Dear MP NAME HERE,

**Investigation into Women’s State Pension age changes**

I am writing regarding the Parliamentary and Health Service Ombudsman (PHSO)’s ongoing investigation into the Department of Work and Pensions’ (DWP) handling of changes to the State Pension age.

Specifically, I ask that you write to the PHSO to ensure they follow their own legal process throughout the investigation to ensure a fair outcome for affected individuals. The Women Against State Pension Inequality campaign has provided ten points to raise with the Ombudsman about his ongoing investigation.

These points follow a successful judicial review of the Ombudsman’s provisional second stage report, in which he had to concede that his conclusions were flawed and had to be revisited. That work is underway now.

As you will be aware, thousands of 1950s-born women across CONSTITUENCY were impacted by the DWP’s failure to adequately communicate rises to the State Pension age. Many found out about the change too late to alter their retirement plans and have suffered consequent hardship ever since.

[OPTIONAL] INCLUDE A SHORT PARAGRAPH ABOUT YOUR OWN EXPERIENCES HERE

The PHSO has been investigating the DWP’s handling of State Pension age rise since 2018 and have found clear maladministration in how the DWP failed to communicate changes to affected women. However, it is now vital that the Stage 2 report on the injustice caused by the maladministration properly acknowledges the detrimental impact the DWP’s communication failures had on affected women.

The PHSO is accountable to Parliament, both to MPs and the Public Administration and Constitutional Affairs Committee (PACAC). Given complaints to the PHSO are made through MPs, the role of elected representatives is vital to ensure complaints are handled properly and the right questions are asked.

To that end, would you be prepared to relay these ten basic, uncontroversial objectives (summarised in the attached draft letter) to the PHSO?

Thank you for your attention and I look forward to hearing from you.

Yours sincerely,

FULL NAME

PLEASE INCLUDE YOUR FULL ADDRESS WITH POSTCODE AND TELEPHONE NUMBER TO ENSURE A RESPONS

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**To:** Rob Behrens, PHSO Ombudsman and Chair; Amanda Amroliwala, PHSO Chief Executive

**Via email:** rob.behrens@ombudsman.org.uk

amanda.amroliwala@ombudsman.org.uk

Dear Rob and Amanda,

**Investigation into Women’s State Pension age changes**

I am writing regarding your ongoing investigation into changes to the State Pension age and the current review of your Stage 2 report. This is an issue affecting millions of 1950s-born women across the country and is an going concern for many of my constituents.

Reaching a fair conclusion for affected women is a focus that I know we will both share. However, as you will no doubt understand, the issues which arose in the first iteration of your second stage report – leading to successful legal action – have dented women’s confidence in the process.

As you now reconsider that report, please can I have your assurance that you will seek to meet the following objectives in doing so?

1. **Complete the investigation with sense of urgency.**

1950s-born women were obliged to exhaust the lengthy DWP and ICE complaint procedures before approaching you. The investigation has already been very drawn out. Once the recent settlement is approved by the Court, the investigation must move forward not just fairly but rapidly. Preparation for that can begin now. Justice delayed remains justice denied.

1. **Clearly and correctly identifying when maladministration causing injustice *began*.**

Besides being legally flawed, the Stage 2 report was ambiguous on a critical point: the date when the first set of State Pensions Act notification letters should have been sent out to 1950s-born women. If the DWP acting reasonably and without maladministration ought to have decided to send those letters out in August 2005 (as the Stage 1 report categorically found) why would it have taken 14 more months for the letter writing to begin?

Paragraph 5 of the original Stage 2 report indicated that women ought to have been notified *“by December 2006”* (in other words, a 14-month letter-writing campaign ought to have been completed by then). Elsewhere in the same report, you found that letter writing ought to have started by December 2006. This is inadequate. 1950s women are now relying on the rewritten report to reach clear, rational conclusions based on your own Stage 1 finding that maladministration began with the DWPs failure to act decisively in August 2005.

1. **Clearly and correctly identify when maladministration *ended*.**

The second stage report should not repeat the legally flawed finding that maladministration *ended* 28 months before women received notification letters (or should have received them when others in similar circumstances did). Working out when women ought to have received their letters should be straightforward. The report simply needs to make clear when letters would have started to be sent out, how long a letter-writing campaign would have lasted if it had been actioned with a sense of urgency, and which groups would have been written to in what order.

1. **Reach a sound, principled conclusion on what would have happened had there been good administration, rather than maladministration, in the way 1950s-born women were notified of their State Pension age.**

The original Stage 2 report was riddled with uncertainty, not least with the assertion *“[t]here is too much we cannot now know about what would have happened if DWP had written to women about the 1995 Pensions Act sooner.”* It is clearly part of PHSO’s statutory role to adjudicate on what would have happened had there been no maladministration. As explained above, working out what would have happened had there been good administration, rather than maladministration, should not be difficult. Successive Ombudsmen have been doing so for 56 years.

1. **Make findings on direct financial losses that do not require women to prove a negative, or provide evidence that no-one realistically will have.**

Having found when women would have received a notification letter, the Ombudsman then needs to ask women ‘what would you have done differently, had you received a letter then and how would that choice have affected your finances?’ If the answer to that simple question is that different choices would have been made and women’s financial circumstances would have been better, they must be compensated for their direct financial losses in line with [the Ombudsman’s own published policies](https://www.ombudsman.org.uk/organisations-we-investigate/putting-things-right/financial-remedy). Women should be taken at their word not asked to prove counter-factuals to a standard that is impossible for anyone to satisfy and offends principles of natural justice.

1. **Take proper account of *lost opportunities* to make different financial decisions.**

As well as direct financial losses, 1950s-born women have experienced losses of opportunities to make different choices. This is a free-standing form of injustice recognised in [another of your own policies](https://www.ombudsman.org.uk/sites/default/files/Our-guidance-on-financial-remedy-1.pdf) (see page 12: *“Loss of significant financial opportunities or life chances… where we cannot say on balance that these opportunities would have been taken up”*). It was not taken into account in the legally flawed Stage 2 report and must be grappled with in the next iteration.

1. **Properly calibrate distress, anger and hurt.**

The second report must not underplay the impact of the DWP’s maladministration on 1950s women – or use their anger and distress at the changes themselves as an excuse not to recommend a just settlement for the flawed way in which those changes were communicated.

1. **Take into account the differing impact of the injustices on different groups**

Not every 1950s-born woman received, or should have received, the same amount of notice of their State Pension age changes relative to their anticipated retirement age. So, the impact of maladministration will be different depending on women’s circumstances. This must be taken into account, so compensation is fair to all, rather than arbitrary.

1. **Reach conclusions in a fair manner, taking account of what 1950s-born women say.**

WASPI and all those with outstanding complaints must be properly consulted on the provisional conclusions of the rewritten second report.

1. **Make recommendations for compensation for 1950s-born women generally that are fair, can be put into place rapidly and are straightforward for everyone.**

A just remedy cannot be one that takes years to administer, requires 1950s-born women to meet sophisticated tests to establish eligibility, requires them to prove negatives or counter-factuals or treats them disrespectfully and suspiciously.

I would be very grateful if you could confirm your approach on all the of the above ten points, and keep me informed on the development of your revised second stage report.

Yours sincerely,