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The Government's response to the PHSO report

**Submitted to the meeting of the APPG on Women's State Pension Inequality
10 February 2025**

1. Our Organisation

- The WASPI (Women Against State Pension Injustice) Campaign 2018 has 55 local groups stretching from Aberdeenshire to Cornwall, plus designated representatives in 364 parliamentary constituencies (56% of the total).
- This latter group (known as the WASPI Swarm) consists of over 600 women who are in regular contact (at least once a month) with their own MPs to ensure that they have up-to-date and accurate information about the current state of the campaign. This network is particularly important now that resolving the issue of compensation for 1950s women rests with Parliament.
- We liaise closely with our fellow campaigners at Women Against State Pension Inequality and the aims of the two WASPI campaigns are the same – namely to secure fair and fast compensation for the injustice inflicted on women born in the 1950s by maladministration on the part of the Department for Work and Pensions, as recommended by the Parliamentary and Health Service Ombudsman. We have never campaigned for the restitution of “lost” pensions.

2. Our views on the Government's response to the PHSO report

- Our members naturally feel a mixture of anger, exasperation and betrayal at the Government's refusal to consider the PHSO's recommendations for compensation and the specious reasons used to support this decision (particularly the distorted logic inherent in their claim that the DWP did the wrong thing, but if they had done the right thing it would not have made any difference).
- However, the concerns about the Government's decision have been set out in detail in the letter sent by APPG members to the Chancellor and the Work & Pensions Secretary on 23 January and we will not repeat them here.

- Setting aside our own interests, we would like to emphasise the disturbing constitutional implications of the Government's decision.
- Firstly, as Peter Aldous MP (a former co-chair of the APPG) pointed out in the House of Commons on 25 March 2024, "A failure by Government to comply with [the Ombudsman's] recommendations would be almost completely unprecedented over the past 70 years, and would in effect drive a coach and horses through an integral part of our system of democratic checks and balances."
- We have been in touch with Professor Robert Thomas at the University of Manchester whose research confirms that in over 99% of cases, public bodies comply with recommendations on financial remedy made by the Ombudsman. To refuse compliance in this case - where those affected are exclusively older women - raises the spectre of age and sex discrimination.
- Secondly, the Ombudsman predicted (correctly) that the DWP was unlikely to accept his recommendations and therefore laid his report before Parliament, but Parliament has not been allowed to express its views. This, again, is a threat to the democratic process with grave constitutional implications.
- It's the role of MPs and Peers who speak for the 1950s women they represent to navigate the Parliamentary processes available to them in order to secure a just outcome. To support your efforts, some points on compensation are set out below.

3. Our views on a compensation scheme

- We would like to take this opportunity to draw the attention of MPs and Peers to an important report published by the National Audit Office last year, called *Lessons Learned: Government Compensation Schemes*. The report unfortunately came out on 5 July 2024 and therefore did not receive the attention it deserved in the aftermath of the General Election and the change in the make-up of MPs, committees etc at that time.
- The 52-page report (<https://www.nao.org.uk/insights/government-compensation-schemes/>) looks at a range of Government compensation schemes – including the Infected Blood scheme, the Horizon schemes, the LGBT Veterans scheme and the Windrush scheme – and sets out models and principles of good practice. To avoid re-inventing the wheel we strongly recommend that members of the APPG read and note the report and bring it to the attention of MPs and relevant committees. It identifies three main types of compensation (para 1.9).
 1. *Awards based on the specific circumstances of an individual ... The complexity would require greater input of skilled resources for administrators, and may require greater evidence-gathering, thus hindering swift awards.*

2. *A system of ‘tariffs’ where a set sum is applied to a specific harm suffered, or where similar harms are grouped together in tiers of compensation. This is in theory more straightforward but would still require some expert assessment.*

3. *A one-off payment to all claimants, either fixed or variable, in which the redress is acknowledgement of a wrong rather than compensation for a specific harm.*

- As we stated at our last briefing to the APPG in May 2024, a balance clearly needs to be struck between “fair” and “fast” compensation. Prolonged and detailed attempts to design and implement a fair scheme could result in unacceptable levels of administrative complexity coupled with further delay, as the PHSO report points out.
- The simplest “tariff” scheme would be something broadly along the lines proposed in the last parliament by Alan Brown MP in his State Pension Age (Compensation) Bill, which suggested five levels of compensation based on date of birth.
- In addition, we agree that a separate mechanism should be available to enable women who can provide evidence of direct financial loss to claim for additional compensation. The National Audit Office report refers to this as the “core and supplementary” model (para 2.18).
- We have been extremely concerned recently to hear some MPs talking about means-testing compensation, using phrases such as targeting it on the “most needy”. This betrays a fundamental misunderstanding of the nature of compensation. It is not a handout for hardship – it’s redress for injustice, or, as Sir Robert Francis QC has expressed it, “a recognition of adversity which should not have happened”. Means-testing is not mentioned anywhere in the National Audit Office report and no other government compensation schemes have been means-tested. In any event, means-testing someone’s current situation would not reflect the level of injustice they suffered as a result of the DWP’s maladministration.
- Our campaign has adopted the following principles for any compensation scheme. It should:
 - be **simple** to understand and administer, without requiring affected individuals to make complex claims;
 - not be subject to **income tax**;
 - not be **means-tested**;
 - not be taken into account in the calculation of **means-tested benefits**.

For further information see our website <https://waspicampaign2018.co.uk/> or write to us at wasp2018@outlook.com.

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