



12th February 2018.

The Pensions Ombudsman
Mr.A.Arter
11 Belgrave Road
London
SW1V 1RB
For the attention of Mr.P. Strachan

The Pensions Ombudsman – Pension Complaint.

Dear Mr Strachan,

Thank you for your email of the 24th ult.

I enclose your email in my response to provide reading continuity and transparency for the future independent scrutiny of the Parliamentary Select Committee WP and others:

From: Paul Strachan (Paul.Strachan@pensionsombudsman.org.uk)
To: [REDACTED]
Sent: Wed, 24 Jan 2018 10:44:13 GMT

Dear Mr G [REDACTED]

I hope you were able to access this secure email exchange without any difficulty. Thank you for the two emails that you have sent in connection with your complaint and the information that you have provided. You mention that you were not in contact with your peer group. Am I correct in thinking that you are saying that you felt there was nothing wrong with the calculation of your pension until you came into contact with your peer group? If so, please let me know when this contact came about and when you were told that your pension benefits were not calculated in the manner that you now say that they should have been.

If you have any questions, please feel free to telephone me. As per your request I will follow up any conversation with an email.

Kind regards,
Paul Strachan | Senior Jurisdiction Adjudicator | 020 7630 2221
The Pensions Ombudsman

Firstly let me deal with the Statutory law which you, and I as the Pension Complainant, have a Statutory duty of compliance.

In my pursuance of justice as a Pension Complainant, I expect that, in accordance with the Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1996; SI Regulation 5 Paras 1-3; a 'Determination' will be made by the Pensions Ombudsman or his/her deputy after being in receipt of the full facts of the case. The indication there being that those making the

'Determination' must be legally qualified to do so and hold one of the specific positions referred to in law.

In this matter you do not hold one of these appointments at law; neither do you have delegated Statutory powers to act for them; nor do you hold any legal qualifications whatsoever.

The Regulations also make it clear that every single Pension Complainant compliant with Regulation 5 is entitled by law to a final 'Determination'.

Now, in turning to my Pension Complaint and your latest email, I did expect a little more from you, having regard to the intervening time factors. It made me suspicious that you and those who send you may be trying to use 'creative' means to disbar me instead of treating me with honesty, probity, integrity and trust in accordance with your Charter.

Once more for sake of completeness I must turn to the Statutory Regulations:

Time limit for making complaints and referring disputes

5.—(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 complain or dispute if it is received by him in writing within such further period as he considers reasonable.

I, and you, have a Statutory duty to ensure my Pension Complaint is in compliance with Regulation 5 Para (1-2) which it is. In my case this was not by chance but by design which had been set against the 'experience' of others of TPO's duplicity both currently, and in the past.

Even if I was not in compliance, which I am, the Ombudsman is permitted by Statute(Regulation 5 Para 3), 'flexibility', to use his broader Parliamentary Statutory powers to investigate *any* Complaint, particularly in the light of the fact that this particular 'Determination' may well affect the under paid pensions and emoluments of thousands of disabled Fire Service Veterans and their Beneficiaries going back decades.

Indeed, in a stated public policy the Ombudsman has reserved such Complaints, which will have an identified national impact, to himself, and presumably his Deputy.

Since the 5th October 2017, when you received my Pension Complaint, you had a specific duty which was to clerically collate and cross-reference all my correspondence submitted to you against a time line, which I hope you have done. This required you to acquire the relevant correspondence from the LFRS, which surely you must, by now, have. I understand that I should be sent a full copy of all material you have acquired from the LFRS and, should there be gaps appearing in that material, I would be happy to infill any details relevant to my Complaint.

I also understand that it is a Pensions Ombudsman's procedural policy to pass acquired copies of correspondence to a Complainant. By first obtaining that correspondence, and examining it, you would be able to see that my Pension Complaint fulfils the statutory compliance with R5 Para (1-2), without the need to exercise Para (3), though that remains my Parliamentary option, should you decide to act contrary to Statute.

I would like to share an historical moment with you.

On 4th February 2015, Early Day Motion 768, primary sponsor: McDonnell, John(Lab) was placed before Parliament with the 53 sponsor cross party support from Two Houses. The Motion was carried...

"That this House notes that public service firefighters and police officers who retired in a period from 1998 to 2006 were significantly and knowingly disadvantaged by the failure by the Government Actuary's Department, the Department for Communities and Local Government and the Home Office to secure up-to-date actuarial valuations in respect of pension entitlements surrendered on retirement; further notes that maladministration in this matter was established in 2008; further notes that since then the Government Actuary's Department has acted in bad faith by adopting delaying tactics, including a dubious and failed legal challenge to the authority of the Pensions Ombudsman, thereby causing lengthy and unnecessary delay to the resolution of this matter and occasioning a situation whereby many of those affected have not or will not live sufficiently long to see this injustice corrected; and calls on the named departments to accept the imminent ruling by the Pensions Ombudsman and take immediate steps to pay any recommended awards."

Mr. Milne 59, the victim, told The Mail on Sunday: 'The Government played every dirty trick in the book to avoid paying. They knew they were in the wrong but submitted appeal after appeal – and holding up proceedings for all these years will have cost the taxpayer unnecessarily'. The resonance with my Pension Complaint is clear.

I trust there will not be a repeat of that sad and dishonourable state of affairs by any Government Department or any Government Agency, or individual, having responsibility for progressing a legitimate Complaint through the proper channels.

Furthermore, I hope you do not see it as your civil servant 'duty' to act corruptly for those in seniority above you, particularly those who in turn who see it as *their* corrupt duty, to act for a corrupt government, which intends to continue defrauding further those pensioners and beneficiaries who it has already defrauded for decades past?

May I suggest that without further delay my Pension Complaint be placed before the Deputy Ombudsman Ms Karen Johnston, who, as a practising barrister and a current member of the Independent Bar, should have the necessary legal skills to deal with a Pensions Complaint which contains no less than two barristers' opinions. One of whom, Mr John Merlin Copplestone Bruce (Lifetime Member-Inner Temple Bar), decided to write an open letter to Ms L Titcomb (TPR) and Mr A Arter (TPO) on 14th December 2017, entitled "Conspiracy to Defraud" for which he has yet to receive replies.

Perhaps you also may wish to reflect on the contents of that letter.

Please acknowledge.

Yours Sincerely,

[REDACTED]

F. M. G [REDACTED] MIFireE.
Asst Divisional Fire Officer(Rtd)

CC.

Rt Hon Mr. Frank Field DL M.P. Chair Parliamentary Work & Pension Select
Committee and all Members;

Parliamentary Under-Secretary of State DWP(Pensions Minister)
Mr. G.Opperman M.P.;

Pension Regulator - Ms.L. Titcomb.

Mr. John Merlin Coplestone Bruce (Lifetime Member-Inner Temple Bar).

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