



Public and
Commercial
Services Union



What's New?

Members' Briefing REVENUE & CUSTOMS GROUP

To: **All Members**

cc: **Branch Secretaries, Group Executive Committee, Equality Chairs, VOAC** (for info)

Can this Briefing be circulated via HMRC IT systems: **NO**

Website: **YES**

Action to be taken: **For the attention of all members**

Date: **13 December 2022**

Ref: **R&C/MB/051/22**

PCS WINS HMRC 'CHECK-OFF' CASE **Judicial Review finds HMRC breached contractual rights**

- **Removing the right to have PCS subscriptions deducted from salary, ruled contract breach**
 - **HMRC is the latest of five departments to be found in breach**
- **PCS again calls on Cabinet Office to agree to a Civil Service-wide settlement**

This briefing updates you on the Judicial Review following HMRC's withdrawal of the right of staff to have union subscriptions deducted from salary ("check-off").

PCS wins HMRC "check-off" case

PCS has won a fifth Judicial Review in the High Court, over the removal of the check-off facility, through which our members paid their union subscriptions 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 & Local Government, the Department for Work & Pensions, the Home Office and the Department for Food & 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; that 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 their claim, paying PCS £3m in damages.

Mark Serwotka, PCS General Secretary, 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."

Join PCS

If you've read this briefing and you aren't yet a member of PCS, then [join today](#).

Get involved!

Remember, HMRC applies restrictions on the content of union circulars distributed using the department's email system, so make sure that you stay in touch with your union. You can find your membership number in your latest email digest from PCS.

If you haven't already done so, let PCS have your personal/non-work email address and your mobile phone number. We'll only use it to keep you informed about PCS matters. You can update your details securely online by registering for [PCS Digital](#) or by contacting your local PCS rep, and asking them to enter your details securely on the PCS Organising App.

MARTIN KELSEY
Group Secretary

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