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Circular: 2023HOC0297MR

Date: 9 June 2023

Dear Brother/Sister

Pensions: Injury to Feelings Claims and Immediate Detriment update

We are writing to provide an update in relation to the Pension Litigation with respect to Injury to Feelings (ITF) claims and Immediate Detriment Claims, and most importantly to inform you of the retirement of Ivan Walker of Walkers Solicitors and to ask for your assistance in ensuring that your case continues to be progressed with as little disruption as possible.

As you are aware the Union has agreed the terms on which we can recommend settling all First Wave ITF claims (First Wave being those claims filed in 2015 in England & Wales). However, before the Home Office and the Authority will pay the agreement needs to be recorded in a formal document called a 'COT3'. The draft COT3 that was prepared by Walkers Solicitors and is currently in the hands of the Government Legal Department (GLD). It is hoped a formal response will be received shortly. The immediate detriment claims are unfortunately not yet resolved as made clear in our previous circular in March (Circular: 2023HOC0170MR) but we are exploring how this might be resolved with GLD before taking a decision on how best to proceed, legal proceedings in relation to immediate detriment claims remain an option.

In the meantime Ivan Walker of Walkers Solicitors has informed us that he is going to retire. The original claims were registered with Walkers Solicitors and therefore they will need to be formally (and with the express permission of the claimant) transferred to another legal firm. The union has been working tirelessly since it was informed of this news to make arrangements for another firm of solicitors to take over the conduct of the claims. That has proved to be more difficult than anticipated. It has taken a significant period of time to work through the regulatory and practical aspects of a careful handover of many thousands of cases, but Thompsons Solicitors has now agreed to take them on.

What happens next?

On this basis, if you are a registered claimant, in the coming weeks you will receive a letter from Walkers Solicitors seeking your consent to the transfer of your case. Those in the First Wave (those filed in 2015 in England & Wales of which there are approximately 6,000 claimants) will receive these letters first (within the next 6 weeks) and then they will send the letters to those in the second wave. As you will appreciate this will take some time.

Please therefore wait until you hear from Walkers Solicitors. In the meantime pressure will continue to be put on the Government Legal Department to respond to the COT 3 proposal for the First Wave ITF claims and so progress will continue even whilst the transfer is ongoing. Thompsons will also seek to explore the basis of an outline settlement for the second wave ITF claims once they are on record. The FBU will continue to meet the legal costs involved in fighting your claim if you instruct Thompsons to act on your behalf.

When you receive a letter from Ivan Walker it will contain an email address to respond to and you will be asked to consent to the transfer and to copy that email to a Thompsons Solicitors email address specifically set-up to deal with your consent to the transfer. Thompsons will then send you a "client care letter" to confirm the terms on which they will deal with your case (with the backing of the FBU) and ask you to confirm your acceptance. We would emphasise again there may be a short period before you receive this correspondence. The client care letter will then direct you to another email address to which you will be able to send any queries.

Please note cases in Scotland and Northern Ireland also remain stayed as you were advised previously and a further circular about the transfer of those cases will follow shortly.

The FBU apologise for the delay that this transfer has caused but ask for your understanding as Ivan Walker has worked tirelessly for the FBU and deserves his well-earned retirement. However, please be assured that all parties will work hard to keep that delay to a minimum.

Please do wait to hear from the solicitors concerned in relation to this transfer and follow the advice carefully about where you should direct any queries which should be done by email at the appropriate time once you hear from the solicitors. Please do not contact the Union directly or the solicitors concerned as this will divert resources away from ensuring a smooth transition.

All FBU Pensions Circulars are available here: <https://www.fbu.org.uk/pensions>

Yours in unity,

A handwritten signature in black ink, appearing to read 'Mark Rowe', with a stylized flourish at the end.

Mark Rowe
National Officer

MR/sa