



## BRIEFING PAPER

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# State Pension age increases for women born in the 1950s

By  
Djuna Thurley; Rod  
McInnes

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## Summary

The [Pensions Act 1995](#) provided for the State Pension age (SPA) for women to increase from 60 to 65 over the period April 2010 to 2020. The Coalition Government legislated in the [Pensions Act 2011](#) to accelerate the latter part of this timetable, starting in April 2016 when women's SPA was 63 so that it reached 65 in November 2018, at which point it started to rise to 66 by October 2020. The Government's initial intention was that the equalised SPA would then rise to 66 by April 2020 ([Cm 7956](#), Nov 2010, Foreword).

However, because of concerns expressed at the short notice of significant increases for some women (as much as two years compared to the timetable in existing legislation) it made a concession when the legislation was in its final stages. This limited the maximum increase under the Act at 18 months, at a cost to the Exchequer of £1.1 bn - see Library Briefing Paper, SN 06082 [Pensions Bill 2011 – final stages](#) (Nov 2011).

The changes have given rise to long-standing campaigns, with some women born in the 1950s arguing they have been hit particularly hard, with significant changes to their SPA imposed with a lack of appropriate notification.

They have been debated many times in Parliament. The Government's consistent response has been that the issues were debated when the 2011 Act was before Parliament, a concession made at that time, and that it will "make no further changes to the pension age or pay financial redress in lieu of a pension" ([PQ 49721](#) 27 October 2016). It also says that any further change would create new inequality between men and women and cause "younger people to bear a greater share of the cost of the pensions system", which "would be unfair and undermine the principle of inter-generational fairness that is integral to our state pension reforms" ([HC Deb 8 February 2018 c1693](#)).

On 3 October 2019, the High Court gave judgment on a claim for judicial review brought by two women supported by the [backto60](#) campaign. The claimants' grounds were that the mechanisms chosen to implement the increases in the pension age discriminated on grounds of age and/or sex. They also sought judicial review of the government's "alleged failure to inform them of the changes." However, the court dismissed the claim on all grounds ([Delve and Glynn v SSWP – media summary](#)). An appeal to the Court of Appeal was dismissed on 15 September 2020:

The Court unanimously dismisses the appeal, holding that adopting the same state pension age for men and women does not amount to unlawful discrimination under either EU law or the Human Rights Convention. The Court considers whether there is any legal obligation on the Respondent to notify people of the change to their pension age and holds that in any event the Divisional Court was entitled to conclude on the evidence that the publicity campaign implemented by the DWP had been adequate and reasonable. Finally, the Court holds that the application for judicial review had been made substantially out of time and the long delay in bringing the proceedings would have precluded the grant of any remedy even if the grounds of challenge had been made out. ([DWP press summary, 15 September 2020](#))

The Court of Appeal having denied leave to appeal, Lawyers for Backto60 and the two complainants decided to apply [directly to the Supreme Court](#).

The Parliamentary and Health Service Ombudsman (PHSO) is investigating six sample complaints to see if there was maladministration in DWP's [communication of changes to women's State Pension age](#). Where it finds an injustice was suffered as result of maladministration, it can make recommendations which might include payment of compensation in line with its [guidance on financial remedy](#). This includes its "severity of injustice scale", which contains six different levels of injustice, each with a range of

amounts of compensation, which the PHSO would usually recommend in those circumstances. For example, a Level 3 injustices would fall within the range of £500 to £950. The PHSO says the “2019 High Court decision has made clear that we are not able to recommend DWP reimburse ‘lost’ pensions. We also cannot recommend that anyone receive their state pension any earlier than the law allows. To do so would reverse or try to reverse primary legislation.” Following the Court of Appeal decision, the PHSO said it would review this to see if it affected its investigation (PHSO, [Complaints about communication of changes to women’s State Pension age](#)).

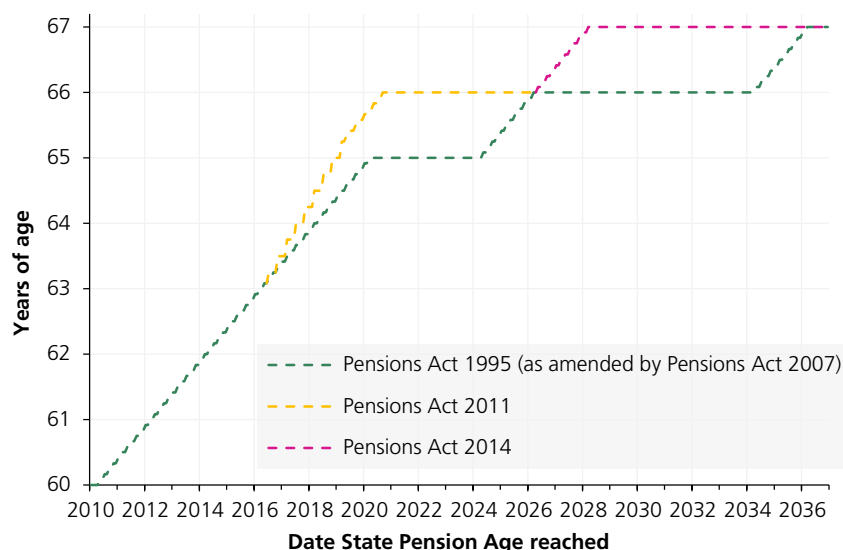
# 1. How is the State Pension Age for women changing?

From the 1940s until April 2010, the State Pension age (SPA) was 60 for women and 65 for men. The following legislation has increased the SPA since then:

- Provision to equalise the SPA for men and women by increasing the SPA for women from 60 to 65 in stages between April 2010 and 2020 was included in the [Pensions Act 1995](#). Provision to increase the equalised SPA from 66 to 68 in stages over the period 2024 to 2046 was included in the [Pensions Act 2007](#).
- Provision to bring forward the increase to 66 to October 2020 was included in the [Pensions Act 2011](#). To achieve this, the Act brought forward the increase in women's SPA, so that it reaches 65 in November 2018 (rather than April 2020).
- Provision to bring forward the increase in the SPA to 67 to between 2026 and 2028 is in the [Pensions Act 2014](#). People born after 5 March 1961 but before 6 April 1977 have an SPA of 67.<sup>1</sup>

The chart below shows how women's SPA is changing. The red line shows the timetable for increases to 67 after the *Pensions Act 2014*. The yellow line shows the timetable after the *Pensions Act 2011*. The green line shows the timetable in the *Pensions Act 1995* and *Pensions Act 2007*.

**State Pension Age for women 2010 to 2036**



Individuals can check their State Pension age under current legislation using the [State Pension calculator](#) on Gov.UK or DWP's [State Pension age timetable](#). This can then be compared to the original timetable in the [Pensions Act 1995](#) (Schedule 4) as enacted.

<sup>1</sup> [Pensions Bill Impact Assessment – Summary of Impacts](#), May 2013, para 19

In the *Pensions Act 2014*, the Government legislated for periodic reviews of the SPA in future - based around the principle that people should maintain a specific proportion of adult life receiving the state pension.<sup>2</sup> The first such review, looking at the timetable for the increase to 68, was conducted in 2017. For more detail, see Library Briefing Paper CBP 6546 [State Pension age review](#) (August 2017).

### **Equalising the SPA – *Pensions Act 1995***

When the contributory State Pension was introduced in the 1940s, it had a differential State Pension age (SPA) – 65 for men and 60 for women. During the 1970s and 1980s, pressure built for equalisation of the SPA for a number of reasons, including demographic changes, international comparisons and trends to equalise pension ages in occupational schemes in response to developments in European law.<sup>3</sup>

In his Budget statement on 30 November 1993, the then Chancellor of the Exchequer, Ken Clarke, announced that the Government had decided to equalise the SPA at 65. The change would be phased in over ten years starting in 2010.<sup>4</sup> When the legislation was before Parliament, then Social Security Minister Lord Mackay of Ardbrecknish, explained that developments in European law on occupational pensions had contributed to pressure for reform:

We believe that it is right to equalise at 65 because, first, women are increasingly playing a role equal to men in the economy. They live longer and can expect to work as long as men. Secondly, equalising at 65 will improve the future support ratio between those working and those on a state pension. Lastly, throughout the world, countries are equalising upwards or increasing pension ages for both sexes. This move will help to maintain our international competitiveness while ensuring that the state pension remains affordable. It is also right in the light of developments in occupational pensions.

In 1990 the European Court of Justice ruled that occupational pensions constituted part of pay and must be equal for men and women in respect of pensionable service from 17th May 1990. The great majority of schemes which have equalised their pension ages have done so at 65. The Bill will bring domestic legislation into line with the requirements of European law by requiring schemes to comply with an equal treatment rule which ensures that schemes do not discriminate on grounds of sex. This features in Part I of the Bill.<sup>5</sup>

The timetable legislated for at that time is in Schedule 4 of the *Pensions Act 1995* [as enacted](#). The current timetable can be seen in Schedule 4 [as amended](#).

### **Accelerating the increase to 66 – *Pensions Act 2011***

Following the 2010 General Election, the Coalition Government announced that it would bring forward the increase to 66 in the light of

<sup>2</sup> Ibid, p13

<sup>3</sup> HC Library [RP 95/47 The Pensions Bill: Social Security Aspects](#), 19 April 1995

<sup>4</sup> [HC Deb 30 November 1993, c 929](#)

<sup>5</sup> [HL Deb, 24 January 1995, c 977](#). For further detail, see Library Research Paper [RP 95/47 The Pensions Bill: Social Security Aspects](#)



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increases in life expectancy since the 2007 Act. The then Pensions Minister, Steve Webb said:

In the face of increased life expectancy, making no change to the timetable for the increase in State Pension age to 66 risks the sustainability of the state pensions system. As longevity improvements are shared between the generations, it is only fair that costs are too.<sup>6</sup>

In the House of Lords, Work and Pensions Minister, Lord Freud said that the argument came down to “simple financial discipline” and rising longevity:

We have been left with a record structural deficit and we need a sustainable system. Spending on state pensions in ten years’ time will be nearly £26 billion higher if we leave the timetable unchanged. That reflects a mounting financial pressure on the working population. [...]. The fundamental argument runs along these lines: those people who have enjoyed this dramatic increase in longevity should help to fund their pensions.<sup>7</sup>

The Government initially said it would bring the increase to 66 forward to April 2020. To enable this, it would accelerate the increase in women’s SPA from April 2016 (when it would be 63) to reach 65 by November 2018 rather than April 2020. The increase would be phased-in at a rate of three months’ increase in the SPA every four months. This compared to an increase of one month every two months under the 1995 and 2007 Acts (so that each year took two years to phase-in).<sup>8</sup>

### **Concession when the legislation was in Parliament**

When the legislation was before Parliament, concerns were expressed at the extent of the increase affecting some women and the limited notice they were getting.<sup>9</sup>

Age UK, for example, expressed concern that the revised timetable could leave many with “insufficient time to prepare for retirement” and would cause particular hardship for certain groups: those with lower average life expectancy; those who depended more on their state pension in retirement; and those who are more likely to suffer from health problems or disability, limiting their ability to work up to and beyond 65.<sup>10</sup>

In the Second Reading debate in the Commons, the then Work and Pensions Secretary Iain Duncan Smith said the Government would consider transitional arrangements:

I recognise the need to implement the change fairly and manage the transition smoothly. I hear the specific concern about a relatively small number of women, and I have said that I will consider it. I say to my colleagues that I am willing to work to get

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<sup>6</sup> DWP, [A sustainable State Pension: when the State Pension age will increase to 66](#), CM 7956, November 2010, Foreword

<sup>7</sup> [HL Deb 15 February 2011 c589](#)

<sup>8</sup> [Pensions Bill 2011. Annex A – Impact Assessment – State Pension age](#), para 1.23

<sup>9</sup> [PBC Deb, 5 July 2010 morning c5](#)

<sup>10</sup> Age UK, Pensions Bill Second Reading Briefing, 6 May 2011; See also, Age UK Press Release, 29 March 2011, [‘Millions force to wait longer for pensions under new bill’](#)

the transition right, and we will. Some have called for us to delay the date of equalisation of the pension age, but I wish to be clear again that this matter is the challenge of our generation, and we must face it. That is why we are committed to the state pension age being equalised in 2018 and rising to 66 in 2020. That policy is enshrined in the Bill.<sup>11</sup>

A number of Opposition amendments were moved at Committee stage with the aim of ameliorating the impact on those affected. These included:

- Retaining the 1995 Act timetable for the increase to 65, and then increasing the equalised SPA to 66 by April 2022;<sup>12</sup>
- Changing the timetable so that “no woman born between 6 October 1953 and 5 April 1955 would have longer than one year to reach SPA from the present position;”<sup>13</sup> and
- Maintaining the 1995 Act timetable for Pension Credit, to provide a “buffer of help with the transition for those least able to cope financially with the move.”<sup>14</sup>

On 7 July 2011, the then Pensions Minister Steve Webb reiterated the Government’s commitment to looking at transitional issues while sticking to “the principle of fast equalisation and the move to 66.”<sup>15</sup> The then Shadow Pensions Minister Rachel Reeves expressed concern that she was still “none the wiser about how the Government plan to go about smoothing the transition, and easing the impact of the Bill on those most affected by it.”<sup>16</sup>

In advance of the Bill’s Report Stage on 18 October 2011, the Government amended the legislation to cap the maximum increase at 18 months, relative to the timetable in the 1995 Act. Women’s SPA would still reach 65 in November 2018 but the increase from 65 to 66 would happen more slowly - by October 2020 rather than April 2020. This improved the position (compared to the legislation as originally drafted) for women born between 6 January 1954 and 5 September 1954. They would otherwise have seen their SPA increase by more than 18 months and, as much as two years in some cases.<sup>17</sup>

Steve Webb described the amendments as a “huge achievement” given the “difficult fiscal position.” The then Shadow Pensions Minister, Gregg McClymont welcomed the amendments but said the legislation continued to place “the longevity burden disproportionately heavily on women in their later 50s”<sup>18</sup>

In an interview with the Institute for Government in June 2015, Steve Webb explained the background to the amendment:

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<sup>11</sup> [HC Deb, 20 June 2011, c50](#)

<sup>12</sup> [PBC Deb, 5 July 2010 \(morning\), c4-5](#). Amendments 16 and 17 [Rachel Reeves]

<sup>13</sup> *Ibid*, c69 [Teresa Pearce]

<sup>14</sup> [PBC Deb 7 July 2011 c142-5](#)

<sup>15</sup> *Ibid*, c159

<sup>16</sup> *Ibid*, c161

<sup>17</sup> [DWP factsheet, October 2011](#)

<sup>18</sup> [HC Deb, 18 October 2011, c823 and 780](#)



We made a choice, and the implications of what we were doing suddenly, about two or three months later, it became clear that they were very different from what we thought [...] And so that's a decision that we got wrong, and in the end I had to go to Number 10, sit around opposite the Chancellor and the Prime Minister trying to get billions of pounds back. So this was a measure to save 30 billion quid over how many years, and we wanted 10% of that back to soften the blow, and we got £1 billion back in the end, and a billion quid is a serious amount of money.<sup>19</sup>

The [Pension Act 2011](#) received Royal Assent on 3 November 2011. The [Pensions Act \(Northern Ireland\) 2012\(s1\)](#) provides for the same timetable to apply in Northern Ireland.

For more on the debates, see: RP 11/52 [Pensions Bill](#) (June 2011) (section 2.4); RP 11/68 [Pensions Bill: Committee Stage Report](#) (October 2011) (section 3.1); and SN-06092 [Pensions Bill 2011 – final stages](#) (November 2011).

## International comparisons

EEC Directive 79/7 requires “the progressive implementation of the principle of equal treatment for men and women in matters of social security.” It allows for differences in the statutory pension age, although this must be periodically reviewed and the Commission informed of the reasons for maintaining existing provisions.<sup>20</sup> A 2007 European Commission report said that although pension age equalisation was an “objective to be strived for”, appropriate transitory measures seemed inevitable:

In the area of occupational schemes, in many countries traditional difference in pensionable age is put under pressure by ECJ. In principle, differences are not allowed unless there is a close link with statutory schemes. Under statutory schemes, the difference in age is allowed under Article 7(a) of Directive 79/7.

The overall picture in the statutory schemes in the Member States and the EEA countries is as follows:

- In some states there is no difference made in this respect (Cyprus; France; Iceland; Ireland; Liechtenstein (since 2001); NL; Norway; Portugal; Sweden; Luxemburg; Spain);
- In other states there is a process of equalizing the pensionable age, sometimes with long transitional arrangements (Austria, Belgium; UK (transitional measures until 2020); Estonia; Germany; Latvia; Malta; Slovakia; Hungary);
- In the remaining states the difference in pensionable age is maintained (Bulgaria, Czech Republic (if a woman has brought up children), Italy (difference is in fact reintroduced), Lithuania, Poland, Romania, Slovenia, Greece).

Interestingly, it is in particular the former ‘communist’ countries that maintain this difference. As an expert put it: the difference is

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<sup>19</sup> [Institute for Government interview with Steve Webb, 9 June 2015](#)

<sup>20</sup> [79/7/EEC – on the progressive implementation of equal treatment of men and women in matters of social security](#) Articles 7 and 8; [HL Deb, 30 March 2011, c1279](#)

regarded in these countries as just since it compensates for unequal working conditions for men and women.

Considered against this background, if the pensionable age of men and women is going to be equalized under EU-law at the end of the day, an objective to be strived for, due account should be taken of the realities in, in particular the new Member States. Appropriate transitory measures seem inevitable.<sup>21</sup>

The table below shows the pensionable ages in EU member states:

### Pensionable ages in EU Member States

		2009		2013		2017		2020		After 2020		
		Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	
BE	Belgium	65		65		65		65		67		in 2030
BG	Bulgaria	63	60	63y8m	60y8m	64	61	64y3m	61y6m	65 +LE		in 2037
CZ	Czech Republic	62	56y8m-60y8m (a)	62y6m	57y8m-61y8m (a)	63	58y4m-62y4m (a)	63y8m	60y2m-63y8m (a)	65		by 2037
DK	Denmark	65		65		65		66		67 +LE		in 2022
DE	Germany	65		65y2m		63y4m-65y6m (b)		63y10m-65y9m (b)		65-67 (b)		in 2031
EE	Estonia	63	61	63	61	63		63y9m		65		in 2026
IE	Ireland	65		66		66		66		68		in 2028
EL	Greece	65	60	67	62	67		67		+LE		
ES	Spain	65		65-65y1m (b)		65-65y4m (b)		65-65y10m (b)		65-67 (b)		in 2027
FR	France	60-65		61y2m		62-65y4m (b)		62-66y2m (b)		62-67 (b)		in 2022
HR	Croatia	65	60	65	60y9m	60-65	60-61y6m	60-65	60-61y6m	60-67	60-62y6m	in 2038
IT	Italy	65y4m	60y4m	66y3m	63y9m	66y7m	65y7m-66y7m	+LE		≥67 +LE		in 2021
CY	Cyprus	65		65		65		65		+LE		
LV	Latvia	62		62		63		63y9m		65		in 2025
LT	Lithuania	62y6m	60	62y10m	60y8m	63y4m	61y8m	64	63	65		in 2026
LU	Luxembourg	65		65		65		65		65		
HU	Hungary	62		62		63y5m		64y5m		65		in 2026
MT	Malta	61	60	62		62		63		65		in 2027
NL	Netherlands	65		65y1m		65y9m		66y8m		65 +LE		in 2021
AT	Austria	65	60	65	60	65	60	65	60	65		in 2033
PL	Poland	65	60	65y1m	60y1m	66y1m	61y1m	65	60	65	60	
PT	Portugal	65		65		65-66y3m (b)		+LE		+LE		
RO	Romania	63y4m	58y4m	64y8m	59y8m	65	60y6m	65	61	65	63	in 2030
SI	Slovenia	63	61	65	63y6m	60-65 (b)		60-65 (b)		60-65 (b)		
SK	Slovakia	62	55y3m-59y3m (a)	62	57y6m-61y6m (a)	62y76d	59-62y76d (a)	+LE		+LE		
FI	Finland	63-68 (c)		63-68 (c)		63-68 (c)		63y9m-68y (c)		65-70 +LE		in 2027
SE	Sweden	61-67 (c)		61-67 (c)		61-67 (c)		61-67 (c)		61-67 (c)		
UK	United Kingdom	65	60	65	61y4m	65	63y6m	65y7m		68 +LE		in 2046

#### Sources

2009-2013

Review of recent social policy reforms - 2015 Report of the EU Social Protection Committee (2 Feb 2016)

2017 onwards

Pension adequacy report 2018 – Current and future income adequacy in old age in the EU (EC, 26 Apr 2018)

#### Notes

UK data as at 1 January of reference year. Non-UK data are as reported to the European Commission by member state authorities.

+LE subject to adjustment in light of life expectancy gains.

(a) depending on the number of children raised.

(b) depending on contribution period and/or sector of employment.

(c) flexible retirement age linked to benefit level.

Making comparisons between pension systems is difficult because of their wide variety. However, a 2011 report by the European Commission showed that different approaches have been taken to equalisation.<sup>22</sup> The European Commission notes that “almost all Member States are in the process of further increasing the pensionable age”, although they are doing this “from different starting points, with different ambitions and different gender emphasis.”<sup>23</sup> Poland is a notable exception in that

<sup>21</sup> [Report on Directive 79/7/EEC and Directive 86/378 EEC as amended by Directive 96/97/EC. Report by the Commission's Network of legal experts in the fields of employment, social affairs and equality between men and women](#), March 2007, p7

<sup>22</sup> European Commission, [The socio-economic impact of pension systems on the respective situations of women and men and the effects of recent trends in pension reforms](#), November 2011

<sup>23</sup> [Pension adequacy report 2018 – Current and future income adequacy in old age in the EU \(Volume 1\)](#), European Commission Directorate-General for Employment,

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it has recently reversed plans to increase its pension ages to 67, resetting them to 65 for men and 60 for women.

The interim report of the Cridland Review commented that the vast majority of OECD countries have equalised or are set to equalise their pension ages. Thirteen countries currently have different retirement ages according to gender but only Chile, Switzerland, and Israel have no legislation to achieve equalisation.<sup>24</sup> See OECD, [\*Pensions at a Glance 2017\*](#) for information on current retirement ages and future retirement ages in OECD countries.

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Social Affairs and Inclusion, 26 April 2018, p126; See also OECD, [\*Pensions at a Glance 2017\*](#).

<sup>24</sup> [Independent Review of the State Pension age: Interim Report, October 2016](#), p 25

## 2. How many women were affected and by how much?

Women affected by the Pension Acts 1995 and 2011 fall into the following groups:

- Women born **between 6 April 1950 and 5 April 1953** have an SPA under the 1995 Act of **between 60 and 63**. They reached SPA by March 2016;
- Women born **between 6 April 1953 and 5 December 1953** have an SPA under the 2011 Act of **between 63 years and 3 months and 65**. They reached SPA by November 2018 (the month in which the female and male SPAs were equalised);
- Women and men born **between 6 December 1953 and 5 April 1960** have an SPA set by the 2011 Act of **between 65 years and 3 months and 66**.<sup>25</sup>

Changes in the *Pensions Act 2011* affected around 5 million people in Great Britain (2.6 million women and 2.3 million men) born between 1953 (6 April for women, 6 December for men) and 5 April 1960 who will have to wait longer before they reach SPA. The Coalition Government estimated that, of this number:

- An estimated 4.5 million people in Great Britain would have their SPA increased by less than a year;
- An estimated 500,000 women born between 6 October 1953 and 5 April 1955 would have their SPA increased by more than a year;
- Around 300,000 women born between 6 December 1953 and 5 October 1954 would have their SPA increased by 18 months.<sup>26</sup>

The chart below shows the estimated number of women and men affected by the Pension Act 2011 in the UK by year, 2016 to 2026:

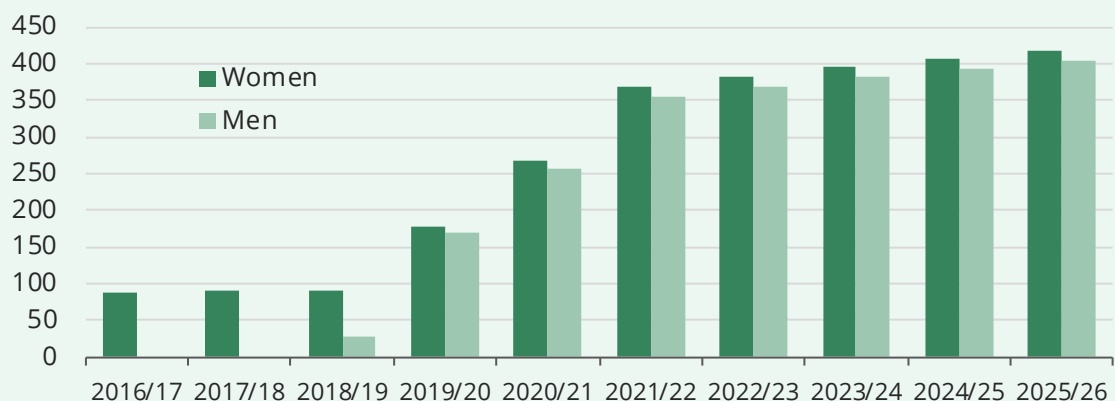
### Constituency level estimates...

for the number of women affected by the *Pensions Act 2011*, produced by the House of Commons Library, are available to download as an attachment to this document.

### Women and men affected by Pensions Act 2011 increases in State Pension Age

*Financial year in which State Pension Age is reached*

Thousands of people



Source House of Commons Library estimates, based on ONS mid-year population estimates for UK

<sup>25</sup> [Pensions Act 1995, Schedule 4 \(as amended\)](#) ; [HC Deb 18 Oct 2011 c780 and 823](#)

<sup>26</sup> DWP, [Pensions Bill Impact Assessment](#), November 2011, table 5 and Gender Impact, para 1.3 and 2.2; [HC Deb, 2 December 2010, c 953](#)

## Estimates for Parliamentary constituencies

A [spreadsheet accompanying this briefing online](#) shows House of Commons Library estimates of the number of women born in the 1950s affected by changes to the State Pension Age (SPA) in each Parliamentary constituency, with totals for country/region level.

Users can find the number of women affected in their area and why and by how much their SPAs have increased. It covers all women born between 6 April 1950 and 5 April 1960 and incorporates SPA changes legislated for by the Pension Acts *1995*, *2007* and *2011*.

<b>Estimates of women born in the 1950s affected by changes to the State Pension Age in the 1995, 2007 and 2011 Pension Acts</b>											
The <b>sum impact</b> row shows the aggregate increase in SPA compared to an SPA of 60. The <b>maximum increase</b> experienced by any woman born in the 1950s is <b>6 years</b> in total. House of Commons Library calculations based on ONS/NRS/NISRA mid-year 2018 population estimates. Rounded to nearest hundred or thousand. See footnotes for full details.											
Women born...	Between the 6th... ...and the 5th...	Apr-50 Apr-51	Apr-51 Apr-52	Apr-52 Apr-53	Apr-53 Oct-53	Oct-53 Dec-53	Dec-53 Apr-54	Apr-54 Oct-54	Oct-54 Apr-55	Apr-55 Apr-59	Apr-59 Apr-60
Impact of the...											
<b>1995 Act</b> compared to an SPA of 60	From	1 day	1y 1d	2y 1d	3y 1d	3y 6m 1d	3y 8m 1d	4y 1d	4y 6m 1d	5 years	5 years exactly
	To (inclusive)	1 year	2 years	3 years	3y 6m	3y 8m	4 years	4y 6m	5 years	5 years exactly	
<b>2007 Act</b> compared to <b>1995 Act</b>	From	No impact									1 day
	To (inclusive)										1 year
<b>2011 Act</b> compared to <b>1995 &amp; 2007 Acts</b>	From	No impact			2 months	1y 2m	1y 6m	1y 6m	1 year	1 year	0 days
	To (inclusive)				1 year	1y 4m	exactly	exactly	1y 6m	exactly	1 year
<b>Sum impact</b> of 1995, 2007 & 2011 Acts compared to SPA of 60	From	1 day	1y 1d	2y 1d	3y 2m 1d	4y 8m 1d	5y 2m 1d	5y 6m 1d	6 years	6 years exactly	
	To (inclusive)	1 year	2 years	3 years	4y 6m	5 years	5y 6m	6 years			
Code	Country/region	Constituency	Number of women affected								
K02000001	United Kingdom		346,700	344,000	350,500	179,300	59,800	118,600	179,600	178,600	1,553,700
K03000001	Great Britain		337,700	334,900	341,100	174,600	58,200	115,400	174,700	173,800	1,509,900
E92000001	England		288,200	285,800	290,700	148,800	49,600	98,400	148,800	148,000	1,285,800
E12000001	North East		15,400	15,200	15,600	7,900	2,600	5,200	8,000	8,000	70,200
E12000002	North West		38,900	38,100	38,800	19,800	6,600	13,100	19,900	19,800	173,600

These estimates are based on mid-year 2018 single-year-of-age population estimates published by the Office for National Statistics (ONS), National Records Scotland and the Northern Ireland Statistics and Research Agency (NISRA).

## Impact on pension incomes

Summarising the gender impact of the 2011 Act increase, the Government said that the acceleration in SPA equalisation would “reduce the advantage currently enjoyed by women over men as a result of a lower pension age and higher life expectancy”. The impact on lifetime pension income was more complex:

All other things being equal, in general men would lose a slightly higher proportion of their lifetime pension income than women as a result of increasing the State Pension age, because of lower average life expectancy. However, because of higher average earnings, men may be in a better position than women to offset part of this loss through higher additional contributions to a private (Defined Contribution) pension scheme.<sup>27</sup>

It is men and women born in 1954 on low incomes (who would have been entitled to Pension Credit, the qualifying age for which would also rise) whose lifetime pension incomes are most affected.<sup>28</sup>

Regards the countries of Great Britain, DWP commented that although life expectancy at SPA was lower in Scotland and Wales than in England, men and women in these countries had experienced the same increase in life expectancy in absolute terms over the last decade.

<sup>27</sup> DWP, [Pensions Bill 2011. Impacts – Annex A – State Pension age, para 2.24-6](#)

<sup>28</sup> [Ibid, para 2.8-9](#)

Projections of life expectancy implied that the change was not expected to result in a “widening of life expectancy at State Pension ages between constituent countries of Great Britain.”<sup>29</sup>

## Working for longer

In November 2016, **Age UK** produced a report looking at the impact of rising State Pension age from the perspective of some of the individuals who will be heavily reliant on their State Pension in retirement, based on interviews with individuals in routine jobs or whose ability to work had been affected by their caring responsibilities, health or unemployment/underemployment. It said:

Some of the people we spoke to in routine jobs told us these were physically demanding and, as they were already concerned about their health, they worried about how they were going to be able to work to an increased State Pension age. The quality of someone’s job also seems to be a key factor in enabling longer working lives.

As well as concerns about their ability to work longer, people worried about the loss of years of retirement, when they had been looking forward to having some time to do the things they enjoyed.

Carers provide a vital role in our society supporting older and disabled people, providing billions of pounds worth of care a year and enhancing the lives of those they care for. However, being a carer may not only affect someone’s ability to work and earn, it can also have a major impact on their future retirement prospects.<sup>30</sup>

In August 2017, the **Institute for Fiscal Studies (IFS)** published analysis of the increase to 63 by April 2016 on women aged between 60 and 63 (who would have had an SPA of 60 before the *Pensions Act 1995*).<sup>31</sup> It found that their employment rates were 9.8% higher than women of the same age before the reforms:

Our estimates suggest a 9.8 percentage point (ppt) increase in the proportion in paid work (from a pre-reform base of 38.0%), with a 7.1ppt increase in full-time work and a 3.7ppt increase in part-time work (estimated effects do not sum precisely, since they are estimated from separate models).

Employment rates had increased “substantially” among women aged 60 to 62:

For women aged 60 to 62, who are now under the state pension age, the reform has also increased employment rates substantially, boosting the gross earnings of these women by £2½ billion in total. Across all 60 to 62 year old women (including those not in paid work) this is equivalent to an average of £44 per week. This – and the fact that employee national insurance contributions are

<sup>29</sup> Ibid, [p15](#)

<sup>30</sup> Age UK, [Working later waiting longer](#), November 2016; ‘[Higher state pension age will deprive many of a decent retirement, warns Age UK](#),’ November 2016

<sup>31</sup> IFS, Working Paper (W17/10), [Can’t wait to get my pension: the effect of raising the female pension age on income, poverty and deprivation](#), 2 August 2017; See also IFS, [Incentives, shocks or signals: labour supply effects of increasing the female state pension age in the UK](#), March 2013



## 15 State Pension age increases for women born in the 1950s

paid up to the (now higher) state pension age – has boosted government revenues by £0.9 billion.

Despite this rise in employment, the net effect of SPA changes was that household incomes had fallen:

The net effect is that household incomes for women in this age group have fallen by around £32 per week on average. The reduction is similar in cash terms for richer and poorer households meaning that while the average drop in proportional terms is 12%, the decline is significantly larger, on average, for low income households (21%) than for high income households (4%).

Consequently, income poverty had increased:

The falls in household incomes caused by the reform have pushed income poverty among 60 to 62 year old women up sharply (by 6.4 percentage points compared to a pre-reform poverty rate among women of this age of 14.8%). On the other hand we found no evidence of any change in measures of material deprivation (that is people saying that they cannot afford a range of important items). This might suggest that, despite lower incomes, so far families have generally managed to avoid higher levels of deprivation by smoothing their spending over time.<sup>32</sup>

But the change had boosted the public finances:

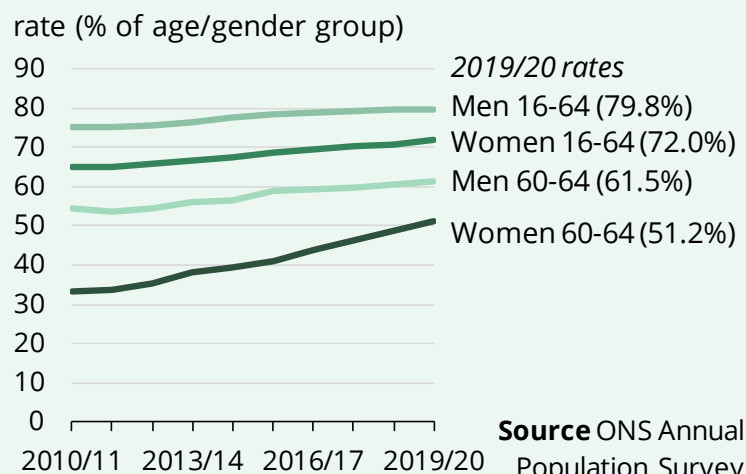
Reduced state benefits (most importantly the state pension), increased employee national insurance contributions, and higher employment mean **the increased state pension age from 60 to 63 boosts the public finances by £5.1 billion per year by 2015–16**. The female state pension age is currently continuing to rise, reaching 65 in 2018 and (along with men) 66 in 2020. This public finance benefit will increase as the state pension age rises further.<sup>33</sup>

Figures from the **ONS** show that employment among women aged 60-64 has risen substantially since 2010, albeit from a relatively low level.

In 2019/20, **982,400** women aged 60-64 were in employment, an increase of 340,500 since 2010/11. The employment rate among women aged 60-64 rose from around a third (33.5% in 2010/11) to just over half (**51.2%** in 2019/20).<sup>34</sup>

As shown in the chart opposite, the rise among women aged 60-64 has been faster than for men of the same age, as well as for women aged 16-64.

### Employment rates, UK, 2010/11 to 2019/20



<sup>32</sup> [IFS press release, Increased female SPA has already boosted government finances by £5.1 billion a year, with more to come. But 1.1 million women worse off by an average of £32/wk, 2 August 2017](#)

<sup>33</sup> Ibid

<sup>34</sup> [ONS Annual Population Survey, accessed via ONS Nomis](#)

## Receipt of out-of-work benefits

Working age benefit data offers an alternative insight into the impact state pension age changes.

The table and charts below show the change between **May 2013** and **November 2019** in the number of claimants of key out-of-work benefits for working age people, grouped into two categories:

- Jobseeker's Allowance (JSA) and Universal Credit for out-of-work claimants;
- Legacy incapacity benefits: comprising Employment Support Allowance (ESA) and its predecessors.<sup>35</sup>

People claiming selected DWP working-age out-of-work benefits, Great Britain						
	JSA and UC out-of-work (a)			Legacy incapacity benefits (ESA and predecessors) (b)		
	Female	Male	Total	Female	Male	Total
<b>Change, May 2013 to November 2019, by age</b>						
<b>Number of claimants</b>						
Working-age total	+177,147	-171,684	+5,469	-130,663	-302,021	-432,683
of which: age bands						
16 to 54	+130,648	-209,745	-79,095	-243,615	-298,129	-541,745
55 to 59	+12,595	+2,547	+15,148	-25,568	-36,494	-62,059
60 and over	+33,898	+35,520	+69,419	+138,520	+32,602	+171,125
<b>Percentage change</b>						
Working-age total	+37%	-19%	+0%	-12%	-24%	-18%
of which: age bands						
16 to 54	+30%	-26%	-6%	-30%	-33%	-31%
55 to 59	+40%	+4%	+17%	-12%	-18%	-15%
60 and over	+447%	+165%	+238%	+192%	+21%	+75%

**Source** DWP Stat-xplore benefit combinations dataset, accessed 21 July 2020

**Note** Statistical disclosure control has been applied to the figures at source to avoid the release of confidential data. Components may not sum exactly to totals as a result. A small number of claimants with unknown gender have been excluded.

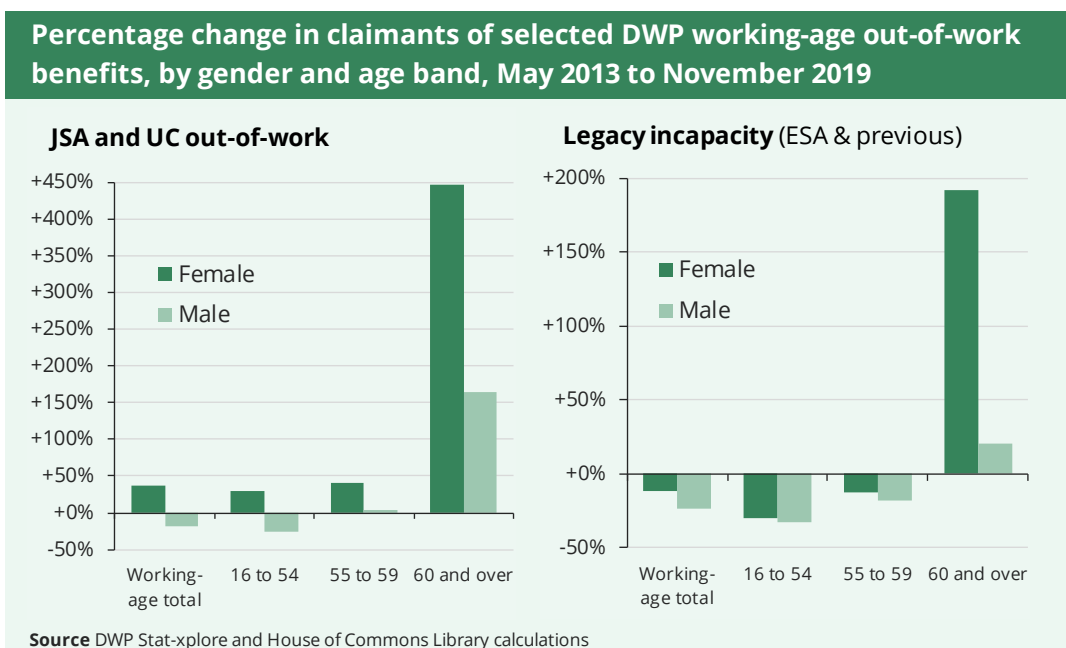
**(a)** 'JSA and UC out-of-work' comprises Jobseeker's Allowance, and Universal Credit for the out-of-work.

**(b)** ESA's predecessor benefits comprise the following legacy incapacity-related benefits: Incapacity Benefit, Severe Disablement Allowance (SDA) and Income Support claimed on grounds of incapacity. Since 2010, claimants of these legacy benefits have been reassessed and migrated to ESA if found entitled.

There were substantial increases in the number of women aged 60 and over in receipt of working-age out-of-work benefits between May 2013 and November 2019, contrasting with the trends in the overall working-age benefit caseload:

- The working-age **JSA/UC out-of-work** caseload rose only slightly (+0.4%) overall, whereas the caseload of women aged 60+ on these benefits rose by 447% (up by nearly 33,900 claimants);
- The total working-age caseload for **legacy incapacity benefits** fell by 432,680 (-18%), whereas the caseload of women aged 60+ on these benefits rose by 138,520 (+192%).

<sup>35</sup> ESA accounts for the vast majority of claimants of incapacity-related benefits, but there remains a small number of claimants of ESA's predecessor benefits – Incapacity Benefit, Severe Disablement Allowance (SDA) and Income Support for incapacity.



We cannot say for certain how much of this increase was a direct result of SPA changes.

The numbers of men aged 60+ claiming out-of-work benefits also increased in this period, although the percentage increase was lower than for women in this age group. Although men's SPAs did not increase during this period, they were affected by increases in the qualifying age for Pension Credit (which was linked to the State Pension age for women).

The higher percentage increases for women in the 60+ age group, at a time when the number of claimants in other age groups has been falling, does however suggest changes in the female SPA are likely to have influenced this increase.

A [spreadsheet accompanying this briefing online](#) shows the number of women aged 60+ in each Parliamentary constituency and region, as well as nationally, claiming key out-of-work benefits from May 2013 to November 2019.

### 3. Did women affected have advance warning?

#### How much notice should people get?

In general, ten years' notice of an SPA increase is considered to be appropriate.<sup>36</sup> This is the length of notice that the periodic SPA reviews established by the *Pensions Act 2014* will seek to give.<sup>37</sup>

In 2005, the Pensions Commission had suggested that "a policy of significant notice of any increase (e.g. at least 15 years) should be possible".<sup>38</sup> This was the amount of notice given by the 1995 Act, which did not take effect until 2010 and did not affect anyone aged 44 or over at the time of the announcement.<sup>39</sup>

In contrast, some of those whose SPA was increased by the 2011 Act received only around five years' notice (although those women had the smallest increases). Those with the largest increases (18 months) got less than eight years.<sup>40</sup> At the time, organisations such as Age UK argued that the revised timetable could leave many with "insufficient time to prepare for retirement."<sup>41</sup> Concern was also expressed by Opposition parties.<sup>42</sup> The then Pensions Minister, Steve Webb, said he accepted that the period of notice being given to some women was "the key issue."<sup>43</sup>

#### What was the Government required to do?

In its October 2019 judgment on changes to the State Pension age, the High Court rejected arguments put on behalf of women that they had "not had sufficient notice of the changes and that this was contrary to the requirements of public law, breached their legitimate expectation and was procedurally unfair."<sup>44</sup> It concluded that:

118. Essentially for the reasons given by the Defendant, we are clear that the Claimants' case on notification must fail. If and insofar as the argument based on legitimate expectation is founded on any implied undertaking or promise to those in the Claimants' position, that promise could only amount to: Parliament will not alter the state pension age unless there has been prior consultation with the individuals affected. No such promise or representation was ever made. In addition, it is clear that successive governments engaged in extensive consultation with a wide spread of interested bodies before the successive Pensions Acts were brought before Parliament.

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<sup>36</sup> [Cm 8131](#), p11

<sup>37</sup> [Cm 8528](#), chapter 6

<sup>38</sup> [Pensions Commission 2<sup>nd</sup> Report](#), December 2005, p14

<sup>39</sup> [HC Deb 30 November 1993, c 929](#)

<sup>40</sup> From February 2011 when the Bill was introduced or November 2011 (Royal Assent) to April 2016 when the increase in the SPA starts to accelerate and b) From February 2011 to January 2019 when women born in August 1954 would have reached SPA under the 1995 Act

<sup>41</sup> Age UK, Pensions Bill Second Reading Briefing, 6 May 2011

<sup>42</sup> [HC Deb. 20 June 2011](#), c61 [Liam Byrne]; [HC Deb 11 May 2011 c437 \[Eilidh Whiteford\]](#)

<sup>43</sup> [HC Deb 11 May 2011 c437WH](#)

<sup>44</sup> [Delve and Glynn v SSWP – medial summary, 3 October 2019](#)

119. The form and content of the relevant successive Acts of Parliament did not constitute acts of the government, or public policy formulated and publicised by government. Parliament could have included obligations of notice to the individuals affected by these successive changes but did not do so. Moreover, as the Defendant points out, any duty to give notice to those affected arising other than from the statutes themselves would come after the event. A failure to give such notice could not conceivably lead to the abrogation of the relevant statute. For similar constitutional reasons, the Defendant is also correct that, even if the court were able to impose obligations of notice giving proceeding from common law fairness, no breach could commit or empower the court to suspend the operation of primary legislation. There would be no remedy for any such breach.

120. Even in the context of amendments to the Immigration Rules and to government advice given in the immigration context, the authorities suggest there is no basis for the imposition of an obligation to consult those affected.<sup>45</sup>

### What did it do?

In its submission to the High Court, DWP gave a review of the historic publicity it had generated. Based on this evidence, it said that the approach it had taken was “not merely adequate but proper and reasonable.” It made three key points:

At the time of the 1995 Act, the government did not have a “realistically usable national database of name, address and birth date data” for those affected and it was therefore “essentially impossible” to mount direct notification of all affected individuals, at least until the development of the CIS database. The only collection of relevant data about individual citizens nationwide would have been National Insurance records. Until 1999/2000 such a database would not have been a practical basis for individualised letters, since it would have relied on clerical input by tax office staff. It was the development of the new database which facilitated the 17.8 million APFs dispatched between 2003 and 2007. Ms Fox’s understanding is that the CIS enabled the department to “source names and addresses of people affected by SPA changes at a far lower cost”. Her evidence is that it “would not have been realistically feasible to carry out a nationwide individual direct mail exercise by coordinating local Benefit Offices to undertake a manual identification and mailing exercise. Such an exercise, if possible at all, would have likely been hugely time-consuming, expensive, inconsistent and subject to human error”.

111. Ms Fox makes the supplementary point that, even once the CIS database came into existence, internal research demonstrates limitations to what can be achieved through direct mailing. Internal research in 2008 found that, of the 2.2 million records for women in the UK “in the age group in question”, around 235,000 were marked “DLO”, a marker suggesting that previous communications had been returned undelivered. A further 65,000 entries consisted of addresses of such quality that the Post Office would not have been able to deliver a letter. 112. As to the effectiveness of direct mail communications, a research pilot programme in November 2014 found that “there were particular difficulties with the effectiveness of direct mail due to the lack of attention paid to it by recipients”. The research demonstrated that

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<sup>45</sup> [Delve and Glynn v SSWP, CO 3174 2018, 30 October 2019](#)

just under half of those who had received a direct mail recalled doing so. Of those who did recall receiving a letter, just over half said they had read all or some of it, “with a further 33% having ‘just glanced at it’” and 8% noting they did not look at it at all.<sup>46</sup>

The background to this is that the 1995 Act did not place any particular requirements on the Department regarding the communication of the changes to those affected (although in July 1995 it issued leaflet EQP1a, *Equality in State Pension Age: A Summary of Changes*).<sup>47</sup>

In 2001-02, the Government’s approach was to inform women through leaflets and a publicity campaign.<sup>48</sup> State Pension statements sent out on request from 2001 included women’s new SPA, as determined by the 1995 Pensions Act.<sup>49</sup> It started to write to women affected from 2009:

- Between April 2009 and March 2011, it wrote to women born between 6 April 1950 and 5 April 1953, informing them of their SPA under the *Pensions Act 1995*.
- Following the 2011 changes, it wrote to all individuals directly affected to inform them of the change to their state pension age. Sending mail to those individuals, who are due to reach SPA between 2016 and 2026, was completed between January 2012 and November 2013.<sup>50</sup>

Further summaries of the Government’s efforts are in its response to a WASPI petition.<sup>51</sup> There is a more detailed account of the communication of the changes – including press coverage – in the Work and Pensions Select Committee’s March 2016 report on [Communicating State Pension age increases](#). It concluded that:

29. We will never know how many women did not know, or could not be reasonably expected to know, that their state pension age 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 state pension age at 65 legislated for in 1995. While the last and current Governments have done more to communicate state pension age changes than their predecessors, this has been too little too late for many women, especially given increases in the state pension age have been accelerated at relatively short notice. Many thousands of women justifiably feel aggrieved.<sup>52</sup>

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<sup>46</sup> Ibid

<sup>47</sup> [HL Deb 3 December 2015 c1248](#); However, see [WASPI evidence to the Work and Pensions Select Committee in 2015, para 6](#)

<sup>48</sup> HC Deb, [29 Jan 2001, c 89W](#); See also [HL Deb 6 November 2002, c640](#); See also, [HC Deb, 29 Jan 2003, c942W](#)

<sup>49</sup> Government response to [UK Parliament petition – Make fair transitional state pension arrangement for 1950s women](#)

<sup>50</sup> [HC Deb 2 November 2015, c698](#); [PQ 3828, 29 June 2015](#); [PQ121165 11 January 2018](#)

<sup>51</sup> [UK Parliament petition – Make fair transitional state pension arrangement for 1950s women](#); See also [PQ 107 June 2017](#)

<sup>52</sup> Work and Pensions Select Committee, [Communication of state pension age changes](#), HC 899, March 2016



It thought more should have been done to communicate the planned increases “especially between 1995 and 2009.” For the future, it said it was “critical that people affected by any future changes in the state pension age are fully and properly informed.”<sup>53</sup>

John Cridland’s October 2016 report on future SPA increases noted the importance of an effective communication strategy.<sup>54</sup>

### How aware were women affected?

A key claim of the current campaign - Women Against State Pension Inequality (WASPI) – is that women born in the 1950s did not receive appropriate notification of an increase in their SPA:

Significant changes to the age we receive our state pension have been imposed upon us with a lack of appropriate notification, with little or no notice and much faster than we were promised – some of us have been hit by more than one increase. As a result, hundreds of thousands of us are suffering financial hardship, with not enough time to re-plan for our retirement. Women are telling us that they can’t believe their retirement age has increased by 4, 5 or 6 years and they didn’t even know about it!!<sup>55</sup>

The High Court judgement of 3 October 2019 includes a summary of the steps taken by DWP to survey public awareness of SPA equalisation:

In a study published in 2004, the research demonstrated that 59% of working-age respondents were aware of the future increase in women’s SPA. Indeed 73% of women aged between 45 to 54 were aware of the changes in this study, although many of those with general awareness were not clear as to their own SPA. In 2006, the DWP commissioned three surveys to measure attitudes and awareness to pensions issues for people aged 45-54. 90% of women and 82% of men were aware that the age at which women would receive the state pension was to increase.

108. A further survey in 2009 indicated that awareness of the SPA had declined since 2006. The study suggested that: “this could be due to media discussion and publicity around the anticipated rise in SPA which could have caused confusion as to when these changes will take place and the particular time period which the questions were asking about.”

109. Again in 2012 a further study showed that knowledge of women’s current SPA had decreased since 2009. 40% of women were “definitely or possibly sure” that women would not receive the state pension at age 60. Only 6% of women within ten years of the SPA expected to be eligible to receive the state pension at age 60. Ms Fox notes that a survey commissioned by the charity Age UK in 2011 found that by then nearly nine out of ten respondents were aware the government had announced changes to SPA and almost half of respondents expected equalisation to happen before 2018.<sup>56</sup>

Research was also undertaken by external bodies. In 2008, the Pensions Advisory Service reported low levels of knowledge about the state

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<sup>53</sup> Work and Pensions Committee, [Communication of State Pension age changes](#), HC 899, March 2016, Summary

<sup>54</sup> [Independent Review of the State Pension age – Interim Report](#), October 2016, p90-1

<sup>55</sup> [Women Against State Pension Inequality – Justice for Women born in the 1950s](#)

<sup>56</sup> [Delve and Glynn v SSWP, CO 3174 2018, 3 October 2019; Public awareness of State Pension age equalisations, DWP Research Report No 221, 2004.](#)

pension and made recommendations on communication.<sup>57</sup>In 2011 National Centre for Social Research found that:

In 2008, fewer than half (43%) of the women who, at that point, would not be eligible for their state pension until they were 65 were aware of the planned change. For women affected by the “phasing in” period (where their state pension age falls somewhere between 60 and 65 years due to the introduction of the changes over time) knowledge levels were even lower with less than a quarter (24%) knowing their state pension age to within 3 months.<sup>58</sup>

In March 2010, Steve Webb (then Liberal Democrat pensions spokesperson) suggested women might start to contact their MPs as the 1995 Act increases started to kick in:

I strongly suspect that our mailbags will start to fill up very soon with letters from women who did not know that the age was going up from 60. [...] It can take an awfully long time for people to know about such changes. Given that only those aged 45 or younger would be affected, not many of them were thinking very hard about their pensions in 1995, and that is one of the problems. We need a long lead-in to such changes. I want to consider issues of both process and substance. The issue about the process is how we make the decision. A number of principles need to be adopted here. In a sense the 1995 Act was right to give 15 years' warning. It does not surprise people, it gives them the chance to plan ahead and enables them to think about their own personal and private pension arrangements and to mesh the two together in a calm, ordered and measured way.<sup>59</sup>

Increased awareness appears to have been triggered by the debates around the 2011 Act. In March 2011, Age UK said:

Recent focus group research for the charity revealed a high level of anger about the plans. Despite a clear understanding of the need for an increased State Pension Age due to increasing life expectancy, the participants were universally shocked by the speed of the hike in State Pension Age. More worryingly many mistakenly believed they were still going to retire at 60.<sup>60</sup>

At Public Bill Committee Stage, Labour MP Teresa Pearce said that this, and the “sheer volume of the correspondence” she had received from constituents, had revealed to her the “unexpected truth that many people are completely unaware of the changes:

Although the proposals are new and are only filtering through, some women polled did not even understand the previous changes about already having to wait until after 60, which is very worrying. I have received letter after letter about people’s surprise and shock, and people have written that if they had known, they would have done this or that differently.<sup>61</sup>

<sup>57</sup> TPAS, [Women and Pensions Helpline Report 2008](#), p10

<sup>58</sup> [Women’s state pension age changes – evidence from the English Longitudinal Study of Ageing, NatCen, 21 June 2011](#)

<sup>59</sup> [HC Deb 9 March 2010 c34WH](#)

<sup>60</sup> Age UK, [Millions forced to wait longer for pensions under new Bill](#), March 2011

<sup>61</sup> [PBC Deb 7 July 2011 c134](#)

## 23 State Pension age increases for women born in the 1950s

Moving an amendment to require the Secretary of State to report on communications to those affected by the 2011 Act, she said argued that the Government should contact people directly.<sup>62</sup> In response, the then Pensions Minister Steve Webb said there was information on websites and in state pension forecasts but that she had raised an “important point about what we do for people who do not ask.” Ms Pearce’s amendment was defeated by 10 votes to 7.<sup>63</sup>

In debate in October 2013, Steve Webb said he recognised that not everyone affected by the 1995 Act had been aware of it:

The *Pensions Act 1995* began the process of equalising the pension ages of men and women at 65 over the decade from 2010 to 2020. The increase in pension age beyond 60 for these women was therefore legislated for in 1995. It was not a short-notice change, although I accept that some women did not know about it, and not everybody heard about it at the time. Although it was all over the papers at the time, these women were a long way from pension age and probably turned the page when they saw the word “pension”, so I accept that some women did not know about this [...] The Government have indeed changed some pension ages for women who reach pension age after 6 April 2016, and every woman for whom we have increased the state pension age will get the single-tier pension.<sup>64</sup>

In evidence to the Work and Pensions Committee in 2015, he said:

The first thing I would say is it is abundantly clear that there are a set of women—such as your constituents—who did not know. There is no question about that. Nobody is arguing about that. In fact, I know that, because when we wrote to them to tell them about the changes we made in the 2011 Act, which increased pension ages by up to 18 months, for some of them it was the first time they had heard about the 1995 Act, which increased their pension age by four and a half years or something like that. We got the flak for six years of pension rise. We had actually done, maximum, the last 18 months. I was determined in 2011, when we did the 2011 Act, to write directly first to those closest, the earliest, write personally and explain where they stood.<sup>65</sup>

On 16 November 2018, UN Special Rapporteur Philip Alston said in his report on poverty in the UK the impact of changes to the SPA had been to “severely penalize those who happen to be on the cusp of retirement and who had well-founded expectations of entering the next phase of their lives, rather than being plunged back into a workforce for which many of them were ill-prepared and to which they could not reasonably have been expected to adjust with no notice.”<sup>66</sup>

However, dismissing the application for judicial review, the High Court concluded that:

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<sup>62</sup> Ibid

<sup>63</sup> Ibid c140-1

<sup>64</sup> [HC Deb 8 October 2013 c54WH](#)

<sup>65</sup> [Oral evidence to Work and Pensions Committee, 25 October 2015, Q5](#)

<sup>66</sup> [Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights, 16 November 2018](#)

The Claimants had no legitimate expectation that the government would not alter the SPA without prior consultation; in any event it was clear that successive governments had engaged in extensive consultation with a wide spread of interested bodies before the legislation was introduced. Further, this was primary legislation; Parliament chose not to include specific notification measures within the statutes, which measures could only ever have had effect after the legislation was passed anyway. A failure to give notice could not abrogate the statute. Nor could there be any remedy for such a breach, even if it was established, because the Court could not suspend the operation of primary legislation. The challenge therefore failed in law.<sup>67</sup>

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<sup>67</sup> [Delve and Glynn v SSWP – media summary, 3 October 2019](#)

## 4. Exchequer impact

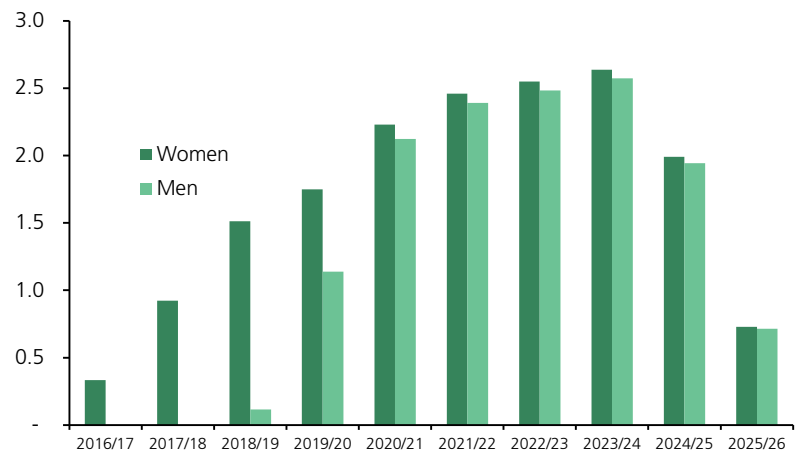
The Government expected the acceleration in the SPA under the *Pensions Act 2011* to deliver:

[...] net benefits-related savings to DWP of £30.6 billion in real terms, with a further £8.3 billion gained in increased income tax receipts and NICs from people working for longer (see Tables 3 and 4).<sup>68</sup>

The chart below estimates savings to DWP by the gender of claimants and year.

### Estimated savings to the DWP from the Pensions Act 2011

£ Billions, nominal terms



**Notes** These are net totals, comprised of reductions to spending on the State Pension and increases in spending on working age benefits. House of Commons Library estimates based on table 3, page 8 of the *Pension Act 2011 impact Assessment*. These calculations assume savings are evenly divided across all individuals affected.

Men are not affected by SPA changes in 2016/17 and 2017/18 (see the state pension age schedules chart in section 1); hence, savings are derived from women only in these years.

The largest saving in any given year from the *Pensions Act 2011* is in 2023/24, when an annual savings of around £5.3 billion is expected.

### Effect on DWP spending of *Pensions Act 2011*

£ Billion, 2011/12 prices

Note: negative figures indicate saving to the Exchequer

	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Total
Net DWP savings	-0.3	-0.9	-1.9	-2.9	-4.0	-4.8	-5.0	-5.3	-4.2	-1.4	-30.6
Of which											
Pensions	-0.3	-1.0	-2.0	-3.2	-4.5	-5.3	-5.6	-5.9	-4.6	-1.6	-34.0
Working age benefits	0.0	0.1	0.2	0.3	0.4	0.5	0.5	0.6	0.5	0.2	3.4

Source [Pensions Act 2011 impact assessment](#), table 3 page 8

<sup>68</sup> DWP, *Pensions Act 2011. Impacts – Annex A: State Pension age (November 2011)* para 26 and tables 3 and 4. This estimate takes account of the concession made by the Government when the legislation was in its final stages (page 4).

## 5. Campaigns

### 5.1 Aims

The [Women Against State Pension Inequality](http://waspi.co.uk/) (WASPI) campaign, launched in 2015, aims to “achieve fair transitional state pension arrangements for women born in the 1950s (born on or after 6<sup>th</sup> April 1951).” It says:

The 1995 Conservative Government’s Pension Act included plans to increase women’s SPA (State Pension Age) to 65, the same as men’s. WASPI agrees with equalisation, but does not agree with the unfair way the changes were implemented – with little/no personal notice (1995/2011 Pension Acts), faster than promised (2011 Pension Act), and no time to make alternative plans. Retirement plans have been shattered with devastating consequences.<sup>69</sup>

In its written evidence to the Work and Pensions Select Committee in November 2015, WASPI called on the Government to:

Review the way changes to the State Pension Age were implemented under the 1995 and 2011 Pensions Acts for women born in the 1950’s (on or after 6 April 1951) in the light of new evidence and the “unintended consequences” being reported now, with a view to making fair transitional state pension arrangements. This review should also address the concerns of women born 6 April 1951 to 5 April 1953, who are excluded from the New State Pension.<sup>70</sup>

In oral evidence, WASPI’s representatives called for women affected to be provided with an income:

Lin Philips: We need these women to have an income. Because of the early retirement that a lot of women had to take around 2008-09 and redundancies, the workplace is not really ready for women of our age to get back into it. Even though there is no money, we cannot leave women without an income. We are not of a generation that had private pensions, so that is our main income.

Heidi Allen: It is some solution around income then?

Lin Phillips: Yes, not pensioner benefits and not means-tested. We are all sensible women, and, yes we might have savings, but they are going to be eroded. Six years is a long time to wait. [...]

Anne Keen: Basically, what we are asking – and we feel this is a very fair ask – is for the Government to put all women in the 50s, born on or after 6 April 1951 and affected by the state pension age in exactly the same position they would have been in had they been born on or before 5 April 1950. As Lin has touched upon, we have worked since we were 15 and we have built up over 40 years’ worth of National Insurance contributions now. All of our working lives we expected to receive our pension when we were 60. Nobody told us any different.<sup>71</sup>

<sup>69</sup> <http://waspi.co.uk/>

<sup>70</sup> [Written evidence submitted from Women Against State Pension Inequality – WASPI \(USP0084\)](#), November 2015

<sup>71</sup> [Oral evidence to Work and Pensions Committee, 16 December 2015](#)



## 27 State Pension age increases for women born in the 1950s

In her evidence to the Committee on 18 January 2016, Pensions Minister Baroness Altmann said that what she understood WASPI to be calling for – effectively undoing the 1995 Act timetable – had “never been on the table”:

[...] I was reading over the evidence given by the campaign to the Committee and I was quite astonished, because what they are calling for—which I have never supported and I do not support—is to undo the 1995 Pensions Act. It would cost around £30 billion to undo the 2011 changes; it would cost multiples of that to undo the 1995 Act. One of them was saying, “Basically what we are asking, and we feel this is a very fair ask, is for the Government to put us back in the position we would have been if we had not been born in the 1950s”, in other words, for all of them to get their state pension from age 60. I cannot support that. I understand why they are asking for it, but that is never something that has been on the table. State pension age has not been 60; it has been rising from age 60 since 2010. We are five years on.<sup>72</sup>

The Government later estimated that unravelling the 1995 Act reforms – so that women born in the 1950s had an SPA of 60 - would cost “£77 billion up to 2020-21 and the costs would continue to accrue after that period.”<sup>73</sup>

WASPI says its campaign ask is for a non-means-tested bridging pension:

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 (1995/2011 ACTS)

This translates into a ‘bridging’ pension to provide an income until State Pension Age, not means-tested, and with recompense for losses for those women who have already reached their SPA. There are no specific age groups within the period mentioned above that are favoured above others.

WE DO NOT ASK FOR THE PENSION AGE TO REVERT BACK TO 60.<sup>74</sup>

A WASPI petition with 117,714 signatures debated on 14 December 2017 called on the Government to recognise “the need for a non-means tested bridging pension for women born on or after 6/4/1950 who are affected by the 1995 and 2011 Pension Acts and compensate those at risk of losing up to around £45,000, to also give proper notification for any future changes.”<sup>75</sup>

Another campaign group – [BackTo60](#) – seeks “the return of our earned dues in full.”

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<sup>72</sup> [Oral evidence to the Work and Pensions Select Committee 18 January 2016 Q159](#)

<sup>73</sup> [HC Deb 24 February 2016 c329](#)

<sup>74</sup> WASPI, [what are we campaigning for?](#); WASPI [tweet on 30 June 2016](#),

<sup>75</sup> [WASPI – make fair transitional state pension arrangements for 1950s women](#)

## 5.2 Maladministration complaints

WASPI encouraged women affected to make a formal complaint to the DWP about maladministration:

If you didn't get a letter telling you your SPA was increasing tell them, if you would have made different choices had you know you wouldn't receive your pension at 60 tell them. If you have lost years of your State Pension, tell them.<sup>76</sup>

Legal firm, Bindmans, produced guides to help with this – see [DWP mass action and complaints on the WASPI website](#).

The process for the complaints was explained by Pensions Minister, Guy Opperman in a Parliamentary Written Answer in September 2018.<sup>77</sup>

By the end of 2018, DWP's Independent Case Examiner had so far made "no finding that the Department had failed to provide appropriate notice of the changes."<sup>78</sup> It close action on these complaints pending the outcome of the legal proceedings.<sup>79</sup> On 15 May 2019, Pensions Minister, Guy Opperman said:

The Independent Case Examiner closed all live complaints concerning changes to women's State Pension age when they became subject to legal proceedings, as is required under its governance contract. In the event the legal proceedings fall away or there is no determination on the matters which form the basis of this group of complaints, the Independent Case Examiner could consider reopening the cases at the request of the Department. The Department cannot evaluate the potential merits of making such a request until the legal proceedings have been concluded.<sup>80</sup>

The Parliamentary and Health Service Ombudsman -the next stage for complaints – also put its proposal to investigate a sample of complaints on hold.<sup>81</sup> However, in March 2020, it said it would investigate six sample complaints to see whether there had been maladministration leading to injustice. Its investigation would look at issues from a difference perspective to the Court of Appeal and so should not be affected by it.<sup>82</sup>

It said it would ask DWP to apply any recommendations it made "to everyone who has been similarly affected by any failings we identify."<sup>83</sup> It said that the High Court judgement had "made clear that we are not able to recommend DWP reimburse 'lost' pensions." Any compensation it recommended would be in line with "[our guidance about financial remedy including our Severity of Injustice scale](#) and take account of relevant precedents."<sup>84</sup>

<sup>76</sup> [WASPI.co.uk/action](https://www.waspi.co.uk/action) (viewed 8 September 2017)

<sup>77</sup> [PQ 169408 7 September 2018](#)

<sup>78</sup> [PQ 292846 17 December 2018](#); [PQ 169408 7 September 2018](#)

<sup>79</sup> 'How to bring a complaint to the Independent Case Examiner' (September 2017); Gov.UK, [DWP Complaints procedure](#); [PQ 214627 4 February 2019](#)

<sup>80</sup> [PQ 252884 15 May 2019](#)

<sup>81</sup> [Complaints about the communication of changes women's State Pension age](#), PHSO

<sup>82</sup> Ibid

<sup>83</sup> Ibid

<sup>84</sup> Ibid

## 5.3 Legal challenge

A campaign group called [BackTo60](#) said it intended to launch a legal challenge to policy on the SPA for women born in the 1950s. A [statement from its legal team](#) on 8 April 2018 said:

"There is consensus within the legal team that the pension policy implemented by successive governments in respect of women of a particular age group constitutes a gross injustice.

The impact on the economic, social and mental wellbeing of these women, who rightly enjoyed a perfectly legitimate expectation of satisfactory provision in retirement, has been devastating.

The extent of individual distress and hardship is only now becoming evident. It is deeply ironic that all of this is done in the name of equalisation and equality, when the very means employed to achieve this are themselves discriminatory.

It is intended that the current pension policy be subjected to both public and judicial scrutiny and, therefore, steps will be taken towards mounting a judicial challenge." *Birnberg Peirce & Michael Mansfield QC - 9th April 2018*

The legal challenge was taken by two women born in the 1950s supported by the campaign group, [BackTo60](#).<sup>85</sup> One of the lawyers acting in the case explained that:

The granting of permission means that there will now be a full hearing. The hearing will allow a detailed examination of complaints made by women born in the 1950s, and championed by groups such as #backto60 and WASPIE, as well as their political representatives. The case raises legal questions about sex and age discrimination in the mechanisms chosen by government to implement a policy; the responsibility of Government to inform people of significant changes to State Pension entitlement and of the applicability of the EU directive on Equal Treatment in Social Security provision. A full hearing is expected in early 2019.<sup>86</sup>

In support of the application for Judicial Review, Professor Jackie Jones (now [MEP for Wales](#)) argued that the UK was in breach of its obligations under Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). She said CEDAW permitted "special temporary measures to be enacted in order to alleviate some of the historic inequalities that women still face" and that these "special measures are not deemed to be discriminatory."<sup>87</sup>

The case was heard in the High Court on 5 and 6 June 2019.<sup>88</sup> However, on 3 October 2019, the High Court announced that the claim had been dismissed on all grounds, i.e; the mechanisms chosen to implement the SPA increases discriminated on grounds of age and/or

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<sup>85</sup> ['Back to 60 state pension group wins right to judicial review', 30 November 2018](#)

<sup>86</sup> ['Permission for Judicial Review on equalisation of women's pensions granted by High Court,' 7 Bedford Row website](#)

<sup>87</sup> [Amicus Brief, IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION ADMINISTRATIVE COURT. In support of Judicial Review Application](#), October 2018

<sup>88</sup> ['No duty of fairness to women hit by pension age rise, court told. The Guardian, 6 June 2019](#)

sex and of the government's alleged failure to inform them of the changes.<sup>89</sup>

Rejecting the claims on grounds of age and/or sex discrimination, the High Court said:

*Age Discrimination:* The Claimants first claimed that the legislation (specifically, the transitional provisions in the form of the taper) discriminated against them on grounds of age. They argued that the changes offended the EU law principle of non-discrimination. The Court rejected that argument holding that the legislation under challenge was not within the scope of EU law and thus that the EU principle of non-discrimination had no application. The payment of state pension is not "pay" for the purposes of the Treaty on the Functioning of the EU, nor is it within the ambit of the Equality Directive (2000/78) which excludes from its scope state social protection schemes (paras [35]-[42]). Alternatively, the Claimants argued that the legislation breached the European Convention on Human Rights (Article 1, Protocol 1 read with Article 14). The Court rejected that argument too, on the basis of case law which establishes that a State can introduce a new legislative scheme which effects changes from a given date based on age. There was, therefore, no discrimination based on age; but even if there was, it could be justified on the facts (applying the relevant test, which is that the measure is not "manifestly without reasonable foundation"). This legislation operated in the field of macro-economic policy; the underlying objective of the change was to ensure that the state pension regime remained affordable while striking an appropriate balance between state pension age and the size of the state pension; an important consideration was the need to secure inter-generational fairness between pensioners and younger taxpayers; the fact that people live longer is important alongside other demographic and social changes (paras [43]- [55]).

*Sex Discrimination:* The Claimants also claimed that the legislation discriminated against them on grounds of sex, both directly and indirectly. They first argued that this offended EU law, again invoking the general principle of non-discrimination. But the Court rejected that argument because the derogation contained in Article 7 of the Social Security Directive (79/7/EEC) applied. That derogation permitted Member States to discriminate on the basis of sex in determining pensionable age for the purposes of granting old-age and retirement pensions (paras [[57]-[66]). The Claimants also argued that the legislation breached Article 1, Protocol 1 read with Article 14 of the Convention, from a gender perspective. The Court rejected those Convention arguments too. There was no direct discrimination on grounds of sex, because this legislation does not treat women less favourably than men in law, rather it equalises a historic asymmetry between men and women and thereby corrects historic direct discrimination against men. Nor was there any indirect discrimination because the criteria for indirect discrimination were not met: these were not measures which applied indiscriminately to all, rather they only applied to women; the removal of discriminatory 3 mitigation of historic disadvantages did not satisfy the need for a causal link between the measure and the disadvantage affecting women, because the historic disadvantages existed anyway; and in any event, the legislation was, as the Court had already found, justified in the

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<sup>89</sup> [Delve and Glynn v SSWP – media summary](#)

### 31 State Pension age increases for women born in the 1950s

sense of not being manifestly without reasonable foundation (paras [67]-[75]).<sup>90</sup>

It said a failure to give notice could not abrogate the statute, nor could there be any remedy for such a breach, even if established, because the Court could not suspend the operation of primary legislation:

Lack of Notice: The Claimants also argued that they had not had sufficient notice of the changes, and that this was contrary to the requirements of public law, breached their legitimate expectation and was procedurally unfair. The Court rejected these arguments. The Claimants had no legitimate expectation that the government would not alter the SPA without prior consultation; in any event it was clear that successive governments had engaged in extensive consultation with a wide spread of interested bodies before the legislation was introduced ([118]). Further, this was primary legislation; Parliament chose not to include specific notification measures within the statutes, which measures could only ever have had effect after the legislation was passed anyway. A failure to give notice could not abrogate the statute. Nor could there be any remedy for such a breach, even if it was established, because the Court could not suspend the operation of primary legislation ([119]). The challenge therefore failed in law ([123]).<sup>91</sup>

Issues of whether the policy choices were right or wrong were for Parliament and the public:

Conclusion: The Court was saddened by the stories contained in the Claimants' evidence. But the Court's role was limited. There was no basis for concluding that the policy choices reflected in the legislation were not open to government. In any event they were approved by Parliament. The wider issues raised by the Claimants about whether the choices were right or wrong or good or bad were not for the Court. They were for members of the public and their elected representatives ([125]).<sup>92</sup>

[DWP welcomed the judgement](#) saying that it had always been of the view that the changes were "entirely lawful and did not discriminate on any grounds." The BBC reported the initial response from the BackTo60 campaign:

To chants of "the fight goes on" from supporters, Joanne Welch, who led the campaign, said outside court: "Where do we go from here? Well, where will the government go from here is the better question." She referred to Prime Minister Boris Johnson's pledge during the Tory leadership campaign to look at the state pension age issue with "fresh vigour", adding: "We will be holding you to that undertaking." She said she was "rather puzzled" by the court's ruling, but added: "We can take this, we've got broad shoulders."<sup>93</sup>

[WASPI](#) called on the Parliamentary and Health Service Ombudsman (PHSO) to "act quickly and re-open the WASPI maladministration cases that had been put on hold pending the outcome of the judicial review."

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<sup>90</sup> Ibid

<sup>91</sup> Ibid

<sup>92</sup> Ibid

<sup>93</sup> BBC website, [Defeat for women in State Pension age challenge](#), BBC News, 3 October 2019

This was supported by the then chair of the Work and Pensions Committee Frank Field and Liberal Democrat MP, Tim Farron.<sup>94</sup>

Co-chairs Carolyn Harris and Tim Loughton, said the [All Party Parliamentary Group on State Pension Inequality](#) for Women would continue to call on the Pensions Minister to review the arrangements and to consider costings for three jointly-agreed solutions i.e:

A non means-tested, no strings attached payment for all women aged 63 and over from the day it is approved until they reach State Pension age (not backdated); equalisation of women's pensions so that everyone receives a full State Pension (£159 per week), regardless of the number of years' National Insurance contributions they have accrued; and extended Pension Credit for those women worst affected who have no other income or private pension available to them and are suffering financial hardship.

Shadow Pensions Minister Jack Dromey said:

Labour has already made commitments to support women affected, including by extending Pension Credit to hundreds of thousands of the most vulnerable women. We will consult further with the 1950s women affected as to what future support we can put in place once in government to help ensure that all these women have security and dignity in older age.<sup>95</sup>

Caroline Lucas said the Green Party would continue to support the fight for 1950s women.<sup>96</sup>

## Court of Appeal

The claimants applied for leave to appeal to the High Court.<sup>97</sup> On [10 November 2019](#), it said this had been refused and that its legal team were preparing a notice of appeal to the Court of Appeal.<sup>98</sup> The Court of Appeal granted permission on 17 January 2020.<sup>99</sup>

In response to questions on the issue on 9 March 2020, Pensions Minister Guy Opperman said:

[...] full restitution would cost something in the region of £215 billion [...] a case was before the courts last year: on all grounds, these ladies lost their case. Clearly, that matter is subject to appeal, but the case was lost in respect of every ground, including notice.<sup>100</sup>

The Court of Appeal heard the appeal on 21 and 22 July 2020.<sup>101</sup> In a judgment issued on 15 September 2020, it dismissed the appeal:

<sup>94</sup> ['Women lose landmark fight against State Pension age rises for millions,' Daily Mirror, 3 October 2019](#)

<sup>95</sup> ['1950s women were let down by government pension changes', Jack Dromey responds – 3 October 2019](#)

<sup>96</sup> Ibid

<sup>97</sup> ['Backto60 Pensions Scandal. 1950s women launch crowdfunder to bring appeal'](#) David Hencke, *Byline Times*, 10 October 2019

<sup>98</sup> Backto60 website, [Three cheers, appeal court, here we come!](#) November 2019

<sup>99</sup> [Appeal hearing date set for 1950s women affected by SPA changes](#), *Pensions Age*, 24 Feb 2020

<sup>100</sup> [PO 9 March 2020 c17](#)

<sup>101</sup> [Backto60 website 23 July 2020](#)



The Court unanimously dismisses the appeal, holding that adopting the same state pension age for men and women does not amount to unlawful discrimination under either EU law or the Human Rights Convention. The Court considers whether there is any legal obligation on the Respondent to notify people of the change to their pension age and holds that in any event the Divisional Court was entitled to conclude on the evidence that the publicity campaign implemented by the DWP had been adequate and reasonable. Finally, the Court holds that the application for judicial review had been made substantially out of time and the long delay in bringing the proceedings would have precluded the grant of any remedy even if the grounds of challenge had been made out.<sup>102</sup>

The judgement contains complex analysis of equality legislation, as indicated in the press summary. Essentially, the Court of Appeal agreed with the High Court, that these were matters for Parliament to decide. The legislation dealt with controversial matters of huge political weight, falling within the macro-political field. It could not say that the decisions taken were manifestly without reasonable foundation, which was the relevant test.<sup>103</sup>

It rejected the submission that the common law entitled or required the Court to impose on the government a duty to notify those affected by changes in primary legislation:

Any obligation to notify must be determined by Parliament and specified in the legislation. There was no legitimate expectation on the part of the Appellants either that their pension age would remain at 60 or that they would be notified if it changed. An extensive publicity campaign had been implemented by the Department over many years. Although there was evidence that many women, like the Appellants, had not realised that they were affected by the legislation until shortly before they reached 60, the Divisional Court were right to hold that it was impossible to conclude that the notice provided to the Appellants' cohort had been inadequate or unreasonable.

And finally, it concluded that the long delay in bringing these claims would have made it almost impossible to fashion any practical remedy:

The Court holds that the grounds to make this claim first arose when the Pensions Acts were enacted, not when the Appellants reached age 60. The claim was therefore substantially out of time. Since time had been extended when permission to bring the claim was granted and there had been no appeal against that extension, the question of delay was relevant only to the discretion whether to grant relief. The Divisional Court were undoubtedly right to say that, if any of the grounds of discrimination had been upheld, the long delay in bringing these claims would have made it almost impossible to fashion any practical remedy.<sup>104</sup>

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<sup>102</sup> [R \(oao Delve and Glynn\) \(Appellants\) v Secretary of State for Work and Pensions \(Respondent\) \[2020\] ECWA Civ 2552 Admin, press summary](#)

<sup>103</sup> Ibid

<sup>104</sup> Ibid

## Comment

The Department for Work and Pensions welcomed the judgement, saying that “both the High Court and the Court of Appeal have supported the actions of the DWP, under successive governments dating back to 1995, finding we acted entirely lawfully and did not discriminate on many grounds.”<sup>105</sup>

WASPI commented that many women would be disappointed by the judgement. It hoped there would be no further delay in the PHSO’s consideration of the six sample complaints.<sup>106</sup>

Journalist, Paul Lewis, commented that “this is really the end of a very difficult and sad road for those affected.”<sup>107</sup>

Journalist, David Hencke, said the judgement showed it was a big to convince people of the case but did not mean it was wrong to fight this injustice for 3.8 million people.<sup>108</sup>

Barbara Rich, a barrister and mediator, questioned the way in which the campaign had raised supporters’ expectations regarding the likelihood of success and of its leading to “full restitution” of lost pension payments to women affected by the changes.<sup>109</sup>

Having been denied leave to appeal its decision by the Court of Appeal, lawyers for Backto60 and the two complainants decided to apply direct to the Supreme Court for this.<sup>110</sup>

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<sup>105</sup> [@dwpressoffice 15 September 2020](#)

<sup>106</sup> [Update on the judicial review 15 September 2020](#)

<sup>107</sup> [@paullewis money, 15 September 2020](#)

<sup>108</sup> [50s women pension judgement. How the Court of Appeal rejected their case.](#) David Hencke, 15 September 2020

<sup>109</sup>

<sup>110</sup> [50s women to apply directly to the Supreme Court to hear their pensions case.](#) David Hencke, 17 September 2020

## 6. Views of political parties

### 6.1 The Government

In response to the WASPI petition in November 2015, the Conservative Government said it would not be revisiting the SPA arrangements for women affected by the 1995 or 2011 Acts:

The policy decision to increase women's State Pension age is designed to remove the inequality between men and women. The cost of prolonging this inequality would be several billions of pounds. Parliament extensively debated the issue and listened to all arguments both for and against the acceleration of the timetable to remove this inequality. The decision was approved by *Parliament in 2011* and there is no new evidence to consider.<sup>111</sup>

Its position remains that the State Pension age needed to be equalised, that the issues were debated when the *Pensions Act 2011* was before Parliament, a concession made at that time, and that it will "make no further changes to the pension age or pay financial redress in lieu of a pension."<sup>112</sup> It also says that any further change would create new inequality between men and women and cause "younger people to bear a greater share of the cost of the pensions system", which "would be unfair and undermine the principle of inter-generational fairness that is integral to our state pension reforms."<sup>113</sup> For example, responding to a PQ on 6 September 2019, Pensions Minister Guy Opperman said:

Successive Governments have made necessary decisions to equalise and increase the State Pension age. State Pension age reform has focused on maintaining the right balance between sustainability of State Pension, equality and fairness between generations in the face of demographic change.

Even after equalising women's State Pension age with men's, women will spend more than 2 years longer on average in receipt of their state pension because of their longer life expectancy. If we had not equalised State Pension age, women would be expected to spend on average over 40 per cent of their adult lives in retirement.

During the passage of the *Pensions Act 2011*, the Government listened to the concerns of those affected and this is why we introduced a concession worth over £1 billion in order to limit the impact on those women who would be most affected by the changes. This concession reduced the proposed increase in State Pension age for over 450,000 men and women, and means that no woman will see her pension age change by more than 18 months, relative to the 1995 Act timetable.

For people who simply can't work, our welfare system will continue to provide a strong safety net, as it does for people of all ages now. Any women experiencing hardship, including problems such as unemployment, disability, and coping with caring responsibilities, can already claim support from the welfare system. The Government is committed to supporting the vulnerable and spends over £50 billion a year on benefits to support disabled people and people with health conditions. The new State Pension is more generous for many women.

<sup>111</sup> [UK Parliament petition – Make fair transitional state pension arrangement for 1950s women](#)

<sup>112</sup> [PQ 49721](#) 27 October 2016

<sup>113</sup> [HC Deb 8 February 2018 c1693](#)

Over three million women stand to gain an average of £550 extra per year by 2030 as a result of recent State Pension reforms.<sup>114</sup>

In response to a question from Sharon Hodgson on 9 March 2020, he referred to the ongoing legal challenge:

The Hon. Lady will be aware that full restitution would cost something in the region of £215 billion and that a case was before the courts last year: on all grounds, these ladies lost their case. Clearly, that matter is subject to appeal, but the case was lost in respect of every ground, including notice.<sup>115</sup>

## Impact of COVID19

The Government has resisted calls to make targeted changes, specifically for 1950s women impacted by the COVID19 outbreak, pointing to its response for households generally:

The Government has already introduced a number of measures to help mitigate the impact of COVID-19 and is committed to providing financial support for people at every stage of their life, including when they near or reach retirement. It is important to stress that the welfare system will continue to provide support to men and women who unable to work or those who are on a low income but who are not eligible to pensioner benefits because of their age.<sup>116</sup>

For example, it does not intend to grant early access to the State Pension for women reaching pension age in 2020/21:

Unlike a personal or workplace pension, which is payable at the scheme's normal pension age and that can potentially be drawn earlier on grounds of ill health, it has always been the case that nobody can claim their State Pension before they reach their State Pension age.

The welfare system continues to provide a safety-net for those experiencing hardship, including that caused by unemployment, disability, and coping with caring responsibilities, which affect those unable to work and therefore most in need in the run up to their State Pension age.<sup>117</sup>

**For more detail, see...**

Library Briefing Paper 8894 [Support for household finances](#) (22 June 2020).

## 6.2 2019 election pledges

The [Conservative election manifesto](#) was silent on the issue. On Question Time, Boris Johnson said: "I do sympathise deeply with the Waspi women... but it is very expensive to come up with the solution you want. I cannot promise I can magic up that money for you - it is not possible to satisfy all the demands of the Waspi women."<sup>118</sup>

In its 2019 election manifesto, the Labour Party said it would work with women born in the 1950s to design a compensation scheme.<sup>119</sup> On 24 November 2019, announced a five-year compensation scheme, with the amount to be paid depending on the year of birth:

<sup>114</sup> [PQ 283445, 6 September 2019](#)

<sup>115</sup> [HC Deb 9 March 2020 c17](#)

<sup>116</sup> [PQ 43054 7 May 2020](#); [PQ 54256 11 June 2020](#);

<sup>117</sup> [PQ 39620 4 May 2020](#); [PQ52509 9 June 2020](#)

<sup>118</sup> [Gloucestershire Live, 22 November 2019](#)

<sup>119</sup> [Labour Party Manifesto 2019](#), November 2019

### 37 State Pension age increases for women born in the 1950s

Women born between 6 April 1950 and 6 April 1960 would be paid some redress: £100 pw up to 5 April 1955 and tapered down for those born after 5 April 1955.

On that basis, the individual redress payments would vary between nil and £31,300, with an average payment of £15,380.

The total cost of such a proposal is estimated to be £58 billion before tax, but it could be paid in instalments, e.g. £11.5 billion per annum, if paid over 5 years.<sup>120</sup>

The SNP said it would “continue to support the WASPI campaign in their fight to secure fairness for women who have been short-changed on their State Pension.”<sup>121</sup>

The Liberal Democrat Party said it would “ensure that the women born in the 1950s are properly compensated for the failure of government to properly notify them of changes to the state pension age, in line with the recommendations of the parliamentary ombudsman.”<sup>122</sup>

The DUP said it would continue to support “action on the unfair treatment of women pensioners with a suitable compensatory scheme established.”<sup>123</sup>

Plaid Cymru said “we support the Women Against State Pension Injustice (WASPI) campaign and would provide compensation to those women who have lost out from an ill communicated and ill thought through policy.”<sup>124</sup>

The Green Party said that women born in the 1950s would be the first tranche of people to receive its proposed Universal Basic Income. It would also look at “additional ways of addressing this injustice, which has affected hundreds of thousands of women.”<sup>125</sup>

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<sup>120</sup> [Labour Party press release](#), 24 November 2019

<sup>121</sup> SNP, [General Election Manifesto: what you need to know](#)

<sup>122</sup> [Liberal Democrat Party 2019 Election Manifesto](#)

<sup>123</sup> [DUP 2019 General Election Manifesto](#)

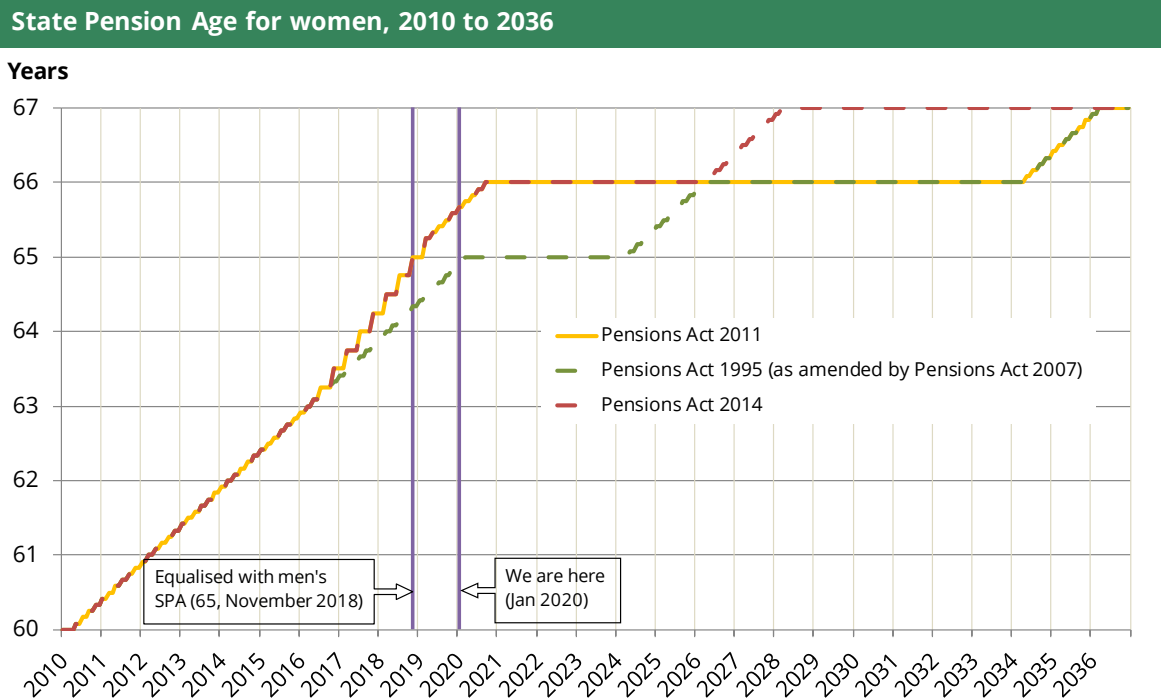
<sup>124</sup> Plaid Cymru [General Election Manifesto 2019](#)

<sup>125</sup> [Green Party 2019 General Election Manifesto](#)

## 7. Costs

Alternative SPA timetables have been debated, particularly at the time the 2011 Act was before Parliament (see [section 8 below](#)). At this stage – in mid-2019 - one complicating factor is that the increases are now well underway, the SPA for women having reached 65 in November 2018.<sup>126</sup>

The chart below shows the current position regarding SPA equalisation.



Any further changes would be likely to require primary legislation and would take time to implement.

Estimates of how much it would cost to reverse or slow down these changes vary depending on the scope of the change envisaged and whether such a change is intended to apply retrospectively to those who have already reached their revised SPA.

### 7.1 Government's estimates of the cost of reversing the 1995 and 2011 Pension Acts

In 2016 the Government estimated that restoring the female SPA to 60 for all women born on or after 6 April 1950 would result in total additional State Pension expenditure of £77.2 billion over the 11-year period from 2010/11 to 2020/21 inclusive (expressed in 2015/16 terms). This estimate only related to State Pension payments to affected women

<sup>126</sup> DWP State Pension [timetable](#) and [calculator](#)

and did not attempt to assess the wider impact on benefit expenditure or on tax and NI revenues.<sup>127</sup>

On 7 June 2019, the Government [published an updated and wider-ranging estimate](#) of the cost of reducing women's SPA to 60 and the men's SPA to 65, over the period 2010/11 to 2025/26.

The Government's updated costing involves a retrospective resetting of the SPA for women and men to the schedule that preceded the enactment of *Pension Act 1995*, and unlike the estimate produced in 2016 also reflects other factors – such as the introduction of the new State Pension, increased spending on pensioner benefits such as Pension Credit and potential offsetting reductions in working-age benefit expenditure.

The total cost of reversing the 1995 and 2011 Pensions Acts over the 16-year period 2010/11 to 2025/26 is estimated at **£215.2 billion**. Of this, £181.4 billion goes to women and £33.8 billion goes to men. Around £63.9 billion (30% of the total) relates to financial years that are already over (2010/11 to 2018/19).

## 7.2 Library estimate of cost of freezing SPA from September 2019 to April 2026

Based on the Government's analysis of a full reversal for 2010/11 to 2025/26, it is possible to derive a costing for an alternative scenario whereby the SPA reached 65½ years by September 2019 as planned but then, instead of continuing its scheduled rise to 66 years by September 2020, would have remained frozen at 65½ years from September 2019 onwards (until April 2026).

Such a freeze (applied retrospectively from September 2019 onwards) would benefit around 2.3 million women and 2.2 million men born between 6 April 1954 and 5 April 1960 inclusive.<sup>128</sup>

The total cost of this scenario over the seven years from 2019/20 to 2025/26 can be estimated at around **£15.5 billion**, with the annual cost peaking in 2024/25 at **£2.8 billion** (all figures expressed in 2018/19 prices).

Although such a freeze would affect SPA schedules for women and men in the same way (as their respective SPA's are already equalised), women account for more than half of the cost (£7.9 billion, or 51% of the total) in line with their share of the population benefiting from the measure.

The table and chart below set out our costing of a freeze at 65½ years, alongside the Government's costing of a complete reversal of the 1995 and 2011 Pension Acts.

<sup>127</sup> DWP [written evidence to Work and Pensions Committee inquiry on Understanding the New State pension \(USP0158\)](#), 24 February 2016. Also cited in the [Opposition Day Debate on Transitional State Pension Arrangements for Women](#), HC Deb 24 February 2016 col 329-338; [PQ105841 17 October 2017](#)

<sup>128</sup> HoC Library calculations based on ONS mid-2017 population estimates for Great Britain.



## Estimated cost of reversing or freezing increases in State Pension ages for people born on or after 6 April 1950

Great Britain

all figures £ billion, 2018/19 prices

Financial year	(a) DWP estimate of cost of reversing the 1995 and 2011 Pensions Acts			(b) HoC Library estimate of freezing SPa at 65 years 6 months from Sep 2019 to Apr 2026		
	Men	Women	Total	Men	Women	Total
2010/11	0.0	0.6	0.6	-	-	-
2011/12	0.1	2.0	2.1	-	-	-
2012/13	0.2	3.4	3.6	-	-	-
2013/14	0.4	4.8	5.2	-	-	-
2014/15	0.6	6.2	6.8	-	-	-
2015/16	0.7	7.9	8.6	-	-	-
2016/17	0.9	9.3	10.2	-	-	-
2017/18	1.1	11.2	12.3	-	-	-
2018/19	1.3	13.2	14.5	-	-	-
2019/20	2.7	15.0	17.7	0.2	0.2	0.3
2020/21	3.8	16.3	20.1	1.1	1.1	2.2
2021/22	4.1	16.8	20.9	1.3	1.3	2.6
2022/23	4.3	17.5	21.8	1.3	1.3	2.7
2023/24	4.4	18.3	22.7	1.3	1.4	2.7
2024/25	4.5	19.1	23.6	1.3	1.5	2.8
2025/26	4.6	19.9	24.5	1.0	1.1	2.1
<b>Total</b>	<b>33.8</b>	<b>181.4</b>	<b>215.2</b>	<b>7.6</b>	<b>7.9</b>	<b>15.5</b>
<i>of which: segmentation by type</i>						
State Pension	17.6	188.4	206.0			
Other pensioner benefits	19.4	9.9	29.3			
Working age benefits	-3.2	-16.9	-20.1			

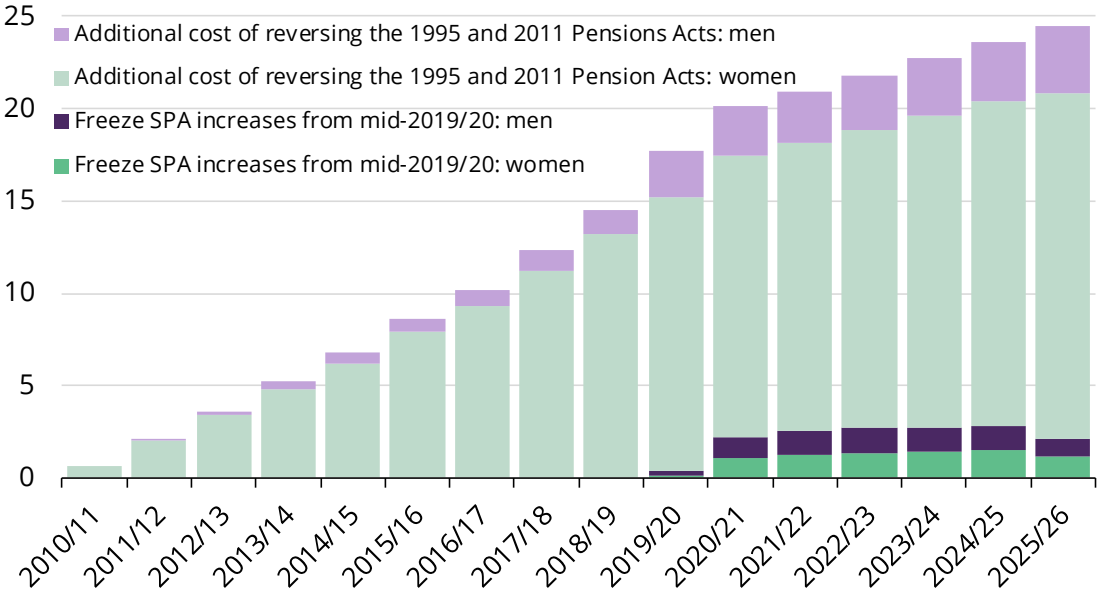
### Sources

(a) [Analysis relating to State Pension age changes from the 1995 and 2011 Pensions Acts, DWP, 7 June 2019](#)

(b) HoC calculations based on the above. Components may not sum to totals due to rounding.

Estimated cost of freezing or reversing increases in State Pension ages for people born on or after 6 April 1950, Great Britain

In-year cost, £ billion, 2018/19 prices



**Note** Costs include extra expenditure on State pension and pensioner benefits, partially offset by reduced expenditure on working-age benefits.

**Sources** DWP *Analysis relating to State Pension age changes from the 1995 and 2011 Pensions Acts*, 7 June 2019; HoC Library calculations based on the above.

## 8. Alternative proposals

Campaigns for compensation have different ‘asks’:

- The aim of the [WASPI](#) campaign is to achieve fair transitional arrangements, which it says translates into: “a ‘bridging’ pension to cover the gap from age 60 until SPA;
- [Back-to-60](#) describes itself as a “small group of women coming together to demand the return of their earned dues.”

Over time, opposition parties have proposed alternative SPA schedules, many of which were costed by the Government.<sup>129</sup> A complicating factor at this stage is that the increases are now well underway, with the SPA for women having reached 65 in November 2018.

### 8.1 Bridging pension

[WASPI](#)’s ask is for a ‘bridging pension’ to cover the gap from age 60 until SPA – not means-tested and with compensation for losses for those women who have already reached their SPA.<sup>130</sup>

In January 2016, DWP estimated that introducing a means-tested transitional arrangement of £120 per week for men and women reaching SPA under the 1995 Act timetable (from 2017/18 to 2019/20) would have a cumulative cost of some £0.8 billion.<sup>131</sup>

### 8.2 Reducing the impact of the 2011 Act

#### Retain the 1995 Act timetable to 2020

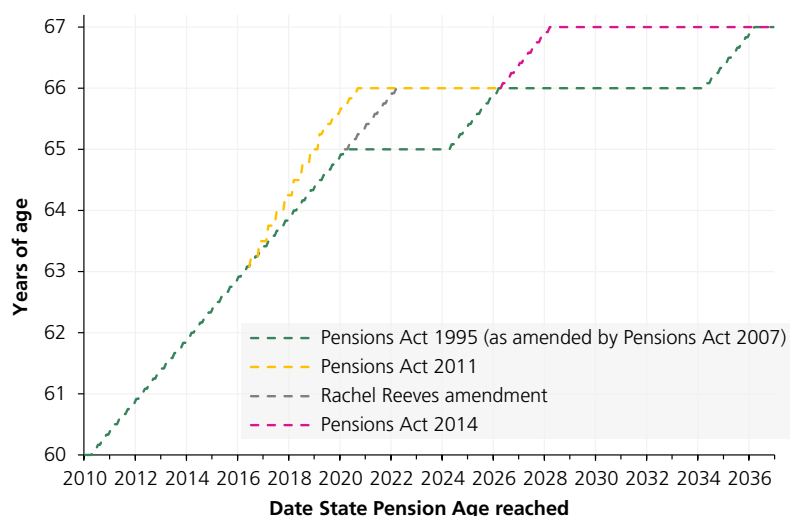
When the *Pensions Bill 2011* was before Parliament, the then Shadow Pensions Minister Rachel Reeves proposed maintaining the 1995 Act timetable until 2020 before increasing men and women’s SPA from 65 to 66 between March 2020 and March 2022.<sup>132</sup> The chart below shows Ms Reeves’s proposed amendment in grey.

<sup>129</sup> [FOI request 378/2016, Table A](#) (March 2016). See also [378/2016](#)

<sup>130</sup> <http://waspi.co.uk/>

<sup>131</sup> [DWP, response to FOI request 378/2016, 14 March 2016: - accompanying Tables – Table A, note 23 and table B, note 2 and 3](#)

<sup>132</sup> [PBC Deb, 5 July 2010 \(morning\), c4-5](#). Amendments 16 and 17

**Amended SPA schedule proposed for women by Rachel Reeves MP***Amendment shown by grey dashed line*

**Note:** this chart shows women's SPA as legislated for by the *Pension Act 2011* in yellow. The *Pension Bill 2011* originally proposed a different schedule which reached 66 in March 2020; the subsequent Act included an amendment to slow this increase and reach 66 in November 2020.

In 2010, Steve Webb, the then Pensions Minister, said this would cost £10 billion in public expenditure and another £2.5 billion in income tax and National Insurance (NI) foregone, compared to the Government's plans.<sup>133</sup> Around 1.1 million women across the UK would benefit from this amendment.<sup>134</sup>

In June 2016, the SNP Westminster Parliamentary Group published modelling by Landman Economics of the costs of different options.<sup>135</sup> However, the costings only covered the period to 2020/21. Any further delay beyond this, compared to the legislated timetable, would entail further costs to the Exchequer.

## Limiting the maximum increase under the 2011 Act to one year

When the 2011 Act was before Parliament, Crossbench Peer Baroness Greengross, for example, proposed a timetable under which women's SPA would reach 66 in March 2021, limiting the maximum increase under the Act at one year. The timetable for men would remain as proposed by the Government.<sup>136</sup> Responding to the debate, Work and Pensions Minister Lord Freud commented that the amendment would cost some £2 billion. This was a lower amount than previously proposed amendments because the increase to 66 by April 2020 in the SPA for men would go ahead as the government had proposed when presenting the legislation to Parliament). However, it would run contrary to the progressive equalisation of pension ages on the statute book by prolonging the period of unequal pension ages.<sup>137</sup>

<sup>133</sup> Ibid, c54

<sup>134</sup> House of Commons Library estimate

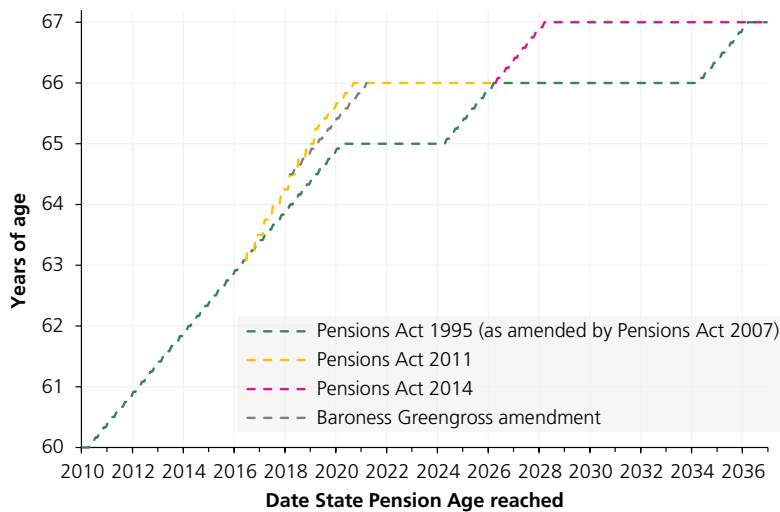
<sup>135</sup> Howard Reed, Landman Economics; [SNP Westminster Parliamentary Group: Modelling the impact of changes to pension arrangements for women born in the 1950s who will lose out from the Pensions Act 2011](#) (June 2016)

<sup>136</sup> [HL Deb 30 March 2011 c1273](#)

<sup>137</sup> Ibid c1279; See also [FOI response 378/2016, Table A](#) (March 2016)

### Amended SPA schedule proposed for women by Baroness Greengross

Amendment shown by grey dashed line



**Note:** this chart shows women's SPA as legislated for by the Pension Act 2011 in yellow. The Pension Bill 2011 originally proposed a different schedule which reached 66 in March 2020; the subsequent Act included an amendment to slow this increase and reach 66 in November 2020.

### Reduce the speed of 2011 Act increases

At Committee stage, Labour MP Teresa Pearce moved amendments with the aim of increasing women's SPA from April 2016, more quickly than the existing 1995 Act timetable but more slowly than under the 2011 Act. Under her amendments, it would have started to rise more quickly from April 2016, reaching 65 in April 2019 (rather than November 2018 under the 2011 Act), then increasing to 66 by April 2021 (rather than April 2020 under the Government's proposals). The Government estimated that this would cost around £5 billion.<sup>138</sup>

### Retain the 1995 Act timetable for Pension Credit

Briefly, the qualifying age for Pension Credit is linked to the State Pension age for women.<sup>139</sup> When the 2011 Act was before Parliament, Rachel Reeves also moved an amendment that would:

[...] maintain the qualifying age for pension credit at the previous timetable for women's state pension age, thus providing a buffer of help with the transition for those least able to cope financially with the move<sup>140</sup>

The Pensions Minister objected that having a different qualifying age for Pension Credit would introduce more complexity to the system:

[...] they propose that the qualifying age for pension credit would follow the track of the women's state pension age from 2016 onwards set out in the 2007 Act, diverging from women's state pension age, which itself will be divergent from men's state

<sup>138</sup> [PBC Deb, 5 July 2011 c67](#); *NB.* this was before the Government's own concession when the legislation was in its final stages

<sup>139</sup> *State Pension Credit Act 2002*, s1

<sup>140</sup> [PBC Deb 7 July 2011 c142-5](#)

## 45 State Pension age increases for women born in the 1950s

pension age. We would be running three different eligibility ages in tandem. That would create anomalies.<sup>141</sup>

In 2011, the Government estimated that this would cost around £1.9 billion by 2025/26. This costing assumes that the qualifying age stays at 65 through 2024/25 and 2025/26.<sup>142</sup>

However, more recently the Government said that these figures were probably underestimates – given the likely on work incentives and entitlement to other benefits.<sup>143</sup>

In its 2016 report for the SNP, Landman Economics looked at the costs of reducing the Pension Credit qualifying age for a transitional period – keeping it at 65 for the period November 2018 to April 2021. It commented that:

This Option also has very progressive distributional impacts (because Pension Credit is means-tested and so only available to lower-income pensioners) and results in modest reductions in relative and absolute pensioner poverty. The main drawbacks of the policy are that (a) it doesn't help women affected by the 2011 Pensions Act whose income is too high to qualify for Pension Credit, and (b) some low income female pensioners who are in a couple would be unable to qualify for Pension Credit under the rules for Universal Credit (which we assume will be fully rolled out by the end of 2018) because both adults in a couple need to be of pensionable age to qualify for Universal Credit.<sup>144</sup>

In its report on Communication of SPA changes, the Work and Pensions Committee commented that an extension of means-tested support was opposed by the WASPI campaign:

[...] as they perceive it as penalising women with small amounts of private savings or employment income who may not therefore qualify for means-tested support.<sup>145</sup>

It concluded that:

Extending the timetable for increases in the state pension age or widening eligibility for pension credit would be prohibitively expensive and could have significant unintended consequences.<sup>146</sup>

The Minister also said the proposal would introduce more complexity:

[...] they propose that the qualifying age for pension credit would follow the track of the women's state pension age from 2016 onwards set out in the 2007 Act, diverging from women's state pension age, which itself will be divergent from men's state

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<sup>141</sup> [PBC Deb 7 July 2011 c156](#)

<sup>142</sup> Ibid, c156. See House of Commons deposited paper, [DEP2011-1182](#) for a breakdown of the costs

<sup>143</sup> See [FOI response 378/2016](#) and [table B, note 1](#)

<sup>144</sup> Landman Economics; [SNP Westminster Parliamentary Group: Modelling the impact of changes to pension arrangements for women born in the 1950s who will lose out from the Pensions Act 2011](#) (June 2016), p27

<sup>145</sup> Work and Pensions Committee, [Communication of state pension age changes](#), HC 899, March 2016

<sup>146</sup> Ibid

pension age. We would be running three different eligibility ages in tandem. That would create anomalies.<sup>147</sup>

More recently, the Government estimated that changing the Pension Credit qualifying age for men and women to the 1995 Act timetable from 2017/18 to 2019/20 would have a cumulative cost of £1 billion over that period (continuing beyond this if the qualifying age for Pension Credit continued to be lower). It added that the overall cost would be higher because Pension Credit passports to Housing Benefit and there would be a possibly increased incentive to give up work before State Pension age. The costs did not include the small off-setting savings in reduced expenditure on working age benefits.<sup>148</sup>

In November 2016, the then Shadow Work and Pensions Secretary Debbie Abrahams called on the Government to reconsider reducing the Pension Credit qualifying age for the affected group:

Labour's proposal is to return eligibility for Pensions Credit to the state pension age timetable of the 1995 Pensions Act, but with the qualifying age continuing to increase to 66 by 2022.<sup>149</sup>

It estimated that the policy would cost £860 million over this parliamentary term.<sup>150</sup>

### 8.3 Early access at a reduced rate

In a report published on 15 March 2016, the Work and Pensions Select Committee said it had decided to explore further the option of allowing some women the option of drawing their State Pension early:

Some of those options, for example re-calculating all women's pensions for those born in the 1950s as if they had been born before 1950, would be prohibitively expensive and could have damaging wider consequences.

We were, however, interested in an idea that was proposed of permitting early retirement, from a specified age and for a defined cohort of women, on an actuarially neutral basis. This arrangement, which features in some defined benefit occupational pension schemes, would permit women in that specified age group to choose to take a state pension sooner than scheduled in return for lower weekly payments for the duration of their retirements. The actuarial reduction factor used should ensure that, on average, over the lifetimes of the pensioners concerned, there would be no additional pension costs to the exchequer.

There are several questions which would need to be addressed before such an idea could be progressed. The details and limits of eligibility, and the rationale for this relative to those earlier or later, would need to be determined, including the position of men at 65. It would bring forward some public spending, as an unknown number of women would take their state pension early. This would increase public sector net borrowing in the short term

<sup>147</sup> Ibid, c156. See House of Commons Library deposited paper, [DEP2011-1182](#) for a breakdown of the costs

<sup>148</sup> See [Response to FOI request 378/2016: Table B, note 1](#)

<sup>149</sup> [Labour announce £155 per week for WASPI women](#), Labour Party press release, 21 November 2016

<sup>150</sup> Ibid



in return for a longer term reduction. The total fiscal impact would not be known until all the relevant pensions ceased to be paid.

This factor, added to the unknown take-up rate, would add to budgeting uncertainty. The scheme would also need to be properly administered, which has cost implications. Any changes would need to be assessed for their wider impact on tax and benefits. It may be that any increased costs to the public purse could be incorporated in the factors used to reduce weekly pensions to make the policy more likely to be fiscally neutral in the long term.<sup>151</sup>

Evidence to the Committee was that it would be a challenge to get the rate of reduction right. Assumptions would need to be made about mortality rates and future policy decisions, for example. And there was potential for ‘selection bias’ (higher rates of take-up among people with shorter life expectancy).<sup>152</sup> Evidence from the Government Actuary’s Department (GAD) was that any attempt to ensure cost-neutrality taking account of the wider impact on tax and benefits would produce something that was “unworkable, because the terms would be too penal in some ways for the offer.”<sup>153</sup> The then Work and Pensions Secretary Stephen Crabb said women affected had told him “that is not what they want.”<sup>154</sup>

In response to a question about what assessment the Department had made of the merits of this option, the then Pensions Minister Richard Harrington said such options suffered from substantial practical problems, as well as Exchequer cost:

Even if actuarially neutral, such an option would result in losses of income tax and National Insurance payments. To give some idea of the scale of this, for individuals affected by the Pensions Act 2011, additional income tax and NI receipts from the change to State Pension age were estimated to be up to £8.3 billion.

Furthermore, the new State Pension’s key features are simplicity—giving people the clarity and confidence to save—and a value set above the minimum income guarantee standard. An actuarially reduced pension would undermine both these key features. It would complicate outcomes and, if people’s actuarially reduced state pension were below the minimum guarantee, might increase the need for means-tested support amongst pensioners.

There are also legal risks associated with offering affected women an actuarially reduced pension. The requirement to take account of equality between men and women in framing new legislation means any new transitional provisions aimed just at those women affected by recent rises to the State Pension age run the risk of legal challenge.

This matter has been comprehensively debated in Parliament and the Government has been very clear that there will be no further

<sup>151</sup> Work and Pensions Committee, [Communication of State Pension age changes](#), HC 899, March 2016, Summary; [‘Early drawing of state pension: Committee launches inquiry,’ 18 March 2016](#)

<sup>152</sup> [Evidence to the Work and Pensions Committee, 20 April 2016](#), Q4

<sup>153</sup> [Evidence to the Work and Pensions Committee, Weds 20 April 2016](#)

<sup>154</sup> [Evidence to the Work and Pensions Select Committee 11 May 2026 Q36](#)

changes to the current arrangements or any financial redress in lieu of pensions.<sup>155</sup>

The Government gave a detailed response to a [petition](#) on the issue.

In response to the first debate on the issue in the 2017 Parliament, Pensions Minister Guy Opperman said:

It is not the Government's proposal to repeal or ameliorate the 1995 or 2011 Acts, but I accept that we must do all we can to assist everyone affected into retraining and employment, and to provide support if that is not possible. The commitment to provide support is clear, unequivocal and ongoing.<sup>156</sup>

In response to a PQ regarding the cost of extending "entitlement to free travel passes to women born in the 1950s who have yet to reach state pension age," the Government responded that:

In addition to providing support to those with a disability, the original intention of the English national concessionary bus pass scheme was to help people maintain their independence in retirement. Concessions are therefore not aimed at people considered to be of working age and in April 2010 the concession was specifically aligned for both men and women to the Department for Work and Pensions' State Pension Age. Local authorities have the discretion to offer concessions over and above the statutory minimum to their residents as they see fit.<sup>157</sup>

In her [speech to the Labour Party Conference on 27 September 2017](#), the then Shadow Work and Pensions Minister Debbie Abrahams said that a "Labour Government in power now, would allow these women to retire up to two years early." WASPI said this was "no better than the actuarial reduced pension suggested some time ago and rejected by the WASPI Campaign because it pushes women into pensioner poverty." It would "include elements of means testing and does not include any level of compensation for those who have lost such significant amounts of their State Pension."<sup>158</sup>

## 8.4 Powers of the Scottish Government

The [Scotland Act 2016](#) devolved some powers in the area of social security to the Scottish Government, including the ability: to top up payments to people entitled to a reserved benefit (s 24); to make discretionary payments to meet a short-term need (s26); and to create new benefits (s 28) although this does not extend to 'providing assistance by way of pensions to or in respect of individuals who qualify by reason of old age.' The Scottish Parliament Information Centre has produced some briefings which look at the scope of the new devolved welfare powers and at how they might be used.<sup>159</sup>

The UK Government has argued that these "wide-ranging powers" provide the Scottish Government with options to support women

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<sup>155</sup> [PQ 63564 20 February 2017](#)

<sup>156</sup> [HC Deb 5 July 2017 c119-46WH](#)

<sup>157</sup> [PQ 384, 21 June 2017](#)

<sup>158</sup> [WASPI responds to Labour Party plans for reduced State Pension at 64](#)

<sup>159</sup> SB 16-50, [Scotland Act 2016: Discretionary Payments and New Benefits](#); SB 16-52, [Scotland Act 2016: Carer's Allowance](#); SB 16-45, [New Social Security Powers](#)

affected by increases in their SPA. In a letter to his Scottish counterpart, Jeane Freeman in April 2017, Pensions Minister Richard Harrington set out the options he thought were available:

One such option, however, could be for you to legislate to introduce new discretionary payments using section 26 of the *Scotland Act 2016* (exception 7 to Section F1 of Schedule 5 to the Scotland Act 1998). This power was introduced to give you the widest possible scope to help meet the short-term needs of people in Scotland, which could include those who are affected by changes to the State Pension. In respect of which, there is no prescribed definition of short-term, and this will be substantially for the Scottish Parliament to determine.

Another option could be to legislate under section 26 of the *Scotland Act 2016* (exception 10 to Section F1) to create new benefits in Scotland. This is a significant power and one that gives the Scottish Parliament the competence to provide financial support in devolved areas of responsibility.

Whilst this power cannot be used to provide pensions for people who qualify by reason of old age, many of those affected by changes to the State Pension age will not yet have reached State Pension age. As a result, this broad power does offer the Scottish Government the possibility of introducing new financial support to help this group.

Finally, there are also powers available to you, should you wish to support people in Scotland who may already be in receipt of their State Pension. As I have mentioned, the wide-ranging discretionary payments power, under section 26 provides one such option. You could also consider paying people a top-up to any reserved benefits they may be receiving by legislation under section 24 of the Scotland Act 2016 (exception 5 to Section F1). Individuals could be paid on a case by case basis or all benefit claimants could be provided with an ongoing entitlement.<sup>160</sup>

In a response, Ms Freeman explained why the Scottish Government did not think the powers available were sufficient for what it wanted to do:

**Discretionary payments using section 26 (exception 7)**

This power is limited to providing help with meeting 'short-term needs', and those needs must require to be met to avoid a risk to a person's well-being. That would not readily allow assistance to the majority of women most affected by the acceleration of the increase in their State Pension age. Their needs and the risks to their well-being would have to be assessed individually.

**Creation of a new benefit using section 28 (exception 10)**

This power states that it cannot be used to provide pensions to persons who qualify by reason of old age. Given the women we are concerned with here are seeking assistance specifically due to their age and lack of state pension it is hard to see how this provision could be used to support WASPI women. I accept that "old age" is not defined in this legislation, and that most people would not regard this age group as old, but the intention of the restriction seems clear. Other types of pension are possible, such as those paid to persons who have suffered injury or bereavement, but those pensions are based on persons attaining an older age (whatever that means) are not permitted.

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<sup>160</sup> [Letter from Richard Harrington to Jeane Freeman, 19 April 2017](#)

**Top up of reserved benefits using section 24 (exception 5)**

You mention this 'wide ranging' power to make discretionary payments, but as you also note, the person must be receiving a reserved benefit that can be topped up. The assistance has to be for one of the purposes for which the reserved benefit is being provided. As the complaint of the WASPI group is that they are not receiving a reserved benefit, state pension, this power is plainly of little use as a way to assist the WASPI group.<sup>161</sup>

On 16 July 2017, Pensions Minister Guy Opperman said:

It is to be welcomed that you acknowledge that there are powers available to Scottish Government that could be used to support people before they reach State Pension age, including those who may be affected [by] the equalisation of the State Pension age.

As your correspondence sets out, it may be a case that there is no one power that provides the Scottish Government with a single solution to the policy challenge you have raised. Nonetheless, the range of powers that you have are substantial and could be used in combination to meet a range of challenges that you may wish to address. For this reason, I do not accept your point that the devolved welfare powers are overly or unnecessarily restrictive, as you conclude in your letter.

As the UK Government has always maintained, it is a matter for the Scottish Government how you use the devolved welfare powers. This importantly includes any determination you may have made on whether you can, in reality, provide this support. It also extends to choices you have in how to fund your priorities, either using the substantial resources the Scottish Government has or using your significant tax powers to raise additional funding.<sup>162</sup>

In a letter dated 14 August 2017, Ms Freeman explained that:

[...] the Scottish Government remains firmly of the view that the powers available through the Scotland Act do not provide us with a workable solution to fully support the WASPI women who have been particularly affected by the changes to the State Pension age.<sup>163</sup>

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<sup>161</sup> [Correspondence between Jeane Freeman MSP and DWP: FOI release](#)

<sup>162</sup> [Letter from Guy Opperman, July 2017](#)

<sup>163</sup> [Correspondence between Jeane Freeman MSP and DWP: FOI release](#)

## 9. Debates in Parliament

The issue has been debated in the House on a number of occasions.

Barbara Keeley initiated one in Westminster Hall in December 2015.<sup>164</sup>

On 7 January 2016, the House voted by 158 votes to 0 in support of an SNP motion:

That this House, while welcoming the equalisation of the state pension age, is concerned that the acceleration of that equalisation directly discriminates against women born on or after 6 April 1951, leaving women with only a few years to make alternative arrangements, adversely affecting their retirement plans and causing undue hardship; regrets that the Government has failed to address a lifetime of low pay and inequality faced by many women; and calls on the Government to immediately introduce transitional arrangements for those women negatively affected by that equalisation.<sup>165</sup>

The then SNP pensions spokesperson, Ian Blackford, called on the Government to look at smoothing the increase from age 63:

We have heard about the failure of communication, which it could be argued means that the start of the 15-year process should be the beginning of the changes in 2010. That means there will effectively be a retirement age of 63 for women as of April this year. The Government could, for example, look at smoothing the increase in pensionable age for women to 2025. The Government should do the right thing and immediately introduce mitigation.<sup>166</sup>

On 24 February 2016 the House voted by 289 votes to 265 to reject an Opposition motion:

That this House notes that the e-petition 110776, Make fair transitional state pension arrangements for 1950s women, has attracted more than 150,000 signatures; and calls on the Government to bring forward proposals for transitional arrangements for women adversely affected by the acceleration of the increase in the state pension age.<sup>167</sup>

The then Shadow Work and Pensions Secretary Owen Smith said the Government had a number of options:

I will give him six suggestions. The Government could delay the pension age increase until 2020 so that the pension age reached 66 by 2021. That option is favoured by the Pensions Minister in the House of Lords. The Government could cap the maximum state pension age increase from the 2011 Act at 12 months, which the predecessor of the Pensions Minister advocated. The Government could keep the qualifying age for pension credit on the previous timetable, which would help out some of the poorest women in that category, as Labour suggested in 2011. The Government could allow those affected to take a reduced state

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<sup>164</sup> [HC Deb 2 December 2015 c123WH](#)

<sup>165</sup> [HC Deb 24 February 2016 c337](#); [HC Deb 7 January 2016 c454](#); [HC Deb 2 December 2015 c145WH](#)

<sup>166</sup> [HC Deb 24 February 2016 c337-43](#); [HC Deb 7 January 2016 c505](#)

<sup>167</sup> [HC Deb 24 February 2016 c 374](#)

pension at an earlier age during the transition, as Alan Higham has suggested. The Government could extend the timetable for increasing the overall state pension age by 18 months so that it reaches 66 by April 2022, as John Ralfe has suggested. Finally, the Government could simply pay a lower state pension for a longer period throughout the pensionable age of the women affected. All those things would involve costs, but they are all ways in which the Government could act. What we need from the Government is not more carping but the will to get on and do something.<sup>168</sup>

Votes passed by the House following backbench business debates are not binding on the Government.<sup>169</sup>

An [All Party Parliamentary Group on State Pension Inequality for Women](#) was set up in May 2016 to “hold the government to account and find the best outcome we can for the women affected by these major changes to the State Pension age.”<sup>170</sup>

Opening a debate in a Westminster Hall on the acceleration of the state pension age for women born in the 1950s on 15 November 2016, Ian Blackford called on the Government to “deliver some good news for the WASPI women” in the Autumn Statement. He called on the Government to roll-back the 2011 Act:

We suggested a return to the timeline of the 1995 Act, which would slow down the increase to a pensionable age of 65 by 18 months, and defer the increase to a pensionable age for women of 66 years into the next decade. The cost of deferring over an additional 18 month period would be £7.9 billion.<sup>171</sup>

He argued that the funds for this could be found in the National Insurance (NI) Fund:

I am grateful to the Government, or more specifically the Government Actuary’s Department, for stating that there is a projected fund surplus of £26.3 billion at the end of 2016-17, rising to £30.7 billion in 2017-18.<sup>172</sup>

Shadow Pensions Minister Alex Cunningham called on the Government to reinvest some of the savings it had made from the increases in the SPA to “help the vulnerable women who have been ruined because of a decision that they had no say in and certainly did not vote for.”<sup>173</sup>

Richard Harrington said:

I have been quite clear in public and in the House that the Government will make no further changes to the pension age of those affected by the 1995 Act and the 2011 Act, nor pay them financial redress in lieu of pension. I know that Members present do not agree with that, but I feel it is right to state our position clearly without leaving any doubt. That view has not changed.<sup>174</sup>

<sup>168</sup> [HC Deb 24 February 2016 c324](#); see also [HC Deb 7 January 2016 c508](#) [Nick Thomas Symonds]

<sup>169</sup> [HC Deb 6 March 2014 c1051](#) [Andrew Lansley]

<sup>170</sup> [Barbara to chair new Parliamentary Group working against State Pension Inequality, 12 May 2016](#)

<sup>171</sup> [HC Deb 15 November 2016 c26WH](#)

<sup>172</sup> [Ibid c27WH](#)

<sup>173</sup> [Ibid c43WH](#)

<sup>174</sup> [Ibid c45WH](#)

He questioned the SNP's estimated costs:

Its independent report suggests rolling back the 2011 Act and returning to the timetable in the Pensions Acts of 1995 and 2007, but that is simply too expensive for the Government to consider. The report puts the cost at £7.9 billion, but my Department's direct comparison for the same period is £14 billion. We can discuss it however many times, but our modelling is comprehensive and no one is trying to take advantage of anybody else. I really believe that the SNP report has underestimated the impact by somewhere in the region of 50%. It has done so by ignoring most of the costs and applying costs only to the five-year window from 2016-17. Costs beyond that horizon have simply been ignored.

The *Pensions Act 2011* not only increased the female state pension age to 65 sooner, but brought forward the increase to 66 for both men and women. The increase to 66 generates significant savings of more than £25 billion, yet such an important element of the Act is omitted from the paper, along with the associated costings.<sup>175</sup>

Ian Blackford closed the debate saying that the Government had "failed to accept responsibility for the WASPI women." He would ask the members of the Backbench Business Committee to push for a vote.<sup>176</sup>

In Work and Pensions questions on 21 November 2016, Alex Cunningham asked the Minister to respond to a Labour proposal to return eligibility for Pension Credit to the State Pension age timetable of the *Pensions Act 1995*, with the qualifying age continuing to increase to 66 by 2022.<sup>177</sup> He said:

In the Westminster Hall debate on the issue, we heard about many people who have been left destitute and are living in poverty as they care for elderly relatives who may be unwell, but not ill enough to qualify for employment and support allowance, and about many others who are in dire straits. The Government have no intention of doing anything to help them and they have rejected Labour's first-step proposal of extending pension credit to both women and men who are being denied their state pension for years to come. I ask the Minister to think again. Assuming that his hands are tied by the Chancellor and the Prime Minister, will he set up a dedicated proactive helpline for those affected so that they can access the social security benefits that the Minister says are sufficient to meet their needs?<sup>178</sup>

Richard Harrington explained the Government's position:

[...] the transitional arrangements have taken place and that Government policy is very clear. I would not want him to think or believe that there will be any change on this.<sup>179</sup>

On 30 November 2016, the House debated an SNP motion:

That this House is concerned that the Government is not taking action to alleviate the injustice facing women affected by the acceleration of the increase in the state pension age, despite the

<sup>175</sup> Ibid c47WH

<sup>176</sup> Ibid c48WH

<sup>177</sup> [Labour announced £155 pw for WASPI women, 21 November 2016](#)

<sup>178</sup> [HC Deb 21 November 2016 c590](#)

<sup>179</sup> [HC Deb 15 November 2016 c48WH](#)



House previously voting in favour of such action; welcomes the Landman Economics report into the impact of the changes to pension arrangements for women born in the 1950s, which identifies an affordable solution which would slow down that increase in order to give adequate time for women affected by the acceleration to make alternative arrangements; and calls on the Government to work with the Women Against State Pension Inequality and Women Against State Pension Inequality Voice campaigns further to explore transitional protection for those affected.<sup>180</sup>

Opening the debate, Ian Blackford argued that the Government could use the surplus in the National Insurance fund to pay for transitional arrangements:

[...] but the fact remains that the national insurance fund will be sitting with a surplus of close to £30 billion by the end of this decade [...] The national insurance fund has to retain two months' cash flow, but that can still be done by putting in place what we are asking the House to do today, which is—as in the Landman report—to push back the increase in women's pensionable age and to make sure that the women worst affected get recompense and fairness.<sup>181</sup>

Responding, the then Work and Pensions Secretary Damian Green proposed an amendment to the motion which would:

[...] leave out from "House" to the end of the Question and add:

"welcomes the planned average rise of £550 a year for 3 million women, including those born in the 1950s, who receive the new state pension; further welcomes the increase of over £1,100 per year of the basic state pension since 2010 as the result of the triple lock, which will also benefit such women; and recognises that the state pension must reflect the welcome rise in life expectancy in order to remain sustainable for generations to come." <sup>182</sup>

He said:

The SNP's preferred option would roll back the 2011 Act entirely, returning to the timetable in the 1995 Act. He said that that option would cost £8 billion, but I disagree. Our analysis suggests that the cost has to go beyond 2020-21 and must include the effects on national insurance payments and tax collection, which his economic model entirely ignores, and that it would cost over £30 billion.

Even if we accept the hon. Gentleman's figures, his other suggestion is that the costs could be met from the surplus in the national insurance fund that he conveniently discovered. In fact, there is no surplus in the fund because it is all used to pay contributory benefits. If we take from the national insurance fund £8 billion, £30 billion or whatever number one cares to mention, we take it from people who receive benefits. The surplus of £16 billion that he identified is two months' expenditure—an advisory level recommended by the Government Actuary as a prudent working balance. The money has been put there by a Treasury grant to maintain the fund at the recommended long-term

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<sup>180</sup> [HC Deb 30 November 2016 c1585](#)

<sup>181</sup> Ibid c1587

<sup>182</sup> Ibid 1595

balance. The Government Actuary does not forecast a long-term surplus, so this convenient pot of money for the SNP does not actually exist.<sup>183</sup>

He said that what the Government was trying to do for this group was to support labour market participation and, where this was not possible access to social security benefits. In the New Year, the Government would propose a new strategy for older workers – the fuller working lives strategy.<sup>184</sup>

Alex Cunningham called for a slower timetable increases in the Pension Credit qualifying age:

Under our proposals, we are calling on the Government to extend pension credit to those who would have been eligible under the 1995 timetable, so that women affected by the chaotic mismanagement of equalisation will be offered some support until they retire. That will make hundreds of thousands WASPI women eligible for up to £156 a week. We will not stop there. We are developing further proposals to support as many of the WASPI women as possible. Importantly, they will be financially credible and will be based on sound evidence and supported by the WASPI women themselves.<sup>185</sup>

Although the Labour Party would support the SNP motion, he called on that party to acknowledge the real cost of its proposals - up to 2025-26.<sup>186</sup>

The SNP motion was defeated by 293 votes to 234. The Government motion was agreed to.<sup>187</sup>

In a Westminster Hall debate on 9 February 2017, Chi Onwurah asked about the impact on working class women:

I will give the Minister the opportunity to demonstrate her understanding of reality by asking her: first, does she acknowledge the existence of working-class women? Secondly, does she acknowledge that although many more of us may be working now, working-class women, who often face the challenges of poverty predominantly in manual trades, have specific experiences? Thirdly, does she acknowledge that working-class women were more likely to start working earlier, and to work in jobs that take a higher toll on the body? Fourthly, does she acknowledge that working-class women are more likely to die younger and to suffer more ill health in retirement? Fifthly, does she acknowledge that they are more likely to be more dependent on the state pension, not having benefited from subsidised work pensions? Does she agree that those five factors make it much more likely that they will not benefit from their retirement to the extent that more privileged groups do, and that the state pension changes are therefore more unjust? Will she commit to considering transitional arrangements for WASPI women? Will she commit to working with the Treasury to announce a solution to the dire predicament in which so many women have been left in the forthcoming Budget?<sup>188</sup>

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<sup>183</sup> Ibid c1598

<sup>184</sup> Ibid c1602

<sup>185</sup> Ibid c1623

<sup>186</sup> Ibid c1624

<sup>187</sup> Ibid

<sup>188</sup> [HC Deb 9 February 2017 c225WH](#)

The then Work and Pensions Minister Caroline Nokes reiterated the Government's position on the issue, explaining that it would make no further concessions:

We know that whenever things change, there have to be dividing lines, and I understand that the changes are most stark for those closest to the line. That is no different in this case. We understand that and the Government listened to the concerns expressed at the time. Therefore, a concession worth more than £1 billion was introduced, despite the fiscal situation, to lessen the impact of the changes on those worst affected. The concession reduced the delay that anyone would experience in claiming their state pension and benefited almost a quarter of a million women.

However, going further than that simply cannot be justified, given that the underlying imperative must be to focus public resources on those most in need. I have listened to Opposition Members, and I have heard and understood their concerns. However, let me be clear—we are making no further concessions on this issue. As well as being unaffordable, reversing the *Pensions Act 1995* would create an anomaly, whereby women would be expected to work for less time than they work now, and it would be discriminatory to men. It is not practical to implement.<sup>189</sup>

## 9.1 Debates in the 2017 Parliament

Opening a Westminster Hall debate on 5 July 2017, Grahame Morris called on the Government to:

[...] acknowledge their error, provide all those affected with some level of compensation, and provide those worst affected—those who are waiting six years longer than they had planned before they receive their pension—with some support to bridge the gap between 60 and 66.<sup>190</sup>

The new Pensions Minister, Guy Opperman said the Government did not intend to repeal or ameliorate the 1995 or 2011 Acts:

It is not the Government's proposal to repeal or ameliorate the 1995 or 2011 Acts, but I accept that we must do all we can to assist everyone affected into retraining and employment, and to provide support if that is not possible. The commitment to provide support is clear, unequivocal and ongoing.<sup>191</sup>

The most recent detailed account of the Government's position is its response to the current [WASPI petition](#).

A Westminster Hall debate on 21 November 2017, initiated by Hugh Gaffney, discussed State Pension age increases generally, although there were references to WASPI.<sup>192</sup>

Opening an Opposition Day debate on 29 November 2017, leader of the SNP in Westminster, Ian Blackford, moved a motion to the effect that:

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<sup>189</sup> Ibid c243WH

<sup>190</sup> [HC Deb 5 July 2017 c123WH](#)

<sup>191</sup> [Ibid c146WH](#)

<sup>192</sup> [HC Deb 21 November 2017 c631](#)

[...] this House calls on the Government to improve transitional arrangements for women born on or after 6 April 1951 who have been adversely affected by the acceleration of the increase to the state pension age.<sup>193</sup>

He said:

We are here in support of the Women Against State Pension Inequality Campaign and its efforts to secure fairness for women affected by the acceleration in their retirement age. I am saddened that we are having yet another debate on this issue, but the fundamental fact is that the Government should have taken action to mitigate the increase in women's pensionable age.<sup>194</sup>

The SNP had commissioned independent research on the cost of measures to mitigate the issue.<sup>195</sup>

Shadow Pensions Minister Alex Cunningham said he did not understand why the Government refused to address the issue. His own party had proposed allowing Pension Credit to be accessed before State Pension age and allowing people to claim their State Pension up to two years early at a reduced rate. He called on the Government to publish a paper outlining the Scottish Government's powers in this area and to explain what contingencies it had made "for the day when the courts rule against the Government, as they may well do, that 50's born women should be compensated." <sup>196</sup>

Pensions Minister Guy Opperman responded that:

First, the Government do not believe that there has been maladministration by the Department for Work and Pensions in relation to the legal claim by Bindmans, and that includes in the 13 years when the Labour party was in power. Secondly, with regard to his assertions about the Scottish Government, the situation is as I said when I cited the letter of 22 June from Jeane Freeman, my opposite number in the Scottish Government.<sup>197</sup>

Liberal Democrat spokesperson Stephen Lloyd called on the Government to make transitional money available:

I urge the Minister to go to the Chancellor and ask him to find an element of transition money that will at least allow the WASPI women to have the funds, not just to make up for losing the six years, but to cover the money that this has cost so many. I urge the Minister to find a way; find some transition money, make a difference, and do it now.<sup>198</sup>

Work and Pensions Minister Caroline Dinenage concluded the debate by saying that:

Given the increasing financial pressure that I have described, we cannot and should not unpick a policy that has been in place for 22 years. It is simply not affordable, especially when we take into account the fact that the average woman reaching state pension age will get a higher state pension income over her lifetime than

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<sup>193</sup> [HC Deb 29 November 2017 c366](#)

<sup>194</sup> Ibid

<sup>195</sup> Ibid c376

<sup>196</sup> Ibid c382

<sup>197</sup> Ibid c

<sup>198</sup> Ibid c392

an average woman reaching state pension age at any earlier point.<sup>199</sup>

The House voted to approve the SNP motion by 288 votes to 0.<sup>200</sup>

Ian Blackford asked for guidance on:

[...] what we now need to do to empower the Secretary of State for Work and Pensions to come to the Chamber, recognise parliamentary democracy, and put in place the Government's plans to respect the motion that the House has passed.

Deputy Speaker, Rosie Winterton, referred to the statement made by the Leader of the House on 26 October:

Where a motion tabled by an Opposition party has been approved by the House, the relevant Minister will respond to the resolution of the House by making a statement no more than 12 weeks after the debate. This is to allow thoughtful consideration of the points that have been raised, facilitate collective discussion across Government, especially on cross-cutting issues, and to outline any actions that have been taken. [*Official Report*, 26 October 2017; Vol. 630, c. 12WS.]<sup>201</sup>

On 8 February 2018, Pensions Minister Guy Opperman reiterated the Government's position, which was that it did not plan to make further changes ([see above](#)). He concluded by saying that:

A significant concession was made in 2011 so that no woman will see an increase to her state pension age of more than 18 months, relative to the 1995 Act timetable. To renege on our decisions and further increase costs to the public, especially the working population, would be unfair and unaffordable.<sup>202</sup>

Shadow Pensions Minister Jack Dromey expressed disappointment at the Government's "failure to give women born in the 1950s the dignity and respect they deserve". He asked the Minister to respond to the Labour Party's proposals:

As we have repeatedly set out, there are several immediate actions the Government could and should take, but time and again they have refused. Can the Minister explain why he refuses to offer women affected by Government changes to the state pension age the cost-neutral option to draw their state pension at age 64, as we have proposed? That would allow women who choose it to retire up to two years earlier.

The pension age is due to rise to 66 by the end of 2020. We reject the Government's proposal to increase the state pension age even further. We will act by putting in place a new review of the pension age, specifically tasked with developing a flexible retirement policy that reflects the contributions people make, the wide variations in life expectancy and the arduous conditions of some work.

It is also right to extend pension credit to those who were due to retire before the increase in the pension age, which would benefit

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<sup>199</sup> Ibid c408

<sup>200</sup> Ibid c411

<sup>201</sup> Ibid c412

<sup>202</sup> [HC Deb 8 February 2018 c1694](#)

hundreds of thousands of women. Will the Minister look again at that proposal?<sup>203</sup>

For the SNP, Patrick Grady said the Government needed to bring forward proposals to address what the motion passed by Parliament had called for:

“to improve transitional arrangements for women born on or after 6 April 1951 who have been adversely affected by the acceleration of the increase to the state pension age.”<sup>204</sup>

For the Liberal Democrats, Stephen Lloyd asked the Minister to address three possible options:

One is Labour’s cost-neutral option for retirement at 64. The second is the indication of some kind of transition. The third is that the Minister could accept some change if the parliamentary ombudsman took some WASPI cases and concluded that the communication from Governments of all parties had been shocking.<sup>205</sup>

In an adjournment debate on 31 January 2019, Tonia Antoniazzi asked about the impact of the ongoing legal proceedings on the opportunities for MPs to make representations on this issue. She referred to Carolyn Harris’ Private Members’ Bill, which asks for a review to establish the costings for a compensation scheme and suggested the National Insurance fund might be a potential funding source for this.<sup>206</sup>

Mr Opperman responded by explaining that increasing life expectancy had been one of the key drivers behind State Pension age increases. He explained the arrangements for ensuring the NI fund was kept in balance:

If the balance of the fund is expected to fall below one sixth of the forecast annual benefit expenditure, the Government will transfer a Treasury grant paid for by general taxation into the national insurance fund. This ensures that benefits such as the state pension can always be paid as necessary. It is inaccurate to suggest there is a surplus in the fund that can simply be drawn upon. The balance of the fund is managed as part of the Government’s overall management of public finances and reduces the need for them to borrow from elsewhere, so any additional spending from the national insurance fund would represent an increase in overall Government spending and, without cuts in other areas of spend or additional taxes, an increase in Government borrowing. This is a policy that has been continued by successive Governments since the 1980s, and it simply is not correct to state that, had the supplement continued to be paid at the same level as previously, the fund would have the capacity to satisfy the claim of the ladies.<sup>207</sup>

He concluded by defending the Government’s position:

The fact remains that the key choice any Government face when life expectancy is increasing is whether to increase the state

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<sup>203</sup> [HC Deb 8 February 2018 c1696](#)

<sup>204</sup> [Ibid c1687](#)

<sup>205</sup> [Ibid c1699](#)

<sup>206</sup> [HC Deb 31 January 2019 c1061-2](#)

<sup>207</sup> [Ibid c1073](#)

pension age or to pay lower pensions, with an inevitable impact on pensioner poverty. The only alternative is to ask the working generation to pay an ever larger share of their income to support pensioners. I believe that successive Governments have made the appropriate but difficult decisions to equalise and increase the state pension age.<sup>208</sup>

An early day motion tabled on 14 May 2019, and currently with 49 signatures, calls on the Government to “introduce financial compensation for the women who have already been affected and will be affected by the process of equalisation and the acceleration of equalisation caused by the Pensions Act 2011.”<sup>209</sup>

EDM 2269, now with 166 signatures, calls on the Government to “enact a temporary special measure as permitted by international law to provide restitution to women born in the 1950s who have lost their pensions from the age of 60 because of the impact of the rise in retirement age.”<sup>210</sup> In response to a PQ, the Pensions Minister said:

This matter has been comprehensively debated on many occasions in Parliament, and any amendment to the current legislation which creates a new inequality between men and women would be highly dubious as a matter of law. The Government does not respond to individual EDMs.<sup>211</sup>

## 9.2 Private Members’ Bills

In September 2017, two Private Members’ Bills were presented to Parliament on the issue. Neither progressed beyond First Reading.

The [\*Pensions \(Review of Women’s Arrangements\) \(No. 2\) Bill 2017-19\*](#) was presented to Parliament in September 2017 by Carolyn Harris, on behalf of the All Party Parliamentary Group on State Pension Inequality for Women. The Bill’s purpose is to:

[...] establish a review of pension arrangements for women affected by changes made by the *Pensions Act 1995* and the *Pensions Act 2011*; to require the review in particular to undertake costings for a compensation scheme and consider the operation of section 1(4) of the *Pensions Act 2011*; and for connected purposes.<sup>212</sup>

The APPG launched a consultation open to official representatives of campaign groups for 1950s-born women.<sup>213</sup> In 2019, it agreed to call on the Government to cost three solutions:

a non-means-tested, no strings attached, payment for all women aged 63 and over from the day it is approved until they reach State Pension age (not backdate); equalisation of women’s pensions so that everyone receives a full state pension (£159 per week) regardless of the number of years of National Insurance

<sup>208</sup> Ibid c1074

<sup>209</sup> [EDM 2390, 14 May 2019](#)

<sup>210</sup> [EDM 2296 2017-19 session](#); For the arguments behind this see, Jackie Jones [Amicus Brief, IN THE HIGH COURT OF JUSTICE QUEEN’S BENCH DIVISION ADMINISTRATIVE COURT. In support of Judicial Review Application](#), October 2018

<sup>211</sup> [PQ 247728, 30 April 2019](#)

<sup>212</sup> See also the website for [Carolyn Harris MP](#)

<sup>213</sup> [Tweet by Carolyn Harris, 30 November 2017](#)



## 61 State Pension age increases for women born in the 1950s

contributions they have accrued; and extended Pension Credit for those women worst affected who have no other income or private pension available to them and are suffering financial hardship.<sup>214</sup>

The [\*Pensions \(Review of Women's Arrangements\) Bill 2017-19\*](#) was presented to Parliament by Peter Bone on 5 September 2017. Its purpose was to:

[...] establish a review of pension arrangements for women affected by changes made by the *Pensions Act 1995* and the *Pensions Act 2011*; and for connected purposes.

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<sup>214</sup> [Carolyn Harris tweet, 3 October 2019](#)

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