

13 December 2022

PCS wins check-off case against HMRC

PCS has won a fifth claim in the High Court over the removal of the check-off facility, through which our members paid their union subscriptions directly from their salaries before the government unilaterally withdrew it.

Our latest victory, this time over HMRC, comes on the back of previous victories against the (then) Department for Communities and Local Government, the Department for Work and Pensions, the Home Office and the Department for Food and Rural Affairs.

Reinforcing the previous decisions against other government departments, the High Court has ruled that:

- PCS members in HMRC have a contractual right to-check off
- HMRC breached that contract by withdrawing it
- and that PCS is entitled to damages as a third party to the contract.

The Department for Work and Pensions has already settled its claim, paying PCS £3 million in damages.

PCS General Secretary Mark Serwotka said: "The withdrawal of the check-off facility was a naked attempt by the government to bankrupt our union. We have beaten off that attempt through magnificent organising efforts and we are holding them to account in the courts for their unlawful actions.

Each time the government loses one of these cases in the High Court, they are forced to pay legal costs of around £250,000. So far, therefore, they have pointlessly squandered over £1m of taxpayers' money defending the indefensible.

We are once again writing to the Cabinet Office seeking a negotiated settlement of these cases. We hope that the government will see sense, but we will continue to pursue litigation in all other cases if they do not."

Ann Rooney of [Thompsons Solicitors](#), who represented the PCS members, said:
“This is the fifth government department that ended check-off on a political whim and the fifth win for PCS and its members.

“While legally this is starting to look like shooting fish in a barrel for the members, there is the stress of the litigation and there is a huge hit for the public purse. The damages paid so far are £3 million and it is likely that these further cases will also be in the millions.

“The NHS is desperate for investment and public servants need a decent pay rise yet here, having allowed ideology to overrule sense and legal logic, the government is digging in and refusing to settle cases that it is repeatedly losing. The Conservatives are throwing away taxpayers money in needless litigation.”

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