



21st October 2018.

The Pensions Ombudsman
Mr.A.Arter
11 Belgrave Road
London
SW1V 1RB
FOA Mr.Strachan

The Pensions Ombudsman – Pensions’ Complaints.

Dear Mr. Strachan,

1. It seems I must perpetually at your request return to the question of Statutory Instrument No. 2475, 1996 Regulation 5 and all the associated correspondence with the LCC and the LFRS., when once more you ask me when I first became ‘aware’ that I believed that I was not being paid the incorrect pensions?

2. I am sure you will know such ‘awareness’ is not a Damascene moment but a gradual transition from trusting ignorance to reality.

3. I have repeatedly in response to this question advised you to re-visit all the correspondence which you must surely have in your file on my Complaints after carrying out what I was led by you to believe was a comprehensive ‘investigation’.

4. For these purposes I had assumed that during your investigation, you had obtained copies of all my previous correspondence with my LCC/LFRS Pension Providers? Now this disappointingly after all this delay this seems not to be the case.

5. At an early point you agreed in an exchange of unsolicited telephone calls (by you to me), that my Complaints were indeed within the provisions of Regulation 5 ; you also stated that you were not particularly interested in the self-evident failure of the LFRS to comply with their Statutory duty in respect of the exhaustion of IDRPs to which I also drew your attention.

6. 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 IDRPs, in effect, that it was their responsibility to do so, not mine. I agreed with your conclusion.

7. Indeed in this letter to you of the 28th November 2017 following yet another telephone call I encouraged you to confirm the contents of these discussions by email for the record but which it seems from my archives you did not do so either:

“ 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?”.

8. In this letter in respect of 'awareness', I also stated as follows:

"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."

9. Now, continuing to run the time-line backwards for your elucidation, it was in mid-February 2015, that my pension curiosity was raised to such a level that I emailed my Pension Provider LCC 'Your Pension Service' asking them to respond my particular interest which was actually concerned about the length of Service I might have accrued towards my pension given my age and rank at 55.

10. In responding incorrectly to my query, Ms.Wisdom then sent me her calculations of my entire pensions which then raised the question in my mind that it appeared to me that she was misreading SI129 and thus miscalculating my pensions, and as you might expect in subsequent correspondence I developed my initial interest in what appeared to be, on the face of it, a simple misreading of the law resulting in me being paid incorrect pensions.

I am sure you will have this LCC correspondence in my file?

11. As you might expect I then raised the matter with my delegated Pension Scheme manager Mr. Warren at the LFRS who to my frustration, then in correspondence, clearly engaged in stonewalling and obfuscation, to say little of mendacity.

12. Matters then came to a head in my detailed letter dated 1st September 2015 addressed to the Chief Fire Officer in exercising the privileges of my former senior rank.

I must assume once more that your investigation must have produced a copy of this letter also?

13. Mr Warren finally, and clearly reluctantly, replied to my letter on the 1st October 2015 which appeared to be a simple a 'cut and paste' reiteration of Ms.Wisdom's statement because it then became clear to me Mr. Warren was unable to understand the law or explain to me why I might well be receiving the wrong pensions.

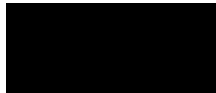
I assume you have this letter also?

14. It was on the basis that in my opinion neither persons were capable of explaining the legal position to me properly that I then instituted the IDRPs procedure hoping that the LFRS would seek a legal Opinion on my query and resolve the matter to my satisfaction.

15. As you well know this never occurred and thus I brought the matter to the Ombudsman attention all within the time provision of Regulation 5.

14. Can I suggest to you, that it would be helpful if even at this late stage before 'Determination' if you sought out the confirmatory correspondence I have cited, from both the LCC and the LFRS, and though I can easily supply all these documents I am sure you would wish in displaying objective impartiality to seek these document from the LCC and the LFRS who ought to have transparently supplied them to you when one assumes you made a general request to them at that time in 2017?

Should you require any further clarification please do not hesitate to contact me.



Yours Sincerely,

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