

Mr F M G [REDACTED]

Your ref:  
Our ref: YPS/JW  
Date: 23 February 2015

Dear Mr G [REDACTED]

I refer to your recent email regarding the calculation of your ill health Injury pension benefits. The regulations that cover this are as follows

Ill health Pension - Regulation B3

Injury Pension – Regulation B4

I have enclosed the extracts from the Firemen's Pension Scheme Regulations 1992 (FPS) that cover these regulations.

When you retired your pensionable service was more than 10 years therefore we use the provisions of paragraph 4 of regulation B3 from Schedule 2 Part B, Part III to calculate the ill health pension. However we also need to take account of paragraph 5 that advises us of the restriction on the pensionable service we can use and any ill health enhancement awarded. The restriction is such that we cannot calculate a higher pension than would have become payable had you retired normally on account of age i.e. at age 55 and become entitled to an ordinary pension.

\* Therefore as you had 35 years 285 days service at retirement we need to calculate your pension as an ordinary pension under regulation B1 as follows

**Calculation of an ordinary pension regulation B1 from Schedule 2 Part B, Part I**

*Subject to Parts VII and VIII of this Schedule, the amount of an ordinary pension is—*

$$(30 \times A / 60) + (2 \times A \times B / 60)$$

where—

*A is the person's average pensionable pay, and*

*B is the period in years (subject to a maximum of 5 years) by which his pensionable service exceeds 25 years.*

Administered by



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Your Pension Service

PO Box 100, County Hall, Preston, PR1 0LD



The Government Standard

Your average pensionable pay figure for the period 23 July 1997 to 22 July 1998 as advised by Lancashire Fire was [REDACTED]

The pension payable to you is therefore

[REDACTED]

### **Injury Pension and Gratuity**

Your percentage disablement was assessed as being [REDACTED] and as you had more than 25 years' service your injury pension was based on [REDACTED] of your average pensionable pay.

Therefore the injury pension was calculated as at 22 July 1998 as follows

[REDACTED]

If you require any further details please let me know

Yours sincerely



Julie Wisdom  
Performance Manager

Phone: 01772 530530  
Web: [www.yourpensionservice.org.uk](http://www.yourpensionservice.org.uk)  
Email: [AskPensions@lancashire.gov.uk](mailto:AskPensions@lancashire.gov.uk)

Mr F M G [REDACTED]

Your ref:  
Our ref: YPS/JW  
Date: 7 April 2015

Dear Mr G [REDACTED]

I refer to your recent letter regarding the calculation of your ill health Injury pension benefits. The regulations that cover this are as follows

A person's notional retirement pension is—  
 $(A \times E / 60) + (2 \times A \times F / 60)$

where—

A is the person's average pensionable pay,  
E is the period in years of his notional service up to 20 years, and  
F is the period in years by which his notional service exceeds 20 years.

A person's notional service is the period in years that he would have been entitled to reckon as pensionable service if he had continued to serve until he could—

- (a) retire with a maximum ordinary pension (disregarding rule B1(2)), or
- (b) be required to retire on account of age,

whichever is the earlier.

As you had attained 30 years within the Fire Pension Scheme when you retired on 22 July 1998 this basis was used to calculate your ill health pension with the pensionable pay for your last 365 days being used.

yours sincerely



Julie Wisdom  
Performance Manager

Administered by:



In partnership with



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

Your Pension Service is administered by Lancashire County Council



The Government Standard

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Tuesday 1<sup>st</sup> September 2015.

## **My Pensions**

Dear Chief Fire Officer,

Prelude:

1. I was an Officer with the rank of Assistant Divisional Officer in Lancashire County Fire Brigade; I was seriously injured on an incident; and I was subsequently compulsorily retired from the Service in 1998.

Pension Law:

2. Thus I became and remain a Member of the Lancashire Fire & Rescue Pension Scheme. By law you are my pension Scheme manager and thus accountable to me for the accurate administration of my pensions.
3. You are in turn accountable in law to Parliament via the Minister of State for Pensions, Pensions Minister Baroness Altmann CBE for the correct and lawful administration of my scheme and its full compliance with all applicable pension scheme law.
4. The Pensions Minister holds jurisdiction over my Scheme using her subordinate Pensions Regulator; Pensions Ombudsman; and for the purposes of the Fire Service her jurisdiction extends to the DCLG Fire Service Pensions Committees and its departmental Fire Pension Team; and thus to you as my Scheme manager;
5. The Pensions Regulator(TPR) duties include ensuring your compliance with the Scheme Rules and its Regulatory law using TPR Standards which preclude obfuscation or deliberate delay. If you are found not to be in compliance, the TPR is empowered to take remedial and/or punitive action.

6. The Pensions Ombudsman and his Deputy are also under the Minister's jurisdiction for the purpose of ensuring that scheme Members' Complaints are dealt with promptly, fairly, and without obfuscation or deliberate delay, a legal duty which also extends to you.
7. Under the existing scheme Regulations you have the right to delegate your legal responsibilities and its day-to-day managerial duties and you have chosen to do so utilising your Mr. R.Warren Director of People & Development but the ultimate responsibility for my scheme in law continues to rest with you.
8. Can I remind those involved with the administration of my pensions that you; by delegation your Mr.Warren; and by legal extension your LCC Pensions Services contractors have a duty at law which is to respond to my enquiries honestly, promptly, and transparently under the terms of Statutory Instrument 2013 No.2734 The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 which came into force on the 6<sup>th</sup> April 2014.

Dishonest Misconduct:

9. Recently with your approval, Mr. Warren issued two written internal instructions to non-uniformed/uniformed personnel which established, by an abuse of power, an impractical embargo which prevents all LFRS staff from responding to enquiries from the 2000+ Members, Widows, and beneficiaries of your pension Scheme; these instructions listed and named individual Fire Service Veterans and their beneficiaries.
10. Furthermore, Mr.Warren stated that should any member of staff choose to act contrary to his instructions they will be subjected to disciplinary measures including dismissal.  
This is regarded as *undesirable fetter on the freedom of both Fire Service Veterans and LFRS staff* and is a matter which I and others intend to raise with the Local Government Ombudsman; the Pension Regulator; the Pensions Ombudsman; and ultimately the Pensions Minister.

The Correspondence:

11. Your Mr.Warren is well aware, or he ought to be, that over the past few months I have been writing to your pensions contractor Lancashire Pensions Services in the person of Ms Julie Wisdom your pension expert raising detailed queries in the matter of my Fire Brigade pensions.
12. Ms.Wisdom failed to answer my initial correspondence for a considerable time then on prompting she did so claiming that, though correctly addressed, the letter had gone to Merseyside before being re-directed to Lancashire?

A second letter was sent in which I raised several points, some of which were legal points, and once again several weeks passed without reply?  
I sent a third letter and on the 29<sup>th</sup> July 2015 Ms.Wisdom replied. She indicated that my second letter,though correctly addressed by me as previously, had not been received?

- 13.This is a disturbing matter which I intend raising with the Head of Pensions Mrs D. Lister and with the Leader of the County Council.
- 14.I do not intend here to rehearse my detailed and technical correspondence with Ms Wisdom for I shall assume that if Mr. Warren is correctly discharging his function of my scheme manager he has had available to him copies of my correspondence with Ms. Wisdom.
- 15.Disappointingly I have never been invited to a pastoral care meeting to discuss my so obvious pension concerns.
- 16.Suffice it to say that Ms. Wisdom in her responses has *confirmed* that she has, and continues to use, as her legal authority the following:
  - a) the 1992 Statutory Instrument No:129(as amended);
  - b) the 1992 Home Office 'Commentary';
  - c) that had I not been injured I could have remained in pensionable service until aged 60 years;
  - d) that I was compulsorily discharged by the LFRS under Rules B3 – ill Health and Rule B4 – Injury Award;
  - e) that the correct formulae to be applied under these Rules is as follows:
    1. for ill health Pensions- within Schedule II; Personal Awards; Part III; Rule B3;ill health pension; Page 45;
    2. for Injury Awards within Schedule II; Personal Awards; Part V Rule B4;Injury Awards; Page 46;

Disappointingly I have not had answers to some legal questions which were raised in my second letter which Ms.Wisdom now claims she did not receive?

Ordinary Pension vis-a-vis Ill-health Pension:

- 17.It is a simple breach of Statute Law and contradiction to pay any Member of the Scheme a Rule B1 Ordinary Pension in substitution for an *entitlement to* a Rule B3 Ill-health Pension which the Fire Authority already determined:

Schedule 2;Article2(2);The Firemens's Pension Scheme  
1992;Arrangement of Rules; Part B Personal Awards;

Ordinary Pension;

Rule B1.-(1) Subject to paragraph (2), this rule applies to a regular firefighter who retires if he then:

- a) has attained the age of 50, and  
(b) is entitled to reckon at least 25 years' pensionable service, and  
(c) does not become entitled to an ill-health award under rule B3.  
(My underline).

Simple Questions:

18. You have in correspondence incorrectly claimed that the Statutory Instrument requires you to pay me what is in effect a Rule B1 pension. But since that denies any, and all compensation for loss occasioned by *early compulsory retirement*, and provides precisely the same pension falling due to me as if I had taken early retirement by choice, how in law can your interpretation be correct?

What legal Opinion have you taken?

What 'legal authority' have you used to support your action?

If none, then by what legal authority have you paid me, since 1998, a Rule B1 Ordinary Pension as though it was a compulsory retirement Rule B3 Ill-health Pension?

19. The even simpler question which must be answered by you, my scheme manager, is as follows:

***Why am I, and other injured LFRS Firefighters, who have been compulsorily retired by you with compensatory B3 ill health and B4 injury awards (prescribed by law) being denied that compensation by being paid unlawfully by you a B1 Ordinary Pension which is due to those who by choice chose to retire early, or who had completed their full service uninjured?***

20. I expect to receive a prompt and detailed explanation within the next 7 days failing which I will initiate without further notice Stage I of the IDRPs provided for such purposes in law.

Yours Sincerely,

Mr F M G [REDACTED]

Please ask for: Bob Warren  
Telephone: 01772 866804  
Email: bobwarren@lancsfireandrescue.org.uk  
Your Ref:  
Our Ref: BW/JLW  
Date: 1 October 2015

Dear Mr G [REDACTED]

I have been passed the letter you have sent to the Chief Fire Officer dated 1 September 2015 (received on 14 September) concerning your pension as I am the appropriate person for these matters within Lancashire Fire & Rescue Service.

In response to your points I would advise you of the following:

- Lancashire Combined Fire Authority (LCFA) is the scheme manager for the Firefighters Pension schemes.
- Although the LCFA retains accountability they have delegated the management of the scheme to myself.
- Therefore I am the appropriate person to respond to you.

As you are aware, the administration of your pension is undertaken on behalf of LCFA by Lancashire County Council's "Your Pension Service" (YPS).

YPS responded to this query on 23 February 2015 and by their letters of 26 May 2015, 29 July 2015 and 7 April 2015. I believe this correspondence addresses your issue.

I will, however, restate the position in respect of the calculation of your Ill Health Injury Pension.

The regulations that cover this are as follows:

- Ill Health Pension - Regulation B3
- Injury Pension – Regulation B4

#### Headquarters

Lancashire Fire & Rescue Service  
Garstang Road, Fulwood  
Preston  
PR2 3LH





I have enclosed the extracts from the Firemen's Pension Scheme Regulations 1992 (FPS) that cover these regulations.

When you retired your pensionable service was more than 10 years. Therefore we use the provisions of paragraph 4 of regulation B3 from Schedule 2 Part B, Part III to calculate the ill health pension. However we also need to take account of paragraph 5 that advises us of the restriction on the pensionable service we can use and any ill health enhancement awarded. The restriction is such that we cannot calculate a higher pension than would have become payable had you retired normally.

Therefore as you had 35 years 285 days service at retirement we need to calculate your pension as an ordinary pension under regulation B1 as follows:

### Calculation of an ordinary pension regulation B1 from Schedule 2 Part B, Part I

*Subject to Parts VII and VIII of this Schedule, the amount of an ordinary pension is*

$$(30 \times A / 60) + (2 \times A \times B / 60)$$

where

- *A* - is the person's average pensionable pay, and
- *B* - is the period in years (subject to a maximum of 5 years) by which his pensionable service exceeds 25 years.

Your average pensionable pay figure for the period 23 July 1997 to 22 July 1998 as advised by Lancashire Fire was [REDACTED]

The pension payable to you is therefore:

$$(30 \times [REDACTED] / 60) + (2 \times [REDACTED] \times 5 / 60) = [REDACTED] + [REDACTED] = [REDACTED]$$

### Injury Pension and Gratuity

Your percentage disablement was assessed as being [REDACTED] and as you had more than 25 years' service your injury pension was based on [REDACTED] of your average pensionable pay.

Therefore the injury pension was calculated as at 22 July 1998 as follows

60% x [REDACTED]	=	[REDACTED]
Less ¾ of ill health pension	=	[REDACTED]
Less Incapacity benefit	=	[REDACTED]
<b>Injury pension due</b>	=	[REDACTED]
<b>Injury Gratuity = 12.5% x [REDACTED]</b>	=	[REDACTED]

Put another way, a person's notional retirement pension is:

- $(A \times E / 60) + (2 \times A \times F / 60)$

where

- A - is the person's average pensionable pay,
- E - is the period in years of his notional service up to 20 years, and
- F - is the period in years by which his notional service exceeds 20 years.

A person's notional service is the period in years that he would have been entitled to reckon as pensionable service if he had continued to serve until he could:

- (a) retire with a maximum ordinary pension (disregarding rule B1[2]), or
- (b) be required to retire on account of age,

whichever is the earlier.

As you had attained 30 years within the Fire Pension Scheme when you retired on 22 July 1998 this basis was used to calculate your ill health pension with the pensionable pay for your last 365 days being used.

For the sake of completeness I would also advise you that you are mistaken about the reason and content of the "internal instruction". This instruction was necessary, and issued by myself, as a response to the specific actions of an individual who has been declared vexatious. It was to ensure that any such queries were dealt with appropriately and was an internal administration action.

Yours sincerely



Bob Warren  
Director of People and Development

Encs