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## The WASPI Campaign submission to the All Party Parliamentary Group (APPG) on State Pension Inequality for Women

Submitted by Angela Madden (Chair) on behalf of the Campaign

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### 1. Background

Women Against State Pension Inequality (The WASPI Campaign) formally started in 2015 following lots of uncoordinated activity around the country. WASPI decided that a focused campaign was needed to influence Parliament to make real changes to WASPI women's lives.

We needed legal advice to point us in the right direction, and we knew that would cost a lot of money. Women Against State Pension Inequality Ltd was incorporated in September 2015 to enable us to raise money and make contractual agreements with suppliers (Legal, PR & Lobbying, Accountants).

Initially, we were financed with a CrowdJustice campaign, and latterly with a paid membership system. We made the decision early on that we would support all women regardless of whether they supported our campaign or others. All our materials and advice are freely available to all via our website and Facebook page.

Our ask is **"THE AIM OF THE WASPI CAMPAIGN IS: TO ACHIEVE FAIR TRANSITIONAL STATE PENSION ARRANGEMENTS FOR ALL WOMEN BORN IN THE 1950s AFFECTED BY THE CHANGES TO THE STATE PENSION LAW (1995/2007/2011 ACTS)"**.

Initially we saw this as being a "bridging pension" to bridge the gap between our expected pension age of 60 and our actual pension age of anywhere between 60 and 66. Now this looks much more likely to be compensation for failures by the Department of Work and Pensions (DWP).

We **never** asked for any laws to be reversed or for the State Pension age (SPa) to be reverted.

Following legal advice, we embarked on a strategy to prove that the DWP maladministered the changes to the SPa for women and produced guides and templates to allow every WASPI women to participate in a mass complaints process.

The process is slow. Four complaints need to be made to the DWP before being reviewed by an Independent Case Examiner paid for by the DWP. Once all these processes were exhausted women could complain to the Parliamentary and Health Service Ombudsman (PHSO). Complaints started trickling through to the Ombudsman some four years after they were first received by the DWP.

It's worth noting that the PHSO has the power to **"put the complainant back in the position she would have been in if maladministration had not occurred"**. It's also worth noting that the maladministration is concerned with not being informed about the SPa change, rather than the change itself.



Phase 1 of the PHSO took about 14 months once their inquiry proceeded unhindered by any legal actions.

## **2. PR Strategy and Reach**

Alongside our legal strategy we also embarked on a PR strategy. We are painfully aware that the only way to achieve compensation for all WASPI women is via Parliament. Successive Governments changed the SPa to save money. Not one Government since 1995 has reversed any changes or mitigated the pain caused to women.

We encouraged all WASPI women to write to their MPs several times, and created tools and templates to help, all available freely on our website. While understanding that MPs dislike template letters, we found that many women were unable to explain their case without a framework. We encourage women to personalize their letters to represent their own situation.

We initially demonstrated outside Parliament two years running on budget day. We also encouraged local demonstrations and “days of action” focused on spreading the WASPI message amongst local voters.

We have built up good relationships over the years with most of the National press. Because of our name and reach, the media generally attribute all 1950s born women’s activities to our campaign. We intended to make WASPI a household name, and we succeeded. We do refute any activities that are not concerned with our ask, (e.g. activities relating to reverting the changes to SPa, militant demonstrations), any demonstrations against institutions other than Parliament (e.g. the BBC), and any bullying activities (e.g. Harassing MPs, or targeting MPs with hate-mail). We believe strongly that we must use the processes available to influence change.

We have a major presence on social media, built up over the years. Our Facebook followers are in the region of 150,000 and rising all the time, and individual posts often reach 60,000 or more. Our Twitter followers are around 20,000 and rising. Our website posts regularly reach over 20,000 people, e.g. our recent post encouraging women to write to their MPs following the PHSO’s report reached 23,000 people.

We have a network of local groups and a membership scheme, reaching thousands of women. The membership scheme is our main source of income, and is buoyant. We have a healthy “fighting fund” which we retain should we need to take legal action at any time. WASPI has no employees, and all officials are volunteers, so all the money raised is to further the campaign.

## **3. Impact of the Lack of Information by the DWP on WASPI women.**

As previously mentioned, the cause of suffering for WASPI women is not the rise in the SPa per se, but not being able to prepare for retirement because we weren’t aware of the changes.

The JR clarified that only the Government can create primary legislation. Once agreed in Parliament no court or inquiry can change the law. The PHSO makes this clear in his report.

We disagree with the report’s finding that maladministration only occurred after 2004. We could challenge this, but we are aware that to do so would cause a further lengthy delay to any resolution.

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Conscious of the distress this would cause WASPI women, we feel it is not worth challenging at this point.

The injustices piled on WASPI women as a result of the maladministration found are many and severe. We are currently focusing our resources on ensuring that the PHSO is aware of all the suffering endured by WASPI women.

Our lawyers are representing a number of the test cases with the PHSO. As the inquiry must be held in confidence, we cannot discuss any of those cases directly, but can focus on general impact.

### 3.1 Typology of Injustice.

The Typology of Injustice used by the PHSO categorizes injustice into 4 main headings:

- Emotional
- Material
- Physiological
- Bereavement

The final category is not applicable to the WASPI inquiry.

We have a significant body of evidence to show real and lasting injustice in the first three categories. A brief categorization of some of that evidence is given here.

Examples of emotional injustice cover:

- Uncertainty
- Worry
- Disempowerment
- Feeling undervalued
- Having no voice (being ignored and falsely contradicted by the DWP throughout the long complaints process)

Examples of material injustice include:

- Events which generally lead to financial loss, e.g. not going for a promotion at work because of a belief retirement is looming when it isn't
- Not being included in retraining programs because your employer also thinks you will be retiring soon
- Making a decision about your employment thinking you will retire in a couple of years, when in reality it's 6 more years than you thought – probably the most impactful.

Examples of physiological injustice include:

- The long-term effects of stress and feeling worthless on both physical and mental health
- Being totally financially reliant on a partner. In a loving relationship that is uncomfortable, but in a controlling relationship that can lead to significant health and well-being issues.
- Having to continue to work in a job which is too physically demanding, because you did not have the correct information in time to prepare for a different and less challenging role.

The PHSO will make decisions about the financial value of compensation for all of these issues.



Emotional injustice can be difficult to quantify. How much is suffering years of stress worth? Consider discovering in 2012 that your SPa was not 2014 as you thought, but 2020? Does the stress end then? No – because we are still campaigning. How much value can you place on the continued stress of being continually ignored by the DWP, and our lawmakers? How much is disempowerment worth, when you have contributed to the family wealth all your working life, and then can't, because you made a life-changing decision based on the wrong information?

Material, or financial loss may be easier to prove. If you were in work in 2005, and made a decision to stop working to care for elderly relatives, believing you would get your State Pension at 60, your financial loss could include:

- The salary and benefits lost;
- Actuarial reduction in any occupational pension for early access
- The loss of your retirement savings that had to be used on living expenses before being able to claim any benefit
- Loss of equity in your home, where you have sold up and moved to smaller accommodation, using the capital to live on.

What decision would women have made if they had known their retirement was 6 years later? Go part time perhaps? Pay for care for their relative rather than providing it directly? All those scenarios can be calculated.

It's a complicated calculation, and although all women have been affected, they have not all been affected in the same way.

These are the issues that need to be thought through.

Our legal team have supplied a questionnaire to the test cases we are in touch with, asking them to reframe their case into these terms. Legal representation is available for these test cases if they wish.

#### 4. What solution does WASPI want to see?

The PHSO has chosen the test cases to be “representative” of all 1950s born women. We want the “injustices” found to be seen as representative of all those women too. So whatever injustices those women have suffered, should be applied to all women whose claims have not yet been seen.

It follows that the remedies applied to those injustices should be applied to all women.

The remedies for the emotional, material and physiological injustices perhaps can be applied to all.

Some impacts will last a lifetime for many women. Those who have had to sell their homes, those who had to draw down occupational pensions early as they had no other income, those whose stress levels led to significant health conditions e.g. heart conditions, IBS, possibly even shorter life expectancy. Will the PHSO inquiry cover this?

Women born before April 1953 received inadequate notice regarding the equalization of their SPa with men at 65. Women born after April 1953 **never received notice of the equalization to 65**, they received inadequate notice that their SPa had increased from 65 to 66. In reality this meant they had only one or two years' notice of an up to 6 year change in their SPa.

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The solution should relate both to the impact of the lack notice and the number of years women could have worked longer if they knew the SPa was increasing (SPa rise of 6 years in the worst cases and a few months in the best). Do you need more notice of a six-year rise, than you do of a one year rise because the impact is so much greater? Our understanding is that the 2014 Pensions Act includes the question of notice of the changes. People will now be given 10 years notice of a one-year change. This impact was sadly missing for WASPI women who received little or no notice of any change, be it weeks or six years or anywhere in between.

## 5. Role of the APPG

5.1 The PHSO has stated that if injustice is found, and we have significant evidence that injustice occurred, the third phase will be to make recommendations on any “injustice that has not already been remedied” The APPG could consider any advantages that may ensue from a solution being offered to women prior to the PHSO investigation reaching a conclusion? Compensation cannot include any pensions not paid, only losses concerned with not knowing about the pensions not being paid. This is most likely to be lost wages, which are probably worth significantly more than unpaid pensions.

This solution would need to be fair and appropriate for all the women affected, so would cost a significant amount, but significantly less than having to reimburse wages lost by the families of those women not informed of the changes to their SPa in time to make the right decisions.

**WASPI would like to see the APPG take on the role of engaging with all MPs to persuade them of the natural justice and expediency of agreeing a fast and fair solution for all WASPI women now.**

5.2 The APPG could liaise with the PHSO regarding the question of injustice and compensation. It is difficult to see how six test cases can represent impact and consequential losses for all women. How is the PHSO going to ensure that all complaints made by tens of thousands of women to the DWP have been represented by those six test cases?

The DWP and ICE closed the complaints process once they learned that the JR had been allowed to proceed. After an unknown number of cases, the PHSO also stopped accepting new cases as he felt that the six test cases chosen covered all the content from those received. Although we are happy that the investigation commenced, we wonder if all WASPI women are being well represented by such a small sample.

**WASPI want to make sure the PHSO includes all the evidence. Can the APPG help with this?**

5.3 The conversation surrounding the impact on women of the lack of communication of the SPa changes often concentrates on those least able to cope with that impact, those in abject poverty for example. But the failings of a government department affect all women, whether poor or otherwise. We would like to see the APPG understand and accept the impacts on all women and broker a solution for all.

**It is the DWP who failed in their duty to all women, not just those already on means tested benefits. Their customers, all those who qualify for the State Pension and are affected by their failure should be compensated equally.**



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5.4 Parliament should be interested in good administration. This whole saga is a result of a lack of focus on good administration. The DWP's performance around administering the State Pension scheme is atrocious, as is now coming to light.

WASPI ask that the APPG ensure the remedy applied to all women is administered fairly and without any unnecessary delays. **WASPI are looking for a fair and fast solution.**

5.5 Some time ago, the Work and Pensions committee held an inquiry into the SPa changes for women. Although more has now come to light about the maladministration of the changes to SPa, there may be some relevant evidence in that and other inquiries. As well as understanding the PHSO findings, the APPG may well take something from previous parliamentary inquiries.

I look forward to discussing these approaches and answering any questions the APPG may have.