currently reviewing injury pensions to ensure that the correct amount of injury pension is being paid to you and your consent was requested for that purpose. Injury pensions are payable in accordance with the provisions of the Firefighters' Compensation Scheme which is a statutory scheme made under the Fire and Rescue Services Act 2004. The Scheme provides that where a firefighter suffers a "qualifying injury" as defined by the Scheme in the exercise of their duties that is not attributable to their own negligence or misconduct then they receive a pension payment in respect of that injury calculated in accordance with the Scheme.

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**Diane Lister** Pensions Manager  
Lancashire Pensions Services • PO Box 100  
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The Scheme goes on to provide that where an individual is in receipt of an injury pension then the amount of the pension **must be reduced by the amount of any "additional benefit" received by the individual**, the benefits being a range of social security benefits administered by the Department of Work and Pensions (DWP). The reason for the review being undertaken by LFRS is therefore to establish that the amount of benefits being paid are correct under the terms of the Scheme.

**Unfortunately the current Scheme makes no specific provision which authorises LFRS to obtain the required information from DWP. However, the provisions of the Scheme and the duties placed on LFRS in relation to the administration of the Scheme are unworkable without such information being provided and therefore your consent was requested to authorise DWP to disclose the information.**

A small number of individuals in receipt of injury pensions have however declined to consent to the disclosure of information by DWP as a result of which LFRS and Lancashire Pensions Services have reviewed the position and made a further approach **to DWP asking them to provide the required information without the necessity for individuals to consent to disclosure.** In our view, the relevant provisions of the Scheme are **unworkable without disclosure of the information** and **clearly it cannot have been the intention of the Scheme to make the operation of the provisions dependent upon obtaining the voluntary consent of the individuals concerned.** **In those circumstances we believe there are clear grounds under Data Protection legislation which authorise DWP to disclose the information without consent and we have asked them to do so.**

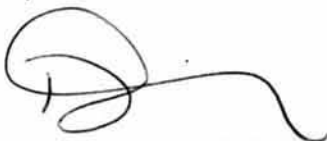
If however DWP decline to provide the information without consent and that consent continues to be withheld by the individuals affected then LFRS will have to consider what action to take to ensure that continuing Injury Pension payments are being lawfully made in accordance with the clear provisions of the Scheme and their duty to take care of public funds. **In those circumstances, having considered the position very carefully, there would not seem to be any realistic option other than to suspend payment of injury pensions until such time as the necessary**

information is available to properly determine the correct amount of payments to be made.

It is therefore clearly in the interests of individuals to give consent as requested and to do so as soon as possible to avoid the need for LFRS to suspend the payment of such injury pensions, something which they would of course not otherwise wish to do. Please be assured that the information required is limited to that strictly necessary to determine entitlement as set out above and information provided will only be used for the sole purpose of administering the Scheme and no other. Of course, if overpayments have been made as a result of a failure to provide accurate information then LFRS must reserve the right to recover any overpayment but this would be the subject of full discussion with the individual concerned before any further action is taken.

I hope that I have clarified the position. If DWP agree to disclose the necessary information then of course the issue of the suspension of payments does not arise but until we know whether they are prepared to do so the situation is uncertain and I thought that it was important to explain the context in which your consent was sought and the possible implications of refusal.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Diane Lister', with a long, sweeping tail extending to the right.

Diane Lister  
Pensions Manager