

# Questions

From The Windrush National Organisation  
Engagement Meeting 21-01-2021  
with Home Office replies





**1. Do we have any data on how many people have been helped through the Ambassador scheme?**

As part of the communications campaign, we recruited 40 community leaders as Windrush Ambassadors to raise awareness of the schemes and signpost support. Whilst the original programme has now come to an end, we are planning to work with Ambassadors in the longer term. Ambassadors undertook a range of activities to reach people e.g, hosting information events, producing content for social media and giving interviews with specialist media. The reach of their activity is estimated at over 1.6m, through media relations, social media.

**2. My friends mother died in JA last year she went out there on extended holiday and couldn't come back. She lost her status. My friend lives in England and was born here but not sure about her status and is nervous about coming forward now that her mother has gone. Where does she stand, and can she make a claim on behalf of her deceased mother?**

We would recommend the individual contacts the Windrush Help Team on freephone +44 800 678 1925, who will seek to assist them. No information provided to the Help Team will be shared with Immigration Enforcement.

**3. The home office should not be the judge and the jury of its own conduct, there should be**

We can understand the concerns of those who are of the view that the department which caused the issues facing these individuals is the one deciding whether individuals are eligible to receive compensation or not.

In terms of the operation of the Compensation Scheme, moving it from the Home Office would risk significantly delaying payments to people.

The first stage in deciding a claim for compensation is to confirm an individual's identity and eligibility and this is linked to the immigration status of an individual. It would be difficult to decouple this from the Home Office without increasing the time taken to process an individual's claim and issue payments.

To ensure the scheme has an appropriate level of external scrutiny we have put in place the following mechanisms:

- We have an independent review process for those dissatisfied with their compensation offer. The independent review is conducted by the Adjudicator's Office; a non-departmental public body that is completely independent from the Home Office, who can look at, among other things, whether the department has followed its policies, and the use of discretion by the Windrush Compensation Team.
- Furthermore, a public appointment process to appoint a permanent Independent Person is in train. Applications closed on 21 September 2020 and following the interview process we anticipate appointing someone shortly.

We continue to listen and respond to feedback received from stakeholders to ensure the Scheme is operating effectively for people.



#### **4. Why would pensions/savings not go into the discretionary category?**

Where a claim is accepted under loss of access to employment or benefits, the Government will seek to ensure that the individual's National Insurance position is corrected so the period of the loss does not impact their State Pension entitlement.

We are committed to ensuring that the National Insurance position in relation to State Pensions for members of the Windrush generation is not adversely affected where people are found to have been denied access to the labour market. Arrangements for this area, building on experiences from the compensation scheme so far, are being finalised across Government.

The scheme does not compensate for occupational and private pensions because of the variable and complex nature of the impacts on, and future performance of these which would require an assessment by actuaries and would considerably increase the length of time taken to resolve claims.

However, through their employment awards, individuals will recuperate the contributions they would have made into an occupational pension scheme at the time.

#### **5. Under the homeless category what is sufficient proof? They still rejected even when I provided eviction letters and suspended benefit letters including housing benefits are sure the caseworkers DO carry out investigations before they start to offer insultingly low offers.**

In order to qualify for compensation for homelessness individuals must demonstrate, on the balance of probabilities, they became homeless because they were unable to demonstrate their lawful status. For the purposes of the scheme homeless means an individual did not have access to accommodation in which it was reasonable for them to reside.

We have made the evidential threshold as low as possible and ask for the minimum evidence necessary to reduce the burden on individuals whilst maximising the offers we can make.

Caseworkers use all data and information available to them to process claims, especially that held on our own databases. They exhaust all internal routes before asking for more information from individuals.

Where there are evidence gaps, we have data sharing agreements with other government departments and will contact third parties such as previous employers on individuals' behalf.

Caseworkers will also draw upon all information gathered and their comprehensive understanding of an individual's experiences and struggles, developed through the caseworking process, to make a holistic assessment of the claim.

#### **6. Please explain Tier 1 and Tier 2. How many people fall into these categories?**

If an individual is dissatisfied with the outcome of their compensation claim they can ask the Home Office to review its decision (Tier 1 review). This will be an internal review by a senior reviewer who was not involved in making the decision.



The reviewer will consider whether we have correctly applied the Windrush Compensation Scheme rules and guidance in assessing the claim. We write to individuals and request any further supporting documents or evidence they would like considered as part of this process.

The outcome of the review may find that the original decision was correct, or that you are entitled to a different amount of compensation.

If an individual remains dissatisfied following a Tier 1 review, they can then request a further review. This will be undertaken by an independent reviewer at the Adjudicator's Office.

The Adjudicator's Office is a separate organisation, independent of the Home Office who can look at, among other things, whether the department has followed its policies, and the use of discretion by the Windrush Compensation Team.

Individuals will be kept up to take on progress, but the time taken to review a claim will depend on a range of things including, complexity of the case and evidence submitted.

To the end of January 2021:

- 197 compensation claims have gone to a Tier 1 review with 109 of these resolved.
- 35 claims have gone to a Tier 2 review with 8 of these resolved.

**7. Please explain tier 1 review? my case has been stuck in tier 1 review for 3 months now.**

Please see above response.

**8. Why don't we take all of these liabilities which has had such an impact on the people of the Windrush, we have to collapse the trust that have not been trustworthy we have to move our status to ecclesiastical realm because it has gone beyond the human judicial system. If it means we have to take their bodies their fiduciary duties are using up unnecessary time and are time wasting until they have reached the age of death. Our ancestors built the crown under a state of hostility. Using Case workers are a waste of time and I am taking the home office to task about their constant fraud that is being perpetrated on the innocent Jamaican and commonwealth subjects.**

The victims of the Windrush scandal suffered terrible injustices, and we are absolutely determined to ensure we do everything in our power to right the wrongs.

The Home Secretary has apologised unreservedly to victims and their families for the injustice, hardship and suffering they endured at the hands of successive governments over several decades.

The memory of the Windrush scandal will remain a difficult one for the Home Office for many years, but we are turning this into a focused and meaningful response. We have put people at the heart of the Compensation Scheme, and we want people to get the maximum compensation to which they are entitled.



**9. How long after making an application do you get placed into a Tier? Why weren't everyone told about the emergency payment scheme? What is classed as emergency and how long does it take to deal with emergencies?**

Newly received compensation claims (primary and deceased estates) will be considered for a preliminary award within 6 weeks of being deemed eligible for the scheme. A preliminary award is the minimum compensation someone will receive under the Scheme and represents Level 1 under the Impact on Life category.

Following this, claims will be assessed in more detail to determine whether someone is entitled to more compensation under the Impact on Life category, and/or other categories. We will process claims as quickly as possible however, each person's claim is deeply personal and requires careful and detailed consideration to understand their individual circumstances and experiences. This holistic approach necessarily takes time but is ultimately beneficial to individuals.

Urgent and exceptional payments are paid to individuals experiencing acute difficulties that affect their life, dignity or ability to return to the UK, and where it is clear that an individual is unable to wait for their compensation claim to be resolved and an award paid. Where an individual makes it known that they are experiencing acute difficulties, they will normally be directed towards the dedicated Vulnerable Persons Team, who can advise individuals on the support available, including the policy on urgent and exceptional payments.

Payments are made on an exceptional basis, and the dedicated Vulnerable Persons Team will consider whether there are any other actions that can be taken in the first instance in order to address individuals' needs, for instance by liaising directly with landlords, employers, debtors or utility providers. Where payments are made, these will normally be for less than £5,000. The Vulnerable Persons Team work to make urgent and exceptional payments as quickly as possible, but no more than 14 days following a request for support.

Payments are effectively an advance on a future compensation award, and they will normally be accounted for as part of any subsequent compensation award.

**10. Who has received preliminary payment on here? I never received nothing 18 months on now, not a penny, so who are these 100s of people receiving it?**

We publish data monthly and will release data on prelim payments in due course.

**11. What is covered under the exceptional payment?**

Urgent and exceptional payments are paid to individuals experiencing acute difficulties that cannot wait for a compensation claim to be resolved and an award paid. Payments will normally be for less than £5,000 and will normally be accounted for as part of any future compensation award.

In order for a payment to be made the circumstances of the request will be exceptional, meaning that they affect an individual's life, dignity, or ability to return to the UK in urgent circumstances. The Windrush Help Team will also consider whether there are any other steps that may be taken in order to resolve an individual's needs. Any individuals that think that they may be in need of support should get in touch with the Help Team, who can advise



on best course of action and whether they may be eligible for an urgent and exceptional payment.

**12. Correspondences between the Home Office Windrush Compensation team is currently being sent via post. In the current climate, would it not be practical and quicker to be updated on the progress of the claimants claim via email and phone?**

This isn't correct. We use the address indicated by the customer and will communicate with the customer by email and phone where possible. This is for all elements of the Windrush Compensation journey now as additional measures have been put in the place by the Payments Team to ensure security with offers and bank details.

The customer is always given an option as to how they want us to communicate with them and we regularly check with them to understand their continued requirements and will update the method of communication based on their individual personal preferred method. We have had a continued presence of trained staff within the office throughout each lockdown to ensure that anything sent to or received from the customer is actioned in a timely manner which has enabled us to continue providing a full service to meet all our customer's requirements.

**13. Can Thomas say whether he's seen any notable increase in the numbers of people applying for compensation (possibly month on month as a comparator) since the Home Secretary's announcements re the changes on the 14 December?**

Intake into the scheme has increased from previous months, with over 80 claims received in December and over 100 in January. We are therefore cautiously optimistic the changes may be encouraging more people to apply, but intake is still not at the levels of the early months of the Scheme.

**14. I was asked to change Probate Office protocol before my claim was to be processed further. How am I as an ordinary person, going to alter how the Probate Office operates? That is one way in which the Scheme has stymied claims indefinitely. It is extraordinary.**

On the specific subject of probate, claims can be brought on behalf of the estate of a deceased person, in line with existing will or intestacy laws. In order to progress those claims, we must see evidence of an individual's authority to act on behalf of the estate. This is to ensure that the Home Office is paying compensation to the right person. We understand that for some, a Grant of Representation may not have been needed up until now. We also appreciate that some individuals have been advised that a Grant of Representation is not necessary. We are actively exploring what support we might be able to provide individuals with, in order to assist with the processing of their claims.

**15. I had a claimant who tried to find out about her claim by phone and it took so long, when she finally got through, she was told that her claim form was lost. She has had to start all over again. More time wasting and stress it has been a year now. But we persevere.**



Without knowing the details of the case this is difficult to comment on, all applications received into the team are registered on our computer system and the claim form uploaded, I would be happy to look into this particular case though if I can be provided with the details

**16. They are obsessed with evidence though they created this problem.**

We have made the evidential threshold as low as possible and the Scheme now operates fully on the balance of probabilities. We ask for the minimum evidence necessary to reduce the burden on individuals whilst maximising the offers we can make.

Caseworkers use all data and information available to them to process claims, especially that held on our own databases. They exhaust all internal routes before asking for more information from individuals.

Where there are evidence gaps, we have data sharing agreements with other government departments and will contact third parties such as previous employers, to obtain additional information on individuals' behalf.

Caseworkers will also draw upon all information gathered and their comprehensive understanding of an individual's experiences and struggles, developed through the caseworking process, to make a holistic assessment of the claim.

But, in order to be entitled to a payment under the scheme someone has to show that they have suffered a detriment due to being unable to demonstrate their lawful status. This does, unfortunately, mean we need to gather evidence to confirm this.

**17. All claims should be assigned unique claimant numbers which should be sent via SMS/Text message and Email, with details on what stages the claim is at and information on how to contact the support team. It is ridiculous to have to wait for weeks on weeks in limbo for an offer that you may or may not accept.**

We aim to update people every month, although people can request contact to be less frequent if there is no substantive change on their case

**18. I could not get a driving licence because I did not have any documents.**

DVLA will deal with claims relating to loss or refusal of driving licences in line with their existing procedures. We will send any claims for loss or refusal of a driving licence to DVLA to deal with/ DVLA will liaise directly with individuals and makes arrangements if they consider appropriate for settlement with the claimant. The DVLA tariff compensation payment is £50 a month up to a maximum payment of £500.

**19. It is IMPOSSIBLE not to have had detrimental impact on life from Windrush.**

The victims of the Windrush scandal suffered terrible injustices, and we are absolutely determined to ensure we do everything in our power to right the wrongs. The Home Secretary has apologised unreservedly to victims and their families for the injustice, hardship and suffering they endured at the hands of successive governments over several decades.



The Impact on Life category is specifically designed to cover the non-financial impacts individuals may have faced as a result of being unable to demonstrate their lawful status, including a deterioration in physical or mental health.

This category is awarded in a series of levels with payments ranging from £10,000 for detriment where the effect on an individual was fairly short-lived, up to £100,000 plus where the effect on an individual was profound and likely to be irreversible.

The changes we made in December mean that awards for Impact on Life will be more aligned to the Judicial College guidelines for the assessment of general damages in personal injury cases – particularly psychiatric damage and post-traumatic stress disorder – without involving individuals in the time, cost and formal procedures required by a civil claim.

**20. It's absolutely appalling that claimants will lose out on tens of thousands of pounds of compensation because they may not be able to submit documentary evidence of mental and physical health impacts. Many claimants had no access to a doctor or dentist. Moreover, mental health is still a taboo and stigmatised in the black community so hundreds of claimants may not have confided in their GP. It is obvious that if someone was wrongly sacked and was destitute for years, they will have suffered chronic stress and trauma. Some people lost their jobs in 2009 and may never work again. How can they be put on Level 3 impact on life tariff because they lack medical evidence? Level 4 is £70k but almost impossible to get. Level 5 is £100k or more but again, almost impossible to get. Tom, please stop insisting on medical evidence. That is not the only way to prove impact.**

Where people tell us about experiences that mean we think an award at the higher levels of the Impact on Life scale would be appropriate, more evidence, which may include medical evidence, is likely to be required to support their claim.

However medical evidence is not essential, and we can make awards without it. Equally, medical evidence does not have to be contemporaneous with the issues suffered and we can (with an individual's permission) commission and pay for a medical report where it would support the resolution of a claim.

To date, we have not needed to commission such a report and have instead been able to assess an individual's claim using evidence provided by them, or that we have been able to obtain for them, such as GP and medical records or details of prescriptions.

Caseworkers also, as outlined above, take a holistic view and draw upon their understanding of an individual's experiences and struggles developed through the caseworking process as far as possible. A final decision on Impact on Life is usually taken at the end of the caseworking process. Further reducing the need to ask for or commission specific medical evidence.

**21. I don't even know the name of my caseworker who will deal with my claim in for tier 1 review now, there is no direct contact number, we can't speak to him, helpline is like a child line with no real help.**



When the customer submits a request for a Tier 1 review, the customer receives an acknowledgement letter. It does include the named contacts within that team, in the same way we notify customers who their names caseworkers are who will be progressing the claim

**22. What's the role of Windrush vulnerable persons team? They aren't any useful help.**

Our priority has been to ensure individuals who have struggled to demonstrate their right to be here are supported to do so. Members of the Windrush generation can apply for documentation confirming their status, including British citizenship if eligible, under the Windrush Scheme.

Applications under the scheme are free of charge and individuals eligible for citizenship applications are accepted as satisfying both Knowledge of Life in the UK and English Language requirements

Our Vulnerable Persons Team provide dedicated help and advice to individuals where safeguarding and vulnerability issues are identified. The team work with government departments, the NHS, police, housing providers, employers, utility providers and landlords to find practical solutions to vulnerability issues.

Our process for support in urgent and exceptional circumstances provides financial support for members of the Windrush generation in urgent need. These payments can be for a wide range of things, from supporting people to buy basic furniture and cooking equipment for their accommodation, to helping people tackle urgent debts which jeopardise current living arrangements.

**23. How many of the people that you have hired are culturally aware or have lived experience of what it really means to be a Windrush person?**

**24. Is there a case for some real training to be delivered to those working on the Windrush Schemes? It seems the practicalities of delivering the schemes is rather cumbersome.**

All staff are clear that the objective is always to ensure that people receive the maximum compensation they deserve and are entitled to.

All staff undertake a training programme which provides a holistic overview of the scheme and includes a module which provides a history of Windrush and what happened prior to the launch of the Compensation Scheme. It includes clips of individuals from the Windrush generation, as well as case studies, to provide insights into the way people have been affected.

The training also focuses on skills including telephony and communications. Staff who regularly deal with vulnerable people receive specialist training provided by the Samaritans.

Once staff have completed this programme, they follow a structured mentoring programme which further develops caseworkers' skills and knowledge.

As the scheme has now been existence for some time, we are conducting a light touch review of all Scheme training material, guidance and letters to ensure that they reflect our learning over time. We plan to involve stakeholders in aspects of this work.



**25. Most of the claimants should be on Impact on Life tariff Level 5. Imagine being out of work for 9 years?**

The Impact on Life category is awarded in a series of fixed levels with payments ranging from £10,000 for detriment where the effect on an individual was short-lived, up to £100,000 plus where the effect on an individual was profound and likely to be irreversible.

The level awarded will depend on an individual's personal circumstances and experiences, and the severity and duration of impacts.

Where people lost jobs or were unable to work because they were unable to demonstrate their lawful status, they can be compensated specifically for this under the Loss of Access to Employment category. Under this category people will receive compensation for the period they were unable to access employment because they were unable to demonstrate their lawful status.

Where an individual's actual salary is known, this will be used to calculate the award (unless the general tariff results in a higher award in which case we will use that), and where an individual's salary is unknown, a general tariff will be used. As part of the changes in December, we have also expanded the category criteria so more individuals will be entitled to compensation.

**26. What is the resolution on these issues more than 2 years in?**

**27. The reliance on evidence to be eligible for compensation on matters that may have occurred over 40 years gives the impression that the compensation scheme is designed to fail for most people. Where is the compensation for Windrush people who by acknowledgement of this scheme have suffered invaluable losses due to adverse impact on life?**

Please see response 16

**28. Home office needs set an example by compensating us with dignity and respect so other will come forward.**

The Home Office is determined to learn lessons and right the wrongs experienced by the Windrush generation. We want people to get the maximum compensation to which they are entitled, and we will work with individuals to support them in this. Since April 2019 the Scheme has offered more than £12 million in compensation.

We continue to listen and respond to feedback to ensure the Scheme is operating effectively, as demonstrated by the changes we made in December will ensure people receive significantly more money, more quickly. And within six weeks of making these changes we had offered more than we had in the first 19 months of the scheme, with more offers being made each week.

**29. Trust me even with all the proof is proving to be a challenge to convince their unique caseworkers.**

See answer to question 16.

**30. Can the Home Office cope with a large influx of claims?**



The Scheme reviews resources on a monthly basis, as part of a rolling recruitment strategy to fill roles as soon as there is a need. We are in the progress of revising our capacity plans and hope that we will be able to go further than this in terms of shortening the overall time between submission and decision. We are continuing to recruit into the case working team and are aiming to raise staffing numbers from 100 in June 2020 to 150 in June 2021. Given the complexity of the scheme, we stagger the deployment of new staff in order to manage the impact on overall output.

**31. There are still hundreds or thousands of Commonwealth citizens who were settled here before 1973 who are stranded overseas.**

The Windrush Scheme is open to applications from Commonwealth citizens that were settled in the UK prior to 1973 but who are now outside the UK. Commonwealth citizens that no longer hold settled status in the UK, but who have retained strong ties and wish to resume their settlement here, may apply for a Returning Resident visa free of charge under the Scheme. There may also be some individuals living overseas that have the right of abode in the UK. They are entitled to return to live in the UK and may apply for documentation confirming their right of abode free of charge under the Scheme.

Overseas applications are considered in the same way, and by the same case working team, as applications from individuals inside the UK. Where an individual's application has been refused, they may request a review or make another application free of charge. Reviews are considered by an independent caseworker who is not a member of the Windrush Help Team.

The Home Office has taken steps to enable applications from overseas and we are currently reviewing evidence to inform development of next phase overseas communications and engagement activity.

**32. Could we arrange a special taskforce with key stakeholders and HO to look at the specific reasons why people are not applying for compensations? Then devise an action plan and investment to achieve this?**

We are currently developing proposals for new research to understand how people who haven't applied to the Windrush Compensation Scheme have responded to changes in the scheme's offer and gain deeper understanding of any barriers or negative perceptions that prevent people from applying, and what we can do to overcome them. This will inform communications strategy, planning and delivery.

Engagement and outreach have been a core part of our response to the Windrush issue since the Windrush Taskforce (now known as the Windrush Help Team) was established in April 2018 to help people secure the documentation they need to evidence their lawful status.

Since the launch of the Compensation Scheme in April 2019, we have hosted UK-wide engagement events to inform and encourage those eligible to apply to the Schemes. These events are open to the public and are organised and promoted with the assistance of local authorities, stakeholders, trusted partners (including faith and non-faith leaders) and the Windrush Volunteer Network.



To date, approximately 137 engagement and outreach events have been held across the UK. These events include over 30 public community engagement events to raise awareness of the Windrush Schemes, and approximately 80 one-to-one surgeries to help people apply for documentation through the Windrush Help Team.

Since May 2020, due to social distancing measures, events are being hosted online. To date, we have held 27 online events. Further information on events is available at: <https://www.gov.uk/guidance/windrush-engagement-events>. We will review and resume this activity in early 2021.

We launched a £750,000 national communications campaign in August 2020, to make sure those most affected around the UK are aware of the support available to them and know how to apply for the Windrush Scheme and the Windrush Compensation Scheme. The campaign ran until mid-October, across radio, press, digital, paid search advertising and community channels and features real people who have applied to the Windrush schemes, and caseworkers from the Windrush Help Team, to show the benefit of applying and the human faces behind the service.

Around 40 community ambassadors were recruited to support the Windrush grassroots campaign by undertaking activity to promote the Windrush Schemes through their personal community networks with the aim of increasing uptake to the Schemes. Their role was to inform, signpost and guide those affected to the correct support.

To promote both the Windrush Scheme and the Windrush Compensation Scheme to UK-wide communities in order to maximise reach and increase uptake, we are also undertaking wider engagement activity with key sectors, organisations and associations to inform and signpost.

**33. GOV.UK £500,000 fund for 2021 Windrush Day celebrations launched published 20th Jan 2021 Deadline 10th March 2021 Councils are to benefit yet again from this announcement up to £25,000 each to host events yet the councils/authorities have never entertained our culture but now there is a pot of funding to be accessed I hope this is not a tick box exercise.**

The Home Office and MHCLG Funds are separate from each other. We have launched the Windrush Community Fund and MHCLG launched the Windrush Day Grant.

We have launched a £500,000 Windrush Community Fund for grassroots organisations to bid to help improve uptake and awareness of the schemes.

The £500,000 Windrush Community Fund will support community and grassroots organisations to run outreach and promotional activity to raise awareness of the Windrush Scheme and Windrush Compensation Scheme.

The Home Secretary announced the Community Fund open for applications on Monday 14 December.

The funding will be available in two separate phases to ensure as many community and grassroots organisations have the time to apply for funding.



The first phase of funding opened for applications until Friday 12 February 2021. A second phase of funding will open for applications on 1 April 2021 until 30 June 2021.

A minimum of £2,500 and a maximum of £25,000 will be available to apply for, and projects will have up to 12 months to deliver their projects.

We are working closely with Voice4Change England – who work with Black, Asian and Minority Ethnic community groups and partners across the UK – to administer the Community Fund.

V4CE are happy to provide guidance and support for organisations that need help with completing the application form, including which supporting documents to provide, such as bank statements.

Successful applications in Phase 1 will not be eligible to apply in Phase 2 – this is so we ensure as many organisations as possible are able to access the funding.

- The Windrush Day Grant Scheme is led by the Ministry of Housing, Communities and Local Government. The Scheme provides £500,000 funding to communities looking to celebrate, commemorate and educate about the Windrush generation and their contribution.
- Applications for Windrush Day Grant 2021 opened on the 20 January and 10 March 2021.
- Online workshops for potential applicants took place on 2 February and 11 February 2021 to provide information to organisations looking to apply to the scheme.
- The Home Office and MHCLG Funds are separate from each other, so if organisations are eligible and wish to apply for both we would really welcome applications.

**34. The reputation with the Home Office within the Caribbean communities is not great. Remember these people have lived in fear over the fact that there were labelled as illegal immigrants in a country that they grew up in and were already BRITISH! Some have lost their jobs and homes and, in some cases, caused damage to their mental health. There is a stigma amongst the community of disbelief with the HO and fear that this compensation scheme has a hidden agenda. (IMO)**

The victims of the Windrush scandal suffered terrible injustices, and the Home Secretary is absolutely determined to ensure we do everything in our power to right the wrongs.

Hundreds of thousands of individuals from the Caribbean and beyond have made an immeasurable contribution to our society, helping to rebuild our country after the devastation of the Second World War and building their lives in Britain.

However, serious mistakes by successive governments and significant failings on the part of the Home Office resulted in thousands of this generation suffering shameful treatment.

The Home Secretary has apologised unreservedly to victims and their families for the injustice, hardship and suffering they endured at the hands of successive governments over several decades.



The memory of the Windrush scandal will remain a difficult one for the Home Office for many years, but we are turning this into a focused and meaningful response.

The Home Secretary has confronted the findings of the Windrush Lessons Learned Review head on and we are taking swift and decisive action to make amends and to build a better Home Office. We have put people at the heart of the compensation scheme, and the reforms we are making in response to the Lessons Learned Review.

We continue to work to support those who were so badly let down by the Windrush scandal, and we are working at pace to transform the culture within the department that allowed it to happen.

In September 2020 the Home Secretary published a Comprehensive Improvement Plan setting out the work underway across the Home Office to deliver the lasting and meaningful change the Windrush generation deserve, and to make sure that the Home Office better represents all the communities it serves.

We know we have more to do to reach out to affected and people and build trust. We have worked extensively with communities and stakeholders to raise awareness of the Windrush Scheme and Windrush Compensation Scheme, including attending or hosting approximately 137 engagement and outreach events and surgeries.

We have been running a £750,000 nationwide communications campaign designed to encourage those affected to obtain the documentation they need and the compensation they deserve.

We have launched a £500,000 Windrush Community Fund for grassroots organisations to bid to help improve uptake and awareness of the schemes.

**35. There needs to be more action with getting people who are eligible to come forward. More information should be provided to all applicants and their families.**

Please see above response to question 34

We have been running a £750,000 nationwide communications campaign designed to encourage those affected to obtain the documentation they need and the compensation they deserve. The campaign included advertising, media partnerships, and recruitment of 40 community leaders as Windrush Ambassadors to raise awareness of the schemes and signpost support. Whilst the original programme has now come to an end, we are planning to work with Ambassadors in the longer term.

The Windrush Community Fund has also been set up to provide £500k to community and grassroots organisations to raise awareness of the schemes and encourage people to come forward.

In addition, to promote both the Windrush Scheme and the Windrush Compensation Scheme to UK-wide communities in order to maximise reach and increase uptake, we are undertaking wider engagement activity with key sectors, organisations and associations that could provide greater access to the Windrush generation, particularly those affected who may be vulnerable, or difficult to reach.



To date, we have made contact with several key areas including local government, the Devolved Administrations and the Department for Transport to inform, signpost and cascade messaging, building on existing relationships and communication channels with stakeholders where possible as well as exploring new opportunities for engagement.

We are committed to finding ways of encouraging more people to apply for the schemes. We are currently developing proposals for new research to understand how non-applicants to the Windrush Compensation Scheme have responded to changes in the scheme's offer and gain deeper understanding of any barriers or negative perceptions that prevent people from applying, and what we can do to overcome them. This will inform ongoing strategy, planning and delivery.

**36. The HO needs to sit with the actual victims and listen to them. We should have been consulted in regard to the tariffs and the overall scheme. You cannot go to people who have not lived it and expect them to understand it. You need to speak to the people who are going through it.**

Please see above response to question 35.

Engagement and outreach have been a core part of our response to the Windrush issue since the Windrush Taskforce (now known as the Windrush Help Team) was established in April 2018 to help people secure the documentation they need to evidence their lawful status.

Over 80 outreach surgeries have been held across the UK including Glasgow, Cardiff, Southampton and London in places of worship, care homes, community centres, and other locations to assist individuals with obtaining documents to prove their status. Outreach events have provided a one to one surgery style service to affected individuals, also allowing them to share personal accounts of their experiences. The continuation of this service on a virtual platform remains an important aim for the programme.

A dedicated Windrush Engagement team was set up later in 2018 to work closely with Strategic Communications to respond to the Windrush issue. In 2018, Focus groups were held across the UK and the public were consulted to help shape the Windrush Compensation Scheme (WCS) to meet the needs of those affected as best as possible. These were held with independent advisers Martin Forde QC (Windrush Compensation Scheme) and Wendy Williams (Windrush Lessons Learned Review).

**37. Why cannot tax records be looked at to confirm employment?**

Where individuals are unable to provide evidence of their earnings, we do all we can to help them to obtain this. We have data sharing agreements with HMRC, and we will contact previous employers or employment agencies, and have made numerous actual awards as a result of information gathered by caseworkers from these sources. We are, however, limited by the data retained by these departments or organisations.

**38. Wendy Williams referred to a Home Office memo which was being circulated in 2006, warning Home Office staff about long-term lawful residents and advised them to handle their cases with sensitivity. Many of these residents tried for years and years to regularise their status but kept on being refused. They were trying to confirm their lawful status and had never been illegal immigrants. Lo**



**and behold, when the Windrush Scandal broke in April 2018, those same people who had been rejected were now granted British citizenship. What had changed? This scandal was foreseeable and avoidable so the onus should not be on claimants to provide reams of evidence to get compensation. Others travelled and could not re-enter the UK.**

The victims of the Windrush scandal suffered terrible injustices, and the Home Secretary is absolutely determined to ensure we do everything in our power to right the wrongs.

Hundreds of thousands of individuals from the Caribbean and beyond have made an immeasurable contribution to our society, helping to rebuild our country after the devastation of the Second World War and building their lives in Britain.

However, serious mistakes by successive governments and significant failings on the part of the Home Office resulted in thousands of this generation suffering shameful treatment.

The Home Secretary has apologised unreservedly to victims and their families for the injustice, hardship and suffering they endured at the hands of successive governments over several decades.

The memory of the Windrush scandal will remain a difficult one for the Home Office for many years, but we are turning this into a focused and meaningful response.

The Home Secretary has confronted the findings of the Windrush Lessons Learned Review head on and we are taking swift and decisive action to make amends and to build a better Home Office. We have put people at the heart of the compensation scheme, and the reforms we are making in response to the Lessons Learned Review.

We continue to work to support those who were so badly let down by the Windrush scandal, and we are working at pace to transform the culture within the department that allowed it to happen.

In September 2020 the Home Secretary published a Comprehensive Improvement Plan setting out the work underway across the Home Office to deliver the lasting and meaningful change the Windrush generation deserve, and to make sure that the Home Office better represents all the communities it serves.

We know we have more to do to reach out to affected and people and build trust. We have worked extensively with communities and stakeholders to raise awareness of the Windrush Scheme and Windrush Compensation Scheme, including attending or hosting approximately 137 engagement and outreach events and surgeries.

We have launched a £500,000 Windrush Community Fund for grassroots organisations to bid to help improve uptake and awareness of the schemes.

### **39. Is there a timeframe for when applications need to be received by?**

The Windrush Compensation Scheme is currently open for claims until April 2023.

The Windrush Scheme is open to applications from members of the Windrush generation that were settled in the UK prior to 1973 but who are now outside the UK. These are people that came to the UK before the Immigration Act 1971 came into force, and who would not



have been subject to the immigration controls which that Act introduced on individuals entering the UK from 1973 onwards.

People living overseas that have a right of abode in the UK may apply for documentation confirming this. In addition, members of the Windrush generation who previously held indefinite leave to remain in the UK, and have retained strong ties to the UK, may apply for a Returning Resident visa if they would like to return to live in the UK permanently.

Overseas applications are free of charge and are considered in the same way, and by the same case working team, as applications from individuals inside the UK. Where an individual's application has been refused, they may request a review or make another application free of charge. Reviews are considered by an independent caseworker who is not a member of the Windrush Help Team.

#### **40. How much is it costing to administer the compensation scheme?**

Information relating to estimated costs and allocations, including compensation payments, is contained in the Home Office's Impact Assessment IA No: HO 0329 dated 29/1/20. The Home Office has secured funding from HM Treasury for the scheme, and there is no cap on the amount of compensation an individual can receive.

<https://www.gov.uk/government/publications/windrush-compensation-scheme-impact-assessment>

#### **41. My uncle and several elders that I know have already died in Nigeria. They tried for years and years to return to the UK, but they were told that their ILR had lapsed when it actually hadn't. They never got their UK pensions. There was a lot of confusion back then about staying abroad for 2 years and ILR lapsing. That rule did not actually apply to Commonwealth Citizens, but thousands got stuck abroad because of that 2-year rule.**

While many members of the Windrush generation subsequently registered or naturalised as British citizens after coming to the UK, others have remained lawfully settled in the UK as Commonwealth citizens with indefinite leave to remain or a right of abode. Where an individual has remained outside the UK for two years or more their indefinite leave to remain will lapse. Individuals with strong ties to the UK may apply free of charge for a Returning Residents visa should they wish to resume their settlement in the UK.

We are committed to ensuring that members of the Windrush generation that are eligible for British citizenship are supported to naturalise under the Windrush Scheme. Applications are free of charge and members of the Windrush generation are accepted as satisfying both Knowledge of Life in the UK and English language requirements.

#### **42. If you are looking for people to apply, the best solution would be to set up surgeries, manned by people already doing Windrush work, in the various cities throughout the U.K affected people would be more trusting in coming forward.**

The Home Office has held several briefing sessions with key stakeholders following the changes announced in December to inform and update as well as to provide an opportunity for questions and concerns to be expressed. Additionally, we have attended and continue to



attend stakeholder-led events for this purpose. As part of our ongoing engagement strategy, we are committed to continued dialogue with all our key stakeholders to provide information on further updates to both the Windrush Scheme and Compensation Scheme through briefing sessions as and when changes occur.