



Department
for Work &
Pensions

Government response

**to the Parliamentary and Health Service
Ombudsman's investigation into
Women's State Pension age and
associated issues**

December 2024

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Summary

The investigation

The Parliamentary and Health Service Ombudsman (“PHSO”) investigated complaints from women born in the 1950s that the Department for Work and Pensions (“DWP”) failed to provide them with accurate, adequate and timely information about changes to the State Pension age and the number of qualifying years needed to claim the full rate of the new State Pension. The PHSO also looked at DWP’s and the Independent Case Examiner’s (“ICE”) complaint handling.

The PHSO selected and investigated six sample cases that represented their caseload. For each aspect of their investigation, they provided their conclusions on maladministration and whether that maladministration caused injustice.

Where the PHSO finds maladministration and injustice, they normally make recommendations for an appropriate remedy. In this investigation, the PHSO took the unusual step of laying the report in Parliament and asking Parliament to make decisions in relation to remedy. They also provided their thoughts on remedy.

In July 2021, the PHSO published their findings on State Pension age maladministration only. The PHSO published a final report covering the remaining issues in March 2024.

The PHSO recognised that some women were angry and distressed about their State Pension age having changed, but said they cannot consider the financial consequences of changes in the law.

Maladministration and injustice

State Pension age communications

The PHSO's findings

Between 1995 and 2004, DWP's communication of the changes to State Pension age reflected the expected standards. However, maladministration was found in two respects:

First, DWP failed to take adequate account of the need for targeted and individually tailored information based on research when making decisions about next steps in August 2005.

Second, DWP did not act promptly enough on a November 2006 proposal to write directly to affected women about changes to State Pension age, which was not progressed until December 2007.

When combined these led to a 28-month delay in beginning the direct mailing exercise to women affected by the 1995 Pensions Act.

The delay resulted in complainants losing opportunities to make informed decisions about some things and to do some things differently, and diminished their sense of personal autonomy and financial control. However, the complainants had not suffered direct financial loss.

Government response

We accept that decision-making between August 2005 and December 2007 resulted in a 28-month delay in beginning to send individual letters to 1950s-born women about the changes in State Pension age. We are sorry that we did not send individual letters earlier in this case.

However, we do not accept the PHSO's approach to injustice as we do not think the PHSO have properly reflected the evidence that only 1 in 4 people recall and read unsolicited letters.

National Insurance qualifying years

The PHSO's findings

Timely and accurate information on the number of qualifying years needed for the new State Pension was available, and research showed that the majority of people knew about the new State Pension reforms. However, the PHSO found maladministration because DWP did not adequately act on feedback in 2016 showing that people lacked understanding of how the new State Pension affected them personally, continuing instead to provide the same methods of communication that it had used before. DWP did not “get it right” or “seek continuous improvement”. Nevertheless, the PHSO did not find that maladministration had caused injustice to those who complained.

Government response

We have been criticised for continuing to use the same methods of communication, but the PHSO's references are simply to general methods of messaging that would be expected of any modern media communications campaign. The PHSO acknowledge that the “Know Your Facts” campaign was in its infancy, and the digital Check my State Pension Service had just started but they do not consider whether these communications could have been more effective.

Both the Work and Pensions Select Committee and the National Audit Office reported in 2016 that some people did not understand their position regarding new State Pension qualifying years and made recommendations to improve understanding. The PHSO accepts that DWP actions in response to these recommendations were based on relevant considerations, and do not point to anything DWP should have done differently. Given this we believe that the PHSO's conclusions are insufficiently reasoned and illogical, and we therefore reject the finding of maladministration.

Complaint handling

The PHSO's findings

Some aspects reflected applicable standards, but DWP did not adequately investigate or respond to all the complaint issues raised, which prolonged the complaints process and caused unnecessary delays. This caused complainants unnecessary stress and anxiety and meant an opportunity to lessen their distress was lost, with some complainants also experiencing unnecessary worry and confusion.

Government response

We accept the PHSO's findings on complaint handling. We accept there were some issues and that DWP should have spent more time developing its standard reply to address each point the complainants raised, rather than focusing on the crux of their complaint. We apologise for the impact caused by this.

Financial remedy

State Pension age communications

The PHSO's comments

The PHSO would have recommended compensation at level 4 (£1,000 to £2,950) for all six sample complainants; and recommended that DWP should provide a remedy for other 1950s-born women who have suffered injustice because of the maladministration found.

Government response

The Government has decided against introducing a financial compensation scheme for those affected by the delayed State Pension age letters. This decision considered a number of complex issues, including the PHSO reports, Parliament's views, fairness and economic factors.

The PHSO assumed that earlier letters would have been universally read and recalled, which we believe is flawed logic because of the evidence about the effectiveness of unsolicited letters. However, the Government's decision is not solely based on this flaw.

Awareness of State Pension age changes was high among 1950s-born women (73% of women in this group knew that State Pension age was changing in 2004, and 90% in 2006, even if they may not have known exactly when). While not all knew, the majority did.

Creating a scheme to assess individual injustice would be highly impractical due to high claim volumes and the need to review each case. A rules-based or flat-rate system would also face significant challenges, with the potential for a high number of unjustified payments.

Introducing such a scheme is neither fair nor feasible and would not represent good value for taxpayers. Therefore, no financial compensation scheme will be set up.

Given that we will not be creating a scheme to pay compensation to 1950s-born women, we do not consider it would be appropriate to pay compensation to the six sample complainants.

Service improvement and lessons learned

We recognise the importance of reflecting on and learning from the PHSO's findings. We intend to work collaboratively with the PHSO to take forward the lessons set out in their report:

- we want to work with the PHSO to develop a detailed Action Plan out of the report, so every and all lessons are learnt,
- we are committed to set a clear policy on providing sufficient notice of any changes in the State Pension age so people have the notice they need to plan for their retirement, and
- we will develop a new strategy for effective, timely and modern communication on State Pensions that uses the most up to date methods instead of being rooted in the past.

The investigation

The scope of the investigation

1. The Parliamentary and Health Service Ombudsman (“PHSO”) investigated complaints from women born in the 1950s¹ that, since 1995, the Department for Work and Pensions (“DWP”) has failed to provide them with accurate, adequate and timely information about changes to the State Pension age.
2. The PHSO looked at DWP’s communication about changes to the State Pension age for 1950s-born women and the number of National Insurance qualifying years needed for the full new State Pension. The PHSO also looked at DWP’s and the Independent Case Examiner’s (“ICE”) complaint handling.
3. The PHSO selected a sample of six complainants which they said reflected “the range of issues women have complained to us about”.
4. The complainants selected had all used the Women Against State Pension Inequality (“WASPI”) mass action complaint letters as provided by the WASPI website.
5. The PHSO conducted their investigation in three stages.
 - Stage one considered DWP’s administration of communication of changes to State Pension age.
 - Stage two considered:
 - DWP’s administration of communication about the number of National Insurance qualifying years needed for a full State Pension
 - DWP’s administration of complaints
 - ICE’s administration of complaints about DWP’s communication of changes to State Pension age – this part of the report is not relevant to this document²
 - whether maladministration led to injustice.
 - Stage three considered remedy.

¹ Women born between 6 April 1950 and 5 April 1960, inclusive.

² The ICE’s function is to consider complaints about DWP’s service if the complainant is dissatisfied with DWP’s response. DWP has not commented on the PHSO’s ICE investigation. The ICE is independent of DWP so any response to the PHSO’s findings in relation to ICE would be for ICE. PHSO found no maladministration in the ICE’s consideration of these complaints.

Investigation process

6. In October 2018 the PHSO advised DWP of their investigation proposal. They published their findings for stage one in July 2021³ and the final report setting out their findings for stages two and three was published in March 2024⁴.
7. The PHSO requested extensive information to inform their investigation (all of which requests were fulfilled by DWP) and shared provisional views with DWP and the complainants for comment at various stages. The investigation was carried out in private, including the comments and information DWP provided, as required by section 7(2) of the Parliamentary Commissioner Act 1967. DWP cooperated fully with the investigation.

³ Women's State Pension age: our findings on the Department for Work and Pensions' communication of changes, <https://www.ombudsman.org.uk/publications/womens-state-pension-age-our-findings-department-work-and-pensions-communication-0>

⁴ Women's State Pension age: our findings on injustice and associated issues, <https://www.ombudsman.org.uk/publications/womens-state-pension-age-our-findings-injustice-and-associated-issues>

PHSO findings on maladministration and injustice

Communication about State Pension age

The policy change

8. From the 1940s the State Pension age for women was 60 and for men it was 65. The Pensions Act 1995 equalised State Pension age, by increasing women's State Pension age from 60 to 65 over the 10-year period from April 2010. The Pensions Act 2007 increased State Pension age for both men and women from 65 up to 68 in a phased way between 2024 and 2046. The Pensions Act 2011 brought forward equalisation and the increase in State Pension age for both men and women to 66. (The Pensions Act 2014 brought forward the increase in State Pension age for both men and women to 67, but that is not relevant to the PHSO investigation.)
9. Women's State Pension age reached 65 in November 2018 and the phased increase to 66 for both men and women was completed by October 2020. The PHSO did not investigate any of these policy changes. It is not within their remit to do so. The PHSO investigated the communication by DWP of some of these policy changes. Annex A provides a chronology of DWP's methods of communication about State Pensions, including the State Pension age and wider pensions education between 1991 and 2013. This included 17.8 million Automatic Pension Forecasts sent between 2003 and 2007, with a leaflet on the State Pension.

Maladministration

10. The PHSO found that between 1995 and 2004, DWP's communication of the changes to State Pension age reflected the standards they would expect. Accurate information about changes to State Pension age was publicly available, such as in leaflets, through DWP's pensions education campaigns, through DWP's agencies and on its website.
11. However, the PHSO found that following research published in 2004 which looked at public awareness of the State Pension age, DWP decision making resulted in maladministration in two respects.
12. First, the PHSO found that DWP failed to take adequate account of the need for targeted and individually tailored information based on that research when making decisions about next steps in August 2005.
13. Second, a November 2006 DWP proposal to write directly to affected women to tell them about changes to State Pension age was not progressed until December

2007. The PHSO found that DWP did not act promptly enough or give due weight to how much time had already been lost since the Pensions Act 1995.

14. The PHSO found that based on what DWP knew at the time, it could have decided in August 2005 to write directly to affected women to tell them about changes to State Pension age. And the PHSO found that because it did not there was a delay of 28 months in beginning the direct mailing exercise to 1950s-born women affected by the Pensions Act 1995.
15. The PHSO explain that it is not their view that direct mail was the only effective way of communicating the changes, or that DWP has a duty to provide individualised communication about all policy matters. They conclude only that in this case, based on the decisions DWP made in 2006, it is likely DWP would have made a similar decision earlier but for the maladministration in 2005.
16. The PHSO found no maladministration in how DWP communicated the changes to the State Pension age in the Pensions Act 2011.

Injustice

17. The PHSO considered whether the two points of maladministration they had identified caused the injustice reported by the complainants.
18. Complainants told the PHSO that maladministration in DWP's communication about State Pension age led to financial loss, financial hardship and suffering and meant they lost opportunities to make informed decisions and effectively plan for retirement. They also said it led to negative effects on their health and wellbeing and caused disruption to their domestic lives.
19. In their report the PHSO recognised that some 1950s-born women were angry and distressed about their State Pension age having changed and the effect that had on their finances. But the PHSO said they cannot and did not consider the financial consequences of changes in the law. The PHSO also considered the complainants' claims that they had suffered financial loss as a result of the maladministration. The PHSO concluded that they had not suffered direct financial loss. Any loss that is dependent on the choices someone would have made if the maladministration had not happened is not considered by the PHSO to be direct financial loss, because there are intervening events between the maladministration happening and the loss being experienced.
20. In relation to the health effects, the PHSO was unable to say whether the reported issues could have been avoided if the maladministration had not happened.
21. The PHSO did find that maladministration in DWP's communication about the Pensions Act 1995 resulted in complainants losing opportunities to make informed decisions about some things and to do some things differently, and diminished their sense of personal autonomy and financial control. This injustice was based on the PHSO's conclusion that if DWP had begun the direct mailing exercise sooner the complainants would have been aware of their State Pension age sooner. The PHSO considered financial loss that is not direct financial loss

and concluded that it is not appropriate to quantify losses stemming from lost opportunities to make different choices.

Communication about National Insurance qualifying years for a full State Pension

The policy change

22. The new State Pension system replaced the previous two-tier basic and additional State Pensions⁵ for people reaching State Pension age from 6 April 2016. People whose National Insurance (“NI”) records started from that date will receive the full amount of new State Pension with 35 NI qualifying years at their State Pension age. People with pre-2016 NI records will retire on the transitional rules of new State Pension. The PHSO did not investigate any of these policy changes. The PHSO investigated the communication of some of these policy changes.
23. Under the old system most people contributing to private pensions were “contracted out” of additional State Pension. This normally meant they and their employer paid reduced NI. A deduction could be made from their additional State Pension to account for paying the reduced contracted out rate of NI.
24. Under the transitional rules of the new State Pension, people were given a Starting Amount on 6 April 2016 which reflected their NI record, and any deduction for being contracted out was applied at that point. This simplified the system by effectively putting all the rules of the old system into just one amount. Under the new system people would receive at least the same amount of State Pension as they would have received under the old system⁶.
25. It also meant that some people who had been contracted out could start to build NI qualifying years on top of their Starting Amount up to the full amount of the new State Pension. The PHSO investigated how this was communicated.

Maladministration

26. The PHSO said that “DWP provided timely and accurate information regarding the number of qualifying years needed for a full State Pension and the introduction of the new State Pension, and the majority of people knew about the 2014 Pensions Act reforms”. They also found that some people had missed out on the opportunity to increase their new State Pension because DWP communications failed to enable people to understand the information they were provided with.
27. The PHSO came to this conclusion by considering three pieces of feedback which DWP received in 2016. They first noted that Ipsos MORI reported in Spring 2016

⁵ The full basic State Pension is a flat rate amount and is based on National Insurance qualifying years. The additional State Pension is payable on top of the basic State Pension and is related to earnings (and National Insurance credits from 2002). The entitlement conditions of both benefits have changed over time.

⁶ Subject to someone having a minimum of 10 Qualifying years over a working life.

that DWP should consider “clearer calls to action” for people to find out more about the new State Pension changes and how they were affected by them. Secondly, around the same time the Work and Pensions Select Committee recommended that DWP should do more; and thirdly, the National Audit Office had recommended that DWP should place more emphasis on changing people’s behaviour.

28. The PHSO say that “DWP should have used that combined feedback to improve its service and performance”⁷. However, the PHSO note that DWP took into account relevant considerations in not accepting the Work and Pensions Select Committee’s recommendations. The PHSO also notes that the National Audit Office had confirmed that it was satisfied with DWP’s response to its findings.
29. Regarding Ipsos MORI’s suggestion that DWP should consider “clearer calls to action”, the PHSO note that DWP had advised them that it had acted by encouraging people to get a personalised State Pension statement via the new digital Check my State Pension Service, and that since May 2016 there had been significant take up of the new service. The PHSO also note that the “Know the Facts” campaign had been launched at the same time as the Check my State Pension Service, and reference some of the activities DWP were taking to target the information.
30. The PHSO say that what DWP did from 2016 “largely replicates what it had done before – using media, publicising information online, using blogs and vlogs, working with stakeholders and target audiences, and “cross campaigning””. The PHSO acknowledge the significant take-up of the Check my State Pension service and that this showed that significantly more people were acting as DWP intended. However, they add that this “does not provide evidence that people better understand their own situations”. Because DWP could not share the results of surveys after May 2016, the PHSO had no evidence to demonstrate that what DWP did after that time improved people’s understanding of how State Pension reform affected them personally. The PHSO concluded that the methods DWP used were the same as before; there was, the PHSO said, “no evidence that what it did after 2016 led people to “know what to expect from their State Pension””. This meant that the position that people did not understand their situations would continue. As a result, the PHSO found there was maladministration.

Injustice

31. Three of the six complainants told the PHSO that they lost out financially because DWP did not adequately communicate changes to the number of NI qualifying years needed for a full State Pension. They also described feeling confused, stressed and shocked.
32. The PHSO did not find that maladministration had caused injustice to those in the sample group who complained about new State Pension communication. The PHSO explained that their starting amounts of State Pension were no less than

⁷ Paragraph 147 of the final report.

they would have been under the old rules and none of the complainants lost an opportunity to improve their entitlement within what is permitted under the new State Pension. The PHSO also found that their shock and stress related to the rules around eligibility, not the communication of those rules.

33. The PHSO found that maladministration might cause injustice in other hypothetical cases. When a claimant reaches the point of claiming their State Pension, the PHSO say they may not be able to afford to buy back qualifying years when they could have afforded to earlier. The claimant may already have lost opportunities to earn more qualifying years or to apply for social security benefits (which can give a claimant extra qualifying years for their NI record).

DWP complaint handling

Maladministration

34. The PHSO found that some aspects of DWP's complaint handling reflected applicable standards, including that information about how to complain was easily available; and that DWP took a proportionate approach to similar complaints. The PHSO also stated that DWP did not adequately investigate or respond to all the complaint issues raised, which prolonged the complaints process and caused unnecessary delays. The PHSO found that this was maladministration and that DWP did not demonstrate principles of good complaint handling.

Injustice

35. The PHSO said that there was injustice arising from DWP's complaint handling, and that if DWP had adequately investigated and responded to the complainants' concerns, their distress might have been lessened.

Government response to findings on maladministration and injustice

Communication about State Pension age

Maladministration

36. We accept the PHSO's findings on maladministration, that decision making between August 2005 and December 2007 resulted in a 28-month delay in beginning to send individual letters to 1950s-born women about the changes in State Pension age. Once we had decided to send individual letters, we agree that we could have done more to send those letters earlier. There is always more we can do as a department, and we are determined to learn lessons going forward.
37. The PHSO considered communication on State Pension age over a period spanning around 30 years from 1995. In 1991, the Government first announced its proposals to equalise State Pension age and launched a public consultation. The Pensions Act was enacted in 1995 to make the changes.
38. We note that the PHSO recognise the significant amount of work undertaken by DWP in their finding that the communications by DWP in relation to the 1995 Act met the expected standards from 1995 to 2004 - as did the communications in relation to the 2011 Act. We agree with these conclusions.
39. DWP sent personal letters to claimants about changes in State Pension age between 2009 and 2013. These letters were part of the much wider communications strategy on the changes to State Pension age. That strategy also included leaflets, TV, radio and print media campaigns, and employer and trade union engagement. A chronology is available at Annex A.

Injustice

40. The report finds that we should have written earlier, and the resulting period of lost opportunity has caused injustice. However, we know from research that we provided to the PHSO that the effectiveness of unsolicited letters has some major limitations. In particular, research from 2014⁸ showed that just under half of those who had received an unsolicited letter recalled doing so once prompted. Of those who recalled receiving the letter, just over half said they read all or some of it, with a further 33% having 'just glanced at it' and 8% noting they did not look at it at all.

⁸New State Pension direct mail trial evaluation <https://www.gov.uk/government/publications/new-state-pension-direct-mail-trial-evaluation>

It also showed that 14% of the control group remembered receiving a letter, despite the fact that they were not sent one.

41. The evidence provided by this research is that only around a quarter of people remembered receiving the letter and reading it in whole or part. Therefore, while letters offer one communication option, they are very far from a perfect solution. In fact, the research tells us that if a person is sent a letter, it is unlikely to make any difference to what they know. And if sending a letter would likely have made no difference to what they know, any conclusion that they have suffered injustice from not sending a letter earlier is, at best, highly speculative.
42. The PHSO's report does not properly address the evidence provided by the research that most people who are sent an unsolicited letter will not read it. The PHSO were aware of the evidence. They mention it in their consideration of maladministration on State Pension age in their stage 1 report and in their consideration of maladministration on communication about NI qualifying years in their final report. On State Pension age communications, the evidence is mainly relevant to the question of injustice, not maladministration. The PHSO only mention the evidence in the context of injustice in one sentence of paragraph 336 of their final report.
43. When considering whether the maladministration in not sending letters earlier would have caused any injustice, the PHSO do not explain whether they accept the findings of the evidence on the effectiveness of letters (and if not, why not). That oversight flows through to the consideration of the individual complaints. For example, three of the six sample complainants did not recall receiving any letter about State Pension age from DWP, although they were within the group of women to whom letters were sent, and ICE had confirmed the correct contact details were held for them at the relevant time. That is consistent with the evidence provided by the research. Yet the report assumes, without supporting evidence and contrary to the evidence provided by the research, that if they had been sent a letter earlier, they would have received and read it. The report goes on to assume that they have suffered injustice on that basis. In short, the evidence demonstrates that, even if DWP had sent individualised letters earlier, the likelihood is that it would not have changed the outcome for those sample complainants (or indeed, for a "typical" complainant). We consider that failing to account for this when assessing injustice is a logical flaw in the PHSO's finding.
44. On the basis of this flaw, we do not accept the PHSO's approach to injustice.
45. We agree with the PHSO's finding that there was no direct financial loss.

Communication about National Insurance qualifying years for a full new State Pension

Maladministration

46. As we have explained above, in their report at paragraph 149 the PHSO criticised the DWP for doing things that “largely replicate[d] what it had done before – using media, publicising information online, using blogs and vlogs, working with stakeholders and target audiences, and ‘cross-campaigning’”. We find that criticism difficult to understand, because the references there to what DWP “had done before” are simply to general methods of messaging via multimedia channels that would be expected of any modern media communications campaign. At the same time the PHSO accept that DWP took into account relevant considerations in deciding not to do what the Work and Pensions Select Committee recommended and that the National Audit Office were ultimately content with DWP’s communication approach. The PHSO do not suggest that the content of the messages DWP conveyed, or the channels used, were exactly the same as those used prior to 2016: and in any event, as the significant take-up of Check my State Pension illustrates (to which paragraph 150 of the report refers), this would have been incorrect. It is therefore unclear from the report what different methods DWP should have adopted. Nor is it clear why DWP should be criticised when it ensured that those same multimedia channels were used to communicate messages effectively.
47. It is also unclear why the PHSO believed that DWP doing “what it had done before” would necessarily amount to inadequate action by DWP in the first place, even if the content of messages and campaigns had been the same. Ensuring that people understand a planned reform may be a matter of repeating messages, until they finally notice and understand the messages.
48. While the PHSO accept that there was a high take-up of the Check my State Pension service they do not correctly reflect its effectiveness. The PHSO have recorded DWP statistics showing that in the five years after Check my State Pension was introduced in February 2016, 27.3 million requests were submitted through the service (paragraph 85). But the PHSO nevertheless say that use of the Check my State Pension service does not “provide evidence that people better understand their own situations” (paragraph 150). However, the service advises people how much State Pension they have built up to date, what their outcome would be at State Pension age assuming they continue to build qualifying years, and whether they could make up any qualifying years to benefit from the new State Pension transitional rules. This means that people using the service from 2016 would self-evidently “better understand their own situation”. At the very least, if a person had previously assumed that 35 qualifying years would always mean a full new State Pension, they could now see from the service that the assumption was not necessarily correct.

49. The PHSO note that DWP had been unable to show the results of awareness surveys that had been conducted after May 2016. On this basis the PHSO found maladministration, because DWP was unable to produce evidence to demonstrate that people's understanding of how State Pension reform affected them personally had improved (paragraphs 151 and 153). The PHSO have accordingly presumed that the absence of evidence shows people's understanding of new State Pension did not improve or did not improve sufficiently. This is not an appropriate presumption. The fact that within the relatively small number of complaints considered by the PHSO people stated that they did not understand how the reforms affected them personally is not a sufficient basis for making that presumption either. It would be wrong to assume that the asserted understanding of people who considered they had suffered maladministration and chose to complain to the PHSO is representative of the understanding of affected people generally.
50. Finally, the PHSO's report gives no particulars at all of what DWP should have done differently, or what, specifically, it failed to do.
51. For these reasons we reject the PHSO's finding of maladministration in relation to communication about National Insurance qualifying years on the basis that it is insufficiently reasoned, and illogical.

Injustice

52. The PHSO did not identify any injustice in their sample group of complainants, but did identify injustice in the hypothetical cases they referred to in paragraphs 507 and 508. We do not consider that there was maladministration in any of these cases. We therefore do not consider that there is any injustice that can flow from maladministration.

DWP complaint handling

Maladministration

53. We accept the PHSO's findings of maladministration on complaint handling. These findings relate to a different approach DWP adopted to manage the high-volume WASPI complaints campaign, as opposed to the department's normal complaint handling procedures⁹. DWP received over 33,000 letters¹⁰ because of this campaign. We consider this high volume to be an important contextual matter in relation to the finding of maladministration. We also note that WASPI's stated campaign aim was for the complaints to be considered by the PHSO, for which

⁹ This two-tier complaint process is now obsolete as it was replaced by a single tier process in July 2020.

¹⁰ DWP received over 18,000 initial pieces of correspondence on this matter. Nearly 10,000 1950s-born women then chose to submit a formal complaint (referred to as tier-1 complaint), and over 5,000 complained again to DWP (referred to as a tier-2 complaint).

they appeared to consider the complaints to DWP themselves to be formalities in a process with a number of stages¹¹.

54. DWP's usual process is to engage with individual complainants to understand their concerns, investigate what happened and provide a tailored reply which explains how we have put matters right. We did not have the resources to do that with this high volume of complaints and remain within normal complaint timescales (15 working days). Had DWP deployed additional resources from other areas this would have impacted other aspects of DWP's work and likely resulted in additional complaints. Accordingly, the only way that DWP could have followed the usual process would have been by extending the complaint timescales, which would have caused considerable delays for both the campaign complainants and others complaining about DWP's service.
55. For this reason, DWP adopted a different approach, which took account of the campaign high volumes and its publicised aim to reach the PHSO. Most complainants used the campaign templates provided by WASPI without adapting them, and this allowed DWP to respond similarly. It is not something DWP would normally consider but it was feasible here, because the complainants broadly raised the same issues. The PHSO have noted that this was a proportionate and consistent approach. We agree with that conclusion.
56. Applying standardised replies at each complaint stage enabled DWP to respond quickly and efficiently, the majority of replies being made within the 15 working day complaint target, and it minimised the impact on other complainants. Despite the campaign aim to reach the PHSO, the number of complaints dropped significantly as the campaign went on, with circa 600 complaining to the PHSO (3% of the original 18,000 letters DWP received). This suggests that DWP's replies may have resolved matters for many of the complainants.
57. Putting something new like this in place, at pace, was not without risk. DWP's initial standardised response to the complaints focused on explaining the rationale for the changes to State Pension age, and how this had been publicised. The PHSO said this was useful context; however, the response did not deal with other points raised in the WASPI template letter. We accept this conclusion. On reflection, DWP should have spent more time developing its standard reply to respond to each point the complainants raised, rather than focusing on the crux of their complaint.
58. DWP did take steps to make improvements, and its second reply responded to other issues. For example, DWP explained that it had located and resolved the minor error the complainants reported about a government website, why 10 years' notice of the changes had not been feasible and how DWP had corrected an error in a previous letter about when DWP wrote to women directly. DWP accepts,

¹¹ "WASPI have a "Guide to DWP Complaints"...It will ensure that our complaints going to the DWP cover all the necessary points and will move WASPI on to a mass complaint to the Parliamentary Ombudsman". <https://www.waspi.co.uk/dwp-mass-action-complaint/>

however, that it did not always respond to queries about national insurance qualifying years.

59. Five of the six complainants raised national insurance issues in their first letter to DWP, where it was an optional paragraph on the WASPI complaint template. DWP's standard letter did not cover this issue, but it sent a tailored reply to one complainant which did. None of the six mentioned the matter in their next letter. Three of the complainants raised the issue again in their third letter. DWP sent them a standard reply which did not answer their national insurance concerns. DWP accepts that it missed the opportunity to address these matters for those complainants.

Injustice

60. We accept the PHSO's findings of injustice on complaint handling. The PHSO said the stress and anxiety complainants experienced could have been lessened if DWP had adequately addressed all their issues at the first opportunity. DWP accepts it missed the opportunity to address some of the complainants' concerns about national insurance issues. This was poor service. Three of the sample complainants had raised additional matters which were missed by DWP but subsequently identified and addressed by the ICE, at the independent review stage of the complaints process.

61. The ICE recommended DWP apologise and issue a clarifying letter to two of the sample six complainants and apologise and pay £50 to another. DWP accepted and implemented these recommendations. For one of the complainants, DWP's reply contained a discrepancy and this was highlighted by the PHSO's investigation. DWP apologised and sent them the correct information in 2022. The PHSO considered this to be a suitable remedy for this complaint failing. We agree with this conclusion.

Remedy

PHSO comments on remedy

62. Where the PHSO finds maladministration and injustice, they normally make recommendations for an appropriate remedy. This uses the PHSO's 'Principles for Remedy' and considers financial and non-financial remedies. In this investigation, the PHSO did not make a recommendation for an appropriate remedy. The PHSO took the unusual step of laying the report in Parliament and asking it to make decisions in relation to remedy. The PHSO stated that due to what DWP had said during this investigation, they had reason to believe DWP would not take steps to put things right. The PHSO stated that complainants had also said that they doubted DWP's ability or intent to put things right.
63. In its report, the PHSO therefore asked Parliament to consider what remedy was appropriate. The PHSO say they are "asking Parliament to intervene and identify a mechanism for providing appropriate remedy" and that "we recognise Parliament will make its own decision about remedy". In order to assist Parliament in its consideration of what remedy would be appropriate, the PHSO provided Parliament with their view on what remedy they would have recommended if they had not referred the issue of remedy to Parliament.
64. The PHSO did not recommend any remedy for DWP's complaint handling.

Acknowledgement and apology

65. The PHSO said that they would have recommended that DWP acknowledges the maladministration and apologise for the impact to those affected. Many women have said that they would like a personal apology, but the PHSO said that timeliness and available resources should also be considered in what would be proportionate.

Financial remedy

Communication about State Pension age

66. The PHSO stated that they would have recommended compensation at level 4 (£1,000 to £2,950) for all six of the sample complainants, with five of them at the higher end of that scale and one at the lower end. And they stated that they would have recommended that DWP provides a remedy for other 1950s-born women who have suffered injustice because of the maladministration they found.
67. The report explains that not all women born in the 1950s will have suffered injustice, as some women were aware that their State Pension age had changed, some women would not have had opportunities to do things differently, and some women would not have needed to consider doing things differently. However, it

concludes that there will likely be a significant number of women who will have suffered injustice, and the PHSO would have recommended a remedy for them.

68. It goes on to say that as a matter of principle, redress should reflect individual impact. But the numbers of people potentially in scope, the need for remedy to be delivered without delay, and the cost and administrative burden of assessing potentially millions of individual women's circumstances may indicate the need for a more standardised approach.
69. It says that Parliament may wish to consider a way of assessing individual claims or that a flat-rate payment may deliver a more efficient solution, even if this meant that some women received more or less compensation than they otherwise would. The PHSO assessed the cost of a flat-rate payment, based on all 1950s-born women receiving a payment at level 4 of its scale, at between £3.5 billion and £10.5 billion¹².
70. The PHSO recognise the very significant cost to taxpayers, and that public bodies need to balance responding appropriately to people's complaints and acting proportionately within available resources. But the report also says finite resources should not be used as an excuse for failing to provide a fair remedy.

Work and Pensions Select Committee proposal

71. The PHSO asked Parliament to identify a mechanism for providing an appropriate remedy. On 7 May 2024 the Work and Pensions Select Committee held an evidence session on the findings of the report. Witnesses included representatives from the WASPI Campaign, Co-Chairs of the All Party Parliamentary Group on State Pension Inequality for Women, Rebecca Hilsenrath (interim Parliamentary and Health Services Ombudsman) and Karl Bannister (Director of Legal and Casework at the PHSO).
72. Following the evidence session the Chair of the Select Committee wrote to the Secretary of State for Work and Pensions to suggest that a rules-based scheme be considered. The letter describes a system where payments are adjusted within a range (based on the PHSO's severity of injustice scale) to reflect the extent of change in the individual's State Pension age and the notice of the change the individual received. It recognises that such a scheme would not be perfect but says that, in their view, it would be quick to administer, and inexpensive compared to a more bespoke scheme.
73. It further suggests that there should also be flexibility for individuals to make a case for additional compensation for direct financial loss.

Communication about National Insurance qualifying years for a full State Pension

74. Whilst the PHSO did not find that any of the six sample complainants suffered injustice due to DWP's communication about National Insurance qualifying years, they did say they would have recommended DWP provides compensation for

¹² The PHSO has since increased the amounts for each level of their severity of injustice scale by around 25%, so if compensation were paid at the new levels it would be higher.

anyone else who can show they lost opportunities to add to their National Insurance record. They set out that such people may not have been able to increase their entitlement at State Pension age but may have been able to do this at some earlier time if they had understood they needed to do this. The PHSO evidenced this by presenting some hypothetical cases where people may have lost the opportunity to build new State Pension qualifying years.

Service improvement

75. The PHSO explained that their Principles for Remedy say it is a false economy and poor administrative practice to deal with complaints only as they arise and to fail to correct the cause of the problem. They said “‘Seeking continuous improvement’ includes that ‘Part of a remedy may be to ensure that changes are made to policies, procedures, systems, staff training or all of these, to ensure that the maladministration or poor service is not repeated. It is important to ensure that lessons learned are put into practice.’”
76. The PHSO further pointed out that DWP’s Financial redress for maladministration: staff guide and the Government guidance for Managing Public Money agree that responding to complaints involves improving systems or processes where appropriate to address the underlying cause of the complaint.
77. The PHSO said that in the maladministration they found that DWP had failed to adequately respond to what research and feedback was telling it both between 2005 and 2007 and then again in 2016. The report suggests that Parliament may want to take steps to make sure DWP is held to account to demonstrate continuous improvement in the service it provides.

Government response on remedy

Communication about State Pension age

Acknowledgement and apology

78. The PHSO found maladministration resulting in a 28-month delay in sending individual letters to 1950s-born women about State Pension age changes and said we should have written earlier. We accept those findings and we are sorry that we did not write earlier. The PHSO set out a timetable for when we should have sent letters. Having decided that writing letters was the correct thing to do, we should have done so earlier. There is always more we can do as a department and we are determined to learn lessons going forward. We cover our actions on service improvement in detail later in this document.

79. The Secretary of State is making a public apology in the House of Commons when announcing the Government response to the PHSO's report. This is the most proportionate and timely means for communicating an apology to the affected women.

Financial remedy

80. Our decision on financial remedy has taken into consideration a large number of complex issues. We have considered in particular the PHSO's two reports focusing on their comments on remedy, Parliament's views (notably the views of the Work and Pensions Select Committee), the views of the affected women, plus broader factors such as the evidence from relevant research, macro-economic issues, and managing public money¹³ principles of regularity, propriety, value for money and feasibility. The public, and Parliament acting on their behalf, have a right to expect that funds raised using powers agreed by Parliament will be used for the purposes intended. We have a duty to use public money responsibly. Much of what managing public money requires is just good common sense, or sound financial management.

The PHSO's finding of injustice

81. The purpose of a remedy scheme is to address the injustice which the PHSO found. As already covered, the PHSO found no injustice for direct financial loss. The PHSO's finding on injustice related to lost opportunities to make informed decisions or do some things differently, and a diminished sense of personal autonomy and financial control. The report finds that we should have written earlier, and this period of lost opportunity has caused injustice. The report

¹³ Managing public money, <https://www.gov.uk/government/publications/managing-public-money>

suggests that the appropriate level of compensation on the PHSO's severity of injustice scale is level 4 (£1,000-£2,950).

82. However, we must also consider the logical flaw we believe the PHSO made in making the finding of injustice. Specifically, they did not consider properly the evidence that sending personal letters is often not an effective way to change levels of awareness. The consequence is that the PHSO has recommended the payment of compensation for not sending letters earlier, without taking into account in an appropriate way the evidence around the limitations on the effectiveness of letters. Evidence from the research carried out in 2014 suggests that in any given case there was only around a 25% chance of people reading and recalling unsolicited letters sent by DWP. That evidence was before the PHSO, but the PHSO did not take it into account properly in their assessment of whether any injustice was suffered.
83. The low chance of a letter making a difference to awareness in any given case is clearly relevant to the compensation that should be awarded. We do not think it is right for compensation to be paid where sending a letter would have made no difference. This may happen where the individual concerned would not have read and recalled the letter or already knew their new State Pension age. And if it is not realistically possible to assess whether any given individual would have read and recalled a letter, the level of any compensation ought to reflect the relatively low chance that sending a letter would have made any difference to their state of knowledge. Nevertheless, the PHSO have assessed compensation on the assumption that if individuals had been sent letters earlier, they would have read and recalled them. We consider that is a logical flaw.
84. We have not reached a decision to offer no financial remedy solely based on the evidence on the effectiveness of letters. There are also other factors to be considered, as we explain below.

Awareness of changes in the State Pension age

85. The High Court and Court of Appeal confirmed in 2019 and 2020 respectively that there was no legal requirement to notify those affected by the change in State Pension age. Despite there being no legal duty, DWP used a variety of methods to communicate State Pension age changes. This included using leaflets explaining the legislative changes and advertising campaigns to raise awareness. From 1995, there was the ability to request personalised information in the form of a State Pension Statement which showed a person's State Pension age, according to the legislation at the time requested. See Annex A for more details.
86. Research in 2004¹⁴ showed that 43% of all women affected by the Pensions Act 1995 knew their State Pension age was 65, or between 60 and 65. That 43% figure included all age groups from age 16 upwards, and included women born in the 1960s and most of the 1970s. The PHSO placed particular emphasis upon the 43% figure and extrapolated from it the need to provide targeted information to

¹⁴ Public awareness of State Pension age equalisation - https://webarchive.nationalarchives.gov.uk/ukgwa/20130314011743mp_/http://research.dwp.gov.uk/asd/asd5/rreports2003-2004/rrep221.pdf

women born in the 1950s. However, 62% of working age women and 73% of those aged 45-54 said that they were aware of State Pension age increases. This 45-54 age group had the highest level of awareness. The 1950s group were 43 to 54 at that time. By 2006, the same year the PHSO found the direct mailing should have begun, further research showed that awareness among the 45-54 age group that State Pension age was increasing had increased to 90%¹⁵. Therefore, while not all women born in the 1950s knew the State Pension age was increasing, the evidence is that the substantial majority did.

87. It is not surprising that the great majority of 1950s-born women were aware that State Pension age was changing. They were approaching retirement, so that information about State Pension age was likely to have been particularly important to them.
88. We do not know from those 73% and 90% awareness figures what those women understood their own State Pension age to be. But we do know that they were aware that State Pension age was going to increase. We consider that such knowledge meant those women could go on to check how the increase in State Pension age affected them. Retirement is a significant step in life. It is reasonable to expect people to plan for it, to take personal responsibility and check expert advice. This is particularly the case if they are aware that State Pension age is increasing. Moreover, many of these individuals may well have been aware of how the changes would affect them personally anyway as a result of the significant amount of information provided by DWP, in the media, by their employers, on the internet, in Jobcentres etc. We note in this regard that the PHSO found that accurate information about changes to State Pension age was publicly available, such as in leaflets, through DWP's pensions education campaigns, through DWP's agencies and on its website.
89. It would not be right to pay taxpayers' money to those that did know their own State Pension age was changing, as they cannot have suffered any injustice.
90. Again, we accept the evidence shows that in 2004, 27% of 1950s-born women were not aware that State Pension age was changing and that in 2006, 10% of 1950s-born women were not aware. This is a significant number of 1950s-born women who could have suffered injustice. We have not reached our decision to offer no financial remedy based solely on the high levels of awareness about the State Pension age changes.
91. However, the evidence on the ineffectiveness of letters combines with the evidence on the awareness of 1950s-born women in a stark way. Paying compensation would mean taxpayers' money being spent where the substantial majority of the group cannot have suffered injustice because they were aware of their State Pension age, and another similar substantial majority would not have

¹⁵ Attitudes to pensions: The 2006 survey - https://webarchive.nationalarchives.gov.uk/ukgwa/20100208141655mp_/http://research.dwp.gov.uk/asd/asd5/rports2007-2008/rrep434.pdf

read and recalled a letter sent to them, so that sending a letter earlier would in practice not have made a difference in their cases.

92. There are also other factors to be considered, as set out below.

Assessing eligibility

93. In order to pay compensation to any 1950s-born women who did suffer injustice, we would need to set up a compensation scheme that identified those women and assessed their individual level of injustice suffered. A scheme that assessed individual claims would be the fairest way to compensate individuals as it would help to ensure that they received a remedy that reflected the extent of any injustice they had suffered, while also helping to ensure that we only paid compensation to those people who had suffered an injustice. This would reduce the risk that anyone was over or under compensated.

94. However, such a scheme would be wholly impractical given the potentially very high numbers of claims involved, and the requirement to assess the individual evidence in each claim.

95. We do not know how many people may apply, especially given the amount of time that has passed and the difficulties that could present with people remembering their circumstances from that time. But it is likely there would be campaigns to support people with making claims to find out if they qualify. Even if all 1950s-born women did not apply, administering the scheme would likely still be wholly impractical.

96. For example if 60% of the 3.5 million cohort submitted a claim to establish whether they qualified for compensation then, based on our experience of running LEAP¹⁶ exercises, it would take 5,500 trained staff between 2-3 years to process claims. DWP does not have this amount of additional skilled resource available to it. Transferring any amount of existing staff to administer such a scheme would have consequential costs and impacts on the administration of current benefit claims, which would disadvantage some of our most vulnerable pension age customers and other claimants. To recruit, induct and fully train a cohort of new staff would take a very considerable amount of time - around 12 months - and the cost would be very significant, in the region of £0.5 billion. In addition, existing staff would need to be re-deployed away from administering other claims to fully (and adequately) train new staff. Again, this would adversely impact the administration of the benefit system. Put simply, recruiting and training new staff could not deliver a scheme which investigated individual circumstances of people making a claim within realistic and reasonable timescales and cost limits, and without a damaging impact upon the benefit system as a whole.

97. Moreover, the investigation of individual circumstances in this context has particular difficulties. In order to accurately determine whether and to what extent any individuals have suffered injustice, DWP would be required to assess:

¹⁶ "LEAP" - Legal Entitlements and Administrative Practice - is relevant whenever there is a systemic or systematic error on the part of a government department, where the error could have deprived individuals of legal rights e.g. to notice or to financial entitlements.

- whether they knew that the State Pension age was changing at the material time when they should have been sent a letter,
- whether they lost opportunities to make informed decisions about some things and to do some things differently, and
- the likelihood that they would have read and recalled a letter if such a letter had been sent in accordance with the PHSO's timetable.

98. In practice, there would be no reliable way of making those assessments, because they are largely dependent on assertion; and obtaining and weighing the sort of circumstantial evidence which might prove or disprove any such assertion would not be practically possible within the confines of a scheme dealing with a very large number of claims within a reasonable time. In addition, such a scheme would require highly subjective judgements, which are difficult to prove and consider given how much time has passed. The individual may very well disagree with the subjective judgements which DWP reached. In order to be a fair scheme, we may want to provide some method for claimants to appeal against DWP's decision. That would add a whole extra layer of administrative difficulty and cost, which would have all the same problems of needing to make subjective judgements and would take extra time.

“Streamlined” compensation scheme options

99. We have carefully considered the suggestion for a more standardised approach, including the proposals put forward by the Work and Pensions Select Committee in May 2024. The Committee proposed a rules-based system where the amount of compensation an individual receives varies based on the extent of change in their State Pension age and the notice of the change which they received (based on when DWP sent notification letters). It would provide compensation to people whether or not they knew about the change in their State Pension age before they received the letter. This approach would be designed to compensate for changes in the policy, not the way it was communicated. The PHSO are clear that the effect of the change in the State Pension age is not what the report is considering. The change of State Pension age was made by Parliament in primary legislation. It is not appropriate to pay compensation in relation to such changes.

100. The PHSO's alternative approach mentioned in their report is for a flat-rate payment at the level 4 range. We have concluded that this could either deliver a blanket payment to all 1950s-born women; or operate on a self-certification basis. Making blanket payments to all 1950s women cannot be right. It would involve huge amounts of money being paid where there was no injustice because the vast majority of the people who would receive such compensation were aware of the changes. Moreover, a blanket payment would mean compensating 1950s-born women on the basis that they would have read and recalled a letter, when we know that for most people that would not have been the case because only 1 in 4 people read and remember an unsolicited letter.

101. In relation to a self-certification scheme, as with the individual assessment scheme, it would not be straightforward for applicants to recall how and when they became aware up to 20 years ago of changes to the State Pension age. It would be equally difficult for them to recall what options they would have had at that time for doing something differently and to certify accurately that they would have read and recalled a letter. Even if we asked people to self-certify that they were not aware, had options and read letters, there could be a high proportion of unjustified claims. DWP would not be able to do anything about unjustified claims because it could not determine if an individual was unaware of the changes to State Pension age, whether they would have had opportunities to do things differently, or whether they read and remembered letters.
102. The fact that DWP would have no means of verifying an individual's claim not to know about the changes to the State Pension age is particularly problematic in the context of the evidence of high levels of awareness among the relevant cohort that State Pension age was changing. That means we could not have any reasonable confidence that particular claimants would actually have suffered any injustice, and could not provide any guarantee that payments only went to people for whom the compensation was intended.
103. In summary, the potential for a high number of unjustified payments under a self-certified scheme or a blanket payments scheme, would present particular challenges for the prudent and efficient expenditure of public money, where the cohort concerned consists of up to 3.5 million claimants:
- Making blanket payments to all 1950s-born women – Government would be accepting that it would necessarily be paying many people who did not experience any injustice.
 - Self-certification process – women who did not suffer injustice based on the Ombudsman's findings would not be eligible for compensation, but we would have no way of checking the accuracy of any claims. People may misrepresent their circumstances to obtain compensation, introducing a fraud risk. There is also the risk of error as people may well incorrectly claim even if it is in good faith. That is particularly so, given that a scheme of this kind would require people to self-certify what their state of knowledge was up to 20 years ago. There would be a very high risk of a high proportion of payments being unjustified.
104. Accepting such significant levels of unjustified payments would be inconsistent with Managing Public Money principles for example, it could not represent value for money.

Affordability

105. We must also consider the context of the current public finances and competing departmental priorities. The public finances remain challenging and as a fiscally responsible government we have to be prepared to make tough decisions. As covered in the report, compensating all 1950s-born women at the

level 4 range would cost between around £3.5 billion and £10.5 billion of public funds, excluding the costs of staff and IT to administer this, which would add further cost in the region of £0.5 billion. As no money has been set aside for it, the burden of such a significant financial commitment would fall on current and future taxpayers. Drawing from the Office of Budget Responsibility's recently published Fiscal Risks and Sustainability Report¹⁷, there are very clear indications that borrowing today will add to a significant national debt burden in the future which will greatly restrict opportunities to improve public services. It is not fair for future generations to have to meet the cost of paying compensation to the generation of 1950s-born women today, in the circumstances we have described.

106. The compensatory payments alone would likely exceed the annual cost of running DWP, which for Financial Year 2024-25 is £9.7 billion.

107. There is also the comparative cost of other initiatives the Department might have to delay or stop. Potential schemes for financial redress are of significant interest not only to the 1950s-born women affected, but also the wider public, given that the cost of such schemes will fall upon the taxpayer.

Decision not to pay compensation

108. For all these reasons of fairness and feasibility we have decided not to introduce a financial compensation scheme.

109. This decision takes into account a broader perspective of fairness and fiscal responsibility, as Government must do. Making awards to up to 3.5 million people, many of whom will not have suffered injustice, is neither fair nor affordable, particularly during a period of great pressure for the public finances; and there is no acceptable alternative way to set up a scheme for any such payments, for the reasons we have explained above.

110. Not making compensation payments does not mean that the Department takes no action. As noted by the PHSO, remedies can include financial and non-financial measures. Whilst there has been no direct financial loss, the Government understands that many 1950s-born women may have experienced a feeling of a loss of opportunity or personal autonomy. We are sorry that we did not send individual letters to 1950s-born women earlier. We are determined that failures of communication of this type will not be repeated, as detailed further down in the section on service improvement.

The sample complainants

111. The PHSO selected a sample of six complainants and investigated their complaints in detail. These women have been involved in the investigation for many years and provided lots of personal information to the Ombudsman for their investigation. We appreciate this may have been difficult at times. The result of the sampling approach is that we have more information about the sample complainants than we do about other individual 1950s-born women and our position as set out above applies differently to the sample complainants. For

¹⁷ Fiscal risks and sustainability – September 2024, <https://obr.uk/frs/fiscal-risks-and-sustainability-september-2024/>

example, the Ombudsman determined when each of the sample complainants became aware of the changes to the State Pension age. And as already covered, we also know that three of the sample complainants reported receiving the notification letter and three did not, despite the ICE having confirmed the correct address details were held. So there remains some uncertainty as to the levels of injustice.

112. The sample complainants were selected by the PHSO because the PHSO considered they represented the range of issues being complained about. Therefore it is likely there are other women in the 1950s cohort in very similar situations who were not selected by the Ombudsman. They may even have submitted a complaint to the PHSO. It would not be fair to pay compensation to some and not others based purely on who the PHSO chose as representative of their caseload. We have therefore concluded that it would not be appropriate to pay compensation to the sample complainants.

Communication about National Insurance qualifying years for a full State Pension

113. The PHSO found that there was no injustice for the 6 sample complainants, so there is no remedy needed for them. We have rejected maladministration for new State Pension, so there is no injustice that can flow from maladministration for the hypothetical cases that the PHSO identifies. There is therefore no remedy needed for the hypothetical cases either.

DWP complaint handling

114. The PHSO's report did not specifically reference a remedy for the maladministration and injustice it identified in DWP's complaint handling. However, at paragraph 487, when speaking about the investigation as a whole, the PHSO said they would have recommended DWP apologise for the impact caused by its maladministration. DWP accepts that its maladministration in complaint handling did have an impact. We apologise to these women.
115. In addition, DWP accepts there are lessons it can learn from its handling of these campaign complaints. If faced with a similar large volume complaint campaign, DWP would take more time to prepare its template responses to ensure that they address the issues raised in full. With hindsight, it might have been better if DWP had fully investigated a small sample of complaints, responded to all the issues they raised and updated the other complainants through the GOV.UK website. This was the approach the PHSO adopted when they received over 600 complaints. DWP will conduct a review of its handling of this complaint campaign, to learn lessons from this report and improve its policy for handling future large volume complaint campaigns.

Service improvement

Reflections on recent changes to DWP's services

116. We recognise the importance of reflecting on and learning from the PHSO's findings in their reports. Since the period around 20 years ago which the PHSO looked at, we have made many changes and improvements in how the Department works. See Annex B for details on this.

The PHSO's Service Improvement findings

117. In the report, the PHSO finds the Department:

- Failed to respond to research
- Failed to respond to feedback
- Failed to ensure information gets to people who need it; and
- Failed to ensure people understand their own situation.

Lessons learned and Government action

118. In the light of these findings we are going to take steps to ensure this does not happen again.

119. First, we want to work with the Ombudsman to develop a detailed Action Plan from this report so that all lessons are learnt. When we have completed the Action Plan, we will publish it and our progress in delivering it can then be monitored.

120. Second, we are committing to set a clear policy on providing sufficient notice of any changes in the State Pension age so people have the notice they need to plan for their retirement. The next State Pension age Review must conclude by 2029 and we will set out our proposal as part of that.

121. Third, the Department will develop a Communication Strategy for effective, timely and modern communication on State Pensions that uses a variety of the most up to date methods.

122. We have continued to monitor State Pension age awareness, and we have improved the information we gather on levels of awareness through the Planning and Preparing for Later Life Survey. The first edition was published in 2020/21 and showed that 94% of people with a State Pension age between 66 and 67 either correctly identified or over-estimated their State Pension age. A new survey is out in 2025, and we will be able to compare and see what the trend is. This can inform the strategy.

123. The strategy will build on changes that have already been made, like our online 'Check Your State Pension' which gives a personal forecast of State Pension, including when people can take it and the pensions dashboard which is currently being developed.

124. To raise awareness of changes in eligibility for Winter Fuel Payment, we carried out a national public campaign and engagement with stakeholders, which included:
- press coverage – where we shared national and regional press releases with media outlets;
 - no-cost, low-cost and paid for Pension Credit campaigns across the year;
 - digital – we shared relevant content about Pension Credit across DWP and ministerial social media channels across the year; and
 - stakeholder engagement – we shared press notes with stakeholders (including charity, housing, finance and pension providers), asked them for supportive quotes for use on GOV.UK, and shared campaign and digital collateral such as social media posts and the advertising creatives (print, digital, leaflets, audio etc.).
125. In addition, we wrote to over 12 million pensioners to inform them about the changes to Winter Fuel Payment and to signpost them to check their eligibility for Pension Credit, a benefit that provides automatic entitlement to Winter Fuel Payment. This approach was taken with the PHSO findings in mind and is in line with the modern principles of good administration. We will be assessing the effectiveness of these letters and have already been receiving feedback on them.
126. We have also written to around 120,000 Housing Benefit claimants who might be eligible for Pension Credit to encourage them to claim (and thus access the Winter Fuel Payment). This decision was also taken with the PHSO findings in mind.
127. The PHSO's investigation has highlighted that many people appreciate letters, and although we know that letters may not be the most effective method for communicating pensions messages, they may have a part to play as part of a wider range of communications.
128. Recently, with the PHSO's findings in mind we have worked with stakeholders to support Winter Fuel Payment and Pension Credit communications, by asking them to user test the Winter Fuel Payment letter and Pension Credit paper claim form. We have made improvements to these products as a result of this collaboration.
129. Our Winter Fuel Payment letter was criticised on accessibility grounds as it refers customers to online products. We have noted this feedback and have recently changed the focus in our current campaign for Pension Credit to target family members, who frequently help eligible pensioners make a claim.
130. The PHSO's report makes clear the importance of using feedback and research to make informed decisions. We will improve on this, including ensuring we better understand past actions to shape what we do going forward.
131. Finally, the PHSO's findings on complaint handling focus on the quality of the Department's response to the campaign letters, and we accept that we should

have spent more time developing its standard reply to respond to each point the complainants raised. The Department will ensure it learns lessons by strengthening its policy for handling large volume complaint campaigns in the future.

132. Some of the changes that have already been made include the modernisation and digitisation of communications and service delivery. And since the period of maladministration there has been significant change to the ways in which people are supported to plan for their retirement, including automatic enrolment and services such as Pension Wise. These changes have altered the way in which pensions and retirement planning are approached.

Annex A – Chronology of State Pension age communications activities 1991-2013 - highlights

Date	DWP State Pension communications
1991	<p>Green paper: “Options for Equality in State Pension age”</p> <ul style="list-style-type: none"> Public consultation on the policy rationale <i>which received 4000 responses.</i>
1993	<p>White paper: “Equality in State Pension age”</p> <ul style="list-style-type: none"> Set out the Government’s intention to equalise men and women’s State Pension age at 65. <p>Leaflet (EPQ1): “Equality in State Pension age – A summary of the Government proposals”.</p> <ul style="list-style-type: none"> Pre-empted 1995 Act and informed individuals about the changes to State Pension age <p>Poster for Social Security Offices</p> <ul style="list-style-type: none"> Included a telephone number to request EPQ1
1995	<p>DSS Pension order-line set up</p> <p>Leaflet (EQPLA): “Equality in State Pension age – A summary of the changes”.</p> <ul style="list-style-type: none"> Informed individuals about the State Pension age changes, the specific impact on women, and included a table showing date of birth and proposed new SPa. Republished in 1996. <p>State Pension Forecast</p> <ul style="list-style-type: none"> Requested by post and telephone (and recently online).
1996	<p>Booklet (EQP201): “Changes to your future – Will the Pensions Act affect your State Pension?”</p> <ul style="list-style-type: none"> Provided an overview of the Pensions Act 1995 and its implications.
1997	<p>Pension Power pilot campaign</p> <ul style="list-style-type: none"> Trade Union Congress led campaign and helpline aimed at women
1997	<p>Pensions Education Working Group (1997-2000)</p> <ul style="list-style-type: none"> Stakeholders included Trade Union Congress, Natwest, Equal Opportunities Commission. Produced a report called ‘Getting to know about Pensions’ which recommended that the Department “<i>should develop a major pensions educations and awareness programme.</i>”
1998	<p>Multi-channel Pensions Education Campaign</p>

	<ul style="list-style-type: none"> • Encouraged ownership of pensions stating ‘don’t leave it to chance’. • Approach included press, adverts, leaflets about SPa changes directed at women, a website (www.gogetpensions.gov.uk) and direct mailings to 75,000 individuals. <p><u>DWP received 1.5 million requests for information leaflets (including from 8000 organisations).</u></p>
1999	<p>Pension Power for You campaign</p> <ul style="list-style-type: none"> • Trade Union Congress led helpline promoted through radio and press. • <u>Received 6500 calls in the first 5 days, of which 56% were about State Pension.</u>
2000	<p>1998 Multi-channel Pensions Education Campaign (extended)</p> <ul style="list-style-type: none"> • Approach included press, TV, women’s magazines
2001	<p>New multi-channel Pensions Education Campaign</p> <ul style="list-style-type: none"> • Encouraged retirement planning. • A creative approach worth £6.5m including leaflets, TV advertisements, cinema and supported by stakeholders. • <u>1 million website visits, 2 million guides were issued, and 430,000 calls to the helpline.</u> <p>Leaflet (PM2)</p> <ul style="list-style-type: none"> • Updated to include reference to SPa. <p>Website</p> <ul style="list-style-type: none"> • Included SPa checker.
2003	<p>Automatic Pensions Forecasts</p> <ul style="list-style-type: none"> • Including a booklet notifying women about increases to SPa, guide to State Pension and planning for retirement. • <u>Approximately 17.8 million sent to individuals between 2003 and 2006.</u>
2004	<ul style="list-style-type: none"> • Range of Pension Service booklets updated to include references to SPa changes. Booklets were available through telephone request, and from the Pension’s website.
2006	<p>Public consultation</p> <ul style="list-style-type: none"> • National Pensions debate
2008	<p>Marketing activity aimed at women</p> <ul style="list-style-type: none"> • Included TV adverts
2009 to 2011	<p>Direct mailing</p> <ul style="list-style-type: none"> • Letters to all individuals affected by the Pensions Act 1995 using postal address held on DWP’s customer information system. • <u>1.2 million letters sent to women.</u>
2012 and 2013	<ul style="list-style-type: none"> • Direct mailing • Letters to all individuals affected by the Pensions Act 2011. • <u>5 million letters and information leaflets.</u>

Annex B - Recent changes to DWP's services

1. In 2019 we formed the Customer Experience Directorate, which aims to foster a customer-focused culture by using feedback to drive improvements. More recently, in Spring 2023, DWP established four outcome boards to oversee the end-to-end view of the Department's four strategic outcomes¹⁸ and create a sharper focus on citizen outcomes. The Later Life Outcome Board provides a central strategic decision-making forum across DWP's later life and pensions activity, and supports join-up between policy and delivery, and state and private pensions.
2. DWP communications are developed and delivered by DWP communications professionals, who are members of the Government Communications Service. Campaigns are created to run messaging through targeted media channels and trusted partners such as Citizens Advice. The Money and Pension Service (MaPS), an arm's-length body of DWP founded in 2019, provides extensive guidance on money and pensions issues via its MoneyHelper service (which includes signposting to State Pension information on GOV.UK). This overall approach to communications campaigns ensures all messaging is developed with the final audience in mind. As the largest customer-facing government department in the UK, DWP routinely trials new ways of working to improve customer service and communications. This includes collaboratively working with our customers, trusted partners, private pensions colleagues, the Independent Case Examiner and the PHSO to inform products and processes. We also adhere to the relevant professional standards: for example, we are fully compliant with cross-Government communication standards.
3. We also engage with stakeholders through an Operational Stakeholder Engagement Forum, which is led by the Customer Experience Directorate. Forum members are from a diverse range of customer representative groups who have tested and given feedback on a variety of our communication products.
4. The Department has a user research community which helps us create and continuously improve effective services; so that whilst we seek to increase digital take-up – and provide support where needed to do so - we create and provide inclusive services for all users, regardless of channel used. Improvements are based on feedback from, and the involvement of, the people who use DWP services. We use a variety of research methods that can include informal conversations, observing how different parts of a service work, testing how usable

¹⁸ 1. Maximise employment, reduce economic inactivity and support the progression of those in work. 2. Deliver financial support to people who are entitled to it. 3. Enable disabled people and people with health conditions to start, stay and succeed in work, and get financial support. 4. Support financial resilience in later life.

services are and learning about individuals' experiences and expectations. This enables us to identify their needs, as well as exploring and understanding any challenges they experience when interacting with DWP. The insights gained from the research is used to improve the user experience.

5. Complaints are a valuable source of insight, and learning from complaints is our top priority. We undertake regular analysis to understand themes, trends and emerging issues and share complaint insight across the Department at a senior level to influence service improvements.
6. We also use insight from the Independent Case Examiner (ICE) and the PHSO, to continuously improve our processes and services. For example, when ICE highlighted a gap in our processes which meant State Pension age customers who incorrectly claimed Universal Credit could have their Tax Credit claims closed with no way to reopen them, the Department acted quickly on these findings to change legislation and stop it happening.
7. Our complaints procedures are kept under review to ensure we are meeting customer needs. In 2020 we modernised the service, and introduced a Single Tier Operating Model to make the complaints process quicker, easier and more accessible for our customers.
8. DWP was instrumental in co-designing a set of Cross-Government Complaints Standards in collaboration with the PHSO and other Government Departments; and alongside our single tier complaints model, DWP has fully embedded the standards into the complaints service.
9. There is a future focus on service modernisation, and DWP now has a Minister for Transformation who is responsible for this and customer experience. The Service Modernisation Programme (SMP) is transforming the way in which DWP delivers its services, addressing known issues for customers and identifying opportunities to improve the way people locate, access, and navigate support.

Annex C - Equality analysis for communication about State Pension age

Decision on whether to provide financial compensation to 1950s-born women affected by communication of State Pension age changes in response to the Parliamentary and Health Services Ombudsman's reports

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1. Introduction

This document records the analysis undertaken by the Department to enable Ministers and DWP to consider the needs of individuals in Ministers' and DWP's day to day work - in shaping policies, making secondary legislation, delivering services, and in relation to their own employees to fulfil the requirements placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.

The PSED requires a public authority to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

The above requirements apply to eight of the nine protected characteristics – age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The protected characteristic of marriage and civil partnerships are slightly different in that the requirement is only in respect to have due regard to the need to eliminate discrimination.

2. Brief outline of policy or service and main aims and outcomes

Following the findings of the Parliamentary and Health Services Ombudsman (PHSO) reports “Women’s State Pension age: our findings on the Department for Work and Pensions’ communication of changes” and “Women’s State Pension age: our findings on injustice and associated issues”, the government is seeking to take decisions on its response, including decisions on paying compensation to 1950s-born women¹⁹ who were affected by issues in the communication of changes to State Pension age (SPa). There is no current policy – this equality analysis is being undertaken to inform the policy decision being taken by ministers.

The decision on whether to pay compensation will affect those in the affected cohort i.e. women born between 6 April 1950 and 5 April 1960, inclusive. Whilst the PHSO found that not all women in the affected cohort would have suffered an injustice we cannot identify the subset which did without individual assessment. The decision at this stage is whether to pay compensation or not. The equality analysis set out below covers the whole cohort and therefore considers what the impacts within that group, and between that group and other groups, would be if a decision was made to pay compensation to all 1950s-born women, or if a decision was made not to pay any 1950s-born women. However, if the decision is to pay compensation, there may be further work to consider the impacts from the design of any compensation scheme. The precise equality impacts would depend on the specific design of any compensation scheme, including whether there is any degree of targeting, and/or the take up of payments if an application system is used.

The equality impacts as both within the affected cohort, and as between the affected cohort and other groups are addressed in the table below. The PHSO report said that some of the affected group lost opportunities to plan their retirement due to ineffective communications on SPa changes. While a decision to pay compensation would aim to address this lost opportunity, there will be no impacts on equality of opportunity within the affected cohort since compensation to the entire cohort is considered here. Similarly, there are no impacts on good relations or equality of opportunity within the affected group, also because compensation for the entire cohort is being considered here.

Protected Characteristics	<i>S.149(1) Equality Act 2010, a public authority must have due regard to the need to:</i>		
	Eliminate discrimination	Foster good relations	Advance equality of opportunity
Age	No discrimination since the decision whether to provide compensation or not would apply to and affect the entire cohort equally regardless of	No impact on good relations within the group affected by the PHSO findings since the decision whether to provide compensation or not would apply to	No impact on equality of opportunity within the group affected by PHSO findings since the decision whether to provide compensation or not would

¹⁹ Within this document, the term “1950s-born women” is used as shorthand for women born between 6 April 1950 and 5 April 1960.

	age or other protected characteristic. Persons not affected by the PHSO findings not considered appropriate comparator.	and affect the entire cohort equally regardless of age or other protected characteristic. No impact on good relations between those affected by the PHSO findings and those not affected; the decision whether to provide compensation to the cohort of 1950s-born women is unlikely to affect relations between them and older or younger people: albeit that the costs of compensation would affect taxpayers generally, it is not considered that factor would affect relations between the cohort and younger (or older) persons. The same reasoning applies equally to protected characteristics other than age.	apply to and affect the entire cohort equally regardless of age or other protected characteristic. The PHSO's findings are intended to address the "loss of opportunity" that some 1950-born women had to make informed decisions about particular life choices. To that (limited) extent, a decision to provide retrospective compensation might be said to advance equality of opportunity as between the cohort of 1950s-born women and those in other cohorts with different (or differently-proportioned) protected characteristics. The same reasoning applies equally to protected characteristics other than age.
Disability	as above	as above	as above
Gender reassignment	as above	as above	as above
Pregnancy and maternity	as above	as above	as above
Race	as above	as above	as above
Religion or belief	as above	as above	as above
Sex	as above	as above	as above
Sexual orientation	as above	as above	as above
Marriage and civil partnership	as above	as above	as above

3. Considering United Nations Conventions

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The Convention is a human rights treaty, which the UK government ratified in 2009. It establishes internationally recognised benchmarks for disabled people's rights in all areas of life, including employment, non-discrimination, education, health and sport.

There are a number of Convention articles which will be relevant to DWP. The main articles are:

- all forms of discrimination should be outlawed and government should ensure that reasonable accommodation is made for disabled people (Article 5);
- accessibility – information, buildings, transports etc should be accessible to disabled people (Article 9);
- equal recognition before the law (Article 12);
- the right to live independently and be included in the community (Article 19);
- the right of freedom of expression and opinion, including the right to receive information in accessible formats and technologies (Article 21);
- the right to work and employment (Article 27);
- the right to an adequate standard of living and social protection (Article 28);

The Convention includes some general obligations that are also important, including:

- Article 4(2) – progressive implementation of economic, social and cultural rights to the maximum of available resources.
- Article 4(3) – involving disabled people in the development of legislation and policies that will affect them.
- Articles 6 and 7 – protection for disabled women and disabled children

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) does not apply to this policy decision since it will apply to the entire affected cohort regardless of disability status, so will not discriminate against disabled people or affect the rights of disabled people.

The United Nations Convention on the Rights of a Child (UNCRC) does not apply to this policy decision as there are no children in the affected group.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is not considered to apply to this policy since the High Court found that raising the State Pension age for women was not discrimination and the PHSO reports found maladministration and injustice but not discrimination. Also, the payment of compensation is not expected to discriminate against women since it would be paid exclusively to women.

4. Evidence and Analysis Impacts

Limited equality impacts are expected from a decision to pay or not pay compensation to the 1950s-born women since (i) the entire cohort of 1950s-born women would be affected equally; (ii) the decision to pay or not pay compensation does not entail the elimination of any discrimination as between 1950s-born women and other groups; (iii) no impact on good relations as between 1950s-born women and other groups is anticipated to arise, whether or not compensation is paid; and (iv) the only potential equality impact concerns the question whether payment of compensation might be said to advance equality of opportunity as between the cohort of 1950s-women and those in other cohorts with differently-proportioned (or in the case of sex and age, different) protected characteristics. Where possible the breakdown of the cohort by protected characteristics is given below alongside the same for the general population, for additional contextual information.

Whether compensation is paid or not, mitigations to address the finding of loss of opportunity include existing welfare support available for people on low income who feel they missed the opportunity increase their income, service improvements to avoid similar situations, and potentially an apology.

Although women affected by the maladministration found in the PHSO report would need to have made sufficient NI contributions to be entitled to State Pension, the PHSO raises the possibility of paying a flat rate of compensation to all 1950s-born women, despite the fact that not all of them will have suffered an injustice, and the possibility that standardised approaches to compensation may be chosen based on the complexity of processing individual cases. The size of this group can be estimated from 2021 Census data and the decision considered here is whether to pay this entire cohort or not. For these reasons, data described below is for all 1950s-born women from the 2021/2022 censuses in England and Wales and Scotland, and does not take into account National Insurance contributions.

This analysis shows that compared to the population as a whole, women born in the 1950s are more likely to be white, disabled, married, and Christian, and less likely to be LGBO, compared to the population as whole.

Age

There is no impact on discrimination, equality of opportunity or good relations within the cohort, since the decision on compensation relates to the entire affected cohort. The decision whether to pay compensation relates to a specific age group – those women born between 6th April 1950 and 5th April 1960, who will be aged 64 to 74 years old in October 2024. A decision to pay compensation might be said to advance equality of opportunity between women born between 6th April 1950 and 5th April 1960, insofar as they lost the opportunity to make informed life choices because of lack of knowledge that their State Pension age was changing, and older and younger

cohorts who did have (or will have) that opportunity. There is also no expected impacts on good relations between the affected cohort and other cohorts.

Gender reassignment

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort. More generally, there are not considered to be any equality impacts by reference to gender reassignment.

Pregnancy and maternity

There is no impact on discrimination, equality of opportunity or good relations since the decision on compensation relates to the entire affected cohort. More generally, there are not considered to be any equality impacts by reference to pregnancy or maternity.

Race

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort. For additional information, of the 1950s cohort of women in England and Wales, 90.8% were of a white category according to the 2021 census; the general share of white respondents in this census was 81.7%. In Scotland in 2022, 97.9% of those 65-69 (a subgroup of 1950s-born women) were white, while 92.9% of the general population were white. The statistical data therefore indicates that individuals within the cohort of 1950s-born women are more likely to be white, than the general population. There are no expected impacts on good relations between racial groups more generally whether compensation is paid or not. There are also no expected direct impacts on equality of opportunity between racial groups more generally, although a decision to pay compensation may advance equality of opportunity for the 1950s-born women, who have a different racial profile than other cohorts.

Disability

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort.

For additional information, 27.4% of the 1950s cohort of women in England and Wales were disabled as defined by the Equality Act in the 2021 census, compared to around 17.8% of the overall population in the same census. In Scotland, 39.3% of those aged 65-69 in 2022 (a subgroup of 1950s-born women) said that a health condition or disability affected their day-to-day activities 'a lot' or 'a little', whereas 24.1% of the general population of Scotland said this. The statistical data therefore indicates that individuals within the cohort of 1950s-born women are more likely to be disabled, than the general population. There are no expected impacts on good

relations between groups based on disability more generally, whether compensation is paid or not. There are also no expected direct impacts on equality of opportunity between these groups more generally, although a decision to pay compensation may advance equality of opportunity for the 1950s-born women, who have a different rate of disability than other cohorts.

Marital status

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision relates to the entire affected cohort.

For additional information, the breakdown in marriage status of 1950s-born women as of the England and Wales 2021 census was as follows: Divorced or civil partnership dissolved 18%, Married or in a registered civil partnership 60.5%, Never married 7.6%, Separated but still legally married or in a civil partnership 2.2%, Widowed or surviving civil partner 11.7%. The proportion of the general population of England and Wales who were married or in a civil partnership was 46.9% in 2021, a lower rate. 9.1% were divorced or had a civil partnership dissolved, which was also a lower rate than in the 1950s women group.

The breakdown in marital status of those aged 65-69 in Scotland in 2022 (a subset of 1950s-born women) was as follows: Never married or in a civil partnership 8.1%, married or in a registered civil partnership 59.1%, separated but legally married or in a civil partnership 2.5%, divorced or civil partnership dissolved 17.4%, widowed or surviving civil partner 13%. 44% of the general population of Scotland were married on the other hand. The statistical data therefore indicates that individuals within the cohort of 1950s-born women are more likely to be married, than the general population.

There are no expected impacts on good relations between groups based on marital status more generally whether compensation is paid or not. There are also no expected direct impacts on equality of opportunity between groups more generally based on marital status, although a decision to pay compensation may advance equality of opportunity for the 1950s-born women, who have a different profile of marital status than other cohorts.

Sexual orientation

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort.

For additional information: precise England and Wales 2021 census data for sexual orientation among 1950s-born women is not available, but the closest category is those aged 65-74 in 2021; 91.8% of these were straight, 0.6% were of the lesbian, gay, bisexual or other category, and 7.6% chose not to answer the question. 89.4% of the overall population identified as straight while 3.2% identified as lesbian, gay, bisexual or other in the general population of England and Wales in the same year.

According to census data, in Scotland in 2022, those aged 65-69 (a subgroup of 1950s-born women) had the following breakdown of sexual orientation: heterosexual 89.6%, gay or lesbian 0.4%, bisexual 0.2%, other sexual orientation 0.1%, not answered 9.8%. There were slightly larger shares of heterosexual respondents and those who didn't answer in this group, and lower shares of other groups, compared to the general population of Scotland. The statistical data therefore indicates that individuals within the cohort of 1950s-born women are less likely to be LGBO, than the general population.

There are no expected impacts on good relations between groups based on sexual orientation more generally whether compensation is paid or not. There are also no expected direct impacts on equality of opportunity between these groups more generally, although a decision to pay compensation may advance equality of opportunity for the 1950s-born women, who have a different profile of sexual orientation than other cohorts.

Religion or belief

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort.

For additional information, the religious breakdown of 1950s-born women as of the England and Wales census in 2021 was as follows: Buddhist 0.5%, Christian 69.7%, Hindu 1.4%, Jewish 0.5%, Muslim 2.3%, No religion 18.9%, Other 0.6%, Sikh 0.8% with 5.3% not answering. Christians were 46.2% of the general population while those of no religion were 37.2%, and Muslims 6.5%.

The religious breakdown of Scottish women aged 65-69 in 2022 (a subgroup of 1950s-born women) was as follows: Church of Scotland 37.3%, Roman Catholic 15.6%, Other Christian 6.4%, Buddhist 0.3%, Hindu 0.1%, Jewish 0.2%, Muslim 0.6%, Sikh 0.1%, Pagan 0.2%, Other religion 0.3%, No religion 31.8%, Not started 7.2%. Christian categories had lower rates in the general population, while no religion, Muslim and some other categories with small proportions had a higher rate. The statistical data therefore indicates that individuals within the cohort of 1950s-born women are more likely to be Christian, than the general population.

There are no expected impacts on good relations between religious groups more generally whether compensation is paid or not. There are also no expected direct impacts on equality of opportunity between religious groups more generally, although a decision to pay compensation may advance equality of opportunity for the 1950s-born women, who have a different profile of religion than other cohorts.

Sex

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort. The policy decision affects females only, due to the nature of State Pension age equalisation. A decision to pay compensation might therefore be said to advance

equality of opportunity between women born between 6th April 1950 and 5th April 1960, insofar as they lost the opportunity to make informed life choices because of lack of knowledge that their State Pension age was changing, and men who did have (or will have) that opportunity. There are also no expected impacts on good relations between the affected cohort and other cohorts.

5. The Family Test

The PHSO found that maladministration in DWP's communication about the 1995 Pensions Act resulted in complainants losing opportunities to make informed decisions about some things and to do some things differently, and diminished their sense of personal autonomy and financial control.

It is for this finding of injustice that a payment of compensation is being considered.

Family Test questions

1. What kinds of impact might the policy have on family formation?
2. What kind of impact will the policy have on families going through key transitions such as becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibilities or the onset of a long-term health condition?
3. What impacts will the policy have on all family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities?
4. How does the policy impact families before, during and after couple separation?
5. How does the policy impact those families most at risk of deterioration of relationship quality and breakdown?

Having considered the Family Test questions, a decision on a compensation payment to individuals to address the PHSO's findings of injustice will not have a family impact.

6. Summary of analysis

No need for further action.

The decision is not to pay compensation. We have looked at 2 scenarios in this EA – (1) a decision to pay compensation to the whole 1950s-group and a (2) a decision to pay no compensation to the same group. There were no impacts within the 1950s cohort in respect of the need to eliminate discrimination (limb a), fostering good relations (limb b) and advancing equality of opportunity (limb c). In respect of limbs b and c, the analysis also compared with the broader population and showed that women born in the 1950s are more likely to be white, disabled, married and

Christian, and less likely to be LGBT, and there is no impact re: limb b, or adverse impact re: limb c.

7. Plans to monitor and evaluate the equality decision

The decision is not to pay compensation. There will be no scheme to monitor or evaluate, therefore we do not intend to carry out an evaluation.

Annex D – Equality analysis for communication about National Insurance qualifying years for a full State Pension

Decision on whether to provide financial compensation to a cohort of individuals potentially affected by communications around new State Pension in response to the Parliamentary and Health Service Ombudsman's report

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1. Introduction

This document records the analysis undertaken by the Department to enable Ministers and DWP to consider the needs of individuals in Ministers' and DWP's day to day work - in shaping policies, making secondary legislation, delivering services, and in relation to their own employees to fulfil the requirements placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.

The PSED requires a public authority to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

The above requirements apply to eight of the nine protected characteristics – age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The protected characteristic of marriage and civil partnerships are slightly different in that the requirement is only in respect to have due regard to the need to eliminate discrimination.

2. Brief outline of policy or service and main aims and outcomes

The Parliamentary and Health Service Ombudsman's (PHSO) report "Women's State Pension age: our findings injustice and associated issues" also reported on the way that the new State Pension was communicated in relation to National Insurance Qualifying years. It explained that some people may have lost the opportunity to maximise their new State Pensions, a feature of the new State Pension transitional rules, because they had not understood, or may not have appreciated they had misunderstood communications by the Department. The PHSO found maladministration associated with the Department's communications.

If the Department rejects maladministration then this would mean that there could be no injustice caused by the maladministration. PHSO could not find injustice in the sample cases examined during the investigation of the new State Pension issue.

However, in their report PHSO presented some hypothetical cases where people may have lost the opportunity to increase their new State Pension. PHSO found that there would be injustice for those hypothetical cases. As regards to remedy for that injustice, PHSO suggested this was something Parliament may want to consider but said they would have recommended paying compensation in line with their injustice scale although they did not specify where the injustice would sit on the scale.

We have identified that customers who feel they have suffered maladministration and injustice in the way described by PHSO could apply for a special payment under existing complaints processes. Complaints about DWP's service are investigated by complaint teams in the relevant business area (Retirement Services, in this instance). If they identify unremedied maladministration, they can consider special payments for financial loss/costs (up to £250) or impacts on well-being (such as inconvenience or upset – up to £200). In more complex cases, or where a higher value special payment is merited, they can refer the case to the National Special Payment Team to consider. This equality analysis has been developed to inform Ministers of the impact of rejecting maladministration, noting that people can apply for a special payment if they consider they have been impacted by the changes to the new State Pension in the way described by PHSO.

To be in the position where someone could have the same circumstances as described in PHSO's hypothetical example someone would need to have had a Starting Amount of new State Pension below the full amount of new State Pension at 6 April 2016 and would need to be reaching State Pension age from the 2017/18 tax year. They would have had to have been contracted out of the additional State Pension at any point between 1978/79 and 2015/16 and must have at least 10 National Insurance Qualifying years.

To effectively encapsulate the potentially affected individuals in this group (the 'nSP affected cohort'²⁰), individuals would have to currently be in receipt of new State Pension or under State Pension Age and to have been at least 50 years old at 6 April 2016, when new State Pension was introduced. This would have been people born between 1951 (Males)/1953 (Females) to 1966.

The equality impacts are as both within the affected cohort, and as between the affected cohort and other groups are addressed in the table below. The PHSO report said that some of the affected group lost opportunities to increase their National Insurance Qualifying Years and maximise their new State Pension due to communications on new State Pension. While a decision to pay compensation would aim to address this lost opportunity, there will be no impacts on equality of opportunity within the affected cohort since compensation to the entire cohort is considered here. Similarly, there are no impacts on good relations or equality of opportunity within the affected group, also because compensation for the entire cohort is being considered here.

Protected Characteristics	<i>S.149(1) Equality Act 2010, a public authority must have due regard to the need to:</i>		
	Eliminate discrimination	Foster good relations	Advance equality of opportunity
Age	No discrimination since the decision whether to provide compensation or not would apply to and affect the entire cohort equally regardless of age or other protected characteristic. Persons not affected by the PHSO findings not considered appropriate comparator.	No impact on good relations within the group affected by the PHSO findings since the decision whether to provide compensation or not would apply to and affect the entire cohort equally regardless of age or other protected characteristic. No impact on good relations between those affected by the PHSO findings and those not affected; the decision whether to provide compensation to the nSP affected cohort is unlikely to	No impact on equality of opportunity within the group affected by PHSO findings since the decision whether to provide compensation or not would apply to and affect the entire cohort equally regardless of age or other protected characteristic. However, older individuals within this cohort may feel they should be entitled to a greater amount of compensation relative to younger individuals due to

²⁰ Within this document, the term “nSP affected cohort” is used as shorthand for individuals in receipt of new State Pension or those that are under State Pension Age and were at least 50 years old at 6 April 2016, when new State Pension was introduced.

		<p>affect relations between them and older or younger people: albeit that the costs of compensation would affect taxpayers generally, it is not considered that factor would affect relations between this cohort and younger (or older) persons. The same reasoning applies equally to protected characteristics other than age.</p>	<p>less opportunities to increase their Qualifying Years.</p> <p>The PHSO's findings are intended to address the "loss of opportunity" that the nSP affected cohort may have had to increase their Qualifying Years and subsequently their new State Pension income. To that extent, a decision to provide retrospective compensation might be said to advance equality of opportunity between the nSP affected cohort and those in other cohorts of different ages. Note, however, that if the Department rejects maladministration, the premise would be that any "loss of opportunity" was not a matter for which the Department was responsible.</p> <p>The cohort of persons of the relevant age (i.e. those born between 1951 (males) and 1953 (females) to 1966) is more likely to be male, white, disabled, married, and Christian, and less likely to be LGBO, than the general population.</p> <p>The subgroup of people within the whole cohort who might claim to have suffered a "loss of opportunity" to add</p>
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			to their NI qualifying years may not have precisely the same proportions of protected characteristics as the whole nSP affected cohort but we do not consider their characteristics to be materially different to that of the nSP affected cohort. The makeup of those who have suffered “loss of opportunity” will consist of persons who (i) were members of a contracted-out pension scheme; and (ii) have been unable to “buy” extra qualifying years.
Disability	as above	as above	As above. Given the age profile of the nSP affected cohort, those within the cohort are more likely to be disabled than the general population (albeit that the makeup of the subgroup within the cohort who “lost opportunities” is difficult to assess.
Gender reassignment	as above	as above	The makeup of the subgroup within the cohort who “lost opportunities” is difficult to assess due to lack of relevant data.
Pregnancy and maternity	as above	as above	as above
Race	as above	as above	as above

Religion or belief	as above	as above	as above
Sex	as above	as above	as above
Sexual orientation	as above	as above	as above
Marriage and civil partnership	as above	Not relevant	Not relevant

3. Considering United Nations Conventions

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The Convention is a human rights treaty, which the UK government ratified in 2009. It establishes internationally recognised benchmarks for disabled people's rights in all areas of life, including employment, non-discrimination, education, health and sport.

There are a number of Convention articles which will be relevant to DWP. The main articles are:

- all forms of discrimination should be outlawed and government should ensure that reasonable accommodation is made for disabled people (Article 5);
- accessibility – information, buildings, transports etc should be accessible to disabled people (Article 9);
- equal recognition before the law (Article 12);
- the right to live independently and be included in the community (Article 19);
- the right of freedom of expression and opinion, including the right to receive information in accessible formats and technologies (Article 21);
- the right to work and employment (Article 27);
- the right to an adequate standard of living and social protection (Article 28);

The Convention includes some general obligations that are also important, including:

- Article 4(2) – progressive implementation of economic, social and cultural rights to the maximum of available resources.
- Article 4(3) – involving disabled people in the development of legislation and policies that will affect them.
- Articles 6 and 7 – protection for disabled women and disabled children

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) does not apply to this policy decision since it will apply to the entire affected cohort regardless of disability status, so will not discriminate against disabled people or affect the rights of disabled people.

The United Nations Convention on the Rights of a Child (UNCRC) does not apply to this policy decision as there are no children in the affected group.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) does not apply to this policy since it will apply to the entire affected cohort regardless of sex, so will not discriminate against women or affect the rights of women.

4. Evidence and Analysis Impacts

Limited equality impacts are expected from a decision to pay or not pay compensation to the nSP affected cohort since (i) the entire cohort would be affected equally; (ii) the decision to pay or not pay compensation does not entail the elimination of any discrimination as between the nSP affected cohort and other groups; (iii) no impact on good relations as between nSP affected cohort and other groups is anticipated to arise, whether or not compensation is paid; and (iv) the only potential impact on equality concerns the question whether payment of compensation might be said to advance equality of opportunity for the nSP affected cohort and those in other cohorts with differently-proportioned (or in the case of sex and age, different protected characteristics). Where possible the breakdown of the cohort by protected characteristics is given below alongside the same for the general population, for additional contextual information.

Whether compensation is paid or not, mitigations to address the finding of loss of opportunity include existing welfare support available for people on low income who feel they missed the opportunity increase their income, service improvements to avoid similar situations, and potentially an apology.

Although individuals potentially affected by the maladministration found in the PHSO report would need to have made sufficient NI contributions to be entitled to State Pension, the PHSO raises the possibility of paying compensation to anyone within the nSP affected cohort who can show that they lost opportunities to add to their National Insurance record. Data underpinning the analysis is estimated from 2021 Census data for England and Wales and 2022 Census data for Scotland.

The assumption underlying the PHSO report is that those who lost opportunities to add to their National Insurance record will be persons born between 1951 (males)/1953 (females) and 1966. Within that cohort, persons generally are more likely to be male, white, disabled, married, and Christian, and less likely to be LGBO, compared to the general population as a whole.

However, it is very difficult to assess who within the nSP affected cohort may have lost an opportunity to add to their NI record but we do not consider their characteristics to be materially different to that of the nSP affected cohort.

Age

There is no impact on discrimination, equality of opportunity or good relations within the cohort, since the decision on compensation relates to the entire affected cohort. The decision whether to pay compensation relates to a specific group – those who are already in receipt of new State Pension or those not in receipt of new State Pension but were at least 50 years old on 6th April 2016, when new State Pension was introduced.

For information, of the nSP affected cohort in England and Wales, 82.3% were under State Pension Age according to the 2021 census whilst 68.0% were under State Pension Age in Scotland in 2022. Whilst older individuals within this cohort may have

had less time to increase their qualifying years and subsequently may have a greater case for compensation, they do not make up the majority of the nSP affected cohort. A decision to pay compensation might be said to advance equality of opportunity for the nSP affected cohort insofar as they may have lost the opportunity to increase their qualifying years and subsequently their new State Pension income whereas other cohorts did have (or will have) that opportunity. Note however that the premise of any decision to reject maladministration would be that loss of such opportunity was not a matter for which the Secretary of State could properly be held responsible. There are also no expected impacts on good relations between the affected cohort and other cohorts.

Gender reassignment

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort. More generally, there are not considered to be any equality impacts by reference to gender reassignment.

Pregnancy and maternity

There is no impact on discrimination, equality of opportunity or good relations since the decision on compensation relates to the entire affected cohort. More generally, there are not considered to be any equality impacts by reference to pregnancy or maternity.

Race

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort.

For additional information, of the nSP affected cohort in England and Wales, 89.1% were of a white category according to the 2021 census; the general share of white respondents in this census was 81.7%. In Scotland in 2022, 97.8% of those aged 65-69 (a subgroup of the nSP affected cohort²¹) were white, while 92.9% of the general population were white. The statistical data therefore indicates that individuals in the nSP affected cohort are more likely to be white, than the general population. There are no expected impacts on good relations between racial groups more generally whether compensation is paid or not. There are also no expected direct impacts on equality of opportunity between racial groups more generally, although a decision to pay compensation may advance equality of opportunity for those affected within the nSP affected cohort, who have a different racial profile than other cohorts.

²¹ Data from the Scotland 2022 census uses a subgroup of the nSP affected cohort as more detailed breakdowns by single-year of age were not available so age group closest to the nSP affected cohort was chosen.

Disability

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort.

For additional information, 23.8% of the nSP affected cohort in England and Wales were (on a self-reporting basis) disabled as defined by the Equality Act in the 2021 census, compared to around 17.8% of the overall population in the same census. In Scotland, 39.3% of those aged 65-69 in 2022 (a subgroup of the nSP affected cohort) said that a health condition or disability affected their day-to-day activities 'a lot' or 'a little', whereas 24.1% of the general population of Scotland said this. The statistical data therefore indicates that individuals within the nSP affected cohort are more likely to be disabled, than the general population. We consider this must also be true of those who lost the opportunity to add to qualifying years. There are no expected impacts on good relations between groups based on disability more generally, whether compensation is paid or not. There are also no expected direct impacts on equality of opportunity between these groups more generally, although a decision to pay compensation may advance equality of opportunity for those affected within the nSP affected cohort, who are more likely to be disabled than the general population.

Marital status

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision relates to the entire affected cohort.

For additional information, the breakdown in marriage status of the nSP affected cohort as of the England and Wales 2021 census was as follows: Divorced or civil partnership dissolved 17%, Married or in a registered civil partnership 62.0%, Never married 13.7%, Separated but still legally married or in a civil partnership 2.9%, Widowed or surviving civil partner 4.5%. The proportion of the general population of England and Wales who were married or in a civil partnership was 46.9% in 2021, a lower rate. 9.1% were divorced or had a civil partnership dissolved, which was also a lower rate than in the nSP affected cohort.

The breakdown in marital status of those aged 65-69 in Scotland in 2022 (a subset of nSP affected cohort) was as follows: Never married or in a civil partnership 9.4%, married or in a registered civil partnership 63.1%, separated but legally married or in a civil partnership 2.7%, divorced or civil partnership dissolved 15.5%, widowed or surviving civil partner 9.4%. 44% of the general population of Scotland were married on the other hand. The statistical data therefore indicates that individuals within the cohort of nSP affected cohort are more likely to be married, than the general population.

There are no expected impacts on good relations between groups based on marital status more generally whether compensation is paid or not. There are also no expected direct impacts on equality of opportunity between groups more generally based on marital status, although a decision to pay compensation may advance

equality of opportunity for those affected within the nSP affected cohort, who may have a different profile of marital status than other cohorts.

Sexual orientation

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort.

For additional information: precise England and Wales 2021 census data for sexual orientation among nSP affected cohort is not available, but the closest category is those aged 55-64 in 2021; 91.9% of these were straight, 1.6% were of the lesbian, gay, bisexual or other category, and 6.5% chose not to answer the question. 89.4% of the overall population identified as straight while 3.2% identified as lesbian, gay, bisexual or other in the general population of England and Wales in the same year.

According to census data, in Scotland in 2022, those aged 65-69 (a subgroup of nSP affected cohort) had the following breakdown of sexual orientation: heterosexual 89.6%, gay or lesbian 0.6%, bisexual 0.2%, other sexual orientation 0.1%, not answered 9.5%. There were slightly larger shares of heterosexual respondents and those who didn't answer in this group, and lower shares of other groups, compared to the general population of Scotland. The statistical data therefore indicates that individuals within the cohort of nSP affected cohort are less likely to be LGBO, than the general population.

There are no expected impacts on good relations between groups based on sexual orientation more generally whether compensation is paid or not. There are also no expected direct impacts on equality of opportunity between these groups more generally, although a decision to pay compensation may advance equality of opportunity for those affected within the nSP affected cohort, who may have a different profile of sexual orientation than other cohorts.

Religion or belief

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort.

For additional information, the religious breakdown of nSP affected cohort as of the England and Wales census in 2021 was as follows: Buddhist 0.5%, Christian 60.2%, Hindu 1.3%, Jewish 0.4%, Muslim 2.9%, No religion 27.7%, Other 0.6%, Sikh 0.7% with 5.6% not answering. Christians were 46.2% of the general population while those of no religion were 37.2%, and Muslims 6.5%.

The religious breakdown of Scottish women aged 65-69 in 2022 (a subgroup of nSP affected cohort) was as follows: Church of Scotland 34.9%, Roman Catholic 14.5%, Other Christian 5.8%, Buddhist 0.3%, Hindu 0.1%, Jewish 0.1%, Muslim 0.7%, Sikh 0.1%, Pagan 0.2%, Other religion 0.2%, No religion 35.7%, Not started 7.3%. Christian categories had lower rates in the general population, while no religion, Muslim and some other categories with small proportions had a higher rate. The

statistical data therefore indicates that individuals within the cohort of nSP affected cohort are more likely to be Christian, than the general population.

There are no expected impacts on good relations between religious groups more generally whether compensation is paid or not. There are also no expected direct impacts on equality of opportunity between religious groups more generally, although a decision to pay compensation may advance equality of opportunity for those affected within the nSP affected cohort, who may have a different profile of religion than other cohorts.

Sex

There is no impact on discrimination, equality of opportunity or good relations within the cohort since the decision on compensation relates to the entire affected cohort. For additional information, of the nSP affected cohort in England and Wales, 52.0% were males according to the 2021 census; the general share of male respondents in this census was 49%. In Scotland in 2022, 48.4% of the nSP affected cohort were males, while 51.4% of the general population were males. The statistical data therefore indicates that individuals in the nSP affected cohort may be more likely to be males, than the general population given England and Wales have a larger population than Scotland. We do not consider this to be different for those within the nSP affected cohort who are more likely to claim loss of opportunity. There are also no expected impacts on good relations between the affected cohort and other cohorts.

5. The Family Test

The PHSO found that maladministration in DWP's communication around new State Pension in relation to National Insurance Qualifying Years could have resulted in individuals losing opportunities to increase their Qualifying Years and subsequently maximise their new State Pension.

It is for this finding of injustice that a payment of compensation is being considered.

Family Test questions

1. What kinds of impact might the policy have on family formation?
2. What kind of impact will the policy have on families going through key transitions such as becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibilities or the onset of a long-term health condition?
3. What impacts will the policy have on all family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities?
4. How does the policy impact families before, during and after couple separation?

5. How does the policy impact those families most at risk of deterioration of relationship quality and breakdown?

Having considered the Family Test questions, a decision on a compensation payment to individuals to address the PHSO's findings of injustice will not have a family impact.

6. Summary of analysis

No need for further action.

The decision is not to pay compensation. The decision taken reflects the fact that there are no impacts on equality of opportunity within the affected cohort since this decision would apply to and affect the entire cohort equally regardless of age or other protected characteristic. Although it is noted that the cohort are more likely to be male, white, disabled, married, and Christian, and less likely to be LGBO than the population as a whole.

7. Plans to monitor and evaluate the equality decision

The decision is not to pay compensation. There will be no scheme to monitor or evaluate, therefore we do not intend to carry out an evaluation.