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Friday, 6th November, 2015.

CC F.DeMolfetta
Chairman Lancashire Combined Fire Authority
Lancashire Fire & Rescue Service Headquarters
Garstang Road
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PR2 3LH

A Complaint – Malfeasant Pension Maladministration- The Pensions Regulator.

Dear Chairman,

In a recent letter to one of my colleagues your Mr. Warren(Head of People & Development) pointed out the following... *“Lancashire Combined Fire Authority is the scheme manager for the Firefighters Pension schemes”*.

Accordingly, as the Chairman of the Combined Fire Authority, you are the person ultimately responsible in law for my Pension Scheme and it is on this basis that I place this formal Complaint before you which is **Misconduct in Public Office** coupled with the **Malfeasant Maladministration of my Pensions**, in violation of Public trust, by certain named staff under your direct legal control, or indirect control by means of Contract, namely, the Lancashire County Council ‘Your Pension Service’(YPS), your pension service delivery contractor.

CFA’s Legal Responsibilities.

1. It is my belief that my incontrovertible evidence, which I will place before you in this Complaint, referred to as *‘material of significance’* in The Pensions Regulator’s Code of Practice, No. 14 ‘Governance and administration of public service pension schemes’(April 2015), constitutes material breaches of the relevant provisions of the Pensions Act 2004.

This requires you as the person responsible , without delay, to *fulfil your Statutory duty* which is to investigate and report my Complaint directly to the Pensions Regulator, so that it can be fully and impartially investigated.

2. My compelling evidence of criminality, which I will now present to you, is taken from my Personal Record Files, which includes pensions records, in a file released to me through the legal action of the Information Commissioner.
3. Your Statutory duty is, in part, referred to in this Guidance Paragraph 272 under the title 'Whistle Blowing protection and confidentiality'. For clarity you are referred to as the 'Reporter':

"The Pensions Act 2004 makes clear that the statutory duty to report overrides any other duties a reporter may have (my underline) such as confidentiality and that any such duty is not breached by making a report. The regulator understands the potential impact of a report on relationships, for example, between an employee and their employer."
4. Such is the level of criminality involved in the malfeasant management of my pensions, "*the material of significance*", that it routinely incorporated institutionalised malpractice by LFRS and LCC staffs under the direction and control of the day-to-day delegated scheme manager, Mr. R. Warren. Practices of :
 - Plain dishonesty;
 - Non-confirmation of information regularly supplied to the scheme administrators by Members;
 - The failure to record accurate information about Members' individual DWP benefits and data in their Service records;
 - Appropriate essential records not being regularly maintained, or monitored;
 - Inadequate, irregular, or non-robust internal audit controls leading to unsustainable losses to the Public Purse;
 - Scheme assets not being safeguarded;
 - Poor governance and maladministration;
 - Malfeasance in covering up maladministration and conspiracy to defraud;
 - Acting deliberately in contravention of the law;
 - Knowingly, in direct breaches of Statutory duty, failing to report significant pension Scheme maladministration to The Pensions Regulator.
5. It is my belief, supported by publicly available LCC/LFRS Minutes and records, that these unsupervised institutionalised practices will lead, and have led, to a lack of Member confidence in the entire Lancashire Firefighters' Pension Scheme under your jurisdiction

resulting in Scheme assets not being safeguarded, extending to recorded losses to the Public Purse of over £2mil+.

6. It is my, and the Lancashire Public's reasonable public interest expectation, that in the interim you will immediately suspend all those LFRS staff , those persons I will identify below, who have been engaged in these unlawful practices, *if only to protect their rights* in law and in natural Justice.
7. In respect of LCC contracted staff it is assumed that that you will liaise with the Leaders of the Coalition of the Lancashire County Council, to whom this letter is copied, to ask for the parallel suspension of their named YPS staff, namely, Mrs. D. Lister Head of YPS, and Ms. J. Wisdom Performance Manager.

Your Statutory Duty.

8. Since 2007 the Lancashire Combined Fire Authority in conjunction with the Lancashire CC have repeatedly been asked in published supporting correspondence, and patently failed, to transparently investigate and address these scandalous failures of pension management and to report them to The Pensions Regulator.

The LCC Pension Services(LCC YPS) administer 120,000 local authority pensions directly or by contract to other Local Authorities including the Lancashire and Cumbria Firefighters' Pension Schemes.

9. Statutory, TPR , and Public accountability is held by the LCC Pension Fund Administration Sub-Committee *of which you are a sitting member* and part of your Statutory duty was, and remains, to ensure that any pension maladministration of significance is reported to TPR.
 - You have failed your Statutory duty repeatedly because these matters were reported directly to you and recorded in LCC and LFRS Committee Minutes which I have read. Reports of these scandalous failures which you choose to ignore contained, for example, in Minutes of the Meeting held on Wednesday, 13th June, 2012 at 10.00 am in Cabinet Room 'B' - County Hall, Preston;
 - You failed to report to TPR poor governance and maladministration of your Firefighters' Pension Scheme identified by a Lancashire Scheme Member in March 2007 which had uncovered 2000+/- errors including 167+/- 'overpayments' to the highest individual value of £65k, and 'underpayments' to the highest individual value of £45k ;

- You failed to report to TPR poor governance and maladministration of your pension Scheme identified by the Audit Commission(National Fraud Initiative) in its data matching exercise of 2010 in which it identified 2,215 errors including the payments of pensions to 1007 Members who were certified as dead.
- You failed to report to TPR poor governance and maladministration of your pension Scheme identified by the Audit Commission(National Fraud Initiative) in its data matching exercise of 2012 in which it identified 2,060 errors including the payment of pensions to 1012 Members who were also certified as dead.
- These failure rates of 1.85%+ are commonly regarded as maladministration;
- You failed to take prompt and effective action to remedy these breaches of pension law and to identify and tackle their causes in order to minimise risk of recurrence;
- You failed to notify individually affected Scheme Members and the Scheme Membership in general of the deficiencies of their Scheme and the detailed remedial action being taken to restore their confidence in their Scheme;
- You failed to take, or pursue, the required Statutory action to a proper conclusion.

10. In framing my Complaint I have drawn evidence from all those, whether directly involved or not, who have supported a campaign for civil rights against the Lancashire Combined Fire Authority in opposing *its collective* scandalous tyranny in the maltreatment of LFRS disabled FSVs, their surviving Widows, and Beneficiaries, in a dispute involving their pensions since March 2007.

Once more you have an opportunity to present and report my irrefutable evidence to The Pensions Regulator which is your Statutory duty.

The Ineluctable Question?

11. The ineluctable question I have regularly asked myself is why your Mr.Warren went to such scandalous lengths of corrupt practice to obstruct my legal right to obtain my Service records, my Personal Record Files(PRF)?

12. This year, 2015, Mr.Warren sent me two letters May/August with enclosures. These letters were of increasingly strident threats when, at last in September, he was being legally forced by the Information Commissioner to release my service PRF after 5 years of deliberate obstruction and delay.

His vain hope was that this late embarrassingly frantic intimidation would finally deflect me from the task of obtaining my PRF, which I had set myself in November 2010.

13. The enforced release of my PRF now starkly reveals, and confirms, what he knew, and I

have always suspected, that he, in complicity with others under his authority, would stop at nothing, including the use of collective mendacity to protect themselves from exposure and the consequences of their, and his, failed legal duty which is, *and remains under Statute law*, to correctly administer my pensions as the LFRS delegated day-to-day pension Scheme administrators and manager.

14. Mr. Warren's obvious attempted intimidation in his letters invites my response in kind.

My Complaint uses evidential content from my PRF; correspondence with him; from FSVs associates; from Court released LFRS internal records and emails; and from the Information Commissioner.

The drafting and framing of my Complaint, which I have approved, also includes the advice of the civil rights anti LFRS pension campaign pro bono barrister.

J'Accuse !

15. In defending the indefensible, Mr Warren's professional persona, he has, since 2007, in complicity with his supervising principals, and those pension management staff with pension malfeasance to hide, without the knowledge or approval of the majority of the 25 Elected Members of the Lancashire Combined Fire Authority (who have signally failed to fulfil their Public inquisitorial mandate), regularly engaged in conceiving, authoring, and authorising undisguised corrupt practices.

His deliberate denial of the existence of information recorded in my PRF is a classic example of his corruption.

16. Mr. Warren has in his oppressive regime, as a matter of published fact, compelled innocent LFRS staff under threat of discipline leading to loss of their employment to engage in an unwarranted, unjustifiable, amoral pogrom, against any person including myself, or group of people, who had the temerity to oppose his unbridled criminality.

17. This is a manifest tyranny, coupled with a lawless pogrom of Mr. Warren's misconduct in public office for his own self-gratification and protection, during which he acted as the primary executor and grandiose sole arbiter for the LFRS, and during which he unhesitatingly stooped to the deliberate use of criminality by Contempts of Court; perjury; miscarriages of justice; blatant breaches of the law both-civil and criminal; intimidation; raw racism, and the false manipulation and malignant criminal misuse of Public and Personal Data under his

confidential control, in the presentation of *misinformation* to Elected Members of the CFA, and thus the Public.

18. It is Mr. Warren's self-evident and avowed intention to publicly smear, crush, and leave me penniless, and any of his disabled FSV opponents, whilst covering up and defending his abject failure to accept responsibility for the daily maladministration of the Lancashire Firefighters' Pension Scheme under his direct control since 2002, and for which you the Chairman; the current Chief Fire Officer C. Kenny QFSM; and Mr. Warren by lawful delegation, share legal culpability as its administrators and my Scheme manager.
19. This culminated in the personal application by Mr. Warren of his sadistically vicious financial hardship on me, which was nothing short of blackmail, in the application of *his* self-authored "Hardship Route" because as he saw it, I failed his '5th column' test which was to betray my protesting comrades, the disabled FSVs.

Contempts of Courts.

20. Now once more in intriguing, smearing, and covering up his suppurating trail of corruption he states in his threatening letter of August, which included a copy of the Court Judgement against disabled FSV Mr. Paul P. Burns, the intent of which can only have been to intimidate me, that I gave evidence in this 4 day County Court Trial, when it cannot have escaped his notice, because he was present, that I most certainly did nothing of the kind. Simply more deceit which is his stock in trade.
21. Mr. Warren's unprincipled contempt for the civilised rule of law displays a person who cares little for the laws and conventions of society in which he knows no legal boundaries, a Misconduct in Public Office which climaxed in February 2013 in the Preston County Court before Circuit Court Judge P. Butler (Knight of the Holy Sepulchre).
22. Mr. Warren is *indeed correct* in that I did provide sworn testimony to the Court but not on the basis he has assumed. But by giving a sworn testimony to the Court Office along with three other members of the Public from the Court public gallery, and two Court officials who between sessions complained directly to Judge Butler, of observed Contempts of Court. Judge Butler has confirmed that these sworn Witness Statements are held on file in the Preston County Court Records.

23. I did state in this sworn Court statement how I observed Mr. Warren and others representing the LFRS/LCC blatantly, in Contempts of Court, engage in personal perjury and by the misuse of banned electronic devices communicating between themselves, contrary to published Court notices on the Court room walls, collude with your LFRS Solicitor Mr. A. Harold; the LCC Head of Pensions Mrs. D. Lister (YPS); and by the use of physical signals suborn *your own complicit primary witness* Ms. J. Drinkall MBE (LFRS-Rtd) who was in the Witness Box.

24. In an obviously pre-planned staged choreography of perjury Mr. Warren and these others collectively conspired and intrigued to pervert the course of Justice by defeating the legitimate cross examination of Ms. J. Drinkall MBE (literally behind the back of the Litigant-in-Person), disabled FSV Paul P Burns.

25. These Witness Statements are linked directly to the Courts own tape records of Judge Butler's rants on this specific matter, including his failures to act, and now lie on file as a matter of Public and Court testimony.

26. All of this misconduct in public office coupled with its unashamed oppression, which documentary evidence supports in released comprehensive internal email exchanges with politicians, was condoned with the prior knowledge and tacit approval of the former Chairman of the CFA County Councillor D. O'Toole; *you as current Chairman of the CFA*; and the recently retired Clerk to the CFA, Mr. M. Winterbottom DL (Lancashire Under Sherriff and Deputy Lord Lieutenant); the former CFO Holland (now DCLG government Fire Advisor); and your current CFO, Kenny.

The "Hardship Route".

27. Mr. Warren it is who conceived and authored a deliberately inhuman, punitive, and secret LFRS policy known as the "Hardship Route" which was intended to, and did bring direct financial hardship to myself and others who refused to accept his financial intimidation and bullying and who were simply exercising their democratic rights within a free society.

It is a matter of factual record that in a circulated self-authored email (Released by the Court) Mr. Warren described the purpose and "principles" of the application of his "Hardship Route" to your former CFO Holland and to *the political leaders of that time*.

28. Mr. Warren did without compunction, apology, or remorse, conceive, direct, and engage in collusion with his staff, as my irrefutable and compelling PRF evidence now confirms, to send myself and other disabled FSVs, their surviving Widows, and Beneficiaries down this "Hardship Route" because we would not yield to his criminality, bullying, intimidation, and his oppressive misconduct in public office.

The intended effect of which in my case was to drive me into personal bankruptcy to a point where today I live in virtual destitution in a chicken shed with a bucket for ablutions within an unconverted dilapidated barn in a farmyard in France, my last refuge.

Corporate Falsehood.

29. At the commencement of Mr. Warren's personal pogrom against me on the 26th February 2008 he insisted that I attend a meeting at Service HQ under threat that if I did not do so he would stop my pensions (unlawful) and my DWP benefits (only the DWP can sanction this) which are all classed as my income, giving the explanation for my required attendance as 'overpayment'.

Under direct duress I did attend with my Fire Brigades Union representatives of which I am an out of trade member.

But, Mr. Warren had not the personal courage to attend himself.

30. This type of meeting, as other harassed and intimidated FSVs and their families had earlier reported, and were to report subsequently in the media was in effect both a combined 'kangaroo court' and 'ambush'.

31. This pre-choreographed staged meeting was attended by your deputy pension Scheme administrator Mr. Hamilton, his assistant Ms J. Hutchinson (Office Manager-Pensions), accompanied by Ms J. Wisdom (LCC-'Your Pension Scheme'), your contractor's Fire Service Pension Performance Manager, all of whom it is now clear to me, were there to enjoy my shock, alarm, and despondency.

It is an interesting reflective footnote that none of those mentioned above had a single Pension Management qualification between them.

32. Mr. Warren and his cohorts decided after consulting my PRF to use, contrived blatant falsehoods to deliberately misrepresent the recorded facts in my PRF to me, which was that according to your deputy pension Scheme administrator Mr. Hamilton at the meeting, I had

failed to inform the LFRS that I had been, and was, receiving deductible DWP Benefits in support of my 'qualifying' service injury(which had led to my early compulsory Service discharge) and that as a consequence I had been 'overpaid' the sum of £37,899.33(LFRS Internal Document entitled "Fire Injury Pension Reviews. As at 21 Jan 08") for which your Mr.Hamilton demanded immediate repayment.

33. When I protested that I had informed the LFRS of the status of my Benefits on the day I was compulsorily discharged, and had signed an LFRS document to that effect, which surely must have been recorded in my PRF, your Mr. Hamilton, clearly acting on Mr.Warren's instructions, refused my request to let me see my PRF even though he had it in his possession on the table in front of him at this meeting.

34. It is obvious now, after consulting my released PRF on the 15th September 2015, the day after your Mr.Warren handed over a copy to me, *that all those present, whom I have named above, were absolutely aware before this meeting that Mr.Warren and they were engaged in criminal corporate falsehood and the deliberate maleficent misrepresentation of the pension facts contained in my PRF.*

35. Those named above, acting under Mr.Warren's direction, repeatedly in falsehood upon falsehood asserted, in the presence of my FBU representatives, that I had not informed the LFRS and/or the LCC YPS about the receipt of deductible DWP benefits *when they knew from shared knowledge which Mr.Warren and they had accessed in my PRF(recorded emails confirm that shared knowledge access)* that I had informed the LFRS of my DWP status from the very first day my pensions were put into payment.

These compelling facts which they *collectively knew* were recorded in my PRF which was lying on the table before them at this meeting, facts which they refused to allow me or my FBU representatives to view.

36. In carrying out this criminal conspiracy of grossly corrupt deceitful malfeasance upon me (and without doubt others), acting under Mr. Warren's express instructions, it is now unequivocally clear that the sole purpose of this 'cover up' was to prevent the exposure to public accountability of those present who had failed in the pension administration of the Lancashire Firefighters' Pension Scheme, including the conveniently absent Mr.Warren, the delegated daily pension Scheme manager.

Compelling Evidence of Deliberate Corporate Mendacity.

37. The enforced release of my PRF now provides irrefutable and compelling documentary evidence of deliberate corporate mendacity under Mr. Warren's directions and the falsification and denial of the existence of my PRF DWP records which directly rebutted the LFRS accusation that I (and no doubt others as well) had failed to inform the LFRS of the status of DWP benefits which I was receiving; pension maladministration by the LFRS which resulted in my alleged so-called 'overpayment'.
38. The first, documentary evidence, of the many I could have chosen, confirms that 2 years prior, whilst I was suffering the effects of a serious on-duty injury which led to my compulsory discharge, there was a clear paper trail of LFRS knowledge of my DWP benefits status and indeed clear evidence of both incompetence and maladministration in LFRS failures to properly administer my pay, apropos DWP benefits.
This, particular example of maladministration, left me without my pensions. *Appendix 'A'*.
39. The second, documentary evidence, demonstrates that on the first day of my compulsory discharge when my pensions were put into payment the LFRS not only included my DWP benefits as a correct deduction from my calculated Injury Pension but I also signed a statement in which I detailed the DWP benefits I was already receiving and in which I gave an 'undertaking' that I would(as my PRF records reflect) inform the LFRS of any future changes. *Appendix 'B'*.
40. The third, documentary evidence, demonstrates that Mr. Warren and his collective staff were fully aware after consulting my PRF that they had been repeatedly informed by both me, and more importantly, the DWP annually, of the value and status of my DWP benefits including the fact that several DWP Benefits were being paid under one heading. *Appendix 'C'*.
41. The fourth documentary evidence demonstrates that when a final letter was being carefully drafted by Ms. J. Hutchinson(LFRS); Ms. J. Wisdom(YPS); and Mr. Hamilton(LFRS) for the final approval of Mr. Warren(LFRS) in a follow up response to the meeting on 26th February 2008, a letter which Mr. Hamilton then signed and sent to me, that this collective drafting was a cohesive, calculated, act of criminality in which they intended to deceive and defraud me.

42. All those involved knew, without a shadow of a doubt, that this letter flew completely in the face of the facts contained in my PRF which included substantial DWP referenced records from my PRF which exposed their collective incompetence for what it was, not just the occasional human error, but which knowingly went beyond institutionalised malfeasance to a point where Mr. Warren, and his staff under his direct control, intended to commit a criminal fraud against me, namely repayment.

Furthermore, in a final cover up, even though Mr Warren had all this DWP information before him, he knowingly failed to send all that DWP information with this letter to me even though Mr. Hamilton in an internal email stated that he would do so.

43. In this final letter to me, approved by Mr. Warren, Mr. Hamilton unequivocally stated a direct falsehood, that there were no records of me having informed the LFRS of my DWP benefits status, but not satisfied with this collective deceit, he then proceeded to repeat this blatant lie to me once more. *Appendix 'D'*.

Mr. Hamilton then went on to state that the DWP had informed the LFRS that there was a further 'schedule' of DWP benefits being paid to me which he knew nothing about. This was another falsehood, when in fact they all knew that the DWP had stated to the LFRS *'that several benefits were included under a single heading'*. *Appendix 'C'*.

44. Later when I reflected on these matters I was certain that *I had complied with my obligations and that I had informed* the LFRS of the status of my DWP Benefits and though having no personal records of my own to confirm this position I nevertheless wrote to Mr. Hamilton on Thursday 20th March 2008 confirming that I had complied with my obligations. *Appendix 'E'*.

Blackmail.

45. When the meeting on the 26th February 2008 broke up your Mr. Hamilton drew me aside privately for an 'off the record' conversation making clear that he was acting on Mr. Warren's instructions. He indicated to me that both Mr. Warren and he were aware of a discipline misdemeanour in my past service filed in my PRF and that they had both noted my activist participation with Mr. Burns the leader of the civil rights anti LFRS pension campaign.

Furthermore, Mr. Hamilton indicated to me that Mr. Warren would find it 'helpful' in any repayment agreement that he/LFRS might make with me if I was able, from time to time, to let him know what this campaign's planned activities might be.

Because I was still in a state of shock, given the large amount of the alleged 'overpayment' and the repayment allegedly due, I was non-committal and left SHQ at this point.

46. Later I reflected on this disturbing development, in which both Mr. Hamilton and Mr. Warren clearly had knowledge of an old spent discipline misdemeanour which could only have come from my PRF, and this coupled with Mr. Warren's 'under the table' offer, painted a very sinister picture which did not escape me.

47. It seemed to me that Mr. Warren's proposal via Mr. Hamilton could only have been approved by your forbear Chairman CC D. O'Toole and/or CFO Holland. A proposal which was that I should in effect spy and report to Mr. Warren from *inside* the civil rights anti LFRS pension campaign on their activities. An action which would be 'helpful' to me resulting in Mr. Warren, and presumably CFO Holland, approving more favourable terms in any repayment scheme Mr. Warren might propose to me concerning this alleged 'overpayment'.

48. Later Mr. Warren proposed that instead of the £37,899.33(LFRS Internal Document entitled "Fire Injury Pension Reviews. As at 21 Jan 08") allegedly due to the LFRS he would be satisfied to receive £25,186.89(LFRS Internal Document entitled "Fire Injury Pension Reviews. As at 21 Jan 08") which was a proposed reduction of one third(30%), presumably for 'services rendered' though from studying these records it is clear that of the 167+/- 'overpaid' disabled FSVs involved I was the only one to be offered this 'opportunity'.

49. It seemed to me that some were more equal than others having their alleged overpayments completely being quashed by Mr. Warren who simply dictated how the Pension fund and its mechanisms ought to work regardless of what the law might state.

My Discipline Misdemeanour.

50. Several years prior to 1987, whilst in Service, I was arrested and charged as a result of an affray in a public house whereby, in defending myself against a person I knew I caused him actual bodily harm.

After attendance in Magistrates Court I was subsequently fined and as required under the then Discipline Regulations I reported my conviction to my Station Commander.

Later I was charged with bringing the Service into disrepute and appeared before the Chief Fire Officer. I was severely admonished and given a final warning by him.

In 1988 I was on a list of International Rescue volunteers approved by him to attend the Armenian Earthquake as only the second ever UK response to an International Disaster(The first, also by Lancashire, was to the Italian Earthquake Disaster in 1980).

A short time after this successful mission and without solicitation I received a Memorandum from my CFO stating that all records of this misdemeanour were to be expunged from my records.

51. Now that I have seen my PRF it was upon this single document in my PRF that Mr. Warren and Mr. Hamilton, considered and decided, they would take it upon themselves to reverse and reopen a closed CFO's decision and use its presence in my PRF in common blackmail, should I fail to see the merit of their 'off the record' proposal. *Appendix 'F'*.

52. Obtaining My PRF.

Because I was uncertain on all counts about what my concealed PRF records actually contained, I repeatedly asked Mr. Warren to release a copy of my PRF to me so that I could correctly evaluate my position, but he and his staff, principally Mr Lee Gardiner your former Information and Data Protection Officer, and Mr. Harold the LFRS solicitor, repeatedly acting on Mr. Warren's standing instructions, over a 5 year period, refused to do so.

53. On the **3rd November 2010 almost 5 years ago I made a formal request** to Mr. Warren under the Data Protection Act 1998 Section 7 to supply me with a copy of my Personal Record File and **all** my associated subject data and records which the LCFB/LFRS still retained on me. Mr. Warren just ignored my request and in the 5 years which followed he continued to direct his staff Mr. Lee Gardiner and Mr. Harold the LFRS solicitor to repeatedly refuse my lawful request.

54. In particular Mr. Warren directed the LFRS solicitor Mr. A. Harold to oppose *with all means* at his disposal including the use of a DPA 'exempt' refusal of my request. A 'defence' which involved repeatedly restating and recycling the 'exemption' that my PRF were not held in a retrieval system which met the terms of the DPA and thus the LFRS were exempt from compliance and thus my requests could with impunity be denied, which was of course simply stonewalling deceit.

55. This legal subterfuge by Mr. Harold your solicitor, who was already fully aware of the

Information Commissioner's 'Assessments' that the LFRS was not 'exempt', and that *'all LFRS PRFs ought to be promptly released'*, then knowingly engaged in professional deceit with the absolute knowledge that neither the LCFB, nor its successor in title, could administratively function without a Personal Record File retrieval system which specifically identified an individual Firefighter by Regimental Number which the LCFB/LFRS allocated at Recruit stage, at their commencement of Appointment-for the duration of Service of at least 30 years.

56. The Courts(2 judgements) and the Information Commissioner(2) had repeatedly 'Assessed' and concluded that my PRF *'was held in a DPA relevant filing system'* and that as a matter of some urgency ought to be *'promptly'* released to me. Yet in spite of all those decisions Mr. Warren continued to blatantly ignore the law until the Information Commissioner at the Taxpayers waste of time and expense sent a 3 person team to physically examine the filing system in which my PRF was stored.

57. This visit simply confirmed the Commissioner's original Assessments whilst supporting the independent Courts decisions that it was an Act compliant filing system and that all PRF should be released on legal demand.

The Commissioner's decision tacitly recognised that Mr. Warren in complicity with his subordinates deliberately and obstructively failed to comply with the law for a 5 year period. But as I well knew this denial of the law and the truth was yet another example of Mr. Warren protecting his own self-interest and covering up his failure of Statutory duty as my daily Pension Scheme manager.

58. Mr. Gardiner and Mr. Hamilton, as you will know as Chairman, have since been suspended with your approval earlier this year, Mr. Gardiner for allegedly making fraudulent expenses claims in excess of £40,000.0. It is common knowledge that he has since resigned.

Mr Hamilton however remains suspended for a 'Race hate' crime on a member of LFRS staff and whilst both may well be 'unavailable' and may not now be in a position to support my claims for my repeated requests to Messers. Warren/Hamilton/Gardiner/Harold for the release of my PRF, undoubtedly both my own private records, and those of the Information Commissioner's Office most certainly will.

It is interesting to note that there is not a single record of my DPA applications for a copy of my PRF contained within my released PRF.

Alleged 'Overpayment'.

59. Given all these unlawful and criminal circumstances I have not the slightest intention of reimbursing the Public Purse one single penny which Mr. Warren wrongly alleges I owe. If Mr. Warren had been doing his job robustly as my daily Scheme manager properly for which he is handsomely rewarded, to the value of £110,000.0k pa, he would not have allowed the circumstances to arise which permitted 'overpayments' to collectively accumulate in the first place.

'Overpayments' which were in excess of £2.0mil+ by maladministration directly under his control and for which you, as the Scheme manager, and ultimately your CFO Kenny as the principal Scheme administrator are inextricably responsible.

60. To reinforce my stance the Pensions Ombudsman in a recent Determination' (Number 2865-June 2015) made a benchmark ruling which said in effect that if maladministration arises in a Scheme which then generates 'overpayments' the ultimate responsibility rests entirely with the Scheme manager, not the Scheme members, and accordingly any monies which are wrongly 'recovered' from Members must be repaid with interest and the Scheme, namely the LFRS Firefighters' Pension Scheme, must carry its own losses, and for those losses you, your CFO, and your Mr. Warren are directly responsible in law.

Misconduct in Public Office.

61. As I see matters which have directly affected me, Mr. Warren has repeatedly since 2002 misused his public office to unlawfully protect his pension management failures by any and all dubious means at his disposal. Mr. Warren has without hesitation ignored the common law which governs good social conduct and professional conduct in public office when it suited him and has regularly and continuously stooped to base criminality to achieve his own self-protective ends rather than accepting responsibility for his own self-generated failures.

62. Mr. Warren, with his supervising principals, which clearly includes you, have repeatedly manipulated and misrepresented the actual 'facts' of what has occurred, to the media and Public at large, which he and you regularly 'fed' over this period of time to the Elected Members of the CFA, thus easily defeating their inquisitorial role, and as a consequence their democratic role of accountability to the local Taxpayers and the Public.

63. Mr. Warren's defence will be, as ever in such cases, that he was only discharging his duty as

approved by his Councillors, including you as Chairman, in which he was just a mindful keeper of the good name of the LFRS whilst husbanding the Public Purse.

But the facts as I have laid them out to you belie these falsehoods as a glance at my PRF will confirm, as example upon example, of simple iniquity and perversity of pension 'management' surface directly under Mr.Warren's mendacious control.

64. Mr. Warren has without compunction in his daily working life at the LFRS, using my case as a prime example, engaged in unbridled common criminality in public office during which he regularly used institutionalised blatant stonewalling; deceit, repeated mendacity; and by the malign manipulation and deliberate supplying of misinformation to those to whom he is Publicly accountable, including you, when it suited his malignant self-preservation.

Your Role - CFA Chairman.

65. How much you actually knew in matters pension, chose to ignore, and/or failed to take action on, or were directly involved in approving, is a moot point for the Combined Fire Authority Elected Members to investigate and ponder on.

66. As a Lancashire County Council elected Councillor it is my expectation that the LCC Scrutiny Committee will surely also want to investigate your role in this pension scandals because of your central role on the LCC Pension Fund Administration Sub-Committee in their oversight and accountability for LCC Pensions Services.

Firstly, in the light of your prior knowledge of significant failures in the administration of YPS pension service, including the LFRS, highlighted by the two National Fraud Initiative Reports of 2010 and 2012 which were reported to you as a Member of the LCC Pension Fund Administration Sub-Committee which were materially significant matters which the Committee failed in its Statutory duty which was to report these failures to The Pensions Regulator.

Secondly, your past and continuing role in pension related scandalous issues involving Mr.Gardiner and Mr.Hamilton which have involved substantial losses/bribery by payments from the Public purse, for example, to Mr. Hamilton.

Suspension and Prosecution.

67. I have called on you to suspend Mr. Warren and all the others involved immediately and regardless of whether or not you have the political will or personal courage to implement such action, including a transparent and independent Inquiry, it is my intention shortly to seek and take legal advice on pursuing, in the long term, personal restitution from your Authority.

It is time to send the CFA down its very own "Hardship Route".

68. By now even you must surely be aware what your Statutory duty is, and remains, in respect of the Law and reporting all these issues to The Pensions Regulator.

Your Personal Response.

69. Finally, there just remains your public duty to me as an elected Councillor of Lancashire.

I would like you to extend the courtesy to me of a personal direct reply (using the above email address) which should include your acknowledgement of receipt my Complaint and any points you may wish to make.

A response which should of course, in observing common conventions, be personally signed by you.

That is why, included in your annual allowance, the Taxpayers' make a provision for your secretarial services.

Yours Truly,



R.R. Berry.

CC
The Pensions Minister-Baroness Altmann CBE;
The Pensions Regulator-CEO Ms. L. Titcomb;
Coalition Leaders of the Lancashire County Council;
Elected Members of the Lancashire Combined Fire Authority.

FF

B

Kinda

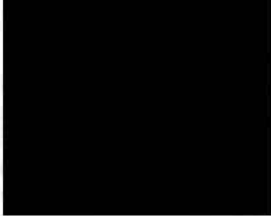
Plse note + PRF.

Thanks

2008

186

APPENDIX 'A'



Mrs G Southworth
205

GS/DEH/PR
23 April 1992

Dear Mr B

Thank you for your recent letter.

I must firstly apologise for the fact that you were not sent the appropriate form in relation to Department of Social Security sickness payments. The Personnel Section does operate a monitoring system in relation to sick pay but unfortunately on this occasion it failed. Every effort will be made to ensure that a similar situation does not arise again.

In view of the concern expressed in your letter the Department of Social Security have been contacted and have been asked if you can receive priority attention, whilst being sympathetic they could not give any guarantees. However they did indicate that even if you had been sent the form on the correct day no payment would have been made until 27 April 1992 and there would still have been a time lag between the deduction from your salary and the payment from the Department of Social Security.

Yours sincerely

A handwritten signature in cursive script, appearing to be 'J.W.' or similar.

PRF

Firefighter B R R
Station C50 Preston

Miss Drinkall
223

EJD/BML
8 May 1992

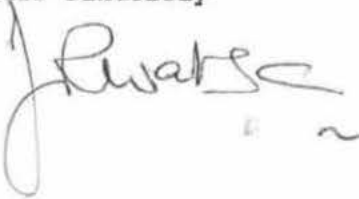
Dear Firefighter B

I refer to my letter of 23 April 1992 and subsequent telephone conversation with the PAO's personal assistant in respect of the deduction of sickness benefit from your salary on the expiration of SSP payments and the likelihood of you incurring bank charges as a result of this.

If a delay had not occurred in the forwarding of the necessary forms to you, you would have been paid invalidity benefit of £93.77 per week on and from the 20 April 1992 and the normal date of payment would have been 27 April 1992. Invalidity benefit is paid a week in arrears. Unfortunately the above mentioned delay resulted in you being paid on 5 May 1992 instead of 27 April 1992.

If you incurred bank charges for the period 27 April to 4 May inclusive you will be reimbursed for these but it will be necessary for you to produce documentary evidence to this effect. The Finance & Personnel Officer at Brigade Headquarters will be pleased to advise you on how to claim.

Yours sincerely



had
You can't be working &
paid for that. 6/5

Paul. H. discuss.

gf

5/5/92
2.30 pm

Glenys

FIREFIGHTER NO [redacted] MR [redacted]

He has rang with reference to a letter from you dated 23 April 1992. He has been off sick and it has gone into the 28 week period. There has been a mistake with the form from the Brigade which goes to the DHS. In his last pay he was £200 short. This was three weeks ago. He has spoken to Joan Drinkall and apparently she has told him that if he gets overdrawn which is highly likely. Then the Brigade will cover it. But he wants it in writing.

Home Address: [redacted]

hder

Date of payment of
↑ sickness benefit
from
20 April -
date of payment. Invalidity
on
Paid 55.92

4/30

near to
invalidity
with stages.
cases

1st payment 28th April week in
weekly rate of 93.77 appears

APPENDIX 'B'

used LANCASHIRE COUNTY FIRE BRIGADE
 RETIREMENT PENSION FIREMEN'S PENSION SCHEME ORDER 1992

NAME E R R FF
 STATION C50 PRESTON
 ADDRESS
 DATE OF BIRTH
 PAY REFERENCE NO
 PENSIONABLE PAY 17,232.00 pa
 PENSION CONTRIBUTIONS 11.00%
 NHI NO.
 RETIREMENT DATE 2359 hours on 30 November 1994

SERVICE
 ~~~~~  
 L.C.F.B. 05/07/76 - 30/11/94 18 years 149 days  
 ~~~~~  
 18 years 149 days

AVERAGE ANNUAL PENSIONABLE PAY
 ~~~~~  
 01/12/93 - 06/11/94 31/31 + 10 + 6/30 at 16,860.00 15,736.00  
 07/11/94 - 30/11/94 24/30 at 17,232.00 1,148.80  
 ~~~~~  
 16,884.80

ILL HEALTH PENSION
 ~~~~~  
 Retires in accordance with Rule B3 & B4  
 25.4082/60 of average annual pensionable  
 pay of 16,884.80 7,150.21 pa

INJURY PENSION (Rule B4 Part V Schedule 2)  
 ~~~~~  
 60 % of average pensionable pay of 16,884.80 10,130.88 pa

Less 3/4 of Ill Health Pension 5,362.66
 Less Department of Social Security Benefit Invalidation Benefit of 5,333.52 10,696.18 pa
Fig 2.24 per week converted to annual
figure of 5333.52 pa Pension Payable 0.00 pa
 ~~~~~  
 Gratuity 25.0 % of 16,884.80 4,221.20  
 ~~~~~

COMMUTATION
 ~~~~~  
 An amount of 1,787.55 has been commuted from  
 ill health pension and will secure a lump sum  
 payment of :-

~~(1,787.55 x 1,500) / 100 = 26,813.25~~

- (a) any incapacity benefit under section 14 of the 1975 Act, including one to which he is only entitled by virtue of section 50A of that Act, and
  - (b) any incapacity pension under section 15 of the 1975 Act, including any additional component comprised in it in pursuance of section 14 of the Social Security Pensions Act 1975, and
  - (c) any severe disablement allowance under section 36 of the 1975 Act.
- (4) In relation to the additional benefit mentioned in sub-paragraph (2)(a), relevant increases comprise any increase in the benefit attributable to an increase in the pension -
- (a) by way of unemployability supplement under section 58 of the 1975 Act, excluding any increase under section 59 in the supplement,
  - (b) under section 60 of the 1975 Act (special hardship), or
  - (c) under section 64 or 66 of the 1975 Act (dependants),
- and so long as the person is receiving treatment as an in-patient at a hospital as a result of the qualifying injury, any increase in the pension under section 62 of the 1975 Act (hospital treatment).
- (5) In relation to the additional benefits referred to in sub-paragraph (2)(c), any increase under any provision of Chapter III of Part II of the 1975 Act (Dependants) is a relevant increase.
- (6) Where the provisions governing scales of additional benefits have changed after the person ceased to be a regular firefighter, the amount of the reduction in his injury pension in respect of any week on account of a particular benefit shall not exceed what it would have been if those provisions had not changed; where the benefit includes an amount attributable to an increase under section 60 of the 1975 Act (special hardship), it is to be assumed that the increase would have borne the same relationship to the former maximum for increases under that section.
- (7) Where a person has become entitled to a disablement gratuity under section 57 of the 1975 Act in respect of the qualifying injury, this paragraph has effect as if he were entitled under that section during the relevant period to a disablement pension of the amount that would be produced by converting the gratuity into an annuity for that period; the relevant period is the period taken into account, in accordance with section 57 of the 1975 Act for the purpose of making the assessment by reference to which the gratuity became payable.
4. No payment shall be made in respect of an injury pension for any week in which the aggregate reductions under paragraphs 2 and 3 equal or exceed the amount of the pension calculated in accordance with paragraph 1.

-----  
 I declare that -

- \* (1) ~~I am not in receipt of any of the above mentioned additional benefits.~~
- \* (2) I am in receipt of the following additional benefits.  
 (Please state amounts and dates applicable)

... See ... attached ... document ... from ... D.S.S.  
 Invalidity Benefit ... was ... 102.26 ... - 1994.  
 ... now ... 103.49 ... - 1995

\* Delete as appropriate

(3) I undertake to inform the Lancashire County Fire Brigade's Chief Fire Officer of any of the above mentioned additional benefits I may be awarded by the Department of Social Security in the future.

SIGNED D.S.S. ..... DATE 22.8.95 .....

NAME AND ADDRESS

[Redacted Name and Address]

[Redacted Signature]

# APPENDIX 'C'

## SHQ - Hutchinson, Jayne

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**From:** Wisdom, Julie  
**Sent:** 06 March 2008 15:45  
**To:** SHQ - Hutchinson, Jayne  
**Subject:** RE: B [REDACTED] Draft letter

**Attachments:** original info received.pdf; revised info received.pdf; B [REDACTED] overpayment schedule.xls

Hi Jayne

Attached is the information received from the DWP for Mr B [REDACTED]. With regards to the draft letter please look at the 'original info received' document as you will see that DWP did provide details of the Industrial injuries benefits, however upon contacting them twice they advised up that it was included in the figures quoted under REA (Reduced Earning Allowance). Following our second phone call the lady we spoke to advised us she would send us a copy of the letter sent to Mr B [REDACTED]. It was at this stage that her error was highlighted.

I also attach a revised schedule, which includes the injury pension calculations and breaks down the overpayment between what was due and paid.

If you need any further details please let me know

Regards

Julie



original info received.pdf (92 ...



revised info received.pdf (75 ...



B [REDACTED] overpayment schedule.xls...

---

**From:** SHQ - Hutchinson, Jayne  
**Sent:** 06 March 2008 10:38  
**To:** Wisdom, Julie  
**Subject:** FW: B [REDACTED] Draft letter

Hi Julie

C you please have a look at this letter and verify that the contents are accurate. I am currently going through Mr B [REDACTED] personal file, for examples of letters and will let you see.

Brendan is happy to send this out on his behalf, so if you could just let me know when you have checked i will arrange for it to be issued.

Thanks very much.

Jayne Hutchinson  
Human Resources Manager  
01772 866841

<< File: SHQ - Hutchinson, Jayne.vcf >>

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**From:** SHQ - Hamilton, Brendan  
**Sent:** 05 March 2008 14:29  
**To:** SHQ - Hutchinson, Jayne  
**Subject:** B [REDACTED] Draft letter

Jayne

Attached is a rough draft as I am unclear of what has now been received from DWP and the circumstances. Can you review content with Julie and get all relevant correspondence from DWP copied to go out with letter

BH << File: E letter.doc >>





Mr R R B

Upon receipt of information from DWP Lancashire Pensions Services sought clarification of amount of benefit being paid due to details on the form. DWP advised Mr B was currently receiving £ 52.68 for Industrial Injuries and Reduced Earning Allowance. LPS phoned DWP again to confirm details after meeting with MR B. DWP confirmed details as previous and advised that Mr B had asked them for details of benefits received and they would fax a copy of the letter they had issued to him. 10 minutes later LPS received a phone call from DWP and the lady explained she had filled in the original form and had now realised that the information given on the form, and the subsequent phone calls, was incorrect. Mr B currently receives £52.68 for Reduced Earnings Allowance and £26.34 for Industrial Injuries benefit.



Mr R R B

Please ask for: Brendan Hamilton  
Telephone: 01772 866856  
Email: brendanhamilton@lancsfirerescue.org.uk  
Your Ref:  
Our Ref:  
Date: 10 March 2008

Dear Mr B

**SUBJECT: Review of Injury Pension Award**

At our meeting on 26 February we provided you with a schedule of apparent over payments of your injury pension award based on information we had received from the DWP. Whilst you acknowledged that such payments were being made, you believed you had advised us of this benefit at the time. We advised we had no such record and have subsequently again checked our files and can find no such referral. You also indicated that you would make your own enquiries of DWP.

Further to our meeting on 26 February I understand that you have initiated enquiries of your own regarding DWP benefits. As a consequence the benefits agency have been in touch with our pension administrators to advise as a result of your contact that they have identified a wider schedule of benefits that you have received than they initially reported to LCC Pension Services in response to their original audit enquiry.

I attach copies of the relevant correspondence from DWP and regretfully what appears to be an increased schedule of overpayment. Given the circumstances outlined above I feel it would be useful to have a further meeting to clarify the matter. Please feel free to bring a colleague/representative with you.

Yours sincerely

Brendan Hamilton  
Head of Human Resources

## APPENDIX 'E'

LFRS  
Mr.B.Hamilton  
Human Resources.  
SHQ  
Preston  
PR2 3LH



Thursday, 20<sup>th</sup> March 2008.

### Pension Injury Review.

Dear Sirs,

Thank for your letter of the 10<sup>th</sup> inst.

I have been advised by my representative body, the FBU and its legal department, that until detailed legal clarification on this subject has been provided by you, that to continue with further meetings would simply be a pointless waste of my time.

Nevertheless, at this point, I feel I ought to make the following clear to you until you do supply me with the clarification I seek, that:

- I deny entirely that a debt in any form exists between myself, the CFA , the DWP, and any other agency contracted by you to handle my pension.
- I deny that I have acted, whether by default or otherwise, in any manner whatsoever in failing to carry out my obligations in respect of my Fire Service pension contract.
- Furthermore, I categorically deny that I have in any manner whatsoever acted unlawfully in respect of the common law and my Fire Service pension.

Yours truly,

R [REDACTED] B [REDACTED].

APPENDIX 'F'

*Please remove  
details  
from WPA  
JPH  
10/7.*

NB: WOULD YOU PLEASE ENSURE THAT ANY CORRESPONDENCE RELATIVE TO THIS DISCIPLINARY HEARING IS REMOVED FROM FILES HELD AT DIVISIONAL HEADQUARTERS.

CHIEF FIRE OFFICER  
220  
JPH/DEH/PR  
10 July 1989

FIREMAN [REDACTED] B [REDACTED] R R  
STATION C50 PRESTON

cc DC 'C', PR

*WPA Record  
ided  
17-7-89  
SET.*

DISCIPLINARY HEARING - 2 JULY 1987

I have to advise you that details in respect of the above disciplinary case have now been removed from your personal record file and destroyed.

*JPH*