

Bereavement Benefit Bulletin

Series No	13/05	Date	12 August 2005
On desk date	15 August 2005	Make Changes by	
Subject	Widowers Litigation Update: Settlement of Widows Payment (WPT) and Widowed Mothers Allowance (WMA) claims lodged with the European Court of Human Rights (ECtHR) in Strasbourg	Action	Managers Action 1 Ensure the contents of this bulletin are brought to the attention of all Bereavement Benefit staff 2 Retain copy in front of Volume 8 for reference
Contact	Advice Line 01253 848000 Bereavement Benefit Management Team, Room BP9151, Belsay House, Benton Park View, Newcastle-Upon-Tyne, NE98 1YX WIDOWERS/LITIGATION@JOBCENTREPLUS.GSI.GOV.UK (Global Address: JCP Widowers / Litigation)		
To	Field Directors, DMs, All Bereavement Benefit Processing Staff, International Pension Centre, Pension Payments Section, Training Managers, Benefit Centres, Jobcentre & Jobcentre Plus Offices, Jobcentre Plus Business Assurance, Operations and Performance Improvement Team, All Pension Service Staff and Pension Centres, Customer Service Managers.		

The 20 day rule does not apply to this bulletin. This is for information only and does not change existing procedures

This bulletin will not be followed by a hard copy.

The **contents** of this bulletin can be made available to the public on request.

Widowers Litigation Update

Background

1. Following the successful outcome for the Government in the House of Lords in May 2005, the widowers litigation will now move to the European Court of Human Rights (ECtHR) in Strasbourg.
2. The litigation concerns complaints by widowers that they were not entitled to widows' benefits prior to the introduction of Bereavement Benefits from 9 April 2001 and that this was discriminatory, contravening the European Convention on Human Rights (ECHR).
3. As the Government is not contesting Widow's Payment (WPT) and Widowed Mother's Allowance (WMA) in the ECtHR, following the earlier case of Willis in June 2002, we are now planning to offer settlements to all those litigants in Strasbourg who have an admissible claim for these benefits (an admissible claim is one that is timeous and would have satisfied the contribution conditions).

4. Note that these payments are only for claims made in respect of any period before 9 April 2001 when both WPT and WMA were replaced by Bereavement Payment and Widowed Parent's Allowance.
5. We also expect some widowers who were unsuccessful in the Lords to appeal to Strasbourg and they have six months from the date of the Lords Judgement (4 May 2005) to do so.

Settlements

6. The settlements will be made without prejudice to any action on claims for Widows Pension to be heard by the ECtHR. The Government continues to defend vigorously the non-payment of Widows Pension to widowers, as upheld in the Lords Judgement.
7. Although these payments will be calculated using the benefit entitlement that would have been payable to a woman in the same circumstances, they **must not** be referred to as a benefit payment, but as an ex-gratia settlement only.
8. Interest will be calculated using the yearly interest rates obtained from the Average Retail Shares and Deposits rate supplied by the Building Societies Commission and added to the final settlement.
9. A dedicated team based in Crown House, Boston, Lincs (Office Number 1603), will process these cases on behalf of the Bereavement Benefit Management Team at Newcastle

General enquiries from the Public

10. Local offices may receive some enquiries from the public, their solicitors or a representative. Contact might come from:
 - those who have taken their cases through the domestic courts but have not yet applied to the ECtHR in Strasbourg;
 - general enquiries from other widowers who hear about the payments and want to know if they have a right to a payment;
 - widowers or their solicitors, or representatives, who want to know why they have now received a payment and the implications for their claim in the Courts.
11. The local office should answer any general enquiries by explaining that the payments being made are ex-gratia settlements only. Cases not declared admissible by the ECtHR will not be considered. Anyone with a failed domestic case may be able to submit an application to the European Court in Strasbourg. They should be advised to contact a Solicitor or legal representative for advice. Any queries **not** of a general nature should be in writing and forwarded to the contact address either by letter or e-mail.
12. Any widower who has not made a claim for widow's benefit previously will be subject to the normal late claim time limits but if they insist on making a late claim they must submit full written details of why they think they have a legitimate claim.
13. People, who have received a payment and wish to seek a further explanation, or dispute the calculation, should be told to put their enquiry in writing to the address from which they received the payment.
14. The annex includes a number of draft letters being used in this exercise. They are reproduced here for information only.

Widowers Evidence - Customers Letter



Business Design Directorate
Room BP9151
Benton Park View
Newcastle Upon Tyne
NE98 1YX
Telephone: 0191 2256994
Fax: 0191 2247252

e-mail: WIDOWERS.LITIGATION@JOBCENTREPLUS.GSI.GOV.UK

Date xx xxxxx 2005

Mr xxxxx xxxxx
Address 1
Address 2
Address 3
Postcode

Dear Mr xxxxx

The UK Government has decided to settle all admissible claims in the European Court of Human Rights for Widow's Payment and/or Widowed Mother's Allowance. I am therefore writing to request some further information in relation to your claim so that a decision on admissibility can be made.

I would be grateful if you could provide the following details:

- 1) *Your late wife's full name*
- 2) *Your late wife's National Insurance Number*
- 3) *Your late wife's date of birth*
- 4) *Please provide all known addresses of your late wife*
- 5) *Child Benefit number/names and dates of birth of children and the date Child Benefit ceased*
- 6) *Details of any benefits you have received since the death of your wife*
- 7) *Have you remarried or lived with someone as man and wife at any time since the death of Mrs xxxxx xxxxx?*
- 8) *Full details of the Solicitor dealing with this matter on your behalf*

As soon as I have this information I hope that your claim can be resolved and I will write to you again accordingly.

Yours sincerely

Stuart Irvine
Business Design Directorate

Widowers Evidence - Solicitors Letter



Business Design Directorate
Room BP9151
Benton Park View
Newcastle Upon Tyne
NE98 1YX
Telephone: 0191 2256994
Fax: 0191 2247252

e-mail: WIDOWERS.LITIGATION@JOBCENTREPLUS.GSI.GOV.UK

Date xx xxxxx 2005

xxxxxx xxxxxx Solicitors

Address 1

Address 2

Address 3

Postcode

Dear Sir or Madam:

Re: xxxxxx v United Kingdom
ECtHR – Application No:

The UK Government has decided to settle all admissible claims in the European Court of Human Rights for Widow's Payment and/or Widowed Mother's Allowance. I am therefore writing to request some further information in relation to your client's claim so that a decision on admissibility can be made.

I would be grateful if you could supply the following details:

- 1) *Late wife's full name*
- 2) *Late wife's National Insurance Number*
- 3) *Late wife's date of birth*
- 4) *All known addresses of late wife*
- 5) *Child Benefit number/names and dates of birth of children and dates that Child Benefit ceased.*
- 6) *Details of any benefits Mr xxxxx has received since the death of his wife*
- 7) *Has Mr xxxxx remarried or lived with someone as man and wife at any time since the death of Mrs xxxxx xxxxx?*

We look forward to receiving this information as soon as possible so that this claim may be progressed as speedily as possible.

Yours faithfully

Stuart Irvine
Business Design Directorate

:
Widowers Payment - Solicitors Letter



jobcentreplus

Business Design Directorate
Room BP9151
Benton Park View
Newcastle Upon Tyne
NE98 1YX
Telephone: 0191 2256994
Fax: 0191 2247252

e-mail: WIDOWERS.LITIGATION@JOBCENTREPLUS.GSI.GOV.UK

Date xx xxxxx 2005

BY RECORDED DELIVERY

xxxxxx xxxxxx Solicitors

Address 1

Address 2

Address 3

Postcode

Dear Sir or Madam:

Re: xxxxxx v United Kingdom
ECtHR – Application No:

We write to inform you that a sum of £**xxxx.xx** has been calculated in respect of Mr **Xxxxx's** claim for Widow's Payment/Widowed Mother's Allowance before the European Court of Human Rights. This sum is offered in full and final settlement of any claim Mr xxxxx may have against the Government in relation to Widow's Payment/Widowed Mother's Allowance.

Payment is enclosed and full details of the calculation are included with this letter.

We should be grateful if you would please acknowledge receipt by signing and returning the enclosed form.

Yours faithfully

Stuart Irvine
Business Design Directorate