

## Secretary General's Report

### Annual General Meeting of the Federation 19<sup>th</sup> May 2011

Since our last AGM I have been totally committed to correspondence with my own MP, The Pensions Ombudsman's Service, the MOD's new Internal Dispute Resolution Procedure, The Civil Service Internal Dispute Resolution Procedure and the Intellectual Property Office (IPO). The letters to my MP and replies have all been placed on our Web-site so that Members can have full access to the latest information and responses received.

Once again our Committee urges all Members to confront their MP's personally by making an appointment and demanding to know what they intend doing about the Occupational Pensions and Gratuities we are legally entitled to, as set out in this report, including back payments, interest and compensation for lost opportunities. It is vitally important all Members make an effort to do so to demonstrate we are not a small bunch of malcontents looking for a 'Handout' but a serious Federation of men and women demanding what we are legally entitled to ! Write to them if you live abroad or the Prime Minister.

We can demonstrate we are the only employees post 1975 whose years of service in the Armed Forces pre 1975 were not preserved by the transitional and transfer arrangements of the Social Security Act 1973 and the Social Security and Pensions Act 1975.

Additionally as far back as 1959 under the Parliamentary Command 945 those members leaving the Armed Forces and becoming Civil Servants were entitled to have their years of service in the Armed Forces added to their Civil Service Pensions. Under the pre 1975 Principal Civil Service Superannuation Scheme Rules members of the Armed Forces entering the Civil Service under the terms of the 'Reconstruction Competitions' are also entitled to have their service years included in the above Pension Scheme.

On our Web-site you can read the latest response from the MOD received by Caroline Dinanage MP and my criticisms in reply. It would be worth your while to 'download' both letters and take them with you when confronting your own MP ! (See letters dated 15<sup>th</sup> December 2010 and 19<sup>th</sup> April 2011 in particular)

The basics of our claims are as follows-

1. The Social Security Act 1973 laid down the rules for the transitional and transfer arrangements of service years for preservation purposes in the Social Security and Pensions Act 1975. The 1973 Act also created an Occupational Pensions Board which required Managers of all Pension Schemes to submit their Schemes to ensure they included the necessary transitional and transfer arrangements for years of service both pre and post 1975. The sole purposes of the 1973 and 1975 Acts were to ensure years of service in one employer's Pension Scheme were preserved until retirement after transferring from that Employer's Pension Scheme to another employer's Pension Scheme.

Specifically the Social Security Act 1973 Schedule 16 states unequivocally and unambiguously that it 'Includes service before the 'Appointed Day' ! This is as clear as a 30mph road sign that the Government has a Statutory Duty to pay our Pensions and Gratuities back pay, interest and compensation for lost opportunities.

Treasury Mandarins and Government Ministers are claiming the above has been tested in the Courts and rejected by referring to the case of Hudson V MOD & Treasury. This is incorrect. Neither the High Court nor the Appeal Court scrutinised

or took into account S. S. Act 1973 Schedule 16. Both Courts also based their judgements on a 'Firm Belief' by Counsel there had been no abatement to Service Pay to provide pensions. This amounts to 'Hearsay and Rumour'. I know because I attended both hearings !

The latest 'Humbug' Treasury Mandarins and Ministers have come up with is that the S.S. Act 1973 Schedule 16 has now been repealed by the Pensions Act 1993 ! The S.S. Act 1973 was required to be acted upon in 1973 not 1993 ! Additionally the Pensions Act 1993 is a 'CONSOLIDATING ACT' ! This amounts to 'Gutter Politics'. The Armed Forces serving pre 1975 have been subjected to blatant discrimination since we are the only employees not to have had our years of service in the Armed Forces preserved until retirement.

2. The Parliamentary Command 945 introduced the requirement for any member of the Armed Forces subsequently employed as a Civil Servant was legally entitled to have their years of service in the Armed Forces taken into account as from April 6<sup>th</sup> 1959 in the Civil Service Pension Scheme. Parliamentary Commands originate from 'Orders in Council' under the Queen's Prerogative. As such they are set out in 'Prerogative Instruments' that derive their authority from Her Majesty the Queen and are not subject to approval, annulment or amendment by Parliament. Politicians therefore have an obligation to implement them whether they wish to or not. House of Commons Library Standard Note SN/BT/1424 refers. Request your Member of Parliament to inform Treasury Mandarins and Government Ministers to make arrangements for payments immediately. Also in relation to the Social Security Act 1973 Schedule 16.
3. Having spent many hours checking the facts and writing up a comprehensive application to the Pensions Ombudsman's Service I have now been informed they cannot consider it because it was submitted out of time ! Apparently you have to make an application to the POS first and then carry out the research and gather the facts to see if you had a case to put before them in the first place !? This appears to be common practice with Government Departments which suggests it saves them much valuable time, they are not required to make a decision and after wasting many hours of other peoples time, they can go back to sleep !
4. Once again having spent many hours presenting our claims to the MOD's new Internal Dispute Resolution Procedure, I have been informed they cannot consider our application because we did not belong to the Armed Forces Pension Scheme 1975 ! This is 'Humbug' of course but it would be a waste of more of my time trying to tell them that. So that's another Government Department that can go back to sleep !
5. The Civil Service Internal Dispute Resolution Procedure was a little more forthcoming over their failure to refund the Pre 1978 Widow's Pension Scheme Contributions which no longer contribute to the Widow's pension. They were quite adamant they are fully entitled to move the goal posts and pocket the money ! This amounts to a Breach of Trust and a Breach of Contract. Yet more 'Humbug' and the usual mushroom management principle all over again.

It would appear that the Treasury and Civil Service motto is – 'Tell them anything but never admit liability' ! This leaves the way open for lawyers to have a field day. If you lose, you pay them a hefty sum in costs. If the Treasury or Civil Service department loses the good old alarm clock British taxpayer picks up the bill ! So why

should they bother about accountability for their incompetence in the Public domain anyway? No wonder Digby Jones, President of the CBI, said he would sack 'the lot of them'.

Unless we as a Federation are to have any success with our present policy of expecting a political solution to our legitimate claims against the present coalition Government we need to consider what alternatives are available to us. There is some suggestion there is light at the end of the political tunnel with Mike Hancock's letter to the Prime Minister (See our Web-site) and the possibility of a question to the P.M. from Caroline Dinenage MP? We need to spend much time at our AGM discussing any future strategy which we consider might be necessary. I will be writing once again to the leaders of the three main Political parties and also the Media. Now is the time to press home the legality of our claims.

Although the costs of the Intellectual Property Office decision have been paid 'Without Prejudice' to date a complaint regarding the legitimacy of the decision which led to a miscarriage of justice remains under investigation with them. The Trade Mark Rules required that we should have been given the opportunity to amend the Trade Mark but this requirement was omitted during the due process of law. Additionally there were many other irregularities of serious concern over the way in which the application was handled. This matter has been a constant major distraction from our Pensions claim which we need to pursue at present instead, for the immediate future.

In conclusion may I thank our Membership for your continued financial support and correspondence over the last twelve months. In particular I am also sincerely grateful for the support, guidance and encouragement from our Chairman, Chris Watkin who is always ready to offer his help. I can vouch for his value to the Federation and this should be appropriately acknowledged as with our Membership Secretary Frank Rixon BEM and many other supporters and assistants.

Yours sincerely

David Robson  
Secretary General