



6<sup>th</sup> June, 2019.  
The Pensions Ombudsman  
Mr.A.Arter  
10 South Colonnade,  
Canary Wharf  
London  
E14 4PU.

**The Pensions Ombudsman – Pension Complaint.**

**Mr. Coutt's 'opinion' (Ref PO-19150).**

Dear Mr. Arter,

1. Before I rebut your Mr. Coutt's 'opinion' I have a number of Pension Complaints which you may care to publicly comment on before I refer them to the W & P Select Committee.
2. I am not alone; I have a number of colleagues who have suffered unwarranted obfuscating delays which can only be part of a policy of disposal by time; of 'withering on the vine'.  
It institutionalises injustice not only at the hands of my pension provider the Lancashire Fire & Rescue Service (LFRS) Firefighters Pension Scheme, but in complicity, at the hands of TPO also.
3. An example case; a 5+ year delay with no action or apology( and in my case 609 days), which prompted three Service Delivery complaints which were sent to the person responsible for the delay, Ms. F. Nicol(Casework Director), who after investigating herself, found no fault?
4. The extent of these abuses within her fiefdom of ambiguity is self-evident.
5. An invitation to provide 'information' on this scandalous affair was issued on 26<sup>th</sup> September 2017 by the Chair of the W&P Select Committee Mr. Frank Field DL., M.P.

A 77 page conflated document (Ref:PB00417) was sent to every Member of the, then W&P Select Committee.

Because of continuing institutionalised corruption and injustice this has now led to

a supplementary document which is attached as Appendix 'A' which reaffirms the logical conclusion that such unlawful practices are endemic within TPO and TPR in their collective failure to deal with legitimate Pension Complaints.

My Pension Complaint -The Prelude.

6. On 22<sup>nd</sup> July 1998 I was compulsorily medically discharged late in service (service incomplete) as disabled - like so many others. In sanguinity I then commenced a new life isolated, by circumstances and choice, from my former colleagues.
7. I trusted that those who administered my pensions, or were likely to, were statutorily qualified and accomplished pension administrators who would work honestly and accurately within the 'Nolan Principles' in the application of pension law.  
I assumed that they would know what they were doing; but my trust was breached.
8. Rarely, attending a Service funeral, I heard gossip about our pensions and decided to follow up on these rumours by researching my own pensions ultimately reaching the point, with the repeated robust interventions of the Information Commissioner, of engaging with TPO.
9. On the 21<sup>st</sup> December 2015 having with difficulty acquired my LFRS Personal Record File (PRF), including my pension files, and with accumulated pension knowledge, I instituted without delay, Internal Dispute Resolution Procedure (IDRP) Stage I raising a Pension Complaint against the LFRS under the 1993 Pensions Act(as amended) on the basis of pension underpayment.

This, as expected, was denied, and I advanced on the 16<sup>th</sup> June 2016, once more without delay, to Stage II, with the Lancashire Combined Fire Authority (LCFA-25 Elected Members).

10. The LCFA did not complete Stage II within the Statutory time limits permitted(two months) then insisting when prompted, that they would, without time limit, 'defer' my Complaint because of alleged spurious allegations in my Complaint; a deferment action not supported in law by any provision in the Pensions Act1993(as amended).

This was not the first time the LCFA/LFRS adopted this *ultra vires* ploy so I was not surprised; nor as Appendix 'A' confirms, would it be the last.

Nevertheless this legally left the way clear for me to approach TPO directly.

11. By 10<sup>th</sup> October 2017, having exhausted the endemic 'stonewalling' of the LCFA; and being well researched, which included knowledge of the experiences of others with LFRS and TPO, I submitted my own carefully prepared Pension Complaint documentation which was legally well grounded, courtesy of a pension expert, and eminent pro bono Barrister.
12. TPO states that it will not examine a formal Pension Complaint unless the due process with a pension provider has been exhausted. However, misleadingly TPO does not state that this is an informal, but reasonable request, but which carries no Statutory weight.

13. Nevertheless, your Senior Jurisdictional Adjudicator Mr. Strachan (who is not a lawyer but a civil servant) engaged in what I regarded as more unwarranted delay, so much so, that I had to remind him of High Court case law of the jurisdictional point of 'when the clock starts ticking' and that my Complaint was well within the Statutory time limits.

Mr Strachan then reluctantly concluded that my Complaint *was indeed* within the correct legal time limits, and being correct in all other respects it would be investigated then being passed to Mr. Coutts for his 'opinion'.

14. It is important to note that when the TPO decided to 'investigate' my Pension Complaint this *activated in its entirety*, Sections 146-151 of the TPO relevant parts of the 1993 Pension Act, a fact regularly and conveniently ignored by staff at TPO.

My Pension Complaint – The Preamble.

15. When I lodged my detailed formal Pension Complaint consisting of 57 pages with the TPO I commenced by once more raising layman's simple questions of law, which I repeatedly raised, to no avail, throughout the - timed out - IDRPs at the LCFA during which I never received a single formal detailed legal response on behalf of the LCFA which might have encouraged a Barrister-to-Barrister resolution.

16. In consistency, neither Mr. Coutts (who is an unqualified layman civil servant), nor any other TPO civil servant who might be *legally qualified in law*, has dealt with my Pension Complaint at TPO either.

17. I concluded that those who had 'jurisdiction' over my Complaint were civil servants, not lawyers, and consequently were unable to read or understand my persistent simple leading questions in law, from which all else flows, I had little expectation that these laymen civil servants could fairly conclude a 'Determination' in law nor in fact do the Regulations permit them the delegated authority to do so.

18. It follows, if unqualified layman civil servants are unable to read and understand the simple law they certainly will be unable to understand the nuanced complexities (known as 'art' by Barristers) of reading the Statutory construction of the law which requires that they give due regard to the most basic principles of Statutory construction; complexities which demand understanding and implementation, *if resolution in compliance with the law*, is to follow.

19. Compliance which has been knowingly and wilfully ignored by the LCFA and the TPO's refusal to legally address or understand the pension law when required to do so in correcting the payment overdue to me for my pensions.

20. Yet both Mr. Coutts and Mr. Warren/LFRS had at their fingertips the in-house legal support they required to understand pure pension law, and if that was insufficient as it clearly was, then Mr. Coutts and LCFA/TPO always had the option in fall back legal support, whereby they could both have employed a 3<sup>rd</sup> party Barrister, or used the free service of the Government Actuary Department, in determining lawful resolution, should they be so minded; but inexplicably both chose not to.

21. Given these circumstances I find it incomprehensible that no one in supervisory authority at LCFA/TPO above Coutts/Warren seemed to think that this was necessary in dealing with my submissions especially when faced with no less than

two Barristers Opinions in my Pension Complaint. So I am bound to ask why?

22. Regardless, the simple Leading Question remains, and from whence all else flows...

***Why am I being paid a basic Rule B1 Ordinary pension which is the correct payment I would have been entitled to had I retired by voluntary choice, or having completed my service uninjured?***

I did **not** retire voluntarily; **nor did I complete my Service** by reason of a no-fault Service 'qualifying' injury which led to my compulsory discharge.

Furthermore Statutory Instrument No:129 Rule B1.-(I); paragraph (c), *effectively prohibits* the payment of a Rule B1 Ordinary Pension to an employee who...

***"does not become entitled to an ill-health award under rule B3."...***

In plain English, a Rule B1 Ordinary pension is paid unless the payee (myself) becomes '*entitled*', **as I am**, to a rule B3 ill-health pension, **by reason of a decision** of the Lancashire Combined Fire Authority.

The LCFB (progenitors) of the LCFA, in accepting legal liability for my in-Service no-fault qualifying injury, stated that they compulsorily medically discharged me under Rule B3, an Ill-Health pension, and as a legal consequence, a Rule B4 Injury Award.

**My entitlement to a Rule B3 pension is not disputed by the LCFA nor the TPO.**

These Rules, B3 and B4, which in law are inescapably compensatory packages bring legal entitlements which are provided to compensate me for an early loss of my career; the promotion and pay I "could" \* have achieved until aged 60(at my rank) but for enforced compulsory medical early retirement; and in no lesser compensation than a Court would have awarded me by way of ordinary and special damages under common law.

\* This word and its authority is a direct quote providing plain English guidance from the 1992 Home Office 'Commentary' which accompanies the Statutory Instrument No:129.

But still the LCFA in wilful contravention of the Statute; in contradiction of their decision to compulsory discharge me under Rule B3; still fail to pay me my lawful entitlements, whilst TPO confirms ... "*This is not under dispute.*"

A Review of Mr.T.Coutts – 'Cover Letter' & 'Findings'.

23. I have to say, at the commencement of the review of Mr.Coutts (a 'senior' adjudicator), 'Cover Letter' and his 'Findings', that in the matter of the application of plain English, and common-sense, he chooses to express assumptions, assertions, 'legal' views and distortions which I can only describe as reducing the relevant law to the level of incomprehensible absurdity.

24. Nevertheless it will be useful, for the record, to review the contents of his confusing Cover Letter and secondly his very odd 'Findings'.

This includes a short review of the 'legal' quality of his brief work which is asymptomatic of the 'legal' skills level to be found at TPO; his use of regurgitated non-legal justification provided to him by LFRS/Mr.Warren for the non-payment of my correct pensions, but which Mr. Coutts fails in contravention of TPO policies, to permit me sight of, and from which he has obviously cherry picked supporting legal 'quotes' for his misuse.

A review of the source legal documents Mr.Coutts used, or more accurately, those he failed to use; why he failed to engage or explore the detailed legislative 'art' placed before him from my Barrister which he completely ignored; or why he failed to seek the refuge and the support of his Lead Lawyers in the dilemma he found himself in; and the distortions of law he used to arrive at the conclusions he did, aside from the obvious fact, and he would agree, that he is not in any sense a lawyer.

25. I was disappointed, that unfortunately having trustingly gone to the trouble of giving Mr.Coutts and TPO notification of my intended absence at my Son's wedding in Australia, to find to my dismay on my return his documentation lying on my doormat with a deadline to reply of 27<sup>th</sup> March 2019, two days hence.

26. After urgent contact, Mr. Coutts then rang me back on the 26<sup>th</sup> March 2019. He apologised for his date confusion in his correspondence and the general 'confusion' within TPO; a situation which was hardly unexpected.

27. If I was minded to think so, I could also regard his actions as pure cynical opportunism in complicity with LFRS/Mr. Warren who Mr.Coutts indicated, in my absence, he had been in dialogue with, presumably both verbally and in correspondence?

28. I could also be forgiven for concluding that it was Mr.Coutts's deliberate intention to cause me dismay and distress on my return from a happy occasion, or was it yet another variation of TPO's reprehensible 'games' which I am accustomed to which are also regularly played on all complainants at TPO?

The Coutts 'Cover Letter'.

29. In his Cover Letter Mr. Coutts commences by asserting that I accepted his notion that a Rule B3 ill-Health Pension is, as he put it, '*effectively a B1 Pension*'.

I have never advanced to, nor accepted, such egregious nonsense because it simply cannot possibly be.

As a layman to a layman I simply ask Mr. Coutts what is the point of legal drafters including Rules B2 to B5 in the 1992 Statutory Instrument No:129(The Firemen's Pension Scheme Order), if a Rule B1 Ordinary Pension 'fits all', and would suffice for all types of pensions?

Why did Mr.Coutts choose to ignore these other Regulations and their detailed provisions in law as though they did not exist?

30. I disagree with his 'opinion' and thus I am not prepared to withdraw my Pension Complaint from TPO, nor can TPO, under any guise, deem it to be

withdrawn/struck out, because there is no such Statute within the Pensions Act 1993(as amended) and Statutory Instrument No:129(The Firemen's Pension Scheme Order) to do so.

31. Further, because of Mr. Coutts obvious lack of understanding of the 'art' of pension law and its Statutory construction, which he decided not to take into consideration when arriving at his 'opinion', I intend to implement my Statutory entitlement which is to *require* the Ombudsman and/or his Deputy to lawfully adjudicate on my Pension Complaint which Mr.Coutts does actually recognise.
32. Furthermore, Mr. Coutts then seems to give the misleading impression that the Ombudsman's adjudication is 'final and binding'; or that he/she may well give a 'no award', exhibiting once more his profound ignorance of the Statutory and judicial processes. When in fact he should well know as a 'senior' adjudicator that I can require the Ombudsman in law to provide a 'Determination' which itself can be subject to judicial Appeal.
33. Mr. Coutts implies with an impish sense of humour, in misrepresentation, or in a preposterous notion that it is unlikely that either Ombudsman will disagree with his unqualified layman's 'opinion' when in point of fact in law his 'opinion', is simply no more nor no less than mine, just an opinion.  
If this was so what would be the legal purpose of having Pension Ombudsmen?
34. TPO knew full well in making work allocations for their new appointee, a *second* 'Lead Lawyer' in 2018, that this appointee will be engaged in expensively wasteful Appeals Courts legal work; a Court which is littered with failed TPO incorrect/meritless-in-law amateur 'Determinations' such as Mr. Coutts's.

A Review of Mr.T.Coutts – 'Findings'.

35. Now I must assiduously deal with the rather sparse minutiae of Mr.Coutt's 'opinion' which to put not too fine a point on it, is in addition to being the anticipated whitewash, completely worthless in law regardless of whether or not, either Ombudsman, may, or may not, agree with his curious conclusions.
36. In my layman's opinion Mr. Coutts failed in his unqualified layman's 'opinion' to either consider, understand, or educate himself in grasping the fundamental underpinning of Statutory Instrument No:129(The Firemen's Pension Scheme Order) and its provisions contained in its Statutory construction, quoted in Paragraph 22, which lays the foundation in law for my detailed Pension Complaint requiring, as it does, that the LCFA implements in full its Statutory duty to me which is to pay me, my estate(and others), my correct overdue pensions.
37. In Mr.Coutts 'Findings' he states that ... *"Mr N is entitled to a B3 pension. This is not under dispute."*... .

This is correct in law but then Mr.Coutts in his misleading confusion proceeds to inform me that this is why I am receiving a Rule B1 Ordinary Pension. These are polar opposites and this is simply oxymoronic.

38. Continuing in his confusion Mr. Coutts then proceeds to adopt the regurgitated manipulated nonsense supplied to him by LFRS/Mr.Warren (to which I am not

privy) concerning Rule B3 paras (4) & (5); ignoring the historical record which shows that Mr. Warren, my pension scheme manager since 2002, who claims to be an expert in pension law and yet another non-lawyer( but a mendacious clerk to boot - see in Appendix 'A'), also has not the vaguest notion about pension law or how this Statute's construction was drafted.

39. In a ludicrously complicit approach with Mr. Warren, Mr. Coutts then reaches his conclusion in which he uses faux 'Judicial speak' by stating ... *"I am not persuaded"*... to inform me in his Homeric view that... *"this means that Mr N is still being paid a B3 Ill-Health Pension, albeit it is equivalent to the B 1 Ordinary Pension."*

In a moment of levity I can be forgiven in concluding that there can only be one Homeric Simpson response to such tripe .... "D'oh!"

40. I have seldom heard such egregious nonsense which added to Mr. Coutts's risible logic in all this escapes me and though the legal complexities and Statutory construction of these Regulations have long escaped him, I fear the application of a bucket of whitewash has not?

41. Nevertheless, this statement cannot go unchallenged because it goes from complicit stupidity, beyond disingenuity and duplicity, to falsehood. Once more, *'this means...'*, it is no such thing.

42. Statutory Instrument No:129(The Firemen's Pension Scheme Order) publishes a series of Statutory mathematical/template formulae to calculate the Rules B1 to Rules B5 pensions due; on a simple 'monkey see monkey do' principle which is by the substitution of relevant numerical data, produced from the pensioner's final pay day.

Rule B1-Ordinary Pension –Time Served (leaving by choice) publishes the basic simplistic applicable formula/template for the Ordinary Pension due.

Rule B3 Ill-Health Pension –Compulsory termination of service (premature exit) publishes another formula; and because it is a compensating pension in law, it is, as one expects, a more complex formula/template addressing these extra compensating provisions; but nevertheless it is still a 'monkey see monkey do' data substitution exercise.

Rule B3 yield will always be greater than a Rule B1 Ordinary Pension; and lest there be any doubt in the yield between a calculated Rule B1, or a Rule B3 pension, SI129 at Rule L4 (3) gives a specific direction that ... *"if they are for the time being unequal in amount, the one to be paid is the largest of them."*

This simply confirms the drafters/actuary's mathematical logic; the compensating factors involved; and the Statute's construction.

It also emphasises Mr.Coutt's lack of legal knowledge and training.

For sake of completeness a Rule B4 Injury Pension is the data by-product of Rule B3.

43. In addressing Mr.Coutts paltry 3 page dismissive 'opinion' in response to my submission of 57 legally detailed pages, including two eminent Barrister's Opinions, meant to place before the Ombudsman the law in fair, balanced, detailed legislatively structured 'art', to assist him/her in successfully completing their task, Mr. Coutts (or a co-opted 3<sup>rd</sup> party lawyer had Mr. Coutts engaged one) astonishingly failed to engage at all, simply stating... "*I do not agree*". Perhaps these legal Opinions on Statutory construction were all just too much for him?

44. Next there is the lack of detailed reference to the source legal documents Mr. Coutts used, or deliberately avoided using, to arrive at his illuminating 'opinion'.

For example, I note he made no reference whatsoever to the 394 page 1992 Home Office Commentary which is the accompanying layman's guide to the 1992 Statutory Instrument No:129(The Firemen's Pension Scheme Order) which was specifically written by accomplished legal drafters for laymen like Mr.Coutts (it informs us so) in order that collectively we all might have at least a plain English grasp of the drafters intentions behind the Statutory Instrument's legal construction when actually reading and attempting to understand it.

45. Indeed Mr.Coutts seems bemused when in quoting the 'Commentary' I used the phrase... *'what I could have earned'*... stating that there is no such provision in the Statutory Instrument which simply confirms either his complete ignorance of the existence of H.O. Commentary (which cannot be - as we shall see), or more likely his complete refusal to consider the merits of its guiding principles?

46. In Mr.Coutts' Paragraph 18 he expressed the following comment ... "*This argument has already been determined by a former Ombudsman of this Office and I understand Mr N has had sight of that determination.*".

47. Indeed it has because when Mr.Coutts first phoned me in dealing with my Pension Complaint I did, in transparency and honesty, make him aware of the presence of this similar( as opposed to 'same') Pension Complaint which preceded mine to TPO several years ago.

48. However, I did not, as Mr.Coutts asserts have sight of Burns-v-LFRS (PO-3946) 'Determination' by Ombudsman King (who was also a civil servant - not a lawyer) because curiously it has never been published by TPO even though confusingly Mr.Coutts appears to see it as a landmark case, and if that was so, then surely TPO ought to have published this 'Determination'.

Or was there an overriding concern for not doing so?



49. I had hoped that Mr. Coutts would in honest transparency have sent me a copy of the Burns 'Determination' PO-3946 because he referenced it, but regrettably he chose not to.

In the interim Mr. Burns has now provided me with full copies of the documentation including unpublished correspondence which I find worthy of comment because Mr. Coutts has raised this seminal Complaint in *the context* of my Pension Complaint.

50. I had the reasonable expectation, as the law demands, that Mr. Coutts would approach my similar Pension Complaint with a fresh 'open mind' but, once more, he oddly chose not to, instead he clearly used Burns PO-3946 as a cherry picked template to form the basis of his negative 'opinion', which was at the very least, lazy and unprofessional, and at worst, packing his 'jury'.

51. This draws me onto another point.

It is the stated policies of the Ombudsman/TPO that in the first instance they will treat my Pension Complaint with transparent, accountable impartiality, and fair play; and in so doing in the second instance that it will *follow its own policies* to the letter.

52. It is a published policy that in this triumvirate exchange between myself, my pension provider, and the TPO in dealing with my Pension Complaint that *all correspondence and contact* between the TPO, and the LFRS, will be copied to me for my comment and response.

53. Yet Mr. Coutts did not follow TPO policies, unlike his colleague Mr. Rattigan in 'Burns PO-3946' who, regardless of Ombudsman King's incorrect unqualified layman's 'Determination', meticulously followed these policies?

54. Mr. Coutts commented that (in my fortuitous absence in Australia for him and Mr. Warren) he had been in contact with Mr. Warren, which he is perfectly entitled to do, but Mr. Coutts surely must have been aware that in discharging this duty he also has a duty to me regarding 'pre opinion' transparency that TPO policies require him to send me copies of the LFRS/Warren/TPO correspondence and the contemporaneous notes he made of his vox conversations he had with Mr. Warren (as Mr. Rattigan had done with the Mr. Burns case) so that I might comment to TPO and then pass them to my Barrister for his information and advice?

55. Because I was not informed of the content of these discussion I am drawn to use the word surreptitious involving Mr. Warren because presumably as a 'senior' adjudicator and senior civil servant Mr. Coutts was fully aware, in dealing with Mr. Warren and my Pension Complaint, that he was bound not only by the published policies of TPO but in his personal actions by the Nolan Principles of Public office?

56. It is because of such surreptitious contacts between Mr. Warren and Mr. Coutts and their complicit failure of transparency in not passing these records to me that the Public must surely conclude that not only does corruption exist at the TPO but it also confirms TPO's institutionalised partiality towards the 'pension industry' and its pension providers to the detriment of pensioners like myself.
57. So I am bound ask where is the TPO/Warren correspondence and where are Mr. Coutts records of his contemporaneous notes of these vox conversations he so obviously had with Mr. Warren?
58. An objective observer may well draw the conclusion that it was Mr. Coutts's intent, in complicity with Mr. Warren, to disadvantage me in my attempts to challenge and defend any legal arguments which might arise from the TPO/LCFA in pursuit of my legitimate and lawful Pension Complaint.
59. I conclude that not only did Mr. Coutts knowingly fail to follow TPO policies but in doing so he acted arbitrarily contrary to the Nolan Principles of Good Conduct for Civil Servants in Public Office which in both cases bring a liability for a complaint leading to disciplinary action which the Ombudsman must surely take?
60. Now I turn to Mr. Warren who I am sure Ms. Nicol, Mr. Strachan, Mr. Coutts and others at TPO were fully aware, has an appalling reputation of corrupt mendacity and complicity with equally corrupt civil servants (Qui res est?) yet to be formally identified lying at the heart of the TPO, but which most certainly included the former Ombudsman Mr. King.

In doing so I treat Mr. Warren with fair play and transparency (which are unknown ethics to him), but which he has never extended to me, or other Members of the LFRS Pension Scheme, both retired and current serving accruing Members.

61. It will be helpful to analyse his and former Ombudsman King's role in the Complaint Burns PO-3946 which Mr. Coutts introduced into his evaluation of my current Pension Complaint and which ultimately led to the direct intervention of former Ombudsman Mr. King and Mr. Burns's Barrister.
62. Indeed if Mr. Coutts had taken the trouble to read the TPO archived material fully on the Burns Complaint, and I have little doubt he did so, though he carefully avoids saying so in his 'Findings', he would also have noted that Mr. Rattigan, in his 'opinion' quoted from the *'2008 Guidance Note on the 2006 Fire Service Pension Scheme'* which is entirely irrelevant to the *1992 Home Office 'Commentary' on the 1992 Firemen's Pension Scheme* which applies to both myself and Mr. Burns as '92 Scheme Members.
63. Curious as to why Mr. Rattigan misquoted the wrong source document Mr. Burns then pressed Mr. Warren to account for the source documents which he had supplied to TPO. It became immediately clear that Mr. Warren, given his reputation

for mendacity, and as a self-declared 'expert' on Fire Service Pension Schemes, can only have acted criminally, by fraudulently substituting the relevant 1992 Home Office Commentary, for the irrelevant 2008 Guidance Note, thus succeeding in deliberately misleading not only a legally ignorant Mr. Rattigan but an equally legally ignorant and legally unqualified Mr.King; but such was Mr.Warren's intent.

64. In an open and as yet unpublished letter the Barrister, Mr. John M. Copplestone-Bruce (who has provided an Opinion for my Complaint) laid a charge of criminal fraudulence (copied to TPO/TPR) before the LCFA and the Chief Fire Officer inviting a response. But none chose to respond leading to the unavoidable conclusion that the Barrister's charges were well grounded.

65. A unique feature of this unpublished tripartite correspondence was an unqualified-in-law civil servant Ombudsman, Mr. King, attempting to castigate this eminent Barrister, a Member of the Inner Temple in which Mr. King suggested the following....

*"I begin by observing that it is to Mr Burns' adviser's discredit that he encouraged Mr Burns in bringing this complaint at all. He apparently gave his opinion in the capacity of a lawyer, but has failed to give regard to the most basic principles of statutory construction."*

66. According to the correspondence Mr. Burns then sought an Oral Hearing, to correct this LCFA criminality, which was denied. It seemed, at least on face value, that this Pension Complaint had to be denied at all costs. One again wonders why?

67. Mr. King was, shortly thereafter, having had his governmental Contract renewed peremptorily sacked from his post but of course sought and took refuge back in the pension 'industry' as one might expect.

My Conclusions.

68. Part of my role in senior command was regularly to instruct, and guide Junior Officers, following their formal education in fire forensics, when they were investigating causes of fires in actuality, including fatal fires, for subsequent presentation at Coroners' Courts.

69. A repetitive and lazy fundamental error was that these young Officers started from a base of a 'supposed cause' and then made the 'facts', as they saw them, fit their supposition without applying the logic of structured investigative forensic processes which are always demanded.  
Mr. Coutts 'Findings', of his own volition, though no doubt encouraged by Mr. Warren, seem to fit this analogy perfectly, pleading ignorance of and avoiding the law when it suited.

70. Given this insightful background, none of LCFA/TPO's actions in the persons of Mr. Warren and/or Mr. Coutts, and in particular the latter's 'Findings'; and their joint complicity to disenfranchise and disadvantage me; are hardly remotely surprising but nevertheless the law still stands supreme.
71. Consequently my Barrister, as you know, decided unsolicited to write directly to the Ombudsman as a solicitor and his Deputy a Barrister, and the W&P Select Committee, *on a second occasion*, once more publicly expressing his disquiet, which in the first instance, to his regret, he received neither an acknowledgement nor a response from Mr. Arter at TPO or Ms. Titcomb at TPR.
72. In rebutting and formally rejecting Mr. Coutt's 'Findings' my Barrister has illuminated once more where Mr. Coutts's 'opinion' has erred in law and the correct conclusions he was duty bound to have reached had he in fact been a qualified lawyer capable of reading and understanding the Statutory construction of the relevant Statutory Instrument.
73. Lest there be doubt, I require that in accordance with the Pension Schemes Act 1993/2018(As amended), sections 145 A, and 146 (1) (a), that my Complaint be placed before an Ombudsman for 'Determination' because I have... "*sustained injustice in consequence of maladministration in connection with any act or omission of a person responsible for the management of the scheme*", namely by Mr. R. Warren the delegated manager of the LFRS Firefighters Pension Scheme of which I am a Member.
74. Finally, it is important to state that it is the measure of a Nation and those politicians it sets in authority over its civil servants to ensure that the good name and the self-respect of the Nation is maintained by those in public office.

The collective failure to act decently, and any failure to display the decent, virtuous morality towards those it employs, who by their voluntary choice of vocation put themselves in harm's way to protect their fellow citizens, besmirches the name of the individual, their office, and brings shame on the Nation.



Yours Sincerely,

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

Copy to:

The Pensions Minister Mr.Guy Opperman M.P.,  
Parliamentary Under-Secretary of State at the Department for Work and Pensions.

Mr. F.Field D.L., M.P., The Chairman & Members of the W&P Parliamentary Select  
Committee.

Mr.John McDonnell M.P., Deputy Leader Labour Party.

Lady Silvia Hermon M.P., Independent, Constituency M.P.

Mr. Nigel Evans M.P., Conservative Constituency M.P.

Mr. Matt Wrack - General Secretary – Fire Brigades Union.

The Pension Regulator – Chief Executive Mr.Charles Counsell.

The Editor – The Morning Bugler. ([www.themorningbugler.com](http://www.themorningbugler.com))