

'The Waspi challenge to the ombudsman is brought not in anger, but in sorrow. Waspi and thousands of other affected women have put their trust in the ombudsman to do what the Government has been unable to do'



Women against state pension inequality protest outside the Houses of Parliament in 2019 (Photo: Isabel Infantes/Getty)



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Waspi women are right to take legal action over the state pension age changes as they try to boost their compensation, according to a lawyer representing the group.

The Parliamentary and Health Service Ombudsman (PHSO), the Government watchdog, has come to the wrong conclusions in part of its report into how 50s-born women were affected by **the policy decision**, said John Halford, a partner at law firm Bindmans.

It means the level of compensation recommended by the watchdog could be less than what the women believe they deserve.

Waspi (Women Against State Pension Inequality) has filed papers for a judicial review against the PHSO's conclusions, having raised **nearly £100,000 to pursue the case**.

The PHSO now has a chance to respond. If no decision is made to reconsider what Waspi believes are flawed conclusions in its investigation, Mr Halford is confident the case will proceed to a full trial where a judge will “decide whether the ombudsman’s decision is legally sound or not”.

The state pension ages changes, which raised the retirement age from 60 to 65 in line with men, affected women born in the 50s. They say the lack of adequate communication about the changes – which is what the PHSO was tasked with investigating – caused financial and emotional distress because they did not have enough warning about the changes, and they made major decisions based on when they thought they would retire.

The state pension age for both sexes is now 66, but it will increase to 67 by 2028.

In the first stage of the investigation, which focused on six sample cases, the PHSO established there was maladministration over the way the state pension age changes were communicated by **the Department for Work and Pensions (DWP)**.

But in the second stage, Mr Halford said the PHSO failed to find that the women had suffered financial loss and lost opportunities as a result of the maladministration, which he said was wrong.

As a limited level of injustice was found, the PHSO can recommend a remedy to the DWP, including compensation, for the affected women. But Mr Halford said a fair award of compensation was impossible based on the PHSO’s injustice findings so far.

“If the ombudsman doesn’t get it right, then I’m not saying nothing will be recommended, but it will quite possibly be a far less significant remedy... I think the likelihood is that the Government will be guided by the ombudsman and that’s why it’s just so important that the ombudsman gets it right in the first place.”

A key problem with the investigation that needs to be rectified, according to Mr Halford, is the

PHSO's method of calculating when the affected women found out about the state pension age changes in letters sent by the DWP.

One of the six sample cases features a woman who stopped working at 56 after being made redundant because she thought her family would cope financially until she got her pension at 60. Shortly before her birthday, she found out she had many more years to wait for her state pension, but it was too late to find work.

The PHSO says the time she received the state pension age letter would have made no difference to her decision to stop working but Mr Halford says the ombudsman is wrong.

“[The woman] says: ‘If I’d have known that it wasn’t going to be four years [until my state pension], it’s going to be 10, I certainly would not have given up looking for work, and I would have taken any job that I could.’”

Mr Halford added: “The ombudsman is making recommendations to the Government as to what to do about these people based on his workings in the six cases. But if he’s got his workings wrong, it doesn’t just affect six people, it affects millions of people.”

He **disputed some of the criticism Waspi has received for pursuing the judicial review.**

“What happened is unjust, it’s wrong.

“It’s wrong for people who have placed not only their trust in the state, but also put their money into the state through their national insurance contributions, believing that they were going to be able to draw them back in the form of a state pension and not having properly been told at the appropriate time we’ve changed the rules.

“It’s not, frankly, a very helpful thing to just say, well just get over it. Injustices have a really serious impact on people’s lives. And in the case of these women, a massive financial impact.”

He **said commentary that the judicial review case is “misconceived” was inappropriate given few people knew the details.**

“The fact of the matter is sometimes the ombudsman gets things wrong. Sometimes he’s judicially reviewed, and sometimes those judicial reviews succeed... He is capable of making mistakes.”

Mr Halford added: “The Waspi challenge to the ombudsman is brought not in anger, but in sorrow. Waspi and thousands of other affected women have put their trust in the ombudsman to do what the Government has been unable to do, which is to reach a fair decision on what should be done about the situation.


“All Waspi is asking the ombudsman to do is not something out of the ordinary. It’s asking the ombudsman to follow through on the stage one report and find injustice where it is so obviously there and then make recommendations for the redress of that injustice that are fair. And that is

just the ombudsman’s job.”

Angela Madden, chair of Waspi, said: “Ensuring the ombudsman reaches correct, rational conclusions is a critical step to achieving a just resolution for women who took critical, life-changing decisions about their retirement in good faith, assuming they could retire at 60.

“The DWP’s mistakes meant many only a learned a year or so before their 60th birthday that they had another six years to wait. After seven long years of campaigning, Waspi will not give up the fight for 50s-born women.”

The PHSO said: “We are considering what action DWP should take to put right the injustice we have found, and we will publish a full report on our findings shortly. A legal challenge has been issued, which we are currently considering.”

The DWP said: “The Government decided over 25 years ago it was going to make the State Pension age the same for men and women. Both the High Court and Court of Appeal have supported the actions of the DWP under successive governments dating back to 1995 and the Supreme Court refused the claimants permission to appeal.” 

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