



Date: Tuesday 9th April, 2013.

Case Number: 2PR01324.

Mr. W [REDACTED] H [REDACTED] -v- Combined Fire Authority.

1. The Claimant has been contemplating action against the Defendant the Combined Fire Authority(CFA) over his pension and other related matters.
2. Lord Justice Scott in his revision of the CPR encouraged litigants to evaluate their potential for success by acquiring all relevant documentation, if necessary, using Court supported disclosure as an 'enabler' for this evaluation process.
3. For more than 2 years the Claimant has made repeated attempts to obtain the release of his records from the Defendant using two legislations, the Freedom of Information Act 2000, and the Data Protection Act 1998. These attempts have been repeatedly stonewalled by the Defendant.
4. The Claimant sought the assistance of the Information Commissioner and on the 20th April 2011 after an extended review involving both parties the Commissioner issued a formal 'Assessment' notice against the Defendant requiring them to provide, "without delay", all the Claimant's records to him.
5. The Defendant did not comply with the ICO's Assessment neither did they choose to Appeal against this 'Assessment' using the available quasi-judicial process of the Information Commissioner. It better served their purpose of further stonewalling by denying the Claimant any right of audience before the ICO.
6. In the light of this final act of stonewalling and following guidance by the ICO the Claimant was left with no alternative but to issue proceedings via the County Court for a Court Order to ensure compliance with the law and full disclosure.
7. On the 17th December 2012 the matter came to trial but the day prior the Claimant was taken to hospital once more suffering from the effects of hepatitis 'C' the result of transfusions of defective USA blood given to him after a service injury which led to his compulsory medical discharge from the Service. On this occasion the Claimant was finally diagnosed with terminal cancer and was thus unable to attend the trial whereupon the matter was rescheduled by DJ Anson to the 26th March 2013.
8. The Claimant's position was reinforced by [REDACTED] [REDACTED] in a recent similar case involving the Defendant on the 13th

February 2013 when he chose to speak to the Claimant in his private capacity whilst the Claimant was in the witness box. Speaking in a personal capacity His Honour's advice to the Claimant was that as a matter of urgency he ought to collate of all the documents, obtain legal representation, and issue proceedings against the Defendant which is the Claimant's intention.

9. On the 26th March 2013 the rescheduled Hearing eventually took place before DDJ Burrows who initially decided not to convene a Court because the Defendant's solicitor chose not to attend; neither was a substituted attendee sent by the Defendant; and once more this Hearing was also adjourned to the 2nd May 2013.
10. DDJ Burrows, in ex parte, was incapable of determining whether the primacy of jurisdiction in this matter rested with his Court or the quasi 'Court' offered by the ICO even though the latter has not been invoked by either party to this action.
11. To decide this matter for DDJ Burrows the ICO Case Handling Officer has forwarded a letter to the Claimant clearly pointing out that the final primacy for dealing with this issue in law rests with the Court not the ICO. This letter is attached for the Court.
12. The Claimant is well aware that his time draws near, as indeed does the Court, and the Defendant. It is the Claimant's long held conviction that the Defendants do not have in their possession his record files and that given his medical circumstances the Defendants' cynical intent continues to be to exploit his terminal illness by further stonewalling until his demise resolves their problem.
13. Facing this inevitability of life the Claimant's wife Mrs Pat Hewitt and family are determined to pursue this issue to its just conclusion.
14. It is to be hoped that the Court has also identified this cynical 'ploy' and would wish to expedite Justice to this deteriorating situation without further obfuscation by the Defendants.

Statement of Truth.

Insofar as the matters to which I refer in my documents are within my own knowledge they are true; insofar as they are not within my own knowledge they are true to the best of my knowledge, information, and belief.



.....
W.H. [redacted].
Litigant-in-Person.

PROTECT

Mr W H [REDACTED]
176 W [REDACTED] P [REDACTED] A [REDACTED]
A [REDACTED]-on-R [REDACTED]
P [REDACTED]
L [REDACTED]
P [REDACTED]

27 March 2013

Reference: RFA0373864

Dear Mr H [REDACTED]

I write further to our telephone conversation this morning.

As I explained, the role of the Information Commissioner in respect of data protection complaints is to make an assessment of compliance with the legislation; that is to provide his view or opinion as to whether compliance with the Data Protection Act 1998 is likely or unlikely.

It is not our role necessarily to ensure that an individual receives all personal data in response to their request. If an individual feels there is further personal data held by a data controller to which they feel they are entitled, then they have the right to enforce their request through the courts.

This is the action you have taken to date. I write to confirm therefore that it is now for the court to decide whether the information should be provided to you and if so, to enforce compliance.

I hope this information is useful to you.

Yours sincerely


Nicki Hargreaves
Case Officer

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Mrs PH

176 W [REDACTED]

PR 1 [REDACTED]

E-mail [REDACTED]

Tel [REDACTED]

Date 17/12/2024

Victim Statement RE W [REDACTED] H [REDACTED]

My name is P [REDACTED] H [REDACTED] and my late husband W [REDACTED] was a retired Fire Officer with Lancashire Fire Service. I am writing this statement to give you an insight on what disgraceful treatment and intimidation we received from the Fire Service.

My husband required an emergency operation after a serious on duty injury to have 2 discs removed from his back in the early 1970s. During this operation he was given 4 pints of blood which was contaminated with Hepatitis C which would directly lead to his death. When he was given the blood, it was already known that it should not have been used yet they carried on giving it which has led to many thousands of people dying.

Around 1994 my husband required a hip replacement and during the initial tests before the operation he was diagnosed as having been given Hepatitis C during his back operation. I remember that day we found out about this as we were also told there was no cure so this was in effect a death sentence to him. I remember sitting with my husband in total shock and feeling completely numb. When you are given this type of news your emotions are out of control. We both cried and worried how to tell our children about this.

From that day our lives changed forever and led to nearly 25 years of constant worry and pain. In the years that followed I had to watch my husband health fail and watch him become depressed and upset which I now realise was his mental health collapsing due to this situation. My husband was a very active man who had an incredible sense of humour however I watched all that disappear as he worried everyday about his health.

Over the years as his illness got worse the pressure on me and our family became unbearable. There were times I felt I couldn't carry on but knew I had to for his sake and our children's sake. The last few years were the hardest as I got older I struggled to cope as his carer. My husband suffered appalling pain and suffering which no one deserves especially someone who dedicated his life to saving others. During his last few years he was continually in and out of hospital which added even more stress to me. When he was in hospital I would go twice a day to sit with him and hold his hand. He told me how scared he was to die which just showed how ill he was as he had always been a very strong person and that was not like him. Until my husband's illness got really bad he was very vocal in trying to get justice for his treatment which sadly he did not live long enough to see. I have spent many years feeling guilty about being relieved his suffering was over when he died and continue to have these thoughts to this day. One of the worst situations was he only got to spend 4 years seeing his only grandchild and she has lost the opportunity to spend time with a wonderful grandfather.

One situation I will never get over and it still angers me to this day was the treatment he received from The Fire Service. My husband received a letter from The Fire Service saying he had been over paid on his pension by around 2,000 pounds, I believe, and it had to be paid back immediately or he could go to Prison. This was an outrage as all my husband ever did was put his life on the line for others. This behaviour was disgusting from them and added to our stress and depression. I cannot explain in words how this situation affected both us, I think back now and cannot imagine how we coped. It was bad enough for me but the pressure on my husband was destroying his health as not only knowing he was dying but also was worried he would be sent to Prison. There are not sufficient words to describe this appalling behaviour to a dying man.

I hope this statement will help you make an informed decision and force the Fire Service to do the right thing for people like my husband and all their families.

Your faithfully

Mrs P [REDACTED] H [REDACTED]

W [REDACTED] S [REDACTED] H [REDACTED]

Date 18/12/2023

28 B [REDACTED] R [REDACTED] P [REDACTED] PR 2 [REDACTED]

E-mail [REDACTED]

Tel [REDACTED]

Victim Impact Statement

Re W [REDACTED] H [REDACTED] Senior [deceased]

To Whom it May Concern,

My late father was a Firefighter for Preston Borough Fire Service and then an Officer in Lancashire Fire and Rescue Service. During his service my father injured his back which required surgery and a blood transfusion. As a direct result of this blood transfusion my father was infected with Hepatitis C which was the early cause of his death in May 2014.

My father was always a very strong man both mentally and physically however due to his illness I watched him deteriorate until his death. At the time of his death my father only weighed around 7 stone compared to his weight which was around 14 stone before his illness.

My father was a very caring man who sadly died in excruciating pain due to being deliberately given contaminated blood. From the time in the early 1990s when he was informed he had Hepatitis C and there was no cure my father had a death sentence hanging over his head. Every day he had to live with the thought that day his illness may end his life! It affected him significantly and over time he became withdrawn and very insular which wasn't his normal demeanour.

During the later part of his life he was also told that he had been over paid regarding part of his pension by Lancashire County Council. He was then threatened in correspondence that until he paid back money he would be taken to court and sent to Prison. This was an absolute disgrace which almost destroyed my father and this intimidation carried on a considerable period of time which again had a massive affect on my father's health and mental state.

My father gave a large part of his life to protecting others however he never got any chance to enjoy his retirement and spent over 20 years worrying everyday about his health. The Fire Service were a contributing factor to the health deteriorating due to their bullying tactics against a seriously ill man!

Besides the horrendous treatment my father received there is also the huge effect it had on my family and myself. We also lived with the fear every day could have been the last day of my father's life. On a personal level the pressure I lived under was immense and has led to over the years with me being unable to cope with certain situations. No person should have to watch a family member die in such circumstances and after watching this happen to my father I have spent many years trying to cope with his death. I try not to think about the times I had to physically lift my father out his bath when he couldn't lift himself out or having to wipe his bottom after he used the toilet.

The direct result of his illness and his treatment by The Fire Service has affected myself and is something I think I will never learn to cope with fully. When I am asked to undertake something like this statement it brings back all the memories of the pressure and pain I suffered watching my father

die. Through no fault of myself or my family our lives have been almost destroyed at times and I believe the treatment of The Fire Service played a large part in this.

Yours faithfully,

W [REDACTED] S [REDACTED] H [REDACTED]