

In the High Court of Justice

Business and Property Courts of England and Wales
Chancery Appeals (ChD)

On appeal from a decision of the Deputy Pensions Ombudsman

on 10 September 2019 (ref: PO-19150)

Appeal ref: CH-2020-000043


BETWEEN


Appellant


And

LANCASHIRE COMBINED FIRE AUTHORITY
Respondent

1. The Respondent asserts that:-


“Mr G  was promoted to the rank of Assistant Divisional Officer with effect from 1/4/1988 and had a brief period of acting up to Divisional Officer III from 18/12/1989 – 30/04/1990, but no further periods of acting after this.”

The Appellant asserts that:-

“Mr G  was promoted to the rank of Assistant Divisional Officer with effect from 1/4/1988 and had a brief period of acting up to Divisional Officer III from 18/12/1989 – 30/04/1990 within B Division HQ Burnley, **in his Divisional Staff Officer role he was required to stand in on occasion for his immediate superior DO III.**”

The segment highlighted in bold is not within the knowledge of the Respondent and for that reason is not capable of agreement.

2. The Respondent asserts that:-

“It is not possible to say whether Mr G  would have been an Assistant Divisional Officer responsible for a group of stations or not. There was a provision in a revised pay structure introduced in 2005 (which was backdated to 7.11.03) to move individuals who were formerly ADOs to a Group Manager pay level if they were responsible for a group of stations. In fact, no ADOs within the Service met the

criteria and so no ADOs were paid at Group Manager level. It is also not possible to say whether or not he would have achieved a promotion to a higher rank before he reached 60.”

The Appellant asserts that:-

“It is not possible to say whether Mr G [REDACTED] would have been an Assistant Divisional Officer responsible for a group of stations or not. **However, under the establishment maintained by the Brigade at the time, Mr G [REDACTED] as an Assistant Divisional Officer was responsible for a group of stations before he was injured.** It is also not possible to say whether or not he would have achieved a promotion to a higher rank before he reached 60.”

The segment highlighted in bold is not within the knowledge of the Respondent and for that reason is not capable of agreement.