

Research Briefing  
21 February 2024  
Number 9967

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# The communication of State Pension age increases for women born in the 1950s

## Summary

From the 1940s until April 2010, the State Pension age (SPA) in the United Kingdom was 60 for women and 65 for men. Legislation to increase the SPA has been introduced in several stages since the 1990s. In particular, the [Pensions Act 1995](#) legislated to increase the SPA for women from 60 to 65 in stages between April 2010 and 2020, to bring it into line with that for men. The [Pensions Act 2011](#) brought forward the increase in women's SPA to 65 to November 2018.

These changes have been controversial. In particular, they have given rise to a long-standing campaign with some women born in the 1950s arguing they have been hit particularly hard, with significant changes to their SPA imposed without sufficient notification. This led to an unsuccessful judicial review challenge to the increase in women's SPA, which was dismissed by the High Court in October 2019, and again by the Court of Appeal in September 2020.

The Parliamentary and Health Service Ombudsman (PHSO) is currently [investigating six sample complaints](#) about how the Department for Work and Pensions (DWP) notified women born in the 1950s about rises in their State Pension age. In a [report published in July 2021](#), the PHSO found specific instances of maladministration in 2005 and 2006 in the way the DWP communicated these changes to affected women. This investigation is now considering whether this maladministration led to injustice and, if so, how this should be remedied.

The Government has declined to comment on this investigation, saying it would be inappropriate to do so while the investigation is ongoing.

This briefing provides further information on the PHSO's investigation and surrounding debate.

# 1 Background

From the 1940s until April 2010, the State Pension age (SPA) in the United Kingdom was 60 for women and 65 for men.

Legislation to increase the SPA has been introduced in several stages since the 1990s. These stages were:

- The [Pensions Act 1995](#) which legislated to increase the SPA for women from 60 to 65 in stages between April 2010 and 2020, to bring it into line with that for men. Women born between 6 April 1950 and 5 April 1955 would have a State Pension age of between 60 and 65, depending on their date of birth. Women born after 5 April 1955 would have a State Pension age of 65 – the same as men.
- The [Pensions Act 2007](#) legislated to increase the SPA for both men and women to 66 between 2024 and 2026, 67 by 2036, and 68 by 2046.
- The [Pensions Act 2011](#) brought forward the increase in women's SPA to 65 to November 2018, at which point the equalised SPA for both men and women would start to rise to 66, which it reached in October 2020.
- [Section 26 of the Pensions Act 2014](#) brought forward the increase in the SPA for men and women to 67 to between 2026 and 2028.

These changes have been controversial. In particular, they have given rise to a long-standing campaign with some women born in the 1950s arguing they have been hit particularly hard, with significant changes to their SPA imposed with insufficient notification.

The Library estimates that in 2021 there were around 3.62 million women in the UK born between 6 April 1950 and 5 April 1960 (based on mid-2021 population estimates). Women born in this age group are affected by increases in the women's State Pension from 60, enacted from 1995 onwards.

The Library estimates that the number affected by the 2011 Pensions Act provision to bring forward increases to the State Pension age for women specifically was 2.62 million.

The Parliamentary and Health Service Ombudsman (PHSO) is currently [investigating six sample complaints](#) about how the Department for Work and Pensions (DWP) notified women born in the 1950s about rises in their State Pension age.

A PHSO investigation of this nature is usually conducted in three stages. The first stage looks at whether maladministration has occurred, the second on whether any maladministration led to injustice, and, if so, the third stage looks at what remedy should be applied.

In [a report of its first stage](#) of the investigation, published on 19 July 2021, the PHSO found that while accurate information was made publicly available by the DWP about these State Pension age increases through various means between 1995 (when they were first legislated for) and 2004, maladministration had taken place in 2005 and 2006 because the DWP failed to use feedback and research into public awareness to improve the way it notified affected women. The PHSO is still going through the remaining stages of its investigation and has not yet made a determination as to whether maladministration led to “injustice” and, if so, how this should be remedied – ie whether or not compensation should be paid.

Further information on the broader policy issue of State Pension age increases for 1950s women can be found in the Commons Library briefing [Increases in the State Pension age for women born in the 1950s](#).

Further information on the timetable for increasing the State Pension age and the way it is reviewed can be found in the Commons Library briefing, [State Pension age review](#).

## 2 Debate around the rise in SPA for 1950s women

Raising the SPA for women has generated debate and prompted campaigning by and on behalf of women affected, both in and out of Parliament.

The campaign group [Women Against State Pension Inequality \(WASPI\)](#) says it agrees with SPA equalisation between women and men, but not with the way the changes were implemented. It says the changes were brought in without adequate notification, faster than initially promised, and with limited time to make alternative arrangements.<sup>1</sup> It has called for “fair transitional state pension arrangements,” which they say translates into a “bridging pension” paid from age 60 to SPA.<sup>2</sup>

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<sup>1</sup> WASPI webpage, [1950s women unfairly prejudiced by State Pension age changes](#)

<sup>2</sup> See Commons Library briefing, [Increases in the State Pension age for women born in the 1950s](#), 19 November 2021, section 4.1.

Separately, on 3 October 2019, the High Court gave judgment on a claim for judicial review brought by two claimants (Delve and Glynn) with the support of the Backto60 campaign.<sup>3</sup> The claimants' grounds for challenge were that the mechanisms chosen to implement the increases in the State Pension age discriminated on grounds of age and sex. They also sought judicial review of the Government's "alleged failure to inform them of the changes."<sup>4</sup>

However, the High Court dismissed the claim on all grounds.<sup>5</sup> Subsequently, the [Court of Appeal dismissed an appeal](#) against the High Court decision on 15 September 2020,<sup>6</sup> and the [Supreme Court in March 2021](#) refused leave to appeal further on grounds that the claim had not been made within the time limits.<sup>7</sup>

### 3 Investigation into the communication of SPA increases

Separately to the legal challenge, the WASPI campaign encouraged women born in the 1950s who felt they had not been adequately informed about increases to their SPA to make complaints of maladministration, first to DWP's Independent Case Examiner (ICE) and then to the Parliamentary and Health Service Ombudsman (PHSO). The PHSO has subsequently looked at six sample complaints to reflect the "range of issues" being complained about.

As well as complaints about a lack of adequate notice about these changes, the PHSO's investigation has also looked into complaints about financial loss owing to the DWP's inadequate communication about the number of years of National Insurance contributions required to receive a full State Pension, as well complaints that the DWP's and the ICE's handling of complaints had a negative effect on the complainants' emotional wellbeing.<sup>8</sup>

In [the report from the first stage of its investigation](#), published on 19 July 2021, the PHSO found that between 1995, when equalisation was legislated for, and 2004, "accurate information about changes to State Pension age was publicly available in leaflets, through DWP's pensions education campaigns, through DWP's agencies and on its website".

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<sup>3</sup> As above, section 4.3. The Backto60 group campaigned for a "full restitution" of State Pension payments to the age of 60 for women affected.

<sup>4</sup> As above, section 4.3 for more detail on these arguments.

<sup>5</sup> [R \(on the application of Julie Delve and Karen Glynn\) v the Secretary of State for Work and Pensions : \[2019\] FWHC 2552 \(Admin\), press summary](#), 3 October 2019

<sup>6</sup> [R \(Delve and Glynn\) \(Appellants\) v Secretary of State for Work and Pensions \(Respondent\) \[2020\] ECWA Civ 2552 Admin, press summary](#), 13 September 2020

<sup>7</sup> [Supreme Court, Permission to Appeal, March and April 2021](#)

<sup>8</sup> Parliamentary and Health Service Ombudsman (PHSO), [Complaints about communication of changes to women's State Pension age](#), last updated 21 November 2023

However, DWP research reporting in 2003/4 found low levels of public awareness about changes and that only 43% of all women affected by the changes knew their State Pension age was 65, or between 60 and 65 years. The PHSO found that, following this, the DWP failed to give due weight to consideration around research which demonstrated a need for “appropriately targeted” information. As a consequence, the PHSO found maladministration had taken place in 2005 and 2006 in terms of how the DWP notified women affected by the rise in the State Pension age from 60 to 65:

Despite having identified more it could do, DWP failed to provide the public with as full information as possible. DWP failed to make a reasonable decision about next steps in August 2005. It did not ‘get it right’. And its failure to use feedback to improve service delivery meant it did not ‘seek continuous improvement’. That was maladministration.

[...]

DWP then failed to act promptly on its 2006 proposal to write directly to affected women, or to give due weight to how much time had already been lost since the 1995 Pensions Act. It did not ‘get it right’ because it did not meet the requirements of the Civil Service Code, and it did not take all relevant considerations into account. And it failed again to use feedback to improve service delivery and ‘seek continuous improvement’. That was also maladministration.<sup>9</sup>

It concluded that this maladministration led to a delay of 28 months before the DWP wrote directly to affected women about changes in their SPA. It therefore followed that “affected women should have had at least 28 months’ more individual notice of the changes”, which would have provided more opportunity for these women to adjust their retirement plans.<sup>10</sup>

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## Next stages of the PHSO investigation

The PHSO then progressed to the second stage of its investigation, to decide whether maladministration led to injustice. Where it finds an injustice was suffered as a result of maladministration, its usual approach would be to move to a third stage and make recommendations which might include payment of compensation in line with its [guidance on financial remedy](#). This includes a “severity of injustice” scale with six different levels of injustice, each with a range of amounts of compensation.<sup>11</sup>

In August 2022, the PHSO said it had shared its “provisional views” from the second stage of its investigation (deciding whether there has been injustice) with the six complainants, their MPs, the DWP, and the Independent Case

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<sup>9</sup> PHSO, [Women’s State Pension age: our findings on the Department for Work and Pensions’ communication of changes, HC 444](#), 19 July 2021, p6

<sup>10</sup> As above.

<sup>11</sup> PHSO, [Our guidance on financial remedy \(PDF\)](#)

Examiner (ICE), who were all being given an opportunity to comment. The PHSO said that in order to conclude this investigation as efficiently as possible, it was adjusting its usual approach by starting the third stage of its investigation early to “begin considering what action we think DWP should take to remedy the apparent injustice”. It would then publish its findings from the second and third stages of its investigation at the same time.<sup>12</sup>

On 8 December 2022, the PHSO reported it had “completed and closed” stage two of its investigation, but said it would only publish its full report once the full investigation was complete. It provided a summary of its stage two findings, which were that:

- there was maladministration in DWP’s communication about National Insurance qualifying years
- there was maladministration in DWP’s complaint handling
- there was no maladministration in the Independent Case Examiner’s (ICE) complaint handling
- maladministration in the DWP’s communication about State Pension age and about National Insurance qualifying years, and its complaint handling, did not lead to all the injustices claimed.

The PHSO said it was considering what actions the DWP should take to remedy the injustice found as part of the third and final stage of its investigation. The PHSO also said that it aimed to conclude its full investigation within the first three months of 2023.<sup>13</sup>

In February 2023, however, the WASPI campaign launched a judicial review challenge against the PHSO’s stage two report. They claimed that a finding in this unpublished report – that the sample claimants did not suffer direct financial loss as a result of DWP maladministration – was based on an “irrational” calculation. A full explanation of the WASPI campaign’s legal case is provided in [a press release about the judicial review challenge](#), published on 24 February 2023.<sup>14</sup>

Subsequently, following discussions between lawyers on behalf of the PHSO and the WASPI campaign, a settlement was agreed to, whereby the unpublished stage two report would be quashed and the PHSO would reconsider its findings.<sup>15</sup> The High Court subsequently made [a Court Order \(PDF\)](#), dated 12 May 2023, which quashed the PHSO’s stage two report and

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<sup>12</sup> PHSO, [Complaints about communication of changes to women’s State Pension age](#), as updated in August 2022

<sup>13</sup> PHSO, [Complaints about communication of changes to women’s State Pension age](#), as updated in December 2022

<sup>14</sup> WASPI, [Judicial review](#), 24 February 2023

<sup>15</sup> WASPI, [Victory in the Judicial Review](#), 3 April 2023

provides for it to be reconsidered. Further information has been provided by the WASPI campaign in [an FAQs document](#), published on 14 April 2023.<sup>16</sup>

The PHSO updated their [webpage on this issue on 3 April 2023](#) to say that it was “confident that we have completed a fair and impartial investigation”, but that as a result of the legal challenge it had agreed to look again at its stage two report. It noted that its final publication would be delayed as a result and it was unable to say when it will be available.<sup>17</sup>

## 5 What is the latest on the PHSO’s investigation?

The latest [update from the PHSO on 23 November 2023](#) noted that it had shared its initial findings and provisional views with the six complainants, their MPs, and the DWP:

We have now looked at our findings and have shared our provisional views about injustice resulting from the maladministration we identified during stage one, and our thinking about remedy, with complainants, their referring MPs and the DWP. They all have an opportunity to comment on our provisional views before we make any final decisions about these issues.<sup>18</sup>

These provisional views have not been published and there has been no official announcement about what they are.

Further information is provided on the PHSO’s webpage, [Complaints about communication of changes to women’s State Pension age](#).

On 29 November 2023, the [WASPI campaign issued a press release](#) which confirmed that the PHSO had shared its provisional views with the complainants, their MPs, and the DWP. It said it was taking legal advice on this and would not be commenting on the contents of the report “because of the Ombudsman’s legal requirement of confidentiality.”<sup>19</sup>

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<sup>16</sup> WASPI, [FAQs regarding the Judicial Review and the PHSO’s acceptance of his legally flawed Stage 2 Report](#), 14 April 2023.

<sup>17</sup> PHSO, [Complaints about communication of changes to women’s State Pension age](#), as updated in April 2023

<sup>18</sup> PHSO, [Complaints about communication of changes to women’s State Pension age](#), as updated in November 2023

<sup>19</sup> WASPI, [Update on Parliamentary and Health Service Ombudsman draft State 2 Report issued to claimants](#), 29 November 2023

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# How will 1950s women be affected by the PHSO's findings?

Until the PHSO investigation has concluded and makes recommendations, it is impossible to know how anyone will be affected.

If the PHSO were to find that maladministration had led to injustice, and that compensation should be paid, it would do so in line with its [guidance on financial remedy](#) (PDF). This includes a “severity of injustice” scale with six different levels of injustice, each with a range of amounts of compensation. Level 1 has a remedy amount of £0 and level 6 has a remedy amount of £10,000 or more. The PHSO’s guidance notes the following about the principles used in determining how it decides what to recommend:

In deciding what to recommend, we look to put the person affected back into a position where they would have been, had there not been a negative impact on them. If this is not possible, for example where the injustice is distress or unnecessary pain, we may suggest a financial payment to the complainant instead. To assist us in considering an appropriate level of financial remedy, as well as casework policy and guidance, we use our severity of injustice scale (our scale). We also refer to previous cases where we have made similar recommendations. This is called our Typology of Injustice. In determining an appropriate amount to recommend, we take into consideration financial amounts recommended or already paid by other organisations, awarded by courts, or paid following mediation before legal action.

Its “Typology of Injustice” (TOI) is an internal spreadsheet with “examples of specific amounts we have recommended on previous cases, alongside more detail about the case itself”. The PHSO notes, however, that the TOI is used alongside its “severity of injustice” scale and is never used on its own “as we will often not have specific enough examples of previous cases to reach an accurate view on the amount to recommend”.<sup>20</sup>

If any compensation were to be awarded, it would apply in the first instance to the six complainants, depending on the extent they are affected by any injustice found. The [PHSO has said](#), however, if it makes recommendations to remedy, it will ask the DWP to apply them beyond the six complainants to “everyone who has been similarly affected by any failings we identify”.<sup>21</sup>

Additionally, on 21 December 2022, the [PHSO wrote to the chair of the Public Administration and Constitutional Affairs Committee \(PDF\)](#), stating when its investigation is concluded, its report would “recommend improvements to the

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<sup>20</sup> PHSO, [Our guidance on financial remedy \(PDF\)](#)

<sup>21</sup> PHSO, [Complaints about communication of changes to women’s State Pension age](#), as updated in November 2023



way that future pensions changes are communicated to the people they affect”.<sup>22</sup>

The [PHSO has also said](#) that as a result of the 2019 High Court judgment in Delve and Glynn (see section 2 of this briefing) it cannot recommend the DWP reimburse ‘lost’ pensions, and it cannot recommend that anyone receive their State Pension any earlier than the law allows: “To do so would reverse or try to reverse primary legislation.”<sup>23</sup>

## 7 The Government’s position on the PHSO investigation

Governments since 2011 have responded consistently to broader criticisms of the policy to increase the SPA for women born in the 1950s by saying the issues were debated when the 2011 Act was before Parliament and that they will “make no further changes to the pension age or pay financial redress in lieu of a pension.”<sup>24</sup> They have also said that any further change to the policy would create new inequality between men and women and cause “younger people to bear a greater share of the cost of the pensions system”, which “would be unfair and undermine the principle of inter-generational fairness that is integral to our state pension reforms.”<sup>25</sup>

In relation to the PHSO’s investigation, the Government has declined to comment, saying it would be inappropriate to do so while the investigation is ongoing.<sup>26</sup>

It has also noted that it is cooperating with the PHSO in its investigation.<sup>27</sup>

## 8 Other proposals for action

The [All-Party Parliamentary Group \(APPG\) on State Pension Inequality for Women](#) has campaigned in support of affected women born in the 1950s. In January 2022, it [published a submission to the PHSO’s investigation](#) (PDF). This welcomed the PHSO’s findings of maladministration in July 2021, although it noted “several 1950s-born women and campaigning groups have approached the APPG and argued that the timeline for maladministration

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<sup>22</sup> [Letter from the Parliamentary and Health Service Ombudsman to the Public Administration and Constitutional Affairs Committee](#), 21 December 2022 (PDF)

<sup>23</sup> PHSO, [Complaints about communication of changes to women’s State Pension age](#), as updated in November 2023

<sup>24</sup> [PQ 49721 \[State Retirement Pensions: Females\], 27 October 2016](#)

<sup>25</sup> [HC Deb 8 February 2018 c1693](#)

<sup>26</sup> [PQ 201325 \[State Retirement Pensions: Women\], 18 October 2023](#)

<sup>27</sup> [PQ 183885 \[State Retirement Pensions: Women\], 11 May 2023](#)

outlined by the PHSO does not reflect the larger scale injustice committed by the DWP.”

It therefore recommended that the PHSO “broaden its timeline of maladministration” to include what it believed to be injustices prior to 2004 and offered to provide further evidence of this. It argued that the level of injustice suffered by affected women merited compensation in line with level 6 in “severity of injustice” scale:

It is the APPG’s view that not only has DWP maladministration impacted on 1950s-born women financially, but it had also caused extraordinary emotional, physical and psychological distress to the cohort. We feel that the injustice caused by maladministration falls squarely in Level 6 on the category of injustice scale. We believe that it is clear, both through our own work as a group and individual work as parliamentarians, that there has been “profound, devastating or irreversible impacts” on 1950s-women, and that these impacts have been widespread and have forced 1950s-born women to endure a reduced quality of life for a considerable period.<sup>28</sup>

More recently, under the [Ten Minute Rule](#) in the House of Commons, Alan Brown MP (SNP) moved to introduce a Bill on 7 February 2024 “to require the Secretary of State to publish proposals for a compensation scheme for women born between 6<sup>th</sup> April 1950 and 5<sup>th</sup> April 1960 inclusive who have been affected by increases in the state pension age” – the [State Pension Age \(Compensation\) Bill 2023-24](#).

Mr Brown said that purpose of the Bill was to provide parliamentary intervention to force the Government’s hand in the event the DWP “still will not admit its failure to communicate adequately and its maladministration” when the PHSO concludes its investigation. He stated the Bill would deliver a “simple framework” of “fair and fast compensation”, using “as a minimum, level 5 of the Ombudsman scale – realistically, however level 6 of the PHSO bandings is the most appropriate”:

We are talking about a practical resolution, one that does not result in astronomical sums per person. It is not asking for a reversal of pension age to 60, and it is not a full restitution of pensions for those affected by the maladministration—no matter how nice an outcome that would be. The WASPI women understand there is no blank cheque from the Treasury; they are practical and they want to get on. That said, we cannot lose sight of the fact that the UK Government have saved £200 billion from the decision to equalise the state pension age at 66.<sup>29</sup>

The Bill completed its First Reading stage and is scheduled for Second Reading on 19 April 2024. The text of the Bill has not been printed.

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<sup>28</sup> APPG on State Pension Inequality for Women, [Submission to the PHSO investigation into communication of changes to women’s State Pension age](#), January 2022 (PDF)

<sup>29</sup> [HC Deb 7 February 2024 cc275-278](#)

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