



9th March 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 ~ For the Record.

Dear Mr Strachan,

Thank you for your email of the 12th ult.

As previously, I enclose your email in my response to provide further reading continuity and transparency; for the record; and for the continuing independent scrutiny of the Parliamentary Select Committee W&P and others:

Your complaint to The Pensions Ombudsman

From: Paul Strachan (Paul.Strachan@pensionsombudsman.org.uk)

To: 

Sent: Mon, 12 Feb 2018 12:08:44 GMT

Dear Mr G ,

I write to let you know that your letter was safely received via Mr Burns. Thank you to you and Mr Burns for it.

As you know, our role is to investigate complaints. However, we can only investigate those that are within our jurisdiction. If we can investigate a complaint then the applicant has a right to a Determination of the complaint from the Ombudsman. As you are aware, I cannot issue a determination.

You are aware of the time limits within which complaints need to be brought to us. This is the point that I am considering in respect of your complaint. I have no wish to delay the consideration of your case and I apologise for not confirming before now if we can investigate your complaint.

You are aware of the time limits. As I see it, your complaint is about the calculation of your pension benefits since the late 1990s. I appreciate that you were not aware at that time of your assertion that they were incorrectly calculated – I have no reason to doubt that. What I therefore need to establish is if we received the complaint within three years of when you first reasonably ought to have become aware of this complaint. As you will

appreciate, one person's awareness of an issue can be different to that of someone else and it may well be that your complaint is within our time limits – it is just that I need to establish this.

In your letter of 1 December you mentioned that you (and other colleagues) were finally convinced in 2015 that your benefits had been incorrectly calculated. So that I can consider the point and move the complaint forward, please let me know if it was then that you first became aware that your entitlement ought to

**have been calculated in the manner in which you now say. If it was some other date, please let me know.
I hope that this email clarifies the reason for my request. If you have any questions, please let me know.
Kind regards,
Paul Strachan I Senior Jurisdiction Adjudicator I 020 7630 2221
The Pensions Ombudsman**

I am disappointed that once more, you have decided to deliberately prolong this 'game' of obfuscation and self-evident entrapment in failing to apply 'due process' to my Pension Complaint. A Pension Complaint which is representative of countless similar Fire Service pension complaints.

You do so in a continuing gratuitous personal smear in which you imply, in a 'nod and wink' to the independent readers of this public correspondence, that in some way I am lacking in either transparency, personal integrity, or that I am plainly dishonest.

By continuing to do so you have eliminated my goodwill and now you are causing me grave offence.

Unlike yourself, my public persona and valued self-respect, as a former public servant of long standing, are not for sale. I regret that in selling your 'values' for promotion and title you have destroyed any vestige of respect I might have had for you both as a person, and a civil servant. You have chosen your 'loyalties' and now you must live with them.

In moving forward I am glad, without belabouring the point, that I have now established common ground in that you do not have the lawful capability to issue legal 'Determinations'; nor do you have any delegated Statutory powers to do so; nor any other 'powers' which might be misconstrued that you can.

In point of fact stretching my charity to its extreme you are simply an unqualified, partial, civil servant clerk, as are most of your administrative colleagues.

This coupled with your confirmed and complete lack of legal qualifications, raises the interesting question of how you are going to 'duly process' my rather legally complex Pension Complaint which you continue, month upon month, to delay without reasonable justification?

It is unfortunate that TPO has chosen to apply the misleading title 'Jurisdiction Adjudicator' to your appointment because undoubtedly this will lead uninitiated trusting pensioners to incorrectly assume that they are dealing with some form of 'lawyer' which is misleadingly undesirable, but then perhaps that is the TPO policy intention?

In the matter of your lack of legal credentials, shared by almost all of your colleagues, this fundamental failure cannot be laid at your collective doors, but rather at the doors of TPO's senior management in particular your Director of Casework Ms. Nicol, who has failed to plan for and implement the essential training programmes leading to the acquisition of these essential credentials for the effective performance of your relevant posts.

I remain puzzled how Ms. Nicol's Statutory based Complaint system can function efficiently, or even reach preliminary legal conclusions on complex pension Complaints, or indeed ultimately reach any correct legal conclusion, without having the essential legal skills(reflected in her own professional shortfall) at all levels of TPO's administration?

Your post, with its misleading 'Jurisdiction Adjudicator' title, assumes that you will regularly, and have, engaged in making supposedly binding legal jurisdictional decisions which have required 'judicial' interpretation of pure law when we have publicly established you hold no such credible legal capability nor the Statutory jurisdiction for doing so.

For example, recently you arrived at an incorrect conclusion on the time barring of a colleague's Pension Complaint which now raises the question how many more previous mistakes(justice denied) have you made in similar circumstances in the past either by design, or simple error?

The reality of course is, in the current idiom, that TPO is currently all rather an expensive scam, is it not?

These fundamental senior managerial failures puts you all collectively at rather an unreasonable disadvantage when faced by Complainants supported by experienced legal representatives who do hold, with the exception of your barrister, superior qualifications to those few, correct me if I am wrong, 3 colleagues of yours who are legally qualified from a work force of 55, or so, civil servants.

Once more , and in spite of knowing all this , you remain insistent in continuing to explore Regulation 5 (2) ... ***'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'***...which I shall describe as the Point of Knowledge(POK), or, 'when the knowledge clock started ticking'.

Once more it seems in the cart leading the horse I should provide you with what the law and case law actually says...

I am sure you will be aware, or ought to be, that this POK was dealt with by case law in the High Court on the 14th October 2016 involving a PO's incorrect 'Determination' followed by 3 x 'Re-Determinations', on the same subject, which had been repeatedly sent back by the HC for TPO 'reviews'. For your elucidation it is to be found as Neutral Citation Number: [2016] EWHC 2519 (Ch) Appeal No: CH-2016-000032 14th October 2016.

As a consequence of the HC analyses of the Ombudsman complaint receipt procedures (I need only concern myself with the POK) the Court concluded that POK commenced, for example in my case, when I first hand delivered my IDRPs Stage I Complaint on the 18th December 2015 to the LFRS.

Needless to say I am sure you can work up your own calculation on the time factor, but nevertheless the LFRS accepted both Stages of my time limited hand delivered IDRPs which provides the time frame. The LFRS for self-evident reasons of obfuscation then refused to fulfil its Stage II Statutory duty; a duty which was to place my Pension Complaint before Elected Members of the Combined Fire Authority; a *fait accompli which you, in discussions with me, chose to accept when my Pension Complaint was first filed with and accepted by you, as my contemporaneous notes confirm.*

Lest there be doubt, or an inadequacy of TPO calculators, the legal time line calculation commenced with the hand delivered Stage I on 18th December 2015 through Stage II on 25th June 2016, until receipt by the TPO on 10th October 2017, a line which produces a total time span of 663 days, or if you prefer, one year 9 months 23 days including a Leap Year and an end day, which even by my crude finger counting reckoning is well within Regulation 5(2), is it not?; a fact which I have repeatedly stated to you and which you do not seem to wish to grasp?

Now, before you attempt go back to, or before, the 18th December 2015 in your next time wasting obstructive odyssey, and assuming you are minded to do so in your continuing attempted entrapment, can I remind you of your failure to do your duty which I have now confirmed to you in my last two letters and which I now do for a third time.

Digressing for a moment, can I suggest to you and your colleagues, that it would be unwise to assume that the astute Members of the Select Committee W&P cannot figure out for themselves the purpose of all your collective time wasting posturing ; obstructive posturing which raises fundamental questions at law which I am bound to ask.

What legal authority supports the obvious intention of your obfuscation that a delinquent pension provider, the LFRS in complicity with The Pensions Ombudsman, may defeat due process and the will of

Parliament by perversely stonewalling the decision to process my Pension Complaint and thus withholding a 'Determination' from me?; to a point at which it deliberately exceeds the 'qualification' and 3 year stipulation of Regulation 5?

Your duty, which is directed by the Ombudsman's published policies, was to obtain all the correspondence generated from my IDRPs with the LFRS; their correspondence with TPO; and forward copies of this to me.

But because you have signally failed to do so in spite of my regular prompting I must now conclude that you have indeed acquired these (for you) depressing documents from the ever helpful Mr. Warren the Pension Scheme Manager at the LFRS; documents which you are deliberately withholding from me and which will include my first Pension Complaint letter to the LFRS dated 23rd February 2015.

You might ask yourself how I know that date?

Even, acting contrary to the law/case law to which I have drawn your attention, this 'alternative' POK date which you might be minded to perversely misuse will still place my Pension Complaint well within Regulation 5(2), calculated as producing a total time span of 961 days, or if you prefer, 2 years, 7 months, 18 days including a Leap Year and an end day, unfortunately for TPO still well within Regulation 5(2), the three year rule, is it not?

Most objective fair minded readers must surely by now have reached the obvious conclusion that both your Ms. Nicol, you and Mr. Warren the Pension Scheme Manager at the LFRS by your deliberate obstruction of the 'due process' of my Pension Complaint are all, in complicity, knowingly acting criminally to disadvantage me and my Pension Complaint.

Actions including this correspondence, *in res ipsa loquitur*, which also provides the prima facie evidence against all of you of complicity and knowingly 'perverting the course of justice' by obstructing 'due process'. It seems to me you have by conscious choice chosen to swim in these dangerous waters...

In documents published on the Morning Bugler it is concluded that you have 'form' in these matters in complicity with Mr. Warren going back to another published pension Complaint in 2014 (PO-3946) in which you and others, in collusion with Mr. Warren deliberately placed before the then Ombudsman Mr. King the misleadingly wrong Home Office 'Commentary' on the FS Pension Scheme, the purpose of which was to successfully derail a similar Pension Complaint to mine; a joint action which has inevitably led to a miscarriage of justice which still stands unaddressed by this current Pension Ombudsman.

Whilst most trusting Firefighters can be a little slow on the first occasion the second time around is another matter.

Several times in this recording missive, I have returned to the legal framework, and I do so once more, so later when giving a personal accounting there can be no excuse that either the Statutory law was not understood or could not be implemented for this or that spurious excuse, the old adage being as ever, there can be "no excuse for ignorance of the law".

Lest there still remains any doubt what Statutory duty means both individual and corporate can I refer you to the Cambridge English Dictionary which is summarised by two simple words "must obey".

Furthermore because you personally and TPO corporately have, without evidence to the contrary, fully accepted my filed Pension Complaint the applicable laws for you and TPO are the Pensions Act 1993 (as amended) specifically s145(4c) and s146 which places a Statutory duty on TPO to properly investigate and 'Determine' cases it has accepted, the latter function being exclusively by Statute carried out by the PO or his Deputy.

Making 'deals' in ad hoc 'arbitration' whilst perhaps being understandable and even pragmatic in certain agreed circumstances are nevertheless *neither* Statutory nor lawful functions of TPO. This arbitration, as

we have seen, encourages informal behind closed doors non legally binding 'determinations' which exploit pensioners trust and lack of legal knowledge which inevitably leads to corrupt partial practice.

Now whilst it may well be argued that a failure of Statutory duty is in effect a civil misdemeanor(the penalties are not) when carried out deliberately and knowingly and used perversely to corrupt and pervert the course of 'due process' and thus Justice, such acts then become standalone criminal acts with all the sanctions available to the Courts including, but not limited to, personal fines and ultimately incarceration.

Can I suggest to you publicly, and those who direct you including Ms. Nicol, that a much wiser course of action, rather than compounding your criminality would be, without further delay, to place my Pension Complaint before TPO's barrister Ms.K.Johnston the person most likely to understand the legislative complexities of it?

Should you even now, be not minded to do so, I feel I ought to warn you that through the Bar Council where Mr. J.M. Copplestone Bruce is a Lifetime Member Inner Temple Bar I will copy not only this letter and its associated correspondence to her, but Mr. J.M. Copplestone Bruce's letter of highlighted concerns which he has already addressed to TPR; TPO; and the Parliamentary Select Committee, so that not only is Ms.Johnston alerted to your criminal activities within TPO but that she is given the opportunity to disassociate herself from them, whilst I continue to reserve other contemplated actions for another day.


For the briefest of moments I will allow you, your the freedom of choice, even though to the casual observer you are clearly determined to deny me full due process of my Pension Complaint. Regrettably it also seems to have escaped your attention that you and those who direct you, have and are, continuing to act corruptly and dishonestly with gross misconduct in public office, which are yet more identifiable criminal offences.

You may think you are beyond the law but as the Select Committee regularly demonstrates to those within its accountability jurisdiction, no one is above the law.

From your standpoint I fear the subject of Rule 5 is now exhausted and concluded, move on.

Yours Sincerely,



F. M.  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 Copplestone Bruce (Lifetime Member-Inner Temple Bar).

The Editor 'The Morning Bugler' - For publication in the Public Interest.