

LCP on point 

Are thousands of older women being short-changed on their state pension?

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Foreword

This paper provides analysis of the position of certain married women who may be missing out on part of their state pension entitlement. The issue was originally highlighted as a result of correspondence from readers of the ‘This is Money’ website to LCP partner Steve Webb. The website has pursued this issue vigorously, including securing lump sum backpayments for readers and we would like to place on record our appreciation of their work. Case studies in Section 04 of this paper are based on the stories of readers of This is Money. The paper also identifies other groups who may be missing out including certain widows, divorced women and the over 80s.

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01 Introduction

Since the post-war National Insurance system was created, special provision has been made for married women who might be financially dependent upon their husbands in retirement. In particular, millions of married women have been entitled to a basic state pension at 60% of the full rate by dint of their husband's record of NI Contributions in situations where their own record of NICs would generate a lower pension. But there is reason to believe that not all married women are receiving the state pension to which they are entitled. This paper assesses the evidence and calls on government to take action to address the issue.

Background

When the National Insurance system was designed, there was a presumption that men would be the main breadwinner in a household and that married women would be financially dependent upon their husbands. This worldview was encapsulated in the following (now somewhat infamous) quote from the Beveridge Report of 1942:

'The great majority of married women must be regarded as occupied on work which is vital though unpaid, without which their husbands could not do their paid work and without which the nation could not continue... The attitude of the housewife to gainful employment outside the home is not and should not be the same as that of the single woman. She has other duties ...' (Beveridge Report, Paras 108, 114)

One consequence of this worldview was that married women were specifically allowed to pay a reduced rate of National Insurance Contributions (colloquially known as the 'married woman's stamp'). Years in which this reduced rate was paid did not count towards a woman's own state pension record. However, at retirement – or, more precisely, when her husband reached state pension age – a woman could claim a pension based on her husband's record of contributions. Assuming that he had a full working life and a full record of contributions, the wife's pension would be paid at 60% of the rate of the full basic state pension. In 2020/21 the full basic state pension is £134.25 per week and the rate for married women claiming on this basis is £80.45 per week¹. The rate for married women in 2019/20 was £77.45, and as much of the data in this paper relates to 2019/20, this is the figure that we quote from now on.

¹ Note that this step up relates exclusively to the 'basic' state pension and not to other elements of the state pension system such as payments under the state earnings-related pension scheme (SERPS).

It is important to note that the ability to claim a pension based on the NI record of a spouse largely ceased for those who reach state pension age on or after 6th April 2016 when a new state pension was introduced. However, the large majority of today's pensioner population reached pension age under the 'old' system and it is this group on which this paper is focused.

Although this view of the respective roles of men and women seems like a thing of the past, married women were allowed to continue to opt for a reduced rate of contributions right up to 1977/78, at which point around 4 million women were paying at this rate. Furthermore, even though the ability to make a new election to pay the reduced rate was halted at that point, those who were already in the system were allowed to continue to pay at the reduced rate. The number paying in at that lower rate has declined gradually in the intervening decades but – remarkably – there are still a few thousand women paying at the reduced rate to this day.

The fact that large numbers of married women paid a class of NI contributions which generated no state pension entitlement led to many women in today's retired population reaching pension age with little or no state pension in their own right. That number has fallen more recently for three main reasons:

- As noted above, the option for new women to start paying the reduced rate was ended in 1978;
- From 1978 onwards, women who were bringing up children were able to benefit from a system of national insurance credits (previously known as 'Home Responsibilities Protection') which helped them to build up a pension in their own right;
- The proportion of women in paid work has risen dramatically over the years, giving more women the opportunity to build up their own record of contributions, provided that they contributed at the full rate;

Notwithstanding these changes, there are still significant numbers of women in retirement today whose work and contribution history means that they have full-rate NI contributions or credits for less than 60% of their working life². As a result of this, the ability to switch to a pension at 60% of the full rate when their husband reached his state pension age has remained a valuable feature of the system.

² To be more precise, until 2010, most women needed 39 years of contributions for a full pension. From 2010 to 2016 the target number of years was reduced to 30 years. In addition, from 2010 onwards years at home with children counted in full towards the 30 year target, whereas before this they simply reduced the target number of years of full-rate contributions required for a full pension. These two changes in 2010 led to a big increase in the proportion of women drawing a pension in their own right.

02 How is the system supposed to work?

The way in which the pension uplift for married women is delivered changed in an important way in 2008. In this section we explain the change and the implications for today's pensioners³.

The rules for those claiming before 17th March 2008

Prior to a rule change in March 2008, a woman who could benefit from a pension uplift based on her husband's contributions had to make an active claim for that uplift. Such a claim could only be made when her husband reached state pension age. Given that state pension age at this point was 65 for a man and 60 for a woman, it would be quite common for a married woman to draw a pension in her own right at a relatively low rate initially (when she reached 60) and then be entitled to an uplift some years later. The Department for Work and Pensions (DWP) say that they would have written to such women when their husband turned 65 to prompt a claim, but that the onus would have been on the woman to make a claim. If she did not do so, she would continue to receive her own (lower) pension indefinitely.

In the event that a woman realised at a later date that she could have made a claim for an uplift but did not do so, she could still make a claim. As a 'new claim' this could be backdated for 12 months, but it could not be backdated all the way to the point where her husband reached 65. In practice, this means that any woman who failed to make a claim within a year of her husband reaching 65 would lose out permanently compared with someone who made a claim in time.

The March 2008 change

In an important change, the DWP amended its 'Claims and Payments Regulations' so that for cases where a husband reached state pension age after 17th March 2008, the uplift to a married woman's pension should now happen automatically, without the need for a separate claim⁴.

However, the DWP did not review past cases. This meant that a woman who needed to make a claim and failed to do so did *not* get an automatic uplift and continued to receive a payment at her lower rate. Given that the DWP presumably holds enough data on its systems to deliver the automatic uplift for new cases from March 2008, this would suggest that the Department could, if it wished, identify those women who had missed out by not making a claim.

³ As noted earlier, we are talking here about pensioners covered by the 'old' state pension system. This is those who reached state pension age before 6th April 2016.

⁴ See: The Social Security (Claims and Payments) Amendment Regulations 2008, SI 2008/441.

Divorced women and widows

Our discussion to date has focussed on the position of married women. But the presumption that married women were likely to be financially dependent on their husband has also fed through into special rules in cases where a husband is no longer present, either through divorce or death.

In the case of a divorced woman, she has the opportunity to 'substitute' the NI record of her ex-husband up to the date at which they were divorced. This calculation should normally be undertaken at the point at which the divorced woman claims her pension, as the pension claim form asks the claimant to give details of any divorce that may have taken place. Where a woman has been married (and divorced) more than once, it is the record of her 'most recent' ex-husband which applies.

In the case of widows, in general a widow can substitute the NI record of her late husband for her own at the point at which he dies, for purposes of calculating her basic state pension entitlement. Provided that the late husband had a full working life, the widow will in most cases qualify for 100% of the basic state pension (as distinct from the 60% rate received by many married women).

03 The evidence of a problem aggregate data

If the system described in previous sections was working as intended, it should be rare for married women in retirement to be receiving a state pension below the 60% rate. But data obtained under the Freedom of Information Act suggests that this is far from being the case.

How many women are receiving reduced pensions?

In February 2020, the Department for Work and Pensions responded to a Freedom of Information request tabled by Steve Webb of LCP regarding the number of women who reached state pension age before 6th April 2016 who were receiving pensions below the 60% rate, together with an age breakdown for those women. (Note that the original FOI was tabled in 2019/20 and at that point the 60% rate stood at £77.45 per week). The response received is shown below:

| Age | Number of women receiving below £77.45 per week |
|---------|-------------------------------------------------|
| 65-69 | 97,000 |
| 70-74 | 176,000 |
| 75-79 | 157,000 |
| 80-84 | 94,000 |
| 85-89 | 58,000 |
| 90 plus | 38,000 |
| TOTAL | 621,000 |

Source: FOI reply from DWP to Steve Webb dated 10th February 2020

Note: Individual items do not sum exactly to total because of rounding

Unfortunately, the DWP's reply includes women living outside the UK in one of the countries (such as Australia, New Zealand, Canada and South Africa) where their state pension is frozen rather than being annually uprated. Even if these women had correctly received a 60% pension when their husband reached 65, the permanent freezing of their pension thereafter could easily leave them below the 60% rate. It is necessary for us to remove these women from our analysis.

The DWP provide an online tool known as '[Stat-Xplore](#)' which allows us to undertake custom tabulations of DWP administrative data and we can use this tool to get a rough idea how many women in 'frozen' countries may be included in our analysis.

Based on the latest administrative data on the Stat-Xplore site, there are around 270,000 women receiving a state pension and living in a 'frozen' country. We cannot divide this group precisely into those above and below the 60% level, but the available data on the amount of weekly pension these women are receiving suggests that the large majority are getting less than the 60% figure.

We therefore assume that approximately 250,000 of the women reported in the table above are living overseas in ‘frozen’ countries and are therefore not directly relevant for the purposes of this paper. We deduct this group from the 621,000 shown in the table, and assume that the population of interest to us living in the UK or in ‘non-frozen’ countries is roughly 370,000. **We use this figure as the basis for the remainder of our calculations.**

Other groups who may not be entitled to an uplift

Given the way in which the system is supposed to work, it is at first sight surprising that even 370,000 women are receiving state pensions below £77.45 per week. However, not all of these women would be entitled to an uplift. Groups who would not be eligible would include:

- Married women whose husband has not yet reached state pension age
- Single (i.e. never-married) women;
- Married women whose husband was not entitled to a full basic state pension

In addition, these figures will include women who are now widows or divorced, to whom separate rules apply. It is therefore necessary to break down these figures by marital status in order to assess how many are potentially missing out.

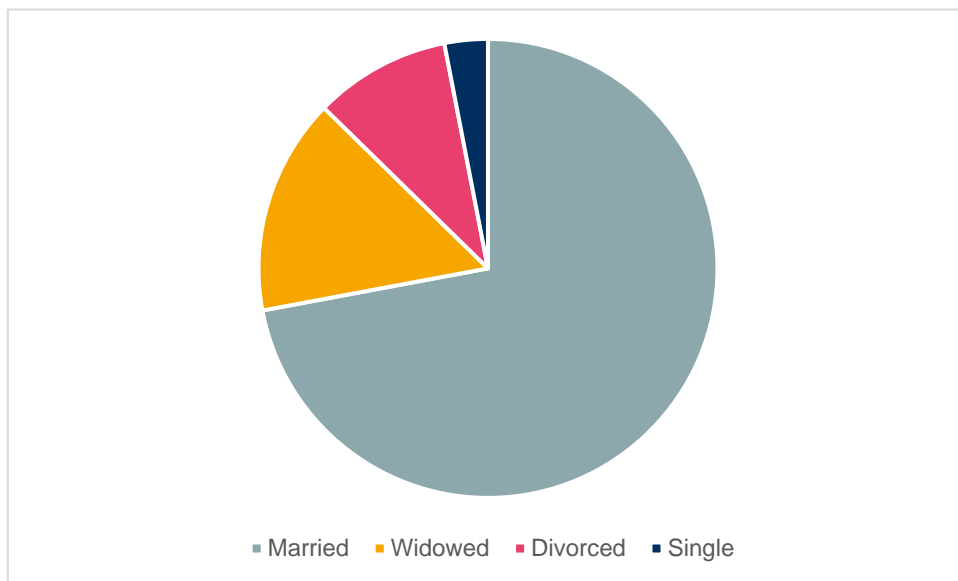
In late February 2020 we asked DWP for a breakdown of these figures by marital status but at time of writing (in May 2020) this has not been forthcoming. We have therefore produced our own estimates based on the Department’s Family Resources Survey (FRS). The FRS sample is drawn only from GB residents and therefore should broadly match the characteristics of the women of interest to us. We will update these estimates if/when we have official administrative data.

MARITAL STATUS UNKNOWN

The option of claiming an enhanced state pension based on the National Insurance Contributions of a spouse applies to those who are currently married, those who are divorced and those who have been widowed, albeit in different ways. We therefore need first to strip out from the figures those who are single (i.e never-married) or cohabiting to whom this issue does not apply. We then consider each of the marital status groups in turn.

The chart below shows an estimate of the marital status split of women receiving less than 60% of the basic state pension and is based on the 2017/18 Family Resources Survey. For the purposes of this chart the ‘married’ category includes those who are separated (who retain the right to claim on their husband’s record) and the ‘single’ category includes those who are cohabiting but not legally married.

Figure: Women receiving state pension under 60% of full basic state pension, by marital status



Not surprisingly, the large majority of those who are living on a low pension are married women. In general, they will have a low pension because of time out of paid work and/or time paying the reduced ‘married woman’s stamp’. In the next sections we consider what married, widowed and divorced women should be getting and assess how far these statistics are evidence of a worrying gap in the system.

a) Married Woman

As shown above, data from the Family Resources Survey suggests that just under three quarters (around 72%) of those women with state pensions under 60% of the full basic state pension rate are married. Applying this to the 370,000 total figure, suggests roughly 266,000 married women within the overall total.

There are two main reasons why not all of these married women are entitled to the full 60% rate.

The first is that a small proportion have a husband under state pension age. As the right to an uplift only applies when the husband reaches state pension age, some of these women will be getting the correct amount. Further analysis of the FRS suggests just under 2% of these women (all of whom are aged 65 or above) have a husband under pension age, suggesting we should remove around 5,000 ineligible married women. This leaves around 261,000 potentially eligible.

The second, and more important, reason is that a married woman is entitled to 60% of her husband’s basic pension, not 60% of the full basic pension. If the husband is receiving an incomplete basic pension (because of gaps in his own contribution record) then his wife will be shown as getting less than 60% of the full rate. This is entirely compatible with the system working as it should.

The challenge is to estimate how many of the married women with a low pension have husbands who are also drawing incomplete pensions.

The FRS data only gives us a total figure for the retirement pension of the husband, and unfortunately does not give us a split for how much of this is basic pension and how much is additional state pension. For example, in 2017/18 the full basic state pension was £122.30 per week. But most people would also get some additional (earnings-related) state pension. A husband who reports a total weekly state pension of £130 could be getting a full basic pension of £122.30 plus earnings-related pension of £7.70, or an incomplete basic pension of £120 plus earnings-related pension of £10. In the former case, his wife should be getting the full 60% rate, but in the latter case she should not.

Whilst we cannot make very precise estimates, it does seem reasonable to assume that the higher the husband’s state pension, the more likely it is that it includes a full basic state pension.

The following table shows roughly how many of the 261,000 married women are likely to have a husband on a state pension below different thresholds:

| Threshold | Cumulative number of husbands below threshold |
|-------------------|-----------------------------------------------|
| Less than £122.30 | 52,000 |
| Less than £132.30 | 84,000 |
| Less than £142.30 | 102,000 |
| Less than £152.30 | 131,000 |

The first row of this table shows the number of women with low pensions who have husbands unambiguously on less than a full basic state pension. On the face of it, none of these women would be entitled to the full 60% rate. The second row shows the cumulative total of all those under £132.30, £10 per week above the full basic rate. It seems reasonable to suppose that a fair few husbands in this category will have an incomplete basic pension topped up by an earnings-related pension. Again, their wives would not qualify for the full 60% rate.

However, by the time we are getting to pensions of £30 per week or more above the full basic rate (i.e pensions of £152.30 per week), it seems reasonable to think that many of the men above this level are getting a full basic state pension. The table suggests that roughly 131,000 husbands are below this level, but that only accounts for about half of the married women of interest to us. If the survey data is to be believed, this does suggest a remarkably high remaining

number of married women who have husbands who are likely to be getting a full basic pension but who are not – for some reason – getting the 60% rate.

If we look at the age breakdown of this group, a very striking pattern emerges:

Table. Age distribution of married women on < 60% pension, with husbands on BSP + £30 or more

| Age Group | Number of married women |
|-----------|-------------------------|
| 65-69 | 15,000 |
| 70-74 | 43,000 |
| 75+ | 73,000 |

This table shows very clearly that older married women are much more likely to be at risk of having a low pension despite their husband having a full basic pension. One highly plausible reason for this pattern is that older married women are much more likely to have come into entitlement before March 2008, and therefore only got an uplift to their state pension if they actively applied for it. This suggests that there could be a large-scale problem of ‘non take up’ by older married women of their right to an enhanced state pension based on their husband’s record.

b) Widows

Under the old state pension system, a widow could substitute her late husband’s National Insurance record for her own. Where the late husband had an extensive record of contributions, a widow could receive not just the 60% rate available to married women but up to 100% of the full basic state pension.

It is therefore particularly concerning that we have thousands of widows in our sample who are not merely falling short of the 100% rate but in fact are not even getting the 60% rate. We estimate that just under 1 in 6 of our original group, or roughly 56,000 women, are widows based on the FRS. It should be noted that this is based on a relatively small sample and is subject to a high margin of uncertainty, but the number is too large to be disregarded.

It is difficult to understand how so many widows can be so far short of the pension levels that would be expected. For widows, the uplift to a state pension based on the record of a late husband should happen automatically in most cases, and relatively few husbands would have such a poor NI record to leave their widow with less than 60% of a basic pension.

It would be a cause of particular concern if elderly widows were getting by on such small state pensions and this issue should be investigated as a matter of urgency.

b) Divorced women

The rules as to how a divorced woman can claim a pension based on her ex-husband’s National Insurance record are complex but also potentially more generous than those for married women. In essence, a woman who is divorced when she reaches pension age can substitute her ex- husband’s NI record for her own up to the point of their divorce. For women who got divorced relatively late in life, this can easily enable them to qualify for a full basic state pension (i.e. the 100% rate) as a result. Most should get at least the 60% rate.

Looking at our data, we think that potentially around 35,000 divorced women are shown as receiving less than 60% of a full basic state pension. Whilst some of these women may have only been married for a short period of time and therefore not benefited much from the ability to substitute an ex-husband’s contributions, it is surprising to see so many living on such small pensions. Again, DWP should investigate whether the system for calculating the pensions of divorced women is working as it should.

b) Special rules for over 80s – an extra opportunity for an uplift

Under the old state pension system, the rate of payment depended on which ‘category’ of pension you were entitled to. For example, a straightforward claim based on your own record of contributions was for a ‘Category A’ pension, a claim by a widow for a full pension based on a late husband’s record was for a ‘Category B’ pension, and the claim made by a married woman for a 60% pension based on her husband’s record – the subject of our analysis so far- was a ‘Category BL’ pension.

However, there is another type of pension – the Category D pension – which may be relevant to some of the older women about whom we are concerned.

The Category D pension is paid at 60% of the basic state pension rate (as with the Category BL pension) to those aged 80 or over and who reached state pension age before 6th April 2016. The gov.uk website says:

“You can claim the over 80 pension if all of the following apply:

- *you’re 80 or over*
- *you do not get [basic State Pension](#) or your basic State Pension is less than £77.45 a week in 2019 to 2020*
- *you were resident in England, Scotland or Wales for at least 10 years out of 20 (this does not have to be 10 years in a row) - this 20 year period must include the day before you turned 80 or any day after*
- *you were ‘ordinarily resident’ in the UK, Channel Islands, Isle of Man, Gibraltar, a European Economic Area (EEA) country or Switzerland on your 80th birthday or the date you made the claim for this pension, if later*

*Your eligibility for the over 80 pension is not based on National Insurance contributions”
(Source: [Gov.uk](#))”*

We have no data on how far the 190,000 women aged 80 or over included in the FOI reply as receiving a pension of less than £77.45 per week would satisfy the residency requirements as set out above. Based on the ‘stat-xplore’ data we can assume that at most 110,000 of this group may be living abroad (whether or not in ‘frozen’ countries) and therefore might not satisfy the residency requirements.

For the remaining 80,000 however, it would however be surprising if all of them had spent less than 10 years in this country when they turned 80, and this might be another route to them getting a pension uplift. The great attraction of the Category D route is that it is payable to these women regardless of their husband’s age and regardless of their husband’s record of NI contributions. Any woman aged 80 or over who satisfied the residency requirements and is receiving less than the ‘married woman’s rate’ should immediately contact the Pensions Service.

04 The evidence of a problem – case studies

This issue as it affects married women first came to light in response to reader queries sent to Steve Webb via the ‘This is Money’ website. The following case studies are all of readers of that site and illustrate the scale of losses which some women are facing.

Case Study 1 – Married woman who failed to make a claim for an uplift

Mrs A is now aged 80 and her husband is aged 78. She was entitled to a state pension in her own right when she turned 60, and this was paid at a rate below the 60% rate for married women because of gaps in her own contribution record. Seven years later (in 2007), her husband turned 65 and at that point she could have claimed an increase in her pension to the 60% rate. Mrs A was not aware of this and did not make a claim at the time and so her pension remained unchanged.

By chance, when Mrs A contacted the Pensions Service about another matter, an official noticed her low level of pension and suggested that she might wish to claim an uplift. This she duly did and was awarded an increased pension. However, because the rules at the time of her husband’s 65th birthday were that the uplift had to be actively claimed, Mrs A was only able to backdate her claim by 12 months, which is the standard backdating allowed on a state pension claim. As a result, Mrs A has permanently lost out on the years from 2007 to one year ago.

More details can be found at [This is Money](#).

Case Studies 2 & 3 – Married women who should have received an automatic uplift but did not

Mrs H is now 75 and her husband is 71. When she reached state pension age she drew a pension in her own right but this was short of the 60% rate available to married women when their husband reaches state pension age. The shortfall amounted to around £17 per week. Mr H reached pension age in 2013 and at that point Mrs H’s pension should have been automatically increased without the need for her to make a claim, but this did not happen. When this case was drawn to the attention of the DWP Mrs H was awarded around £8,800 in backdated state pension payments plus interest.

Mrs T was receiving a state pension of around £55 per week when she became aware of this issue earlier this year. As her husband is aged 70, and therefore reached state pension age after 2008, Mrs T should also have seen her state pension automatically increased to at least the £77.45 rate, but this did not happen. When this case was raised with the DWP they awarded arrears of nearly £5,000 plus interest.

More information can be found at [This is Money](#).

Since this story was published, several further women have come forward and more have been awarded thousands of pounds in back payments. The analysis of the previous section would indicate that, far from being individual, isolated examples, these women’s experiences are all too typical of the position of thousands of other married women, most of whom will probably be oblivious to the fact that they could be receiving a higher state pension.

05 What can individuals do?

Individuals who think that they may be receiving too little state pension may wish to take the two steps set out in this chapter.

1. Check that you are entitled

As discussed earlier, not everyone is automatically entitled to this uplift. If you are a married woman, you need to be able to tick the following boxes:

- a) A married woman who reached state pension age before 6th April 2016; this means you were born before 6th April 1953;
- b) Married to a man who is over state pension age;
- c) Your husband is entitled to a full basic state pension of £134.25 per week; note that what matters is not his total weekly state pension but that the *basic* state pension element is being paid at £134.25 per week;⁵

If you meet all of these criteria and you are currently (in 2020/21) receiving a basic state pension of less than £80.45 per week, you should ask the pension service to review your state pension.

To simplify the process of checking we have produced a web page which allows you to enter your pension and date of birth information and that of your husband and to check whether this issue might apply to you. This can be found at [LCP](#). Note that this web page covers only the case of married women and not widows or divorced women to whom separate rules apply, as noted earlier. If you are in any doubt about the accuracy of your state pension payment, you should contact the Pension Service directly (see below).

In addition, for those aged 80 or over and who satisfy the rules around residence in the UK, you should ask to be paid a 'Category D' pension of £80.45 if your current pension is below this figure.

1. Contact the Pension Service

Information on how to contact the Pension Service can be found at [Gov.uk](#). At time of going to press, the main telephone number is: 0800 731 0469. You will need your National Insurance number and will be asked security questions to prove your identity.

If you are entitled to an increased pension, there are two possibilities:

- a) If you could have claimed before 17th March 2008 but did not do so

⁵ Where the husband comes under the 'new' state pension system – that is, reached state pension age after 5th April 2016 – women under the 'old' state pension system can still qualify for the full 60% rate if their husband would have had a full basic state pension by 2016 under the old rules.

In this case you simply make a new claim for a state pension uplift and ask for it to be backdated for one year. This is the maximum allowable period of backdating. If you are successful, you should see your weekly pension increased and you should receive a lump sum of backdated pension.

- b) If your pension should have been increased automatically (that is, if you were entitled to an increase with effect from a date after 17th March 2008)

In this case the DWP should increase your weekly pension and give you a lump sum back payment right back to when you were first entitled to claim. Given that the error is down to the DWP you should ask for interest to be included in this amount.

06 What should the government do?

Whilst individuals can claim their uplifted pension one-by-one, we believe that the Department for Work and Pensions needs to take more systematic action.

What should be done

a) for those who needed to make a claim

As discussed previously, a set of older women may be missing out on an uplifted pension because they failed to make a claim for the uplift at a time when it was necessary to make a claim. DWP will be able to identify from its records which women would be entitled to an uplift if they were to make a claim. Rather than wait for these women – some of whom will be very elderly – to make a claim, the DWP should use its own records to identify these women. Ideally it should simply uplift their pensions and backdate that decision by a full year. Indeed, it should also consider whether such women were properly informed about the need to make a claim for an uplift and form a view as to whether fuller backdating might be appropriate. But failing that, at the very least it should notify those women that they could be receiving a higher state pension and encourage them to make a claim.

b) for those whose pension should have been automatically increased

For those who became entitled after 17th March 2008, the DWP should review its records and automatically increase the pensions of those women who – for some reason – have not had their pensions increased. They should also pay full backdated pensions, included an addition for interest.

c) for widows, divorced women and the over 80s

Our paper suggests that, in addition to problems relating to married women, the system may not be working as it should for many thousands of widows, divorced women and the over 80s. DWP should review as a matter of urgency whether the processes in place designed to protect the pension positions of these women are working as they should.

Contact us

If you would like more information please contact your usual LCP adviser or one of our specialists below.



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