

**FOI ref no:** SCO/FOI/017/2022

**Freedom of Information request: reference SCO/FOI/017/2022 first notified to us by email on 12 June 2022.**

**Staffordshire Commissioner's Office response to your enquiry is as follows:**

I can confirm that the Police Fire and Crime Commissioner (PFCC) does not hold the information that you have requested. However, in order to assist with your request, it may help if I clarify why the information being requested is not held by the PFCC. As the PFCC, the Commissioner does not have the legal responsibility for Pensions as described, the legal role sits with the Staffordshire Commissioner (Fire and Rescue Authority) who is also the Data Controller for the Authority. It is a legal distinction albeit vested in the same individual.

In order to assist with any future requests, I have documented below the Authority's FOI contact email address.

[Freedom.ofInformation@staffordshirefire.gov.uk](mailto:Freedom.ofInformation@staffordshirefire.gov.uk)

We have asked the Authority on your behalf for the information requested and the following is the response:

- a) How many Principal Officers, above GM (Group Manager), retired between the dates of 15th October 2021 and 5th May 2022 and have received their full FPS 1992 pension entitlement under the terms of the MOU (Memorandum of Understanding) agreed between the FBU (Fire Brigades Union) and the LGA (Local Government Association)?

**1 (one)**

- b) In light of the prospect of imminent legal action by the FBU against fire authorities not paying out under the terms of the MOU, when will the PFCC re-consider his fire authority's position on immediate detriment and the MOU?

**This information is not held as it is beyond the scope of the FOIA and calls for future decision making rather than material currently held.**

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of this email and should be addressed to:

Compliance Manager  
Staffordshire Commissioner's Office  
Block 9, Staffordshire Police HQ  
Stafford  
ST18 0YY

Staffordshire Commissioners Office, Ground Floor, Block 9, Weston Road, Stafford ST18 0YY

**Twitter:** @StaffsPFCC [www.staffordshire-pfcc.gov.uk](http://www.staffordshire-pfcc.gov.uk)

Or emailed to: [FOI.PFCC@staffordshire-pfcc.pnn.gov.uk](mailto:FOI.PFCC@staffordshire-pfcc.pnn.gov.uk).

Please remember to quote the reference number in any future communications.

Yours sincerely

**Freedom of Information Decision Maker**

**FOI ref no:** SCO/FOI/017/2022

**Freedom of Information request: reference SCO/FOI/017/2022 first notified to us by email on 8 August 2022.**

**Staffordshire Commissioner's Office response to your enquiry is as follows:**

I can confirm that the Police Fire and Crime Commissioner (PFCC) does not hold the information that you have requested. However, in order to assist with your request, it may help if I clarify why the information being requested is not held by the PFCC. As the PFCC, the Commissioner does not have the legal responsibility for Pensions as described, the legal role sits with the Staffordshire Commissioner (Fire and Rescue Authority) who is also the Data Controller for the Authority. It is a legal distinction albeit vested in the same individual.

**In order to assist with any future requests, I have documented below the Authority's FOI contact email address.**

[Freedom.ofInformation@staffordshirefire.gov.uk](mailto:Freedom.ofInformation@staffordshirefire.gov.uk)

**Any further requests relating to the subject matter outlined below, you will be directed to the Staffordshire Fire and Rescue Service for a response.**

We have asked the Authority on your behalf for the information requested and the following is the response:

I would like to rephrase my original question, if I may.

I am asking the following questions of the PFCC as he is, in law, the scheme manager of all firefighter pension schemes.

a) How many Principal Officers, above GM (Group Manager), retired between the dates of 1st July 2021 and 31st December 2021 and have received their full FPS 1992 pension entitlement under the terms of the MOU (Memorandum of Understanding) agreed between the FBU (Fire Brigades Union) and the LGA (Local Government Association)?

**One**

b) How many Principal Officers, above GM (Group Manager), retired between the dates of 1st January 2022 and 30th June 2022 and have received their full FPS 1992 pension entitlement under the terms of the MOU (Memorandum of Understanding) agreed between the FBU (Fire Brigades Union) and the LGA (Local Government Association)?

**One**

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of this email and should be addressed to:

Staffordshire Commissioners Office, Ground Floor, Block 9, Weston Road, Stafford ST18 0YY

**Twitter:** @StaffsPFCC [www.staffordshire-pfcc.gov.uk](http://www.staffordshire-pfcc.gov.uk)

Compliance Manager  
Staffordshire Commissioner's Office  
Block 9, Staffordshire Police HQ  
Stafford  
ST18 0YY

Or emailed to: [FOI.PFCC@staffordshire-pfcc.pnn.gov.uk](mailto:FOI.PFCC@staffordshire-pfcc.pnn.gov.uk).

Please remember to quote the reference number in any future communications.

Yours sincerely

**Freedom of Information Decision Maker**

**FOI ref no:** SCO/FOI/017/2022

**Freedom of Information request: reference SCO/FOI/017/2022 first notified to us by email on 12 June 2022 and your Internal Review request received on the 30 August 2022.**

**Staffordshire Commissioner's Office response to your Internal Review is as follows:**

I have undertaken an internal review in response to your request which was expressed as the following:

Dear Staffordshire Police, Fire and Crime Commissioner,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Staffordshire Police, Fire and Crime Commissioner's handling of my FOI request 'How many Principal Fire Officers retired between specified dates and benefitted from the MOU?'.

The reason I would like a review of the handling of my FOI request is that I was given different information in regard to your answer to my first question, compared to your answer to my revised question. It is my opinion that both versions of my question should have elicited an answer, from yourselves, which totalled two.

The question(s) I asked were about Principal Officers who retired and benefitted financially from the FBU negotiated MOU and the main differences between my original question and my revised question was the date range specified. I originally specified a date range of 15th October 2021 to 5th May 2022 and the answer you gave me was a total of ONE. I even asked if this was correct and for it to be checked but the same answer of ONE was returned.

My revised question posed the same question but was split into two parts, with one part specifying the date range of 1st June 2021 to the 31st December 2021, and the second part of the question specified a date range of 1st January 2022 to the 30th June 2022. Your response gave the answer of ONE in each date range, which gives a total of TWO.

The problem I have with your responses is that my original question should have elicited the same response, of TWO. The reason I believe this to be the case is because SFRS published a retirement date for the CFO of 17/10/2021, and a retirement date for a Director of 04/05/2022. Both of these dates fall within the range of my original question which specified a date range of 15/10/2021 to the 05/05/2022, can you please explain why the answer to my original question differs to the answer to my revised question, please?

A full history of my FOI request and all correspondence is available on the Internet at this address: <https://www.whatdotheyknow.com/request/h...>

### **Internal Review Outcome**

Having considered the request history, which began on 12 June 2022 and concluded with the internal review request on 30 August 2022, I am mindful of the following:

1. On two occasions you were informed of the following,

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“I can confirm that the Police Fire and Crime Commissioner (PFCC) does not hold the information that you have requested. However, in order to assist with your request, it may help if I clarify why the information being requested is not held by the PFCC. As the PFCC, the Commissioner does not have the legal responsibility for Pensions as described, the legal role sits with the Staffordshire Commissioner (Fire and Rescue Authority) who is also the Data Controller for the Authority. It is a legal distinction albeit vested in the same individual.”

And the appropriate email address was provided to direct your requests. **(15 June 2022 and 25 August 2022)**

However, in order to assist you, we made a request to Staffordshire Fire and Rescue Authority for that information on your behalf.

The response you were given on 15 June 2022 was correct:

a) How many Principal Officers, above GM (Group Manager), retired between the dates of 15th October 2021 and 5th May 2022 and have received their full FPS 1992 pension entitlement under the terms of the MOU (Memorandum of Understanding) agreed between the FBU (Fire Brigades Union) and the LGA (Local Government Association)?

**1 (one)**

You came back on 15 June 2022 and asked for clarification, where you were given the same information, after we had checked with Staffordshire Fire and Rescue Authority. I am also aware that the Authority provided the same information to you directly on 20 June 2022.

As you were not content with the answer, now given to you three times, on 8 August 2022, you sought further clarification, however, on this occasion the response provided to you on 25 August 2022 was inadvertently incorrect.

Therefore, the correct response to your request is below:

a) How many Principal Officers, above GM (Group Manager), retired between the dates of 1st July 2021 and 31st December 2021 and have received their full FPS 1992 pension entitlement under the terms of the MOU (Memorandum of Understanding) agreed between the FBU (Fire Brigades Union) and the LGA (Local Government Association)?

**Zero (0)**

b) How many Principal Officers, above GM (Group Manager), retired between the dates of 1st January 2022 and 30th June 2022 and have received their full FPS 1992 pension entitlement under the terms of the MOU (Memorandum of Understanding) agreed between the FBU (Fire Brigades Union) and the LGA (Local Government Association)?

**One (1)**

This satisfies the request that you again posed.

We are also aware, that despite asking for an internal review, to clarify our last response, you have published incorrect information on a Facebook group. We require you to amend the published data to reflect this response that only 1 person left under MOU. We are also aware that you have removed the anonymisation, the condition that data is provided to you under the FOI Act, by ascribing two

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individual's personal data to it. This may constitute an offence under the Data Protection Act 2018. We would also ask you to remove this information without delay.

I am satisfied that with this additional information that the response is correct. I now consider this matter closed.

I would ask that If you have any further requests in relation to the Fire and Rescue Service, that you contact them at their dedicated page: [Making a freedom of information request \(staffordshirefire.gov.uk\)](http://staffordshirefire.gov.uk)

If you are not content with the outcome of the review, you may ask the Information Commissioner to consider the same. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 08456 30 60 60 or 01625 54 57 45

Please remember to quote the reference number in any future communications.

Yours sincerely



Louise Clayton  
**Chief Executive**

On behalf of the Staffordshire Commissioner, Police, Fire and Rescue, Crime

**FOI ref no:** SCO/FOI/017/2022

**Freedom of Information request: reference SCO/FOI/017/2022 first notified to us by email on 12 June 2022 and your Internal Review request received on the 30 August 2022. Also your further clarification request regarding your internal review received on the 7 September 2022.**

**Staffordshire Commissioner's Office response to your Internal Review clarification is as follows:**

I am writing to request an internal review of Staffordshire Police, Fire and Crime Commissioner's handling of my FOI request 'How many Principal Fire Officers retired between specified dates and benefitted from the MOU?.'

I am sending this further message as a means to avoid referring my complaint to the ICO, yet. The very specific question I asked about a Principal Officer retiring, in October 2021 (or specifically 1st July 2021 - 31st December 2021), and receiving the benefits of their pension under the FBU negotiated MOU was very deliberately constructed, and to avoid all doubt, this request means either at the point of retirement or thereafter.

The MOU was adopted by the Commissioner, as the fire pension schemes manager, between October 2021 and May 2022. By indicating this individual did not retire under the terms of the MOU or have it remedied under the MOU means someone of that age, 50-51, would be approximately 7 years short in their FPS 1992 pension scheme benefits. If that individual was on a salary of approximately £150,000 then that shortfall would be 7/45th of that salary, in this case we are talking about a shortfall in the region of £23,333.33/annum and it is for this reason the answer you have provided 3 out of 4 times does not make any logical sense whatsoever.

I do not mean to be put off by your contradictory responses as I have a great deal of fire pensions experience, indeed, I served as a scheme member representative on SFRSs pension board for in excess of 5 years. I did not originally ask whether the retirement was under the grounds of ill health as it does not alter the expected response, ill health retirements as well as normal retirements fall under the scope of the MOU.

I am left with the conclusion that the most frequent answer you have given me, of zero, is wrong or there is other information which has not yet been brought to light. On the basis that the retirement of this particular Principal Officer was much trumpeted in the media, I am at a loss to reconcile your response with what is logical. I can only conclude that a pension was not taken at all which leads me to post the following enquiries.

- 1) Did the individual, in fact, not retire when stated, and were they actually placed on paid gardening leave instead?
- 2) Was the remedy performed under the MOU, for that individual's pension or at a later date, after retirement?



3) Please specify if the individual's full, personal, FPS 1992 pension entitlement was paid out at retirement or soon thereafter but not regarded, by the respondent, as being under the terms of the MOU, e.g. \*ill health?

\*NB: (ill health is only given as one possible example) All retirements in the date range specified would have been under the scope of the MOU if the individual was born after 1st November 1967 (or 1st September 1967, for retirements on or after 1st October 2021).

Having sought advice from the Information Commissioner's Office, the position of the Staffordshire Commissioner's Office remains the same regarding your Internal Review request which was communicated to you on the 6 September 2022.

If you are not content with the outcome of the review, you may ask the Information Commissioner to consider the same. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 08456 30 60 60 or 01625 54 57 45

Please remember to quote the reference number in any future communications.

Yours sincerely



Louise Clayton

**Chief Executive**

On behalf of the Staffordshire Commissioner, Police, Fire and Rescue, Crime