

ORAL HEARING 3rd July 2020

Note for Case

In accordance with Judges Order, G [REDACTED] v Lancs Comb Fire Auth.

Instructions were received for me (the Appellant) on or about the 2nd July 2020 to take part in a hearing with Mrs Justice Falk on the above date at 10:30 am.

Prior to that date I received instructions on how to go about making the necessary contact with the Court and was given a choice of communication systems; I chose Skype.

I went through the motions of contacting the Court but found that the Hearing app would not load into my iPad. I found this situation quite stressful which added to my apprehension about the forthcoming proceedings.

I rang Mrs. Justice Falk's clerk, M/s Saleem, to report the problem.

I gave her my name and said that I have a hearing with Mrs Justice Falk at 10:30 on the 3rd July 2020.

M/s Saleem cut me short and said "no you don't you have a hearing with Mr. Justice Fancourt and then gave me a telephone number for Mr Justice Fancourt's clerk.

M/s Saleem's manner was brusque which surprised me as I had spoken to her previously and, at that time, had found her to be amiable.

Within a minute or two I received a call from Mr Steven Brilliant, Mr. Justice Fancourt's clerk. He had been asked to ring me by M/s Saleem

Mr Brilliant talked me through the alternative hearing procedure which was by telephone.

Mr Brilliant was most efficient, understanding and helpful throughout the proceedings and has been so on further contact.

On the day Mr. Justice Fancourt was a few minutes late in arriving.

He stated that this would be a short hearing and asked if I had anything to add to correspondence already received. Mr Justice Fancourt's manner was formal and business like.

I must say that I did expect him to ease me into the event but he chose not to.

I referred him to the Barrister's Advice which was sent to the Deputy Ombudsman following her Determination. In her Determination she included advice that I could appeal in a Court of Law against the Determination providing it was restricted to points of law only. I stated that Mr Copplestone Bruce had produced in his 'Advice' the points of law relevant to the DPO's Determination.

After a moment he asked if that was a Mr Locke in 2015 ?

I told him it was Mr Copplestone Bruce in 2019 and it was dated 15th or 19th of September. I repeated what I had just said for his benefit.

There followed much shuffling of papers before he, I assume, found the document.

He asked me to give him the details again and then said there would be a “silence” whilst he read the document.

I had read the Advice to the Deputy Ombudsman three times previously and found it hard going as it had been written in “lawyer speak”. I read it again during the “silence” and reached only item 16 of the 44 items written by Mr. Copplestone Bruce when the Judge brought the “silence” to an end and stated that he had read the document.

I found this hard to believe and particularly as there are references in the Advice that should be read in conjunction with the Ombudsman’s Determination.

Mr. Justice Fancourt stated that, “Well, this clause 5 takes some reading”.

Mr. Justice Fancourt stated that the issue is about “further promotion” (which it is not) and in my case before I was 60 when I would have formally retired.

The judge said that promotion was not a ‘given’ and went on to say that prediction for promotion amounts to guesswork. He said Mrs. Justice Falk encapsulated the matter by her reference to there being a cap imposed (I didn’t follow this).

He said that what the Commentary says is highly complex and it has no statutory force.

He stated that there was no realistic argument in law and therefore he refused permission to appeal.

I believe that twice he stated that Mrs Justice Falk “encapsulated” matters in her Judgement.

I put to him the fact that this was not just about me but about those disabled FSVs that are still with us, those who have gone before, and their widows and beneficiaries that struggle on what remains of a pension.

He stated that he was sympathetic but the Judgement had to be made on argument of law.

I await the bill now which had to be pre-paid before the transcript company produce Mr Justice Fancourt’s JUDGEMENT. I had asked for the JUDGEMENT only. NOT the whole transcript.

FMG

Addendum – 22nd September 2020.

I contacted UBIQUS and contracted them to prepare a transcript of the hearing.

Later I changed my mind about having the Judge’s summary only and asked them to complete

the whole of the transcript. I have received their transcript which is missing the first 21 minutes or so, and the Judge's summary, immediately prior to him declaring the Judgement.

I have requested UBIQUS to ask the Court about releasing the summary and I have asked them to make enquiries about whether or not there might have been a secondary system to record the whole of the hearing?

I have also asked the Court the same questions in a recent e-mail. I await an answer from the Court.