



All-Party Parliamentary Group
On State Pension Inequality for Women

Submission to the PHSO Investigation into communication of changes to women's State Pension age



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INTRODUCTION

The APPG on State Pension Inequality for Women is a cross-party group which aims to achieve the following:

- To represent women who have been treated unjustly by the short-notice changes to the State Pension age.
- To develop and promote policy solutions to support 1950s women and their families who do not have access to their pension and are therefore facing mental and physical health implications.
- Feed the views and experiences of 1950s-born women into future policy decisions relating to State Pension and welfare.

The group holds regular meetings between parliamentarians, stakeholders, and policy experts. Many of its members have been working for several years on the issue of State Pension inequality, and the APPG believes that it is uniquely placed to provide insight and expertise in the second stage of the PHSO investigation.

The APPG was encouraged by the PHSO's finding of maladministration with regards to the communication of State Pension age changes and feels that this verdict is a positive step towards giving 1950s-born women the recognition and compensation they deserve. However, the APPG would like it noted that several 1950s-born women and campaigning groups have approached the APPG and argued that the timeline for maladministration outlined by the PHSO does not reflect the larger scale injustice committed by the DWP.

The APPG has received countless testimonies from women who only had notice of their State Pension age changing well after the PHSO's timeline of maladministration, and some women have still not received any notification. The APPG is making this submission based on the current parameters of the PHSO investigation, however it strongly believes that the PHSO should reconsider its conclusions relating to the timeline of maladministration, and broaden this to include injustice occurring prior to 2004, as well as after 2006. It would be happy to provide further evidence of this to the PHSO, or discuss this in more detail if convenient.

It is important to state that whilst the verdict and any subsequent compensation is most-welcome, the APPG is aware that nothing will give 1950s-born women back what they have lost. Women have faced financial destitution, mental and physical health problems, and some have even taken their lives over the course of this protracted debate.

The PHSO define injustice as someone who has been "negatively affected (experienced an injustice or hardship) because an organisation has not acted properly or has given a poor service and not put things right." The PHSO goes on to state that if an organisation has not taken the appropriate action to remedy a complaint, then they may make a recommendation "to put the person 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”.

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.

In this representation, the APPG have outlined the injustice that 1950s-born women have faced using the ‘Severity levels by typology’ categories that the PHSO utilises to determine injustice.

The APPG strongly feels that now is the time for 1950s-women to be given fast and proper compensation for the impact of successive maladministration. We hope that the PHSO finds our representation useful, and that it gives the investigation team further clarity on this issue.

EMOTIONAL

“Very severe trauma (which may be accompanied by mental ill health or mental/social disability); severe distress over an extended period (generally several years).” – PHSO definition of Level 6 Emotional Injustice.

The APPG has received an exceptional number of testimonies from 1950s-born women relating to emotional trauma. The examples are numerous.

- One affected woman writes that she “did not receive any notification of the change in SPA and this led to my mental health being negatively impacted and I was prescribed antidepressants. I have lost in excess of £42,000 and now have zero savings.”
- Another woman writes that following the State Pension delay, and the subsequent lack of notice she “didn’t want to leave the house and quite frankly lost all zest for life and went into depression”.
- The campaigning group Women Against State Pension Inequality informed the APPG at an evidence session in November that many of its members feel “worthless, ignored and totally disempowered” and that this has had a marked effect on mental wellbeing within the cohort. Furthermore, and as reported in the Independent in 2018, a joint survey undertaken by the charity Silence of Suicide on behalf of the Backto60 campaign highlighted that almost half of the 873 respondents have self-harmed because of the stress and hardship caused by pension reform.
- In 2015, the Work and Pensions Select Committee heard from women who described extreme financial pressure because of State Pension age changes and were considering suicide as a result.

It is clear to the APPG that the emotional impact on 1950s-born women has been profound and long-lasting. The APPG also wishes to note the complex nature of emotional trauma, and how it is innately linked in this case to societal expectations, inequality, and financial pressure. For example, several women contacted the APPG to inform them how the delays to State Pension communications exacerbated already ingrained ageism and inequality. For some women, the lack of reasonable notice led them to not prepare financially for state pension delay, or as one woman puts it to the APPG, “had the British government adequately notified me in 1994 about the implications of the changes, I would have been able to make suitable provision for myself”. It is precisely the lack of time to develop this suitable provision that has led women to emotional trauma.

The APPG has found that in many cases, women who have attempted to earn more to mitigate the financial losses incurred by short-notice communication have entered a job market where they are patronised, overlooked, or their employers are not willing to make the relevant work-adjustments to mitigate pre-existing health conditions. One woman told the APPG that she “was forced into low paid and insecure domestic and

childcare work [...] I found myself completely unsuited to the role in terms of age [...] health, temperament and education. Although I only worked part-time, I was unable to keep up the pace, which even much younger people found demanding.” The woman then goes on to describe applying for unemployment benefit and later PIP and that the “dehumanising nature of these processes left me completely humiliated and at rock bottom physically and emotionally.”

This reinforces the APPG’s belief that for the PHSO to adequately take account of the injustice faced by 1950s-born women, it is necessary for it to consider the wider socio-economic impact of maladministration, and how this both directly and indirectly impacted the 1950s-born women.

In conclusion, the APPG believe that there is clear and irrefutable evidence that 1950s-born woman have been emotionally traumatised by DWP maladministration. A lack of notice meant that 1950s-born women were unable to adequately plan for their retirement, were subjected to a great deal of financial anxiety, and this left women feeling frightened and ill-prepared for the future. In most cases this has taken place over the course of several years and has led to women self-harming and in the most extreme cases, taking their own lives. This emotional trauma falls well within the PHSO definition of level 6 emotional injustice.

MATERIAL

“Hardship, over an extended period (5 years or more); significant and sustained deterioration in quality of life (e.g., unwanted pregnancy and birth); loss of a major life chance which we can say on balance of probabilities would have happened e.g, the chance to attend university, start a new life in a different country, or pursue a chosen career.” – PHSO definition of level 6 Material Injustice.

The financial impact of State Pension age changes is well-documented. In a recent briefing authored by the House of Commons Library, it is noted that the “net effect of SPA changes was that household incomes had fallen” with the estimated net effect being household incomes for women in this age group having fallen by around £32 a week on average. This figure is before maladministration is considered. In a recent testimony to the APPG, Angela Madden from the WASPI Campaign stated that 1950’s born women “made life-changing decisions on the wrong information” and outlined that she had exited the workforce to care for a relative on the presumption that she would be receiving her state pension at age 60. By the time she found out otherwise, she had been out of the workforce for 12 years, a decision – based on incorrect DWP administration – that led to her losing at least £200,000 in wages. Had she been given the correct information, she would not have left her employment, and would have been in a far more stable financial position as a result.

Her story is instructive of wider testimony that the APPG has received. One woman describes how her ‘savings are exhausted, and I have to rely on Universal Credit’ before adding ‘life has become intolerable.’ Another woman raises the point that had she been notified correctly, and in good time ‘she could have potentially been funding for the shortfall.’ Another woman states that “40 years of working hard trying to sensibly plan for a retirement was essentially a great waste of time and effort”, and that had “a private organisation [...] made this grave error I should expect a lump sum compensation.”

The examples are numerous, harrowing, and reflected across individuals and campaigning groups. Norfolk Broads/Pension Action In Norfolk – PAIN, have given examples to the APPG of women “taking redundancy within the 28 month period [of injustice identified by the PHSO], expecting pensions at 60 and then being unable to get employment and having to go on benefits [...] some of those who took redundancy or early retirement within the 28 month period would have found their National Insurance record was short, leaving them unable to afford voluntary NI payments to get a full pension.” The WASPI 2018 Campaign notes the Ombudsman’s findings and states that “For many women the consequences of not knowing their state pension age had changed are permanent and irreversible. They changed job, took early retirement, moved house, promised to look after grandchildren or agreed a divorce settlement thinking they would get their state pension age at 60 [...] the Ombudsman has clearly

stated that the DWP should have notified us at least 28 months early. This would have made a huge difference for many – although not all – of us.”

As stated, it is the APPG’s view that whilst welcome, 28 months does not cover the full scope of DWP maladministration. However, even if 28 months was accurate, that is two-and-a-half years that were stolen from 1950s-born women. Two-and-a-half years in which they were unable to sufficiently plan and make the necessary arrangements to secure their financial future. It is obvious that maladministration on that scale, for that period, necessarily requires financial redress. It is the APPG’s view that this is clear and obvious level 6 material injustice.

PHYSIOLOGICAL

“Long-lasting, untreatable pain; very serious injury; loss of or damage to a significant aspect of the body; permanent major disability; Seriously curtailed life expectancy; loss of opportunity to prevent illness becoming terminal and where death is expected in the near future.” PHSO definition of level 6 physiological injustice.

It is the APPG’s view that the PHSO, when considering physiological injustice, should necessarily consider the way in which physical health can suffer under financial and emotional stress. Our physical health is innately linked to our material and emotional wellbeing, and to overlook the impact that DWP maladministration has had on 1950s-born women would be to further compound the injustice they have already faced.

DWP maladministration has caused immeasurable stress, both physically and mentally to 1950s-born women. The APPG has heard countless stories of women being forced to care for their partners or family members, whilst working extra hours, to attempt to make up for a financial shortfall that they were not sufficiently prepared for. Cases such as these have led to 1950s-born women sacrificing their own physical wellbeing, exhausting themselves, and exacerbating pre-existing conditions.

In terms of individual testimony, the APPG has heard from several women who specifically mention physical health, and the way in which it deteriorated due to maladministration. One woman writes that she should “at nearly 68” she should be enjoying her retirement, but that she is working long hours and “fighting back the pain of arthritic shoulder” to make up for financial shortfall. Another woman writes “When they took away my pension, I was devastated! I’m exhausted ever [sic] day but I STILL have to work, regardless of how I feel as I can’t afford to.”

From testimony that the APPG has received, it is clear that serious illness has been exacerbated both by stress and a continuation of physical work which 1950s-born women were not sufficiently prepared for.

Women who suffered from disabilities or pre-existing conditions, erroneously planned to retire at 60 due to lack of communication from the DWP, and then were forced back into physical work to make-up for the financial losses they incurred. The APPG feel it is fair to state that there is a direct causal link between very serious physiological deterioration and DWP maladministration. Whilst the scale of this is hard to specifically ascertain, it is clear from testimony that we have received that it is a widespread impact felt by many 1950s-born women and should therefore be reflected in PHSO recommended compensation. It is the APPG’s view that this is clear and obvious level 6 physiological injustice.

BEREAVEMENT

The PHSO identifies bereavement across 5 TOI types, covering a variety of different kinds of bereavement. It is difficult to directly link bereavement to the maladministration committed by the DWP. Indeed, this is something that was noted by several groups within the APPG's inquiry.

The APPG acknowledges this, and notes that it may be beyond the remit of the PHSO to directly link bereavement to DWP maladministration. However, it is our belief that bereavement is relevant to the PHSO's inquiry, and that DWP maladministration has contributed to bereavement.

We have heard, across our evidence inquiry, harrowing stories of women who have taken their own lives, and of women who have been unable to adequately care for loved ones. Whether indirectly or not, these deaths were avoidable and tragic, and should be noted by the PHSO in its considerations.

CONCLUSION

In conclusion, it is the belief of the APPG that all typologies of injustice have been met to some degree, and that in the cases of emotional, material, and physiological, they clearly fall within a category 6 injustice.

The impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for category 6 injustice is overwhelming and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice. These impacts must be addressed, if we are to reach any kind of conclusion regarding this injustice.

The APPG is made up of parliamentarians who have huge differences in opinions and worldview. Yet we are united on this issue. We are united in demanding a fair solution for these women who have faced horrific injustice and have been neglected time and time again.

There is very little else to be said. The PHSO must act, and it must act robustly.

We thank the PHSO for considering this representation.