

Dear Mr.Strachan,

Thank you for your call on Tuesday 28th inst.

I am sorry if I seemed unable to comprehend entirely the points you were making in relation to my pension complaint to the Ombudsman but just at the moment of your call a carpet layer had arrived and I was thus preoccupied.

If I recall correctly you raised the point that I was not at fault because of the LFRS's failure to complete their Statutory duty in respect of my Stage II IDRP, in effect, that it was their responsibility to do so, not mine. I agree with your conclusion.

Next you raised the point why it had taken so long from my retirement until 2015 before I raised my concerns with the LFRS about whether or not I was being underpaid the wrong pension which I feel sure I am.

It is one of these conundrums which runs like this ...How do you get to know about the wrong payment of your pension if you live out of contact with others of your peer group you formerly served with and in any case you do not have sufficient knowledge of pension scheme rules to check for yourself?

The answer lies with my pension scheme manager Mr. Warren who it now appears had a Statutory duty when similar issues were raised by other members of the Scheme to firstly investigate, and if similar errors were found, to inform all the members of the scheme and then to inform the Pension Regulator which it is now clear he failed to do.

When, with other colleagues, I was finally convinced in 2015 that I was not being paid the correct pension and raised it with the LFRS it rapidly became clear to me that I was being treated with dishonesty, stonewalling and just fobbed off that I decided I should take the formal action you are now aware of.

The question might also arise now if my complaint to the Ombudsman may have run out of time?

As a Senior Fire Officer who daily read and implemented legislation a quick look at the applicable legislation informs me that my complaint is still in the correct time frame and even it was not so it is clear in the same legislation that the Ombudsman has complete flexibility about when or how he and his deputy may make a Determination on any pension complaint to the Ombudsman.

I am sure you know this but the legislation I am applying is **The Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1996**

It is the old question, like the Limitations Act 1980, when does the clock start ticking?

Statutory Instrument No. 2475, 1996 Regulation 5:

5 Time limit for making complaints and referring disputes

(1) Subject to paragraphs (2) and (3) below, the Pensions Ombudsman shall not investigate a complaint or dispute if the act or omission which is the subject thereof occurred more than 3 years before the date on which the complaint or dispute was received by him in writing.

(2)Where, at the date of its occurrence, the person by or in respect of whom the complaint is made or the dispute is referred was, in the opinion of the Pensions Ombudsman, unaware of the act or omission referred to in paragraph (1) above, the period of 3 years shall begin on the earliest date on which that person knew or ought reasonably to have known of its occurrence.

(3)Where, in the opinion of the Pensions Ombudsman, it was reasonable for a complaint not to be made or a dispute not to be referred before the end of the period allowed under paragraphs (1) and (2) above, the Pensions Ombudsman may investigate and determine that complaint or dispute if it is received by him in writing within such further period as he considers reasonable.

Following our conversation and my preliminary look at the applicable law I have today briefly approached Mr. Copplestone-Bruce the pro bono barrister who generously helps us all and he is certain that I remain well within the time frame and also within the parameters of Paragraph (3) as well, if that needs to be applied.

Finally I would be obliged for my record purposes if you would be kind enough to always confirm your telephone calls with an email to me which currently should include receipt of my complaint application and any case reference number you may have allocated to it?

I hope all this helps.

Yours faithfully ...etc

Paul.Strachan@pensions-ombudsman.org.uk

The Pensions Ombudsman

Mr.A.Arter

11 Belgrave Road

London SW1V 1RB