



Windrush National Organisation
Advocating Fairly For A Better Future
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www.windrush.org.uk

Windrush Compensation: A Question of Fairness, Equality and Justice

Having watched the recent Public Accounts Committee hearing examining several government compensation schemes, I was struck by an observation that deserves serious consideration.

The schemes discussed included compensation for victims of the infected blood scandal, the Post Office Horizon scandal, LGBT military veterans, and the Windrush generation. Each scheme seeks to address profound injustices that should never have occurred. Each represents an acknowledgement that the state failed people who were entitled to expect better.

What immediately caught my attention was that three of the four schemes provide access to legal assistance for claimants. The Windrush Compensation Scheme does not.

It is important to state at the outset that this is not a criticism of advocates or advocacy services. The Windrush National Organisation itself provides advocacy support and understands the vital role that advocacy plays in helping individuals navigate often complex processes. Advocates work tirelessly on behalf of claimants and provide an invaluable service.

However, advocacy and legal assistance are not the same thing.

What I saw on the screen before me during the committee hearing spoke volumes. In three compensation schemes, claimants are given access to legal support to help them understand their rights, gather evidence, challenge decisions where necessary, and ensure that their claims are properly presented. Windrush claimants do not currently have access to the same level of support.

The issue is not simply about solicitors. It is about access to justice and ensuring that claimants have the same range of options available to them as others who have suffered injustices at the hands of the state.

No amount of compensation will ever replace the humiliation, trauma, anxiety and suffering endured by members of the Windrush generation. No financial award can restore lost years, missed opportunities, broken family relationships, unlawful detention, homelessness, damaged careers, or the emotional toll of being told that you do not belong in a country you have called home for decades.



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Yet if compensation is to serve its purpose, the process itself must be fair, accessible and equitable.

The disparity highlighted during the Public Accounts Committee hearing raises a legitimate question. Why should victims of one government failure have access to legal assistance while victims of another government failure do not?

This question becomes even more significant when viewed through the wider historical experience of the Windrush generation.

The Windrush scandal did not emerge from nowhere. It was the consequence of decisions and policies implemented by successive governments. The people affected were invited to Britain to help rebuild the nation after the Second World War. Many arrived as Citizens of the United Kingdom and Colonies. They came to what they regarded as their mother country, answering a call for workers and contributing enormously to the economic, social and cultural life of Britain.

Yet too often their experience has been one of rejection rather than acceptance.

Many remember the signs that read, "No Blacks, No Irish, No Dogs." Others remember hostile attitudes that treated Caribbean people as a problem to be managed rather than citizens to be valued. The Windrush scandal itself represented perhaps the most devastating manifestation of that mindset, with thousands of law-abiding people finding their status questioned, their rights denied and their lives turned upside down.

Even the story of the Empire Windrush carries a symbolism that should not be forgotten. When the ship arrived at Tilbury in June 1948, permission to dock was initially delayed while Parliament debated the implications of its arrival. Nearly eight decades later, many members of the Windrush generation and their descendants may reasonably ask whether that initial hesitation has ever truly disappeared.

The compensation scheme was supposed to represent a moment of recognition, reconciliation and justice. It was supposed to demonstrate that lessons had been learned.

That is why the disparity revealed during the Public Accounts Committee hearing is so important.

This is not about special treatment. It is about equal treatment.

If legal assistance is considered necessary and appropriate for claimants in other major compensation schemes arising from state failures, then there is a compelling argument



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that Windrush claimants should have access to similar support. Advocacy services should remain available and properly funded, but claimants should also have the opportunity to access other forms of assistance where appropriate. These approaches are complementary, not competing.

The Government now has an opportunity to take stock and level the playing field. Doing so would send a powerful message that all victims of state wrongdoing are entitled to the same standards of fairness, dignity and support.

The Windrush generation has already contributed enormously to this country and has endured more than its fair share of hardship. The question now is a simple one.

When will this cycle of unequal treatment finally end, and when will all victims of government wrongdoing be afforded the same opportunities to secure justice?

Until that question is answered, the concerns highlighted by the Public Accounts Committee hearing will remain impossible to ignore.

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