**2. TEMPLATE COMPLAINT FOR WOMEN BORN AFTER 5 APRIL 1953**

**STAGES 3 AND 4 OF THE COMPLAINTS PROCESS**

NB: This template is written from the perspective of a woman, born after 5 April 1953, who received no communication from the DWP until she received a letter between 2009 and 2013. The sections in square brackets and bold will obviously need to be amended to reflect personal information and the remaining text should only be used if it is accurate in your particular situation.

**Stage 3 complaint address:**

The Department for Work and Pensions

Director General

PO Box 50101

London

SW1P 2WU

**Stage 4 complaint address:**

Independent Case Examiner
PO Box 209
Bootle
L20 7WA

Dear **[Director General / Independent Case Examiner]**

**Re: My complaint regarding maladministration in respect of communication of changes regarding the State Pension Age**

**My National Insurance Number: AB 12 34 56 C**

I write in respect of the letters from **[Include names and dates from previous letters]**, copies of all of which are enclosed. I am not satisfied with the response of the Department of Work and Pensions (“DWP”) and would therefore ask you to consider it in accordance with the DWP’s complaints policy.

My complaint relates primarily to the extent of notice I received regarding the changes to my State Pension Age (“SPA”) since 1995.

I was born on **[DATE]**. For most of my working life, I had expected that I would reach SPA when I turned 60 on **[DATE]**. I planned my affairs accordingly.

It was only in **[YEAR,** **just over NUMBER OF YEARS]** before I turned 60, that I was informed that my SPA would, in fact, be **[AGE]**. As a result I **[did/will]** not reach my SPA until **[DATE]** more than **[TIME PERIOD]** after I had planned. As I explain below, the failure to provide me with proper and accurate notification of this change has caused me serious injustice and hardship, which the DWP has refused to acknowledge and remedy.

The reasons why I consider this failure constitutes maladministration are set out in my previous letters, but I summarise these again below in the context of addressing the responses I have received from the DWP.

Contrary to what is said in your letter, I have made entirely clear that I am not challenging (through the complaints process) the change itself, but rather the manner in which it was communicated. I would be grateful if any future letter could address the matters about which I am actually complaining.

The DWP has accepted, and it has previously been found by the Parliamentary and Health Service Ombudsman, that the DWP has an obligation to communicate significant changes to pensions law and to do so in a manner that is “timely, complete and accurate” in order to ensure that an informed choice can be made by affected individuals.

That has clearly not occurred in this case given the matters set out below and previously in relation to my particular case. More generally, I would note that the then Pensions Minister, Steve Webb MP accepted in 2013 that many women were not made aware of the changes made by the 1995 Act. This was despite the Government’s recognition at the time of the 1995 Act of the importance of allowing time for women to make arrangements to adjust for the changes. The need for appropriate notice periods has been emphasised by various bodies since then, including the Turner Commission, whose recommendations in this area were broadly accepted by the then Government. As emphasised by the House of Commons Work and Pensions Committee in its 2016 Report on the Communication of SPA Changes:

*“We will never know how many women did not know, or could not reasonably be expected to know that their SPA was increasing. What is apparent with hindsight is that previous governments could have done a lot better in communicating the changes. Well into this decade far too many affected women were unaware of the equalisation of SPA at 65 legislated for in 1995. While the last and current Governments have done more to communicate SPA changes than their predecessors, this has been too little, too late for many women, especially given increases in the SPA have been accelerated at relatively short notice. Many thousands of women justifiably feel aggrieved.”*

The failure properly to communicate such changes to me clearly amounts to maladministration on the part of the DWP: it has been “too little, too late”. There can be no justification for not attempting personal communications regarding the changes for 14 years or more.

Pensions Act 1995 and the 1995 Leaflet

I was unaware of the proposed changes at the time of the passage of the Pensions Act 1995 through Parliament. I have since learned that there were apparently a small number of press stories at the time reporting on the proposed changes to SPA around that time, but I did not see these then. Even if I had, I do not consider that press reports would have been an appropriate way for the Government to inform me of significant changes to my pension. I would have anticipated that, where there were substantial changes to my rights, the Government would notify me directly.

You refer to the fact that the Government produced a leaflet called EQP1A “Equality in SPA – A summary of the changes” at this time, which set out the plans to equalise SPA. I was never sent a copy of this leaflet. I did not even know of its existence until very recently. I understand that the Government did not send this leaflet to those affected by the changes in the 1995 Act, but instead relied on women to request a copy from their local benefits agency. I had no reason at all to request such a leaflet, because **[I had no contact with the Benefits Agency as I was in work throughout that period]**.

The Government claimed in its evidence to the House of Commons Work and Pensions Committee that this leaflet was enclosed with responses to all voluntary requests for State Pensions Statements from July 1995 onwards. **[I did not make a voluntary request for a State Pension Statement so I never received a copy of that leaflet].**

Pensions Education Campaign (2001 – 2004)

I have no recollection of any of the education campaigns the Government claims to have conducted between 2001 and 2004, and understand I am not alone in this respect.

In 2004, the DWP published a research report ‘Public awareness of SPA equalisation’. The research was intended to contribute to the design of the DWP’s marketing campaign about the future equalisation of SPA and to improve the DWP’s understanding of when people engage with issues regarding state pensions (although nothing further was done to try and communicate these changes until 2009). It found that only 43% of all women who would be affected by the increase in SPA were able to identify their SPA. This fell even lower for women who were out of work (46% v 36%) and for those in routine or manual work, as opposed to those in managerial/professional occupations (46% and 38% respectively). The report noted that this low level of awareness was:

*“a cause for concern and showed that information about the increase in SPA is not reaching the group of individuals who need to be informed the most.”*

Automatic State Pensions Forecasts (May 2003 – November 2006)

**[I never received an automatic state pension forecast. I do not know why this might be. I have lived at the same address for over ten years.]**

Government letters (April 2009 – 2013)

In light of the results of the survey in 2004 described above, it is inexplicable that nothing further was done until 2009, when you began to send letters to women affected by the SPA Changes. I consider this to be an acknowledgment by the Department that, prior to this time, many if not most women were unaware of the changes. Why else would there be a need for a personalised letter?

**[IF YOU RECEIVED A LETTER IN 2011 OR EARLIER:**

**In these circumstances I consider it entirely inexcusable that my letter was not sent until [YEAR], just [PERIOD] before I turned 60. I read the letter and the leaflet which it contained and it became apparent to me that my new SPA was [AGE]. I reiterate that this was the first notification I received of the change to my SPA.]**

**[IF YOU RECEIVED A LETTER IN 2012 OR LATER:**

**In these circumstances I consider it entirely inexcusable that my letter was not sent until [YEAR], just [PERIOD] before I turned 60. I read the letter and the leaflet which it contained and it became apparent to me that my new SPA was [AGE]. I must reiterate that this was the first notification I received of the change to my SPA.]**

**[I understand that notification of the changes to SPA under the 1995 Act was paused whilst the Pensions Act 2011 passed through Parliament. I think this is inexcusable. It delayed notification to me of the changes which took place in 1995 until it was so close to my anticipated retirement date that I could not meaningfully change my plans.]**

**[IF NO LETTER WAS RECEIVED AT ALL:**

**In any event, I never received such a letter. This may be because of the way I understand the mailing was conducted, in particular that the DWP did not confirm the addresses they used were accurate and current, and did not take any action with respect to letters that were returned to them unreceived.]**

Pensions Act 2011

**[I was one of the women affected by both the Pensions Act 1995 and Pensions Act 2011. I became aware of the changes to my SPA in the 2011 Act at the same time as I became aware of those introduced by the 1995 Act. As noted above, that was not until 1 January 2012].**

Optional State Pension Forecasts

**[I understand** **that the DWP has repeatedly referred to the fact that women could request Optional State Pension Forecasts that would have informed them of any changes to their SPA].**

**[I never requested a state pension forecast. This was because until 1 January 2012, I had always believed my SPA to be 60 and I had no reason to believe that this would change. After that date, I was aware that my SPA would now be 65 years and four months. Therefore I did not see any need to request an opti****onal state pension forecast].**

Injustice

**[As a result of the DWP’s maladministration, I lost the opportunity to save adequately to support my family during my retirement. Had the DWP provided proper information to me about the change to my SPA earlier, I would have saved a higher percentage of my income for my retirement].**

**[I also suffered financial loss of the amount that I expected to receive between my expected SPA and my actual SPA.**

**[In addition, I experienced a sense of outrage because the public bodies responsible for determining SPA failed to communicate substantial and significant changes with sufficient notice so as to avoid the lost opportunities and financial loss described above].**

**[Finally, my family and I have experienced significant distress, anxiety and uncertainty because of the DWP’s maladministration. GIVE EXAMPLES OF REASONS FOR DISTRESS, ANXIETY AND UNCERTAINTY]**

How the maladministration caused the injustice

**[I want to make it clear that the injustice I have described above has not been caused by the fact of the change to my SPA itself. It has been caused by the failure of the DWP to inform me of those changes in good time so as to allow me to make different plans and to properly save for my retirement. If the DWP had done so, I would have been able to avoid the financial losses described above altogether.]**

**Remedies**

**[I would like you to provide me with the following:**

* + 1. **a sincere and meaningful apology for the maladministration I have described above;**
		2. **an explanation of what happened and what went wrong; and**
		3. **a financial payment to reflect my financial loss.]**

**[I consider that any financial payment should reflect, at least, the amount I would have received, had I received my SPA from the age I had understood it would be paid until the date I became entitled under the new SPA.]**

**[EXPLAIN ANY FURTHER LOSSES].**

Conclusion

Thank you for considering my complaint. I look forward to receiving your response.

Kind regards

**[NAME]**