

Provisional views

Reference: SPA (stage 2) Complained about: Department for Work and Pensions Independent Case Examiner

The issues we are considering and our provisional views

1. In July 2021 we issued the report for stage one of our investigation into complaints about the adequacy of DWP's communication of changes to State Pension age, and associated issues. We found that maladministration led to a delay in DWP writing directly to women about changes to their State Pension age.
2. We are now working on stage two of our investigation. This stage is considering complaints about:
 - DWP's communication of changes to the number of qualifying years National Insurance contributions required for a full State Pension
 - DWP's complaint handling
 - the Independent Case Examiner's (ICE's) handling of complaints about DWP's communication of State Pension age changes.
3. It is also considering the impact of any failings by DWP and ICE, including the injustice arising from the maladministration identified during stage one of our investigation.
4. This document sets out:
 - a summary of our provisional views
 - the evidence we are considering
 - our analysis so far of DWP's communication of changes to National Insurance qualifying years, including
 - background
 - what should have happened - the relevant standards
 - what did happen
 - our provisional views
 - our analysis so far of DWP's and ICE's complaint handling, including
 - what should have happened - the relevant standards
 - what did happen
 - our provisional views
 - our analysis so far of injustice.

Summary of our provisional views

5. The evidence we have seen so far suggests timely and accurate information was available about the change in eligibility criteria for a State Pension, including how someone's National Insurance record links to how much State Pension they can claim once they reach State Pension age. Research showed the majority of people knew about the changes.

6. However, research also showed that too many people did not understand their own situations and how State Pension reform affected them. The gap between awareness and understanding was highlighted by the Work and Pensions Committee and the National Audit Office. DWP does not appear to have used research and feedback to improve its service and performance. In this respect, DWP does not seem to have demonstrated principles of good administration. We think that was maladministration. However, we do not think this maladministration led to the financial losses complainants claim.

7. Before 2016, people built up 'qualifying years' towards a Basic State Pension by paying National Insurance or through, for example, receiving benefits credits towards their National Insurance record. Some people paid National Insurance to build up entitlement to an earnings-related State Pension on top of the Basic State Pension. The earnings-related State Pension was called the Additional State Pension.

8. Not everyone paid National Insurance towards the Additional State Pension. Some people who joined personal or occupational pension schemes 'contracted out' of the Additional State Pension when they joined those schemes. While they continued to build up qualifying years for a Basic State Pension, they gave up their entitlement to the Additional State Pension. So, a person who had always contracted out would have been entitled to the Basic State Pension and their personal or occupational pension when they reached State Pension age, instead of being entitled to the Basic State Pension and Additional State Pension.

9. From April 2016, the new State Pension replaced the Basic State Pension and the Additional State Pension. The full rate of the new State Pension is higher than the full rate of the old Basic State Pension. People who were contracted out of the Additional State Pension before April 2016 but have reached or will reach State Pension age after April 2016 may not be eligible for the full rate of new State Pension. A 'contracted out deduction' is made when calculating their starting amount of new State Pension to reflect the fact they contributed less into the National Insurance system in return for a personal or occupational pension.

10. Transitional arrangements introduced with the new State Pension mean that none of the complainants - or people like them - will get less State Pension under the 'new' rules introduced in April 2016 than they would have got under the 'old' ones. DWP compares what they would have been entitled to under the old system and what they are entitled to under the new system, and they get the higher of

these amounts. The transitional arrangements also allow them to do things to add to their starting amount of new State Pension if it is lower than the full rate. Having considered the complainants' individual circumstances, we do not think they have lost any opportunities to add to their starting amount.

11. We also do not think maladministration in DWP's communication of changes to State Pension age more likely than not led to all the financial, health, domestic and emotional consequences complainants claim. Complainants told us they made choices they would not have made if they had known their State Pension age had changed, and described the financial, family and health consequences those choices have had. However, some of their choices had already been made by the time DWP should have written to them about changes resulting from the 1995 Pensions Act. We do not think women lost opportunities to make different decisions, if those decisions had already been made by the time DWP should have written to them.

12. However, we think an additional 28 months' notice would have given complainants opportunities to consider, for example, saving, looking for work or changing job. While there is too much we cannot now know for us to be able say what would have happened, it seems that some women are left not knowing whether they could have been in a different financial position, and whether they could have avoided the health and emotional consequences they claim. We think that not knowing is an injustice resulting from maladministration in DWP's communication about State Pension age.

13. We also think the anger and outrage complainants feel about not having as much notice of their State Pension age as they should have, could have been avoided if DWP had written to them when it should have. Their sense of anger and outrage is a further injustice resulting from maladministration in DWP's communication about State Pension age.

14. We think some aspects of DWP's complaint handling reflected applicable standards. But, DWP does not appear to have adequately investigated or responded to the complaints it was considering, or avoided unnecessary delay. In these respects, DWP does not seem to have demonstrated principles of good complaint handling. We think that was also maladministration.

15. We think maladministration in DWP's complaint handling caused complainants unnecessary stress and anxiety and meant an opportunity to lessen their distress was lost. For some complainants, it also caused unnecessary worry and confusion.

16. We think ICE's complaint handling reflected applicable standards and guidance. ICE appears to have acted within the scope of its remit, which is set out in its contract with DWP. We note, however, our view that the contract meant ICE could not address complainants' key concern that they did not have as much personal notice of changes to their State Pension age as they should have.

17. Finally, we think ICE should have said that it could not determine whether or not DWP had written to individual complainants who said they had never received a letter about their State Pension age, instead of telling them it was more likely than not they had been sent a letter. But even if ICE had appropriately balanced the evidence in this way, we do not think the shortcoming in its handling of this issue was significant enough to be a failure to ‘get it right’.

The evidence we are considering.

18. We have carefully considered the information available to us so far. This includes:

- what complainants have told us and evidence they have sent us
- evidence DWP has provided
- evidence ICE has provided
- relevant legislation
- copies of DWP’s communication material, including its campaigns, leaflets, factsheets, letters and information it made available online (on gov.uk)
- DWP briefing packs, newsletters and bulletins
- relevant research reports
- relevant House of Commons briefing papers and reports
- evidence from the All-Party Parliamentary Group on State Pension Inequality for Women
- press reports
- relevant applicable standards.

Communication of changes to National Insurance qualifying years

Background

19. The information here summarises elements of the State Pension system, and its relationship with National Insurance, relevant to the complaints we are considering.

20. People who pay or are treated as having paid (including via credits or voluntary contributions) enough National Insurance over the course of a tax year (between 6 April and 5 April) build up a ‘qualifying year’ of entitlement towards a State Pension.

21. Before April 2010, men needed 44 qualifying years and women needed 39 qualifying years to claim the full, Basic State Pension. There were additional

contribution rules that applied prior to 2010. The number of qualifying years required for both men and women was reduced to 30 in April 2010 as a result of the Pensions Act 2007.

22. For many years an earnings-related State Pension was available on top of the Basic State Pension. The first earnings-related element, graduated retirement benefit, was replaced by the Additional State Pension. The Additional State Pension was known as the State Earnings-Related Pension Scheme (SERPS) between 1978 and 2002, and the State Second Pension (S2P) between 2002 and 2016. While SERPS was only available to employees, S2P allowed people claiming certain benefits the opportunity to earn credits towards the Additional State Pension too.

23. People with private pensions could ‘contract out’ of the Additional State Pension, either by choice (for example, by setting up an appropriate personal pension) or by joining a ‘contracted out’ occupational pension scheme run by their employer.

24. If a person contracted out, they either paid lower National Insurance contributions, or some of their National Insurance contributions were redirected into their private pension scheme. In return, they gave up their entitlement to the Additional State Pension for the period they were contracted out.

25. In March 2012 the Government announced its plan to simplify the State Pension system. The January 2013 White Paper ‘The single-tier pension: a simple foundation for saving’ proposed to introduce a single-tier State Pension. The Pensions Act 2014 created this single-tier system, known as the ‘new State Pension’. It took effect from 6 April 2016. The new State Pension replaced what was the Basic and Additional State Pensions, resulting in the end of contracting out.

26. Men born on or after 6 April 1951 and women born on or after 6 April 1953, who have a minimum of 10 qualifying years, can claim some new State Pension once they reach State Pension age. People who begin earning qualifying years for the first time on or after 6 April 2016 need 35 qualifying years to be eligible to claim the full amount of new State Pension.

27. For some time yet, the majority of people will have a National Insurance record that straddles the ‘old’ and ‘new’ State Pension systems. How much new State Pension they are entitled to depends on their National Insurance record.

28. The starting amount of new State Pension for people who have earned qualifying years before 6 April 2016 but will reach, or have reached, State Pension age on or after 6 April 2016 is calculated according to ‘transitional arrangements’. DWP compares what their National Insurance record as of 6 April 2016 would entitle them to under both the ‘old’ and ‘new’ system

rules. Their starting amount of new State Pension is the higher of these two calculations.

29. This means everybody whose National Insurance record straddles 6 April 2016 gets at least what they would have got under the 'old' system, provided they have a minimum of 10 qualifying years. But, some people may find that they are not eligible to claim the full rate of new State Pension, even if they have 35 or more qualifying years, because they were contracted out of the Additional State Pension in the past.
30. If someone has fewer than the number of pre-April 2016 qualifying years needed for a full State Pension (i.e. 30 for starting amounts calculated using the 'old' rules, or 35 for starting amounts calculated using the 'new' rules), they have until April 2023 to decide whether to make voluntary contributions to 'buy back' gaps in their National Insurance record (for non-qualifying years) at a lower cost for tax years 2006/7 to 2015/16, inclusive. Each additional pre-April 2016 tax year 'bought back' adds a further one thirtieth to the equivalent of what was their Basic State Pension under the 'old' rules, or a further one thirty-fifth of new State Pension under the 'new' rules, up to the maximum full rate.
31. Regardless of the number of qualifying years a person has, or whether or not they were previously contracted out of the Additional State Pension, anyone whose starting amount is lower than the full rate of new State Pension as of April 2016 can also add to that amount after April 2016 by:
 - continuing to pay full tax years of National Insurance contributions
 - making voluntary contributions to 'buy back' gaps in their post-2016 National Insurance record (they can do this up to six years after each tax year has ended), and/or
 - having credits made to their National Insurance record by claiming certain benefits.
32. Each additional post-2016 year of National Insurance contributions or credits adds a further one thirty-fifth of the full rate of new State Pension to a person's starting amount, up to the maximum full rate.
33. The impact assessment for the 2014 Act (published in May 2014), includes that one of the intended effects of introducing the new State Pension was that:

'individuals have a better understanding of the State Pension system, including how much they can expect to receive and, therefore, engage more actively in planning for retirement'.

What should have happened - the relevant standards

34. The overarching standard we have applied is our Principles of Good Administration. The Principles of Good Administration explain that good administration by public bodies includes:

- ‘getting it right’, which includes:
 - public bodies should follow their policy and procedural guidance, whether published or internal
 - public bodies should act in accordance with recognised quality standards, established good practice or both
 - proper decision making should give due weight to all relevant considerations, ignore irrelevant ones and balance the evidence accordingly.
- ‘seeking continuous improvement’ which includes:
 - using feedback to improve public services and performance.

35. In deciding what ‘getting it right’ would have meant in these circumstances, we have considered the following policy and procedural guidance and quality standards.

DWP’s ‘Public Information Policy Statement’ (the DWP Policy Statement)

36. The DWP Policy Statement, quoted in our ‘Trusting in the pensions promise’ report (2006), describes the expected quality standard for information provided by DWP.

37. It states that all information provided by DWP should be ‘appropriate, relevant, correct, up-to-date, clear, concise and to the point, helpful and targeted’. For the purpose of this investigation, we understand ‘targeted’ to mean that information about changes to the State Pension, including eligibility criteria, should have been directed to, and tailored for, the people who needed it.

38. The DWP Policy Statement also states:

‘It is widely accepted that the Department has a duty to give information or advice [to] inform the public about any new policies and developments that may affect them and, crucially, keep them informed on a continuing basis of their rights and responsibilities. It would be unreasonable for the Department not to do this and it is clearly a necessary part of our business.

‘... The Department must take care to achieve the necessary balance of resource and effort between announcing changes and new policies and our duty to provide routine information. The common law duty of care means that any information we provide must be timely, complete and correct. The Department may also be held responsible if we give advice and someone relies on our advice to their detriment.’

DWP's Service Standards

39. DWP's Service Standards, first published in May 2013, set out the standard of service customers could expect to receive.
40. We have not seen the May 2013 edition, but the June 2013 version includes that DWP will aim to give customers 'accurate information and the right advice' to help them:
- get the pension or benefit they are entitled to
 - understand the conditions of receiving their pension or benefit • understand DWP's decisions
 - decide what to do.
41. They also include that 'More and more we will encourage people to find information ... online'.
42. The version re-published in November 2014 includes these same points.
43. DWP's Service Standards were withdrawn in December 2017.

DWP's Customer Charter

44. DWP published its Customer Charter in August 2013. It sets out DWP's promises to customers, including its commitment to 'do our best to help you' and 'give you the right information, making it clear what you can expect from us and what your responsibilities are in return'.
45. The Customer Charter was revised and expanded in April 2014. It includes that DWP will:
- do what it says it will do
 - provide customers with the correct decision, information or payment
 - publish information about benefits and services online at gov.uk.

What did happen

46. In March 2013, the Work and Pensions Committee recommended the Government produce a high-level communications strategy for informing the public about the proposed reforms to the State Pension system. Among other issues, it highlighted the public needed to understand:
- what they could do to get a complete National Insurance record
 - whether they had been contracted out and the impact of contracting out ending

- the eligibility criteria for the full rate of the new State Pension, given some people incorrectly believed they would be entitled to the full rate.
47. The Government's response, submitted by the Secretary of State for Work and Pensions in May 2013, included that 'effective communications [were] crucial to the success of these reforms', and that it was committed to making 'timely information available to all affected'. The Government shared a high-level communications strategy with the Committee.
48. The communications strategy was developed and refined over time, including after research done to help define target audiences and better understand the most appropriate timing and approach for effective communication. A version dated April 2014 includes:
- 'In line with the principles of good administration, the strategy has been designed to ensure that information about the State Pension reforms is complete, consistent, clear and accurate.'
49. It says DWP's priorities were to:
- make clear and accurate general information available from the point the legislation was passed
 - encourage people to access that information
 - provide individualised information to help people understand the impact of the changes for them, focusing initially on those closest to State Pension age.
50. DWP's 'core objective' was:
- 'We want people to know what to expect from their State Pension, to support them in planning for their retirement'.
51. To help measure progress towards meeting its communication objectives and shape future activity, DWP commissioned Ipsos MORI to track public awareness and understanding of the new State Pension.
52. DWP's communications activities ran in phases. Particular audiences were targeted, including current and future pensioners, partner organisations, employers, pension scheme providers and trustees. The reforms were publicised through a variety of means.

Awareness campaigns

53. DWP ran three multi-channel, digital-first communication campaigns:

- ‘Your State Pension. Your Future’ (also referred to as ‘Your Pension. Your Future’) was launched in November 2014. It included encouraging people, particularly those over 55, to consider what the changes meant for them and to request a State Pension statement.

At launch, the Secretary of State for Work and Pensions said:

‘The new State Pension is one of this government’s boldest reforms; it will give people clarity over their retirement income ... It’s of paramount importance that people have confidence that planning for their future and saving into a pension is a worthwhile enterprise. This campaign is all about making sure people understand what the changes mean for them personally ...’.

- ‘Our State Pension is changing’ (also referred to as ‘Your State Pension is changing’) began in September 2015. It targeted people within 10 years of State Pension age and encouraged them to find out how the new State Pension would affect them, based on their own National Insurance record.

At launch, the Pensions Minister said:

‘Huge efforts have been put into reforming the mind-blowingly complicated State Pension system that exists today into something that, over time, will be clearer and fairer for everybody. But the job of explaining to people how the reforms will affect them hasn’t been done well enough. People need to understand, so they can make the right decisions about saving and preparing for later life. One of my first actions on becoming Pensions Minister was to identify this priority ...’.

- ‘Know the Facts’ launched in April 2016, when the new State Pension was introduced. It continued to encourage working-age adults to get a State Pension statement to ensure they were better placed to plan. ‘Know the Facts’ was superseded by the ‘Your State Pension’ and ‘Get to know your Pension’ awareness campaigns.

54. The campaigns encouraged people to get more information online, or to ask for a State Pension statement to find out what the changes meant for them.

55. The core messages were that:

- the State Pension was changing for people reaching State Pension age on or after 6 April 2016
- it would still be based on their National Insurance record
- people already claiming the State Pension would not be affected
- people could find out more by visiting gov.uk/yourstatepension or by requesting a personalised State Pension statement.

56. These core messages were communicated on billboards, through local, national and specialist press, in advertorials in women's and consumer magazines, on digital displays, on internet search engines and social media, and through radio advertising. Beginning with a BBC Radio 2 phone-in on the 'Jeremy Vine Show' in November 2014, the Pensions Minister made a series of 'soap box' appearances to discuss the reforms on BBC and commercial radio stations across the UK (including in Scotland, Manchester, Newcastle and Kent).
57. Stakeholders (such as DWP staff, trades bodies, charities, private sector firms and the media) were encouraged to share information with the public and/or their employees directly and/or over digital and social media, including with people who would likely be detrimentally affected by the changes, such as those with too few qualifying years.
58. Briefing documents and information packs explained the changes to DWP staff and other stakeholders. DWP staff were updated about what was happening through regular internal newsletters. Bulletins, containing the latest releases, news and events, were issued to 1,700 stakeholders each week. DWP appointed stakeholder engagement officers to brief organisations about the changes at a local level. It also held quarterly forums about the changes with stakeholders and worked with them to produce their own guides about the changes.
59. A National Audit Office report shows that by April 2016 £3 million had been spent on campaigns, and a further £7 million was planned to be spent on State Pension communications between 2016 and 2020.

Online material

60. From 2013 onwards, information about State Pension reform was publicly available on gov.uk. It was updated and expanded over the following years.
61. Leaflets DWP published in March and April 2014 (e.g. 'State Pensions - Your guide', 'Support for planning your retirement', and 'Deferring your State Pension') explained that the State Pension rules would be changing in April 2016 and were still being finalised. They directed the reader to gov.uk for the latest news about what was happening.
62. In May 2014 the front page of DWP's section of gov.uk highlighted 'historic reforms to create new State Pension' with links to the Pensions Minister's summary of what was changing and more information about what the changes meant for individuals. Since 2014 gov.uk has included information about:

- eligibility for the new State Pension, including that people who do not have a National Insurance record before April 2016 will need 35 qualifying years to claim the full rate
 - how the starting amount of new State Pension someone can claim is calculated, based on their National Insurance record
 - that a deduction is made when calculating a person's starting amount if they were contracted out of the Additional State Pension
 - how people can increase their starting amount by adding to their National Insurance record, including by making voluntary National Insurance contributions if they have gaps in their National Insurance record
 - how people can check their National Insurance record.
63. By January 2015, a 'State Pension Toolkit' was available on gov.uk to help stakeholders communicate the changes. This included:
- a PowerPoint presentation that could be used to explain the reforms
 - online videos, including ones called 'For people who build up their National Insurance record entirely in the new scheme' and 'For people in the new scheme and people in the current scheme'
 - branded emails, articles, posters and 'question and answer' sheets summarising the introduction of the new State Pension, including the changes to contracting out
 - several branded infographics and photo case studies
 - a 'Your State Pension explained' leaflet, first published in November 2014 and updated regularly (most recently, in April 2022)
 - several factsheets, including about how the new State Pension is calculated and the effects of contracting out
 - joint guidance published by DWP and HMRC in January 2015 for employers, employees and trustees about the end of contracting out.
64. Other digital activity included:
- a ministerial blog about the latest developments on gov.uk
 - a dedicated pensions YouTube channel (PensionTube) from November 2014 containing case studies, interviews and animations. (This has since been discontinued)
 - a media partnership with 'Older is Wiser' (a social networking site for people over 50, with 800,000 monthly users) which hosted a 'pensions hub' promoting the changes on its main websites
 - a 'Pensions Personality' quiz run with 'Silver Surfers' (a website for people over 50) that was promoted to 275,000 followers on Facebook.

Paper State Pension statements

65. The evidence shows that, because of the funding and work needed to create State Pension statements that reflected the impact of the reforms, DWP prioritised making 'new-style' paper statements available to people closest to State Pension age.
66. Following a pilot in September 2014, DWP launched its 'Get a State Pension statement' service in October 2014. Anyone due to reach State Pension age over the following five years (around 2.5 million people) could request a personalised written estimate of the starting amount of new State Pension they could expect to receive, based on their National Insurance record to date. Before this service was launched, if someone within five years of State Pension age requested a State Pension statement, staff from DWP's Future Pension Centre arranged to phone them to discuss how the reforms may affect them, and to advise them to request a 'new' State Pension statement from September.
67. These 'new' State Pension statements included an explanation about when a deduction had made in calculating someone's starting amount to reflect periods they had been contracted out of the Additional State Pension. In August 2015, they were expanded to include the amount of the deduction, and from November 2015 they explained that the amount deducted would be paid as part of a person's private pension.
68. The 'Get a State Pension statement' service was subsequently extended:
- to people aged 55 and over in February 2015
 - to people aged 50 and over in April 2015
 - to all people of working age from April 2016 (when the 2014 Act became law)
69. Before April 2016, anyone who asked for a statement but was not eligible for a 'new' State Pension statement would have received one based on the existing ('old') system rules. They were sent a flyer with the statement explaining the State Pension would be changing and that they could get a 'new' State Pension statement from April 2016.
70. Leaflets ('Your State Pension Statement explained') were enclosed with all State Pension statements and updated regularly. They contained information about the new State Pension, including about National Insurance contributions and contracting out. The leaflets, flyer and State Pension statements also included advice about further information being available online. The flyer and leaflets included contact information for DWP. Some of the statements did too.
71. A National Audit Office report shows that, between September 2014 and March 2016 inclusive, DWP issued 801,000 'new' State Pension statements (equivalent to 11% of people aged over 55), and a further 282,000 statements were issued between April and August 2016.

Online State Pension statements

72. In February 2016, DWP and HMRC introduced a 'Check your State Pension' digital service. Working-age people can access their estimated State Pension online, based on their National Insurance record up to the end of the most recent tax year. Unlike paper statements up to this point, the service includes a forecast of how much State Pension someone may get at State Pension age, including the full amount of State Pension they could be entitled to if they made voluntary National Insurance contributions to fill any gaps in their National Insurance record. It also provides links to additional information, including about the impact of having been contracted out and how people can check their National Insurance record.

73. A 'Support for Check your State Pension' service was subsequently introduced in February 2017. People unable or unwilling to use the digital service can contact DWP's Future Pension Centre to access a 'real-time' State Pension statement by telephone or in writing. They can also request a conversation about ways they can improve their future State Pension.

74. Evidence suggests that 'Check your State Pension' was driven by the government's agenda to encourage people to maintain interest in, and plan for, pension provision throughout their working lives; to provide a modern, digital way to access the service; and to change how people interact with the government by reducing written, telephone and email contact. It remains DWP's preferred channel for communicating information about future State Pension entitlement.

75. The National Audit Office report shows that in February and March 2016, 122,421 unique visits were made to the 'Check your State Pension' website. There were a further 882,395 between April and August 2016. A DWP press release suggests that, of the 1.5 million State Pension statements issued in the first six months after April 2016, 80% were accessed online.

76. DWP statistics show that in the five years after 'Check your State Pension' was introduced (February 2016 to March 2021), 27.3 million requests were submitted through 'Check your State Pension', and 1.6 million requests were submitted through 'Support for Check your State Pension'. DWP told us it cannot say how many of these are unique requests (that is, requests made by different people as opposed to multiple requests by a smaller group of people).

Direct mailing

77. From January 2012 DWP wrote directly to people whose State Pension age had changed because of the 2011 Pension Act. This direct mailing was paused in January 2013 so the letters could be amended to include messaging about the new State Pension. Letters then issued between May and November 2013, described the Government's 'plans to change the State

Pension by replacing the present scheme with a simpler, single-tier State Pension’.

78. Recipients were directed to gov.uk for further information about the changes. They were also advised to consider the Government’s proposals when deciding whether they needed to make voluntary National Insurance contributions. The revised letter will have been sent to a proportion of the 4.5 million men and women born between 6 April 1955 and 5 April 1960 that DWP wrote to about their State Pension age between October 2012 and November 2013.
79. Evidence from DWP shows that in November 2014 it wrote to 6,000 adults about the new State Pension. We have seen an example of that letter. It is headed ‘Your State Pension is changing - how will it affect you?’. It tells the recipient they ‘should get a State Pension statement that will give you an estimate of your State Pension based on your National Insurance record to date’ and ‘to find out more’ either via gov.uk or by calling a helpline. In 2016, the Pensions Minister told the Work and Pensions Committee that only 79 people had responded to that letter.
80. An April 2016 ministerial submission commenting on direct mail options notes that previous direct mail exercises had had a low response rate. It highlights that only 33% of people sent letters in 2012 about State Pension age remembered receiving them, only 4% had responded to deficiency notices issued by HMRC in 2012, and the 2014 mailing about new State Pension had led to a very low number of calls to ask for a State Pension statement.
81. The submission includes,

‘Direct mail was therefore excluded from the [new State Pension] campaign following this test in 2014 as it had limited effectiveness in driving the desired behaviour of seeking personalised, additional information.’

Research and commentary

Tracking surveys

82. DWP commissioned Ipsos MORI to survey the public’s response to its campaigns about the new State Pension. Ipsos MORI conducted face-to-face surveys with a sample of adults aged 22 and over, and the data was weighted to represent British adults of working age and above. A ‘baseline’ survey in July 2014 was followed by five tracker surveys between February 2015 and April 2016.
83. The results monitored awareness and understanding among all adults, and within particular subgroups. Initial tracker surveys included people who

would retire within five years of 2016 ('the first five years group') as a subgroup. From October 2015 the subgroups included people who would reach State Pension age within ten years of 2016 (the 'first ten years group').

84. Key findings of the July 2014 baseline survey include that:

- when prompted, just over half (56%) of the first five years group said they had seen, heard or read that the Basic and Additional State Pension would be replaced by the new State Pension, compared with just over a third (36%) of all respondents
- understanding of the detail of the changes (including that the amount of State pension someone would receive is linked to their National Insurance record and that contracting out was ending) was generally low
- 39% of the first five years group reported knowing how they would be affected by the reforms, compared with 22% of all respondents
- the majority of all respondents felt confident about where to go for information about their State Pension (70% of the first five years group and 55% of all respondents)
- 19% of the first five years group said they had 'contacted organisations/asked for a pension statement' within the past six months, compared with 10% of all respondents.

85. The tracker surveys showed that, over time, more people reported being aware of the reforms, the detail of them, and where to go for further information:

- prompted awareness of the new State Pension had not increased in June 2015, but by October 2015 had risen. By April 2016, 74% of the first ten years group reported having heard that the Basic and Additional State Pension would be replaced by the new State Pension
- up to January 2016, a greater proportion of people reported knowing the detail of the changes than during the previous surveys. By April 2016, 84% of the first ten years group reported knowing about the link between National Insurance and State Pension and 67% reported knowing that contracting out was ending
- following some year-on-year fluctuation, by January 2016, 80% of the first ten years group reported they knew where to go to find out more about the new State Pension. This dipped slightly to 78% by April 2016.

86. The tracker surveys showed that, over time, more people reported having taken action as a result of what they had seen or heard about the new State Pension, including contacting DWP, speaking to others, and starting saving/saving more. But by April 2016, only 18% of the first ten years group reported having looked for information on gov.uk, 13% reported having

contacted DWP, and 5% reported having asked for a State Pension statement.

87. In April 2016, 39% of the first ten years group reported agreeing with the statement 'I don't need to find out more information about the new State Pension'. Ipsos MORI commented this possibly reflected that people felt like they knew more than they actually did.
88. Ipsos MORI's commentary on the tracker surveys over the years repeatedly highlighted gaps in people's understanding of how they would be personally affected:
 - in June 2015 it commented there was 'significant uncertainty over how the changes will affect "me personally" both overall and among the first five years group', along with 'ongoing misconceptions about the State Pension, around how much control people have over their amount'
 - in October 2015 it commented 'many have not yet come to terms with the personal implications'
 - in January 2016 it commented 'six in ten of the first ten years group believed working 35 years or more entitled them to the full rate of new State Pension, which would not necessarily be the case'.
89. In April 2016 around one half (51%) of the first ten years group reported they knew how the changes would affect them. But 61% of group thought someone retiring after April 2016 who had worked for 35 years or more would always get the full rate of new State Pension. Ipsos MORI commented 'the campaign might consider clearer calls-to-action for specific groups'.

The Work and Pensions Committee

90. Having considered what DWP had done since 2013, the Work and Pensions Committee published a further report in March 2016. It highlighted concerns that the focus on general awareness campaigns may have over-simplified the key messages, and the campaign relying on people to request a State Pension statement or get one online risked 'missing those it most [needed] to reach' and 'who most needed to plan financially for retirement'.
91. The Committee also highlighted concerns that transitional arrangements were still poorly understood. In particular, it said:

'During transition ... the majority will not receive a single flat rate. This has not been made sufficiently clear in Government communications that have focused on the full flat rate ... contributing to confusion about the new system.'
92. It recommended the Government should:

- send an annual State Pension statement to all people aged 50 or over, unless they have opted out of the digital system
 - write directly to people most affected by the changes to explain their personal circumstances, including those with gaps in their National Insurance record
 - offer a telephone hotline to allow affected people an opportunity to discuss a strategy for increasing their State Pension entitlement with an expert.
93. In its response to the Committee in June 2016, the Government agreed that it could not rely solely on the general awareness campaign and this was why it had taken a ‘cost-effective multi-channel but digital first approach, embedding ‘Check your State Pension’ through an individual’s working life’.
94. The Government decided not to carry out most of the Committee’s recommendations. It explained:
- issuing automatic pension statements offered no additional ‘functionality’ than was already available via the ‘Check your State Pension’ service. It also said it would be too expensive, would require changes to DWP’s IT systems, and it raised data protection issues.
 - it could not write to most of the groups the Committee had highlighted because it was not possible to identify them. It also said that direct mailing was not effective when ‘the audience is wide and difficult to target; the message is generic and there is no specific call to action’. It highlighted evidence of the limited effectiveness of direct mail.
 - a hotline was not needed, as people could use existing telephone and written channels to contact DWP if they wanted to.
95. The Government said it would explore writing to people with fewer than 10 qualifying years about the changes. It also said that this activity may feed into its future campaigns.
96. The Government explained it would continue to ask people to find out what their State Pension is, so that it could provide wholly personalised information and would continue to direct people to gov.uk and ‘Check your State Pension’ to enable them to do that. It said that this approach ‘should prove both cost effective and encourage people to engage with pensions’.
97. We have seen no evidence to suggest the Committee did not accept the Government’s reasons for not accepting its recommendations.
98. In January 2018, the Pensions Minister wrote to the Chair of the Committee explaining that DWP had decided not to write to people with fewer than 10 qualifying years. He said it had proven more difficult than anticipated to identify those affected. He also explained it was unnecessary, given that

‘Check your State Pension’ - which had been in its infancy when the recommendations were made - had been expanded, was now a central feature of its ‘Get to Know Your Pension’ campaign, and had provided over 6 million State Pension estimates since then.

The National Audit office

99. The National Audit Office issued a report in November 2016 into the implementation of the new State Pension. Among other things, the report considered whether DWP’s campaigns raised awareness of State Pension reform, improved people’s understanding of how they would be affected, and prompted them to take action.
100. The report highlighted that the Government’s communications campaigns ‘showed many aspects of good practice’, including monitoring customer research and adapting its approach in response. It found that the campaigns had successfully ‘improved general awareness of the changes to the state pension, especially among people closest to retirement’.
101. But the report also found that attempts to improve people’s understanding of their State Pension had had limited success. It said this meant people were ‘less likely to act as the Department intends’.
102. Notably, the report highlighted concerns that:

‘There remain misconceptions about the new state pension. For example, about 60% of people think that if someone retires after April 2016, having worked for 35 years or more, they will always get the full amount of state pension. In fact, the amount they receive will depend on their National Insurance record, taking account of any periods when they were contracted out.’

Our provisional views

103. Complainants have told us DWP failed to provide accurate, adequate and timely information about the number of years National Insurance contributions required for a full State Pension. They said they were not made aware of the increase in the number of qualifying years needed. They also told us that they do not understand why they cannot claim the full rate of State Pension, even though they already have 35 or more qualifying years.
104. It is not our role to investigate or comment on the eligibility criteria for the State Pension. That is decided by Parliament and set out in law. As we explained in our report for stage one of our investigation, it is also not our role to substitute DWP’s decisions about how policy changes should be communicated with our own. Our consideration here focuses on whether

what DWP did to communicate the changes reflected applicable standards of good administrative behaviour.

105. The new State Pension was introduced with the aim of simplifying the complicated multi-tier system that preceded it, to enable people to better plan and save for retirement. DWP understood 'effective communication' of the State Pension reforms was crucial and committed to making timely information available to everyone affected. It shared a high-level plan for communication with the Work and Pensions Committee a year before the changes became law.
106. From 2013, detailed information about the changes - including about National Insurance contributions and the impact of having been contracted out of the Additional State Pension - was available in factsheets and leaflets, on gov.uk, and through DWP and HMRC staff. It was also delivered by employers and other stakeholders working with DWP. DWP continued to make information available using these and other channels (including the press and social media) after the changes became law. The evidence suggests timely information about the changes was publicly available.
107. One DWP press release from October 2014 could be read to suggest that all 'people with 35 qualifying years of National Insurance will receive the full rate' of new State Pension. Other press releases from November 2014 and November 2015 more clearly explain that 'People making National Insurance contributions for the first time from 2016 who have 35 qualifying years of National Insurance contributions will receive the full rate' and that 'in time' people will receive the full amount if 'they have 35 years of full-rate National Insurance'. The majority of the communication materials we have seen contain accurate information about the changes, in line with DWP's Policy Statement, its Service Standards and its Customer Charter.
108. Guidance published on gov.uk from 2014 explained that people would need 35 qualifying years for the full rate of new State Pension if they did not have a National Insurance record before April 2016. It also explained that the amount of new State Pension someone can claim is based on their National Insurance record, and that people may get less than the full rate if they were contracted out before April 2016. Guidance about when and why a deduction would be made in calculating someone's starting amount of new State Pension and how they could increase their starting amount was also available on gov.uk. DWP's Customer Charter says it will publish information about benefits and services on gov.uk. DWP's Service Standards say it will encourage people to find information online. The evidence suggests that is what DWP did.
109. Aside from the guidance published online, we have seen little evidence that the number of qualifying years needed for the full rate of new State Pension featured prominently in DWP's communications. But, that information is mostly only relevant to people who began paying National Insurance from 6 April 2016.

For some time yet, the vast majority of working-age people, who will have paid National Insurance before April 2016, will be affected by the transitional arrangements. It would therefore not have been helpful for DWP to have made the 35-year eligibility criteria a key feature of its messaging about the new State Pension.

110. Complainants have told us they were unaware they had been contracted out of the Additional State Pension, and/or they did not know a 'contracted out deduction' applied. It is not our role to consider whether people made informed decisions about joining private pensions schemes, or whether they understood the implications of joining a contracted out scheme when those decisions were made. We note, however, that guidance was available on gov.uk from 2014 about how people could check whether they were members of contracted out pension schemes and, as already mentioned, about deductions made in calculating people's starting amount of new State Pension to reflect periods when they had been contracted out of the Additional State Pension.

111. Publicising that the State Pension was changing, and directing people to find out what that meant for them, was at the centre of DWP's communications activities. We have considered whether DWP should have written to people individually about the reforms. DWP tested the effectiveness of direct mail about the new State Pension when deciding how to communicate the pension reforms. It decided not to pursue direct mailing based on what that test showed, as well as the results of other direct mail exercises. Its decision here seems to have been based on relevant considerations.

112. The evidence suggests DWP actively considered which audiences it should target, as required by the DWP Policy Statement. 'Your State Pension. Your future' (November 2014) encouraged people aged 55 and over (i.e. those reaching State Pension age between 2014 and 2025) to consider what the changes meant for them. 'Our State Pension is changing' (September 2015) continued to target the same group of people - those reaching State Pension age over the next 10 years (i.e. between 2015 and 2025). DWP's decision to prioritise people closest to State Pension age seems reasonable given the relevant considerations of when particular audience groups would be affected and the speed with which the reforms were to take effect.

113. From October 2014, people due to reach State Pension age between April 2016 and April 2021 could request a paper-based new State Pension statement. New State Pension statements were extended to people aged 55 and over from February 2015, to people aged 50 and over from April 2015, and to all working aged people from April 2016.

114. The new State Pension statement included an estimate of the starting amount of new State Pension, based on the recipient's National Insurance record up to that point. It also included information about deductions made in calculating the starting amount for people who had contracted out, and - from

August 2015 - the specific amount that had been deducted. The leaflet sent with the statement gave more information about the changes, including what people could do to add to their starting amount. The statement also pointed to further information available on gov.uk.

115. Anyone not eligible for a new State Pension statement before April 2016 would have received a statement based on the 'old' system rules. The leaflet and flyer enclosed with it, as well as the statements themselves, pointed to further advice about the new State Pension being available online.

116. By the time the reforms took effect, new State Pension statements were available to all working-age people online through the 'Check your State Pension' service. They included information about gaps in people's National Insurance record. 'Support for Check your State Pension' catered for people unwilling or unable to use online services.

117. The evidence suggests accurate and timely information about the reforms, the eligibility criteria for the new State Pension, how someone's starting amount is calculated and the relationship between National Insurance and State Pension was available through DWP's awareness campaigns, its staff, online and through it working with stakeholders to publicise the changes. This reflects the DWP Policy Statement, DWP's Service Standards and its Customer Charter.

118. The tracker surveys DWP commissioned from Ipsos MORI show that by the time the reforms took effect, awareness of the changes (including the link between National Insurance and State Pension) had increased among the target groups, with more than three quarters of them knowing where to go to find more information. National Audit Office statistics, however, show that between September 2014 and March 2016 State Pension statements had been issued to only 801,000 (11%) of people aged 55 and over.

119. Given we know from DWP's schedule for direct mailing about the 2011 Pensions Act that at least 5.77 million men and women born on or after April 1953 were affected by the reforms, what the National Audit Office statistics tell us is that more than 4.9 million of the people DWP was targeting to March 2016 had not requested a State Pension statement. (The actual number of affected people aged 55 and over will be higher since the direct mail schedule does not include men born between 6 April 1951 and 5 April 1953). This suggests people knowing where to go for information had not necessarily translated into them requesting statements.

120. We think DWP arranging surveys so it could adjust its approach in response to feedback reflects the Principles of Good Administration. However, while the surveys showed that increasing numbers of people were aware of the reforms, they also showed that too many did not understand what the reforms meant for their own State Pensions. The gap between awareness and understanding was highlighted in 2016 by the Work and Pensions Committee and the National Audit

Office. The National Audit Office noted that a lack of understanding meant people were less likely to act as DWP had intended.

121. DWP's core communication objective was that people would know what to expect from the State Pension so they could effectively plan for their retirement. To be able to effectively plan, people need to understand how they are affected and what they can do to improve their State Pension. The need for understanding was recognised by the Secretary of State when DWP launched its awareness campaign in November 2014. It was re-stated by the Pensions Minister in September 2015, who also recognised that 'the job of explaining to people how the reforms will affect them [hadn't] been done well enough' up to that point.

122. In spring 2016, Ipsos MORI recommended DWP might consider 'clearer calls to action'. Around the same time, the Work and Pensions Committee made three recommendations about more DWP could do to increase the public's understanding. DWP explained why it decided not to do what the Committee had suggested. Its reasons suggest it had considered the balance of resource and effort, as required by the DWP Policy Statement, as well as what additional benefit would be achieved.

123. DWP's response to the Committee's specific recommendations appears to have taken account of relevant considerations. Its reasons for not writing to affected groups of people include that direct mailing is not effective when 'there is no specific call to action'. But we have seen no evidence to show it considered what else it could do to provide the 'clearer calls to action' that Ipsos MORI had recommended, or what more it could do to address the gaps in understanding at that point.

124. Up to 2016, DWP encouraged people to seek information online and/or request a State Pension statement to enable them to plan for their retirement. Increasing numbers of people visited gov.uk as DWP's communication campaigns progressed, including 1.3 million unique visits between August 2015 and April 2016 compared with 223,000 during the first phase of the campaign. But, in April 2016 only 18% of the first ten years group reported having looked for information on gov.uk and 5% reported having asked for a State Pension statement. The evidence suggests encouraging people to ask for information/request a statement continued to be a key feature of DWP's communication after 2016, despite what research suggested about whether that was enough to prompt them to act or to help them understand their situation.

125. We recognise that since Ipsos MORI and the Work and Pensions Committee made their recommendations, far greater numbers of State Pension statements have been requested online. DWP statistics show that between February 2016 and March 2021, 27.3 million requests were made to 'Check your State Pension', alongside 1.6 million requests made through 'Support for check your State Pension'. This suggests that since the National Audit Office's report significantly more people have acted as DWP intended. We also recognise that people can

contact DWP by phone and letter if they have queries about the information they are given.

126. However, more people getting a State Pension statement does not provide evidence that people better understand their own situations. And people will not make further enquiries if they do not realise they have misunderstood the information they have been given. Crucially, we have seen no evidence that DWP has acted on what it knew about levels of understanding of the new State Pension in 2016, including the transitional arrangements and that having 35 qualifying years would not necessarily entitle someone to the full rate of new State Pension. Neither have we seen any evidence to show DWP continued to monitor awareness to gauge whether the public's understanding had improved after 2016, and whether accessing online statements had helped. It seems DWP carried on doing the same thing but expected different results.

127. DWP's Policy Statement says information it provides should be 'helpful'. DWP's Service Standards say it will help people 'understand the conditions of receiving their pension'. Research and feedback suggested the information DWP provided about the new State Pension did not help enough people understand their own situations, including the transitional arrangements and how the reforms would affect them. That lack of understanding is reflected in the complaints we have received.

128. DWP's Customer Charter says it will 'do what it says it will do'. The evidence suggests DWP's communication did not sufficiently achieve its own objectives. So, the evidence suggests DWP's communication was not adequate. Despite what it knew about people not understanding the reforms and their own situations, DWP does not appear to have used the feedback available to it to improve its service and performance. DWP does not appear to have 'got it right'. We think that was maladministration.

Complaint handling

129. We now turn to whether DWP adequately considered and responded to complaints about its communication of changes to State Pension age and the number of qualifying years National Insurance contributions needed for a full State Pension. We also consider whether ICE adequately considered, responded to, and remedied complaints.

130. Complainants told us that both DWP and ICE:

- sent responses containing factual inaccuracies
- sent standardised responses
- took too long to respond to complaints.

131. They also told us that DWP:

- failed to investigate and/or respond to all issues raised
- failed to provide adequate information about how to complain

and ICE:

- inappropriately restricted its remit and so did not adequately investigate their complaints
- made an incorrect balance of probabilities judgment about whether DWP wrote to them about their State Pension age.

What should have happened - the relevant standards

132. Our Principles of Good Complaint Handling explain that good complaint handling by public bodies means:

- ‘getting it right’, which includes following their own policy and guidance on complaint handling.
- ‘being customer focused’, which includes:
 - telling complainants how long they can expect to wait for a reply, and keeping them regularly informed about progress and the reasons for any delays.
 - making sure they understand what the complaint is about
 - considering whether they need to adjust their normal approach to handling a complaint, given the particular circumstances.
- ‘being open and accountable’, which includes:
 - ensuring that information about how to complain is easily available.
 - giving clear, evidence-based explanations, and reasons for decisions.
- ‘acting fairly and proportionately’, which includes:
 - investigating complaints thoroughly and fairly, based on the available facts and evidence and avoiding undue delay. Similar circumstances should be handled similarly.
 - ensuring the response to an individual complaint is proportionate to the circumstances.
- ‘putting things right’, which includes providing fair and proportionate remedies.

133. In deciding what ‘getting it right’ meant for DWP’s and ICE’s complaint handling, we have considered their own complaint handling standards and guidance.

DWP’s complaints process

134. People can complain to DWP about the service they have received. If they are not satisfied with DWP's initial response, they can ask for the complaint to be considered further.

135. At the time that the sample complainants complained to DWP, a complaint would go through two stages after initial consideration. At each stage, the complainant should be contacted within 15 working days with either the outcome or a timescale for a response.

ICE's complaints process

136. ICE provides a complaint resolution and investigation service for people who are unhappy with the way their complaint has been dealt with by DWP.

137. ICE's published service leaflet¹ gives examples of the types of complaints it can consider, including:

- failure to follow proper procedures
- excessive delays • poor customer service.

138. It also explains which complaints ICE cannot deal with, including complaints or disputes 'that are, or have been subject to legal proceedings' or 'that involve the Parliamentary and Health Service Ombudsman'. These exclusions are set out in ICE's contract with DWP.

139. ICE's internal process guide includes that 'ICE deals with complaints about maladministration, for example complaints about ... [DWP's] failure to deal adequately or objectively with complaints'. It also says ICE cannot deal with 'complaints about DWP policy'. ICE's contract with DWP also includes that it cannot consider complaints 'involving policy decisions with application beyond an individual case'.

140. Cases that cannot be resolved or settled will be investigated. Since May 2017 ICE has aimed to complete investigation reports within 20 weeks of a complaint being allocated an Investigation Case Manager (ICM). Before then, a 15week timescale applied to investigations. Cases are dealt with in date order.

141. The process guide explains that ICMs will identify:

- what happened based on evidence from the complainant and DWP. This may involve reaching a balance of probabilities decision

¹ 'Our Service. How to bring a complaint to the Independent Case Examiner'. The current guidance took effect from May 2017. ICE has told us its previous guidance was 'broadly similar in terms'.

- what should have happened ‘based on the business procedures in place at the time’
- where things went wrong (if they did) and what action (if any) has been taken to rectify matters.

142. Complaints will either be:

- Upheld - where there is evidence of maladministration which has not been remedied
- Justified - where there is evidence of maladministration but it was remedied before ICE became involved
- Not upheld - where there is no evidence of maladministration.

What happened

The complaints to DWP

143. Between July and August 2016, each sample complainant complained to DWP that they had not been given adequate notice that their State Pension age was increasing. Five of the six used a template letter, tailored to reflect their personal circumstances, that included DWP had failed to provide ‘clear, complete, consistent and accurate information’ about the changes, and that a government website had incorrectly stated that women’s State Pension age was 60 as late as February 2016.
144. Each complainant said when they had personally become aware their State Pension age was increasing, ranging from two to eight years before they turned 60. They said that DWP not telling them their State Pension age was changing early enough to allow them to adjust their financial plans was maladministration. They referred to evidence in support of their claim of maladministration.
145. Some complainants also complained that:
- DWP had not told them the number of qualifying years needed for the full State Pension had increased from 30 to 35
 - they could not understand why they were not entitled to the full rate of State Pension, despite having sufficient qualifying years
 - DWP had given them conflicting information about making voluntary National Insurance contributions.
146. The complainants explained how the alleged maladministration had affected them, including financial loss, lost opportunities to adjust their plans and make informed choices, and the emotional impacts late notice had had. They also told DWP what outcomes they were seeking, including

compensation for the lost opportunities and/or the emotional impact of late notice.

147. DWP responded to each complaint in August 2016. It sent five of the complainants the same template response. The one complainant who had not used a template complaint letter received a non-template response. What it said was broadly similar, though it also commented on her complaint about voluntary National Insurance contributions.
148. DWP's template response included an explanation of the legislation, what had prompted it, and the steps it had taken to communicate the changes. It referred to 2006 and 2012 survey results about awareness of State Pension age. It explained that the issues had been fully debated in Parliament, and no further changes or concessions were planned. Any challenge to the policy of State Pension equalisation would need to go through 'statutory appeals channels or the courts'.
149. The complainants all wrote back to DWP later that month, again using a template letter tailored to their personal circumstances. They stressed they were not complaining about the policy but about how the change to State Pension age had been communicated, and the impact a lack of notice had had on them. They also said DWP's complaint responses contained inaccurate or irrelevant information, and had not addressed their concerns. Some said responses had been sent late.
150. DWP sent another template response to all six complainants between August and September 2016. It explained what had prompted the legislation and what it had done to communicate the changes, including direct mailing between 2009 and 2012. DWP said it had corrected information on the government website within 24 hours of becoming aware it was inaccurate, apologised, and explained what it would do to ensure online information was up to date.
151. DWP explained that, while there was no legal requirement to notify people about State Pension age changes, it recognised the importance of doing so, and intended to give people 10 years' notice of any future changes.
152. DWP also said that while its special payments scheme allowed it to 'make good a loss caused by our maladministration', the financial impact women were claiming resulted from the increase in State Pension age, which was a policy matter and not maladministration.
153. Each complainant wrote to DWP a third time between September 2016 and February 2017, using another template letter and again saying they had been given inadequate notice of the changes. They described when and how they had found out their State Pension age had changed and why they

considered what DWP had done to communicate the changes had been inadequate.

154. Some complainants included concerns about being given misleading information about how many qualifying years National Insurance contributions were needed for a full State Pension, or contradictory information about making voluntary National Insurance contributions.
155. DWP issued template responses between October 2016 and March 2017. It apologised that the complainants were unhappy with its earlier responses. It said it was satisfied it had provided a comprehensive explanation that addressed their concerns, and there was nothing further it could add. DWP repeated the legislative background to the changes to State Pension age, said it was bound by that legislation, and that a challenge to legislation would need to go through 'statutory appeals channels or the courts'.

The complaints to ICE

156. The sample complainants contacted ICE between October 2016 and March 2017. Some used a template letter. They said they had not received adequate notice of changes to their State Pension age since 1995 and cited evidence to support their claim.
157. They said women should have been notified personally in 1995 and stressed they were complaining about communication of the changes, not the changes themselves. They described how what DWP had done was inadequate, how they had been affected, and what they would have done differently if they had been known their State Pension age earlier.
158. Some complainants included additional concerns, for example, that State Pensions forecasts and statements did not include the individual's State Pension age or that it had increased.
159. ICE told us it received 'an unprecedented volume' of complaints about DWP's communication about State Pension age, and it received no additional resources to deal with them. It said the vast majority of complainants used a standard template. ICE selected a 'lead case' (one of our sample complainant's complaints) for investigation and then applied its findings in that case to each of the cases it investigated. It found there was no requirement for DWP to inform women of changes to their State Pension age, and that DWP had no standards for communicating changes about State Pension.
160. ICE sent the sample complainants its reports between June 2017 and April 2018. It did not uphold any of the complaints about communication of changes to State Pension age.

161. ICE's investigation reports describe its role, how it considered complaints, and the matters it could and could not look at. They include:
- it cannot consider the reasonableness of government policy or legislation, or remedy financial loss resulting from changes to the law
 - it has no role in assessing the adequacy of general information/awareness raising in respect of State Pension age changes
 - its remit covered whether DWP actioned its agreed communication approach.
162. The reports set out the background to the changes to women's State Pension age under the 1995, 2007 and 2011 Pensions Acts, and explained how the changes applied to the complainants. ICE explained DWP's approach to communicating the changes and what it did between 1993 and 2013. The reports say that, starting in 2012, DWP had decided to personally notify individuals directly affected by the 2011 Act. They include when and how DWP wrote to people about the 2011 Act and what happened in the complainants' cases.
163. ICE reached a balance of probabilities decision about whether a letter had been sent in cases where complainants said they had not received their letters.
164. Some of ICE's reports:
- explained entitlement to State Pension was based on individual circumstances
 - responded to complainants' concerns about information in State Pension forecasts and statements being incomplete and about the government website containing inaccurate information
 - set out where DWP had not responded to particular issues complainants had raised
 - explained that, as DWP had not committed to communicating changes to State Pension age individually to those affected, and given that accurate information was available on request, DWP not notifying women personally from 1995 onwards did not amount to maladministration.

Our provisional views

DWP's complaint handling

Failure to investigate or respond to all the issues raised

165. Complainants told us DWP did not properly investigate their concerns or adequately respond to all issues. Their concerns include that DWP focused on the policy about increasing State Pension age rather than communication, its responses

referred to irrelevant survey findings, and it did not find failings or uphold their complaints.

166. The evidence indicates DWP broadly addressed many of the issues raised. Its responses set out the background to changes to women's State Pension age and the 1995 and 2011 Pensions Acts. This was relevant context for the issues complained about. It also briefly explained what DWP did to communicate the changes, including its pensions education campaigns, leaflets and letters.

167. Each of the sample complainants had specifically complained about the short notice they personally received about the changes. It is clear they felt DWP should have notified them individually much sooner than it did.

168. DWP referred to its direct mailing about the 1995 and 2011 Pensions Acts. It did not, however, relate this to the complainants' own situations or give any rationale for when letters were sent about the 1995 Act. DWP did not explain whether or how it considered information was timely, accurate and complete. Nor did it evaluate what it did against its own policy and guidance or principles of good administration. The failure to provide a rationale for when letters were sent indicates DWP did not fully understand the complaints or give reasons for its decisions.

169. DWP's template responses referred to its 2006 Attitudes to Pensions Survey (which found high levels of general awareness about future rises to State Pension age), and a 2012 survey (which found only 6% of women within 10 years of their State Pension age thought their State Pension would still be paid at age 60). Research showing what women knew about their State Pension age was relevant for considering whether DWP had done enough to communicate the changes.

170. DWP did not, however, refer to other research done in 2003/4, 2005, 2006 and 2007 which showed information was not reaching women who needed it, and that too many women did not know their own State Pension age. DWP does not appear to have taken account of all evidence relevant to whether women were given adequate notice of the changes, and whether communication was clear.

171. DWP did not find failings, and so did not uphold the complaints. Had it considered all the evidence it should have, it is possible it would have reached a different conclusion.

172. The evidence suggests DWP did not address all specific points raised in complaints, leading to complainants having to repeat them in subsequent letters. Initial responses appear to have overlooked concerns about an error on the Government Gateway website. DWP addressed this issue in later responses.

173. Some questions DWP did not answer were broad and could have been perceived as rhetorical. For example, a complainant asked DWP how she was

supposed to pay her bills. There is nothing DWP could have done within its complaints process to investigate how the complainant could pay her bills.

174. Other omissions in DWP's complaint responses are more significant. Most sample complainants raised issues relating to the number of years National Insurance contributions needed for a full State Pension. DWP did not always cover National Insurance issues leading to ICE recommending it clarify complainants' National Insurance position. This suggests DWP did not investigate thoroughly.

Factual inaccuracies

175. Complainants told us DWP's responses implied it had written to all women affected by the 1995 Act between April 2009 and March 2011. Other concerns include that DWP gave conflicting information about National Insurance contributions.

176. DWP's initial complaint responses included that between April 2009 and March 2011 it had written to all women affected by the 1995 Pensions Act. It subsequently clarified that it only wrote to women born between 6 April 1950 and 5 April 1953 between 2009 and 2011, and that it wrote to those also affected by the 2011 Pension Act changes between January 2012 and November 2013. DWP's initial response was not evidence-based.

177. One sample complainant told us DWP gave conflicting information about her National Insurance contributions when it responded to ICE's recommendations. ICE found that DWP had not given her clear and complete information about the number of qualifying years she needed for a full State Pension. It recommended DWP should apologise and clarify the situation.

178. DWP's response explained how the new State Pension system worked, how her entitlement had been calculated and how she could increase her State Pension. But it contained a discrepancy about how many qualifying years the complainant had, compared to previous pensions statements it had sent her. DWP did not explain this discrepancy. It seems that, rather than put things right, DWP's response led to further confusion.

Standard responses

179. Some complainants told us they received standard, rather than personalised, responses to their complaints.

180. DWP sent template responses to similar complaints it had received about its communication of changes to State Pension age. Many people were complaining to DWP about the same issues. It is inevitable DWP's responses would contain the same or similar information given it was responding to the same or similar complaints.

181. The Principles for Good Complaint Handling include that organisations should deal with complaints consistently so that ‘similar circumstances are handled similarly’. They also include that complaint responses should be proportionate. Given the volume of similar complaints DWP was handling, the use of template letters looks to have been proportionate to the circumstances. It was also appropriate for DWP to ensure a consistent response to similar complaints.

182. We do not think DWP using templates was inappropriate so long as those templates adequately addressed the issues complained about. The evidence we have seen suggests they did not. As noted above, the template responses do not take account of all relevant evidence and do not fully address the complaints DWP was considering.

Delay

183. Complainants have told us DWP took too long to respond to their complaints.

184. In one sample case, DWP apologised for a small delay after the initial complaint. It responded promptly to the rest of the complainant’s correspondence in line with its own standards. In these circumstances we do not think the initial short delay suggests maladministration.

185. In most cases, DWP replied to complainants’ letters within its 15 working day timescale. However, because responses did not fully address all the issues raised (for example, concerns about timeliness of notice and National Insurance issues) the complains process was unnecessarily elongated. DWP does not, therefore, appear to have acted ‘fairly and proportionately’ to avoid unnecessary delay.

Information about how to complain

186. Complainants told us DWP did not provide adequate information about its complaints process. This includes DWP not including information about how to make a complaint when it sent State Pension statements and leaflets in 2013 and 2016, and DWP not explaining its complaint process when it was contacted by phone.

187. We do not think it proportionate for DWP to provide details of its complaint process with all customer correspondence, or during every customer contact. But, DWP should have ensured that information about how to complain was easily available.

188. We have seen that information about DWP’s complaints process was publicly available before and when these complaints were raised. For example, DWP’s website in 2013 explained how to complain. Its website in 2016 contained more detailed information about the complaints process, including service standards and

its customer charter, as well as details of how to complain to ICE and us. It also included contact details for different business areas and a postal address. We think DWP was 'open and accountable' here.

ICE's complaint handling

Failure to investigate and remit

189. Complainants told us that ICE inappropriately restricted its remit, and so did not adequately investigate complaints. They say ICE did not properly consider the lack of personal notice of changes to their State Pension age, the time they had to reassess their financial position, and that State Pension age was not flagged in State Pension forecasts and statements. They are unhappy that ICE did not find failings or uphold their complaints.

190. ICE told us it cannot consider the reasonableness or otherwise of Government policy or legislation, and its remit meant it could not consider whether DWP's approach to communicating legislative changes was adequate or reasonable. Instead, it could only look at whether the steps DWP took were in line with its own communication strategy. It explained that policy decisions are translated into business decisions by DWP, and then 'operationalised by [DWP's] operational procedures'. When considering whether there is maladministration, it looks at whether DWP acted in line with those operational procedures.

191. ICE told complainants something similar. It said it had no role in considering the adequacy or otherwise of general information/awareness raising in respect of State Pension age. It said it could only consider whether DWP appropriately administered any of its policies or procedures for communicating changes to State Pension age. It also told them there were no DWP standards or procedures for communicating changes to State Pension age.

192. ICE's contract with DWP says it cannot consider complaints 'involving policy decisions with application beyond an individual case'. Its guidance reiterates that it cannot look at matters of policy. ICE has interpreted the contract to mean it was unable to look at whether the steps DWP decided to take to communicate changes to State Pension age were reasonable, since that was a matter of policy. We think that was a reasonable interpretation.

193. It may be possible to interpret ICE's contract with DWP differently. A different interpretation may have enabled ICE to take a more expansive view of its jurisdiction. However, it is not within our jurisdiction to comment on contractual matters or substitute ICE's interpretation of its contract with any we might have.

194. We agree that there are no DWP standards specifically about communicating State Pension age. DWP's Policy Statement describes the expected quality standard for information it provides, and its service charters set out standards of customer service (including about providing information), but that policy

statement and the charters have ‘application beyond an individual case’. So ICE was unable to consider them.

195. All ICE could consider was whether DWP did what it set out to do. In other words, whether DWP delivered the awareness campaigns, direct mailing, etc. that it decided to. Given women’s complaints were about when they personally found out their State Pension age, we think ICE needed to have been able to look at whether DWP’s approach to communication was reasonable if it was to adequately consider these complaints. But the contract, as interpreted, meant it could not.

196. While it seems to us that ICE’s contract has meant it was unable to adequately investigate complaints about communication of State Pension age, we cannot say that ICE inappropriately restricted its remit, since its remit is set out in contract.

197. Turning to ICE’s conclusions about State Pension forecasts and statements, we have seen no evidence it did not adequately consider or respond to these concerns. While acknowledging that a pension forecast did not include State Pension age, it noted the accompanying leaflet explained changes arising from the 1995 Pensions Act and that later statements included information about when a complainant could claim her State Pension. ICE’s conclusions appear to have been evidence-based.

Factual inaccuracies

198. Some complainants told us ICE’s investigation reports contained factual inaccuracies, including saying they had not raised issues when they had.

199. In one sample case, the complainant and her husband both complained to DWP. The investigation report ICE sent the complainant says there was no record she had asked DWP two questions. It appears to have based this on the letter written by the complainant’s husband, which did not include these questions. ICE appears to have assumed the letters were duplicates.

200. We have seen no evidence that ICE was sent a copy of the complainant’s letter to DWP. While we think it unlikely seeing the letter would have significantly affected ICE’s investigation or conclusions given the nature of these two questions, evidence shows ICE was aware of it and so should have sought a copy (if it did not already have it) to ensure it properly understood the complaint and what it said was evidence-based.

201. The same complainant told us ICE misinterpreted information about her redundancy. We can understand how ICE interpreted the complainant’s wording to suggest her redundancy was compulsory rather than voluntary. We do not consider the nature of the redundancy materially affected ICE’s conclusions on the complaint.

202. While there was a factual inaccuracy in ICE's response to this complainant's complaint, we have seen no other factual inaccuracies in its responses to other sample complainants' complaints about DWP's communication of State Pension age. We do not therefore think the overall standard of accuracy fell significantly short.

Standard responses

203. Some complainants told us ICE sent them standardised responses to their individual complaints.

204. ICE's investigation reports appear to follow a standard format, tailored to reflect complainants' individual circumstances. Like DWP, ICE was investigating many similar complaints. Using a standard format for its investigation reports would have helped ensure similar complaints were dealt with consistently, in line with 'acting fairly and proportionately'. We think ICE took a proportionate approach in the circumstances.

Delay

205. Half the sample complainants told us ICE took too long to look at their complaints about DWP. One raised concerns about there being only three ICMs handling these complaints and that this led to a backlog and delays.

206. In two cases, ICE issued decisions around 10 months after the complaints were made. In the third case, ICE issued a response almost 13 months after the complaint was received.

207. We know that in two of these cases ICE met its timescale for completing investigations within 20 weeks of allocation. However, there was a significant wait (of over 7 and 11 months) before cases were allocated. We do not know when the other case was allocated to an ICM so we do not know how quickly the investigation was completed.

208. The evidence available to us shows ICE acknowledged receipt of complaints and told complainants which elements of their complaint it would be taking forward for investigation. It then told complainants their complaint had been placed in a queue, awaiting allocation. In May 2017 ICE wrote to all complainants explaining that due to the volume of complaints it had received, it would not be able to contact them again until their case had been allocated to an ICM.

209. At the start of July ICE wrote to complainants about its plan to set up a dedicated team in October 2017. It said it would contact complainants again when their case was allocated for investigation. Sending updates and explaining its approach seems customer focused and in line with our Principles.

210. In October 2017 ICE set up a dedicated team of three ICMs, tasked solely with investigating complaints about communication of women's State Pension age. The team investigated 192 complaints before the remaining 2,500 cases ICE had in hand were closed after permission for judicial review² was granted. In deciding to prioritise a lead case and set up a dedicated team, ICE looks to have responded flexibly to the circumstances and appropriately adjusted its normal approach.

211. Given limited resources and exceptional demand, delays were inevitable. ICE appears to have taken as customer focused approach as possible in the circumstances.

Balance of probabilities judgment

212. Complainants are unhappy with ICE's balance of probabilities judgment about whether DWP had written to them about their State Pension age.

213. ICE concluded that it was more likely than not letters had been sent to complainants, at the correct address, given:

- DWP wrote to people in their age group between October 2012 and November 2013
- letters were sent via an automated process using address details held by HMRC
- ICE had confirmed the addresses HMRC held on record at the time were correct.

214. ICE also noted it was disappointing complainants said they had not got a letter, but explained it was not persuaded that happened as the result of maladministration by DWP.

215. Complainants told us ICE had no evidence to support its conclusion and had implied they were lying about not having received letters.

216. We do not think ICE's response implies complainants were lying about having never received a letter. There are factors, other than DWP having not

written to complainants, that may explain why those letters never reached their intended recipients (for example, because they were lost in the post).

217. However, DWP has no record of who it wrote to or when, meaning that information was never available to ICE. So, there is not enough evidence to support ICE's conclusion it was more likely than not DWP wrote to complainants who have said they never received a letter. What ICE should have said in the

² R (Delve) v Secretary of State for Work and Pensions [2019] EWHC 2552 (Admin) and [2020] EWCA Civ 1199.

circumstances is that it could not determine whether or not DWP sent letters to the individual complainants at the time it wrote to people in their age group.

218. Even if ICE had appropriately balanced the evidence in the way it should have, it is unlikely to have been able to clarify which of the complainants were or were not sent letters by DWP, and which had or had not received them. So, we do not think the shortcomings in its handling of this issue were significant enough to be a failure to 'get it right' on this occasion.

Summary of our provisional views about DWP's and ICE's complaint handling

219. Based on what we have seen so far, several aspects of DWP's complaint handling reflected applicable standards, including that information about how to complain was easily available and that it took a proportionate approach to similar complaints.

220. However, DWP does not seem to have:

- properly understood or adequately responded to the issues complained about
- considered all relevant evidence, including its own policy and guidance
- avoided unnecessary delays.

221. In these respects, we think what DWP did fell significantly short of the Principles of Good Complaint Handling. We think that was maladministration.

222. The evidence we have seen suggests ICE generally managed and responded to complaints in line with its guidance and the Principles of Good Administration. While some aspects could have been better, we have seen no evidence of maladministration in ICE's complaint handling.

223. We understand complainants' frustration at how long they waited for answers to their complaints and why they feel those answers did not adequately address their concerns. It seems unsatisfactory to us that ICE was unable to address complainants' key concerns about a lack of personal notice of changes to their State Pension age. But we accept that ICE's remit was limited by its contract with DWP. Given the exceptional demand it was facing with no additional resource, we think ICE took as customer-focused approach as possible.

224. We have considered DWP's and ICE's handling of complaints made by a sample of complainants. Other women have complained to us about similar issues, and also that DWP and ICE 'closed' their complaints when judicial review proceedings began. We can see why those women were unhappy about their complaints not being considered.

225. DWP paused looking at complaints about communication of State Pension age when permission for judicial review was granted. It did not consider it appropriate to investigate issues which were before the Courts. ICE guidance says it cannot deal with complaints or disputes that are, or have been, subject to legal proceedings or complaints that we are involved in. It closed all live complaints about communication of changes to State Pension age once that issue became subject to judicial review. Both DWP and ICE wrote to the complainants to explain their decisions.
226. Given that a judicial review judgment might have influenced DWP's view of the adequacy of what it did to communicate the changes, and given ICE's remit, we have seen no indications of maladministration in their decisions to pause or close complaints.

Injustice

227. Complainants told us that maladministration in DWP's communication of State Pension age and the number of qualifying years National Insurance contributions required for a full State Pension:
- led to financial loss, financial hardship and suffering
 - meant opportunities to make informed decisions and effectively plan for retirement were lost
 - negatively impacted on their health and wellbeing, and caused disruption to domestic life.
228. They also told us:
- DWP's failures in complaint handling compounded their stress and anxiety.
229. We first explain our thinking about injustice resulting from the maladministration in DWP's communication of State Pension age. We then set out our thinking about injustice resulting from the apparent maladministration in DWP's communication of the number of qualifying years National Insurance contributions needed for a full State Pension.
230. When considering injustice we look at whether it is more likely than not the injustice claimed occurred as a consequences of maladministration.

Injustice relating to communication of State Pension age

231. We are aware of claims that women have been denied thousands of pounds in State Pension as a result of changes to their State Pension age. Many feel they have 'lost' up to 6 years of State Pension.

232. The All-Party Parliamentary Group on State Pension Inequality for Women has highlighted the net effect of State Pension age changes on household incomes. We are also aware of claims that women have had to rely on benefits, private pensions, family support, community support and savings due to not receiving their State Pension when they expected to.

233. We cannot consider the financial consequences of changes in the law about when women can claim their State Pension. We can only consider whether it is more likely than not failings in DWP's communication of those changes had the financial consequences women claim.

234. We must also highlight that we only found maladministration in communication of changes to State Pension age resulting from the 1995 Pensions Act. DWP wrote promptly to people affected by the 2011 Pensions Act. So, there can be no injustice relating to when women found out their State Pension age had risen to 66.

Impact on decision making and finances

235. Women have told us they have suffered financially because they made decisions they would not have made if they had known, or known earlier, that their State Pension age had changed. They say they were denied the opportunity to make informed decisions and/or effectively plan for retirement, which in turn had financial consequences.

236. The types of decisions they highlighted include choices about:

- stopping work to care for a family member
- taking early retirement
- seeking further work after being made redundant
- buying or re-mortgaging property
- moving to less physically demanding work
- saving for the future • retirement planning.

237. Whether women lost opportunities to make different decisions depends on whether those decision had already been made by the time DWP should have written to them.

238. If the maladministration had not happened, DWP would have started writing directly to women about their State Pension age by December 2006 at the latest, 28 months earlier than it did. We think it more likely than not letters would have been issued in phases based on women's dates of birth. We say this knowing that when DWP began exploring options for direct mailing in 2006 it proposed a phased approach, when it began direct mailing in April 2009 letters were issued in phases, and that it would likely not have been possible to write to all affected women at the same time.

239. One of our sample complainants (Ms I) decided to take early retirement in 2005 because she was suffering with stress. She told us she would have taken sick leave then returned to her job and continued to pay into her employer's pension scheme, rather than retire, had she known about her State Pension age.
240. Another complainant (Ms U) decided to take early retirement in August 2006. She said she would have postponed her retirement and saved more of her income to bridge the gap between her old and new State Pension age had she known about the changes sooner. She said late notice meant she was unable to reassess her financial position, she was denied choice, and is now unable to replan her retirement.
241. These complainants' decisions about retiring early had already been made by the time DWP should have begun writing to affected women, and so before DWP should have written to them individually, about their State Pension age. We therefore cannot say maladministration meant they lost opportunities to do something different when they made these decisions.
242. Complainants have told us about other decisions they made after DWP should have begun direct mail. They say they would have done things differently had they known earlier their State Pension age had changed.
243. Ms W told us she would have made a different decision about leaving her job had she known she would not get her State Pension at 60.
244. Ms W decided to give up her full-time job to look after her mother in April 2010 believing she would get her State Pension in 2019. In March 2011 she took on some part time, freelance work alongside her caring responsibilities. She said that if she had known her State Pension age, she would have stayed with her previous employer and advanced her career. She says her annual income reduced significantly due to working freelance and she has been unable to rebuild her savings. She is now worried about her finances and feels she has nothing left for emergencies.
245. Ms W says she did not receive any letters from DWP about her State Pension age. We know that DWP wrote to another complainant born within a month of Ms W in October 2013. If DWP had sent that complainant a letter 28 months earlier, it would likely have written to her around June 2011. It would therefore likely have written to Ms W around then if the maladministration had not happened. Ms W had given up her job around 15 months before June 2011, and had by then already been working freelance for around 3 months. We therefore cannot say that even if she had received a letter DWP sent her 28 months earlier she would have had an opportunity to make a different decision about leaving her job.

246. Ms R bought a retirement cottage in 2008 expecting to receive her State Pension seven years later, when she turned 60. Owning the cottage has brought additional costs (for example, council tax). She is now having to sell the cottage and has incurred further costs (for example, survey and legal fees). She said she would not have bought the cottage had she known she would not get her State Pension at 60.
247. Had DWP written to Ms R 28 months sooner, she would have received the letter in June 2011. By then she had already bought her cottage, so we cannot say maladministration led to her losing the opportunity to make a different choice about buying it.
248. Ms R also told us she would have made different decisions about saving had she known her State Pension age sooner. She began drawing on a small private pension in 2016, after being made redundant the previous year. Drawing on the pension sooner than she had planned has left her with a smaller annuity. She said that, if DWP had written to her earlier, she would have saved more for her retirement and might have been able to delay resorting to her private pension.
249. It seems to us Ms R's decision to draw on her private pension was as much due to her being made redundant as it was due to any delayed notice about her State Pension age changing. However, more notice of her State Pension age would have allowed her to make an informed choice about saving for her retirement, regardless of whether any savings would have mitigated the need to rely on her private pension, and she is left not knowing whether she could have been in a different financial position in 2016.
250. Ms I told us she recovered from her stress in time and would have returned to work had she known her State Pension age sooner. She said that returning to work would have avoided her savings being depleted.
251. Ms I found out her State Pension age had risen eight years after she retired, when she requested a State Pension statement. She told us she did not look for work then because she felt it would be too difficult to get a new job without recent employment history, and she had got used to being at home and wanted to spend time with her husband.
252. Ms I also told us she never received any letters from DWP about changes to her State Pension age. DWP wrote to other women with Ms I's date of birth in February 2012. Based on this, had 28 months not been lost DWP would have written to her in October 2009. She would have already been retired for four years then. We cannot say it is likely she would have felt differently about seeking work at that time, so we cannot say it is more likely than not she would have looked for a job. Neither can we say whether she would or would not have found one, or how much she would have earned, if she had.

253. But Ms I could have considered her options to improve her financial situation, such as seeking employment or claiming benefits if she was unable to find work, had she known she would have to wait longer than planned for her State Pension. It seems that because of the maladministration, she is also left not knowing whether she could have put herself in a different position and whether she could have retained her savings.
254. Another complainant, Ms E, also said she would have sought and found 'some kind of work' had she known her State Pension age earlier. She told us she was made redundant in 2009, aged 54. After six months of being unable to find work similar to her old job she decided to stop looking and live more frugally, expecting she would get her State Pension at 60. She lived off a small private pension and, 8 years later, took out a lifetime mortgage on her home to alleviate financial pressures.
255. Ms E has told us about the difficulties someone approaching 60 has finding work. She would have been 55 when she received a letter, had DWP sent one 28 months earlier. Since we have no evidence to say whether it is likely she would have successfully found employment, or if she did find a job, how long she could have worked or how much she would have been paid, we cannot say it is more likely than not she would have avoided the need to rely on her private pension or re-mortgage her home.
256. Ms E also told us she did not have enough time to prepare for the 'massive' loss of income resulting from her State Pensions age changing. She said this meant she has experienced unnecessary financial hardship and suffering. Had Ms E had more notice she would have had more time to consider her options. It seems to us that, because she did not, she was denied the opportunity to make an informed decision about whether to even look for work. She now cannot know whether she could have avoided the need to draw on her pension and re-mortgage.
257. Ms L told us she too would have avoided re-mortgaging her home if she had known her State Pension age. She re-mortgaged in August 2011 to repay debts. She said she would have taken out a consolidation loan instead if she had known she would not get her State Pension at 60. She also said she would have avoided incurring additional debt because she would not have taken out finance to buy a car in 2009 and would not have taken a holiday in 2010. She is now having to sell her home because of her debts.
258. Like Ms W and Ms I, Ms L told us she did not receive any letters from DWP about her State Pension age. Even if a letter had been sent and received earlier, Ms L would still have needed to find a way to repay her debts. Having considered the financial information she has provided, we cannot say

it is likely her overall financial position would have been significantly improved if she had known earlier about her State Pension age.

259. Ms L was unable to continue in her job because her health deteriorated and she had to use the lump sum from her occupational pension to pay off her mortgage. She said she would have sought less physically demanding, freelance work had she known she would not get her State Pension at 60. This would have enabled her to work for longer without affecting her health, and so she may not have needed to use her lump sum.
260. Even if Ms L had been able to secure freelance work, we have no evidence to say whether it would have provided a regular, reliable income up to her State Pension age, or how much she would have earned. So, we cannot say it is more likely than not she would have avoided using her lump sum. More notice of her State Pension age would have allowed her to make informed choices, but we cannot now say what the outcome of those choices would have been. This means Ms L is left not knowing whether she could have worked longer without straining her health, avoided using her lump sum, and avoided having to sell her home.
261. We noted in the report for stage one of our investigation the possibility that DWP could have begun direct mail sooner than December 2006 if the maladministration had not happened. That would have affected how much notice women had about their State Pension age changing because of the 1995 Pensions Act.
262. We must also recognise that DWP paused the direct mailing it began in 2009 for ten months from April 2010 in response to proposals to further increase State Pension age. It seems likely that, if a direct mail exercise had begun earlier and not been completed by April 2010, it would still have been paused. That too could have affected how much individual notice of their State Pension age women had.
263. We cannot be any more precise about when letters would have been sent had the maladministration not happened. Neither can we say whether letters sent earlier would have reached their intended recipients, or been read or remembered if they had. Half of our sample complainants told us they never received any letters DWP say were sent about their State Pension age. We noted in the report for stage one of our investigation that letters may have been lost in the post or undeliverable, could have been received but mislaid or forgotten, and that a direct mail exercise is unlikely to achieve a 100% success rate.
264. We cannot discount the possibility, therefore, that even if DWP had written to women earlier, there would still have been some who remained unaware of their State Pension age.

265. There is too much we cannot now know about what would have happened if DWP had written to women about the 1995 Pensions Act sooner. We therefore cannot say it is more likely than not the financial impacts claimed would have been avoided. But it seems to us that some women are left not knowing whether they could have been in a different financial position. That uncertainty would not exist if the maladministration had not happened.
266. In saying this we recognise that complainants could have taken action themselves to clarify their future income to enable them to make informed decisions about, for example, seeking or changing work. We know from stage one of our investigation that women did not seek information about their State Pension age because they felt they had no reason to question it. We do not consider the fact there is more women could have done for themselves detracts from the fact that DWP should have written to them about their State Pension age sooner to give them the information they needed.

Impact on domestic life

267. Complainants also told us that late notice of changes to their State Pension age affected their family lives.
268. Ms I and Ms E have each described how they have had to rely financially on their husbands and how their families' lives and plans have been affected. For example, Ms I described how she and her husband will be unable to spend their retirement as they had planned, and how they are now unable to afford to travel to see their family as much as they would have liked. Ms E told us her husband's future retirement plans have been disrupted. Instead of being able to retire when he had planned, he needs to carry on working to his State Pension age to cover household costs. This means he was not at home to care for her as much as she needed when she became unwell. Ms L has also told us how having to sell her car has increased the travel time to care for her elderly mother.

269. The claimed impacts on women's domestic lives stem from the impact late notice of State Pension age had on their financial position. We have already set out our thinking that, because of the maladministration, Ms I, Ms E and Ms L are left not knowing whether they could have been in a different financial position. It follows that they are also left not knowing whether the impacts on their home and family lives could have been avoided.

Impact on health and wellbeing

270. Complainants have described how short notice of their State Pension age rising affected their mental and physical health.

271. Our sample complainants have described feeling anger, outrage, stress and anxiety. For example, Ms I described feeling angry, frustrated and outraged at her loss of control over her life, and her associated loss of confidence. Ms I, Ms E and Ms L have described the stress they feel associated with their financial position. Ms L also told us about how stressed she felt having to manage work alongside caring responsibilities. Ms R said she has been left on a financial ‘precipice’ and the stress of this has affected her wellbeing and family relationships.

272. Complainants also described the effects on their physical health. For example, Ms E told us worry about her finances had affected her sleep and blood pressure. She believes this exacerbated her atrial fibrillation. Ms I said she experienced physical symptoms of stress, including chest pains. Ms R believes her precarious financial situation contributed to her developing high blood pressure and diabetes and caused her problems sleeping. Ms L described the health difficulties associated with having to work longer than anticipated while suffering with chronic health problems.

273. The emotional and health impacts the complainants have told us about largely relate to their financial situations. Because they are left not knowing whether they could have been in a different financial position, they are also left not knowing whether these emotional and health impacts could have been avoided.

274. We understand that our complainants had lived and worked expecting to receive their State Pension at 60. We think it inevitable they would have felt a degree of anger and outrage whenever they found out their State Pension age had changed, given these lifelong held expectations. But they have told us they are angry and outraged about not having as much notice as they should have. That additional anger and outrage could have been avoided had they received a letter from DWP when they should have.

Injustice relating to communication of changes to the number of years National Insurance contributions required for a full State Pension

275. Three sample complainants told us they have lost out financially because DWP did not adequately communicate changes to the number of years National Insurance contributions needed for a full State Pension. They have also described feeling confused, stressed and shocked.

276. These complainants began paying National Insurance before 6 April 2016, so their starting amount of State Pension is calculated according to transitional arrangements that take account of their individual National Insurance records. The transitional arrangements mean none of them will get less State Pension under the ‘new’ rules than they would have under their ‘old’ ones. So, the value of their State Pension has not been reduced due to the State Pension reforms or how DWP communicated them. They are not eligible to claim the full rate of State Pension because of the deductions

made for times they were contracted out of the Additional State Pension in the past, not because they have too few qualifying years.

277. Ms R told us that inadequate communication meant she lost an opportunity to improve her State Pension. She told us that unclear information about making voluntary National Insurance contributions meant she was denied the opportunity to purchase two pre-April 2016 years. She said the information DWP gave her was confusing, and the time it took her to clarify what she was able to do caused her stress.
278. ICE noted that some of the information a DWP call handler gave Ms R in December 2015 about making voluntary National Insurance contributions was incorrect, and that it was understandable she was 'less than clear about the situation'. ICE also noted that when Ms R had complained to DWP about the information, it told her adding pre-April 2016 qualifying years would not benefit her, but adding post-April 2016 qualifying years would. ICE found that when it was apparent Ms R continued to be confused, DWP had not clarified its advice or apologised for giving confusing information.
279. We accept that being given incorrect, and then different, information would have been confusing for Ms R and led to a degree of stress. ICE recommended DWP clarify the situation and pay her £50 for having not adequately addressed her concerns. We think that was an appropriate remedy for the confusion and stress she was caused.
280. Ms R already has enough qualifying years but a 'contracted out' deduction has been applied when calculating her starting amount of State Pension. The only way she could increase her starting amount would be to add to her post-April 2016 National Insurance record. We do not consider unclear information means Ms R was denied an opportunity to improve her State Pension. What she wanted to do would not have benefitted her.
281. Ms I got a State Pension statement in 2013 showing she had 32 qualifying years. She believed then that she had more than enough qualifying years for the full rate of State Pension. She got another State Pension statement in 2015 and found out that she would not be able to claim the full rate. She says she was shocked to learn she would have to buy additional qualifying years and that she would need to find the money to do it.
282. In 2017, Ms I borrowed money from her mother to buy 3 pre-April 2016 qualifying years. She told us that having to borrow money from her mother made her feel she had lost her dignity. She later found out that, despite having bought the additional years, she would still not be able to claim the full rate. This again caused her shock. She feels it is unfair that she is not eligible for a full State Pension.

283. We appreciate it must have been shocking for Ms I to learn her State Pension entitlement was not what she thought, and we understand why she feels the way she does about borrowing from her mother. It is clear from what she has told us that she did not understand the implications of being contracted out of the Additional State Pension. We explained earlier that DWP knew in 2016 that too many people did not realise that having 35 qualifying years would not necessarily entitle them to the full rate of new State Pension, but it does not appear to have acted on that feedback.
284. We do not think the shock Ms I experienced in 2015 would have been avoided if DWP's apparent maladministration had not happened, since it pre-dates the point at which we think DWP should have acted on what it knew about levels of understanding. It is possible that Ms I's shock in 2018 could have been lessened had DWP done more after 2016 to ensure people understood the impact having been contracted out would have. But it would not have altered the fact Ms I does not qualify for the full rate of new State Pension, so any shock associated with her entitlement is unlikely to have been avoided.
285. Ms I now has 35 pre-April 2016 qualifying years. She discovered in 2018 that buying one additional post-2016 qualifying year would increase her starting amount further (to the maximum she could be entitled to). She has told us that she could not afford to buy a further year.
286. We do not consider Ms I has suffered a financial loss or been treated unfairly due to any failings in DWP's communication about the new State Pension. Her starting amount was calculated according to the rules that apply to anyone in a similar situation to her. She has increased her starting amount by buying back as many qualifying years as she can afford.
287. Ms L also told us that not being entitled to what she thought she would get has caused her stress. Until 2016 she believed she needed only 30 qualifying years. In 2016 she requested a State Pension statement and learned that, even though she expected to have 50 qualifying years by the age of 66, she would not be able to claim the full rate because she had been contracted out of the Additional State Pension. The information she was sent with her State Pension statement included how making voluntary contributions could improve her starting amount.
288. Given Ms L's financial situation, we understand how learning that she would not be getting as much State Pension as she expected would cause her stress. Her stress stems from her not knowing what effect being contracted out of the Additional State Pension would have on State Pension. For similar reasons as in Ms I's case, we do not think her stress could have been avoided if DWP's apparent maladministration in 2016 had not happened. We note that Ms L continued to make National Insurance contributions for the years

2016/17, 2017/18 and 2018/2019, which added to her starting amount, so she has not been disadvantaged.

289. What Ms I and Ms L have told us suggests they did not understand the implications of joining a contracted-out pension scheme when they joined those schemes. We do not think that is due to any failings in communication about the new State Pension by DWP.
290. It is clear from what these three sample complainants told us that they have not understood whether or how the eligibility criteria for the new State Pension introduced with the 2014 Pensions Act affected them. It is also clear that Ms R, Ms I and Ms L all found themselves in the position of being entitled to a lower starting amount of State Pension than they expected due to not understanding how their entitlement would be calculated.
291. We cannot say they have suffered a financial loss as a result of DWP's communication about the new State Pension given their starting amount is no less than it would have been under the 'old' rules. Neither can we say they lost an opportunity to improve their starting amount given that what Ms R wanted to do would not have benefited her, Ms I could not afford to buy post-2016 qualifying years, and Ms L was given information about how she could increase her starting amount.
292. While we understand the confusion, shock and stress Ms R, Ms I and Ms L claim, we think Ms R's confusion and stress has already been remedied. We think Ms I and Ms L's shock and stress due to not being eligible for the full rate of new State Pension would not have been avoided if the apparent maladministration had not happened. Their shock and stress relates to rules around eligibility, not communication of those rules.
293. We recognise, too, that these three complainants all understood the need to actively seek out information about their State Pension entitlement and DWP gave them personalised information, including about what they could do to increase their starting amounts. As such, we cannot say the emotional impacts they claim result from DWP not doing enough to help them understand their situations.

Injustice relating to DWP's complaint handling

294. Complainants told us inadequate complaint handling compounded their stress and anxiety. For example, Ms R described the effect of inadequate complaint handling as 'tortuous'. Ms W told us that DWP's response left her feeling her situation was a result of '[her] own stupidity'. She said this added to her distress about the increase to her State Pension age. She also said that, had DWP accepted part of the responsibility for her not being aware of changes, then they would have been 'easier to process'.

295. Each of the sample complainants feel aggrieved with DWP's responses to their complaints. They feel DWP has not acknowledged failings in its communication about their State Pension ages, and has not provided a remedy for its maladministration.

296. If the apparent failings in DWP's complaint handling had not happened, it is possible it would have reached different conclusions. However, we cannot say it is more likely than not DWP would have acknowledged failings in how it communicated changes to State Pension age so we cannot say it would have provided a remedy. We therefore cannot say it is more likely than not complainants' distress about the outcome of DWP's investigation could have been avoided. That said, had DWP related its responses to their individual circumstances and demonstrated it had thoroughly investigated their concerns, their distress may have been lessened. We think an opportunity to lessen their distress was lost because of DWP's maladministration.

297. We also think the stress and anxiety complainants experienced due to DWP unnecessarily elongating its complaint handling could have been avoided if DWP had adequately addressed all issues at the first opportunity.

298. Finally, we think two sample complainants were caused unnecessary worry and confusion because of DWP's responses to their complaints. DWP did not initially respond to Ms L's concerns about National Insurance. She was worried she might have to make a fresh complaint to DWP about this issue. That worry would have been avoided if DWP had addressed all her issues at the first opportunity. And when DWP responded to ICE's recommendation to clarify Ms U's National Insurance contributions, the information it sent her contained a discrepancy. The confusion that caused could have been avoided if it had sent her consistent information.