

## Questions from WNO Meeting 17<sup>th</sup> March 2022

Adam Greaves: Why do you think the number of compensation claims completed is so low compared to the original estimate of 15 000 submissions? what percentage does the 960 completed represent for the actual number of claims submitted and still "in process"?

The early projections of around 15,000 potential claimants were intended to ensure that there were sufficient finances available. Estimates were reduced on review in April 2021 to between 4,000 and 6,000 claims. The Home Office continues to reach out pro-actively to communities to ensure that they are aware of the Windrush Compensation Scheme. Stakeholders are encouraged to similarly reach out to the cohorts of people they support. Details of the numbers of claims and outcomes is included in our Transparent Data and accompanying Fact Sheet. Details can be found here:-

[Windrush Compensation Scheme data: February 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/transparency/windrush-compensation-scheme-data-february-2022)

[Windrush Compensation Scheme factsheet – March 2022 - Home Office in the media \(blog.gov.uk\)](https://www.blog.gov.uk/2022/03/windrush-compensation-scheme-factsheet-march-2022/)

J Greaves: What does it mean when you are told " your case has now been allocated to a case worker"? Is this #1 on their case load or #999 in a case load of 1000?

This means that the Identity and initial eligibility checks have been completed and the claim has been allocated to a caseworker to consider. Claims are normally allocated in strict date order.

J Greaves: How many people have actually had preliminary payments? How many people, not how much paid out?

This is in the Transparency Data mentioned above @ WCS\_03 Column C.

[Windrush Compensation Scheme data: February 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/transparency/windrush-compensation-scheme-data-february-2022)

Jeff: All the improvement sound fantastic, but how does it measure against the number of compensation claims being completed? it should be making the process more faster and streamlined? yet there are a number of claims that have not been paid out and the process does not seem any better then before.

The Scheme has made significant progress as at end of February £45m had been paid or offered and £37.7m had been paid across 993 claims. We fully accept that we still have much more to do.

Garrick Prayogg: Has the scheme been impact assessment on equality using toolkit

Yes, this review has also drawn on the responses to the Call for Evidence initially issued.

The assessment has been published and can be found at:

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

Dawn Hill: Do you have to have all the information before the £10,000 can be paid?

No not all evidence across all the claim heads needs to be submitted. There needs to be sufficient evidence to show that there has been an impact on Life due to an inability to confirm Indefinite Leave to Remain (Settled status) in the UK

Julia : Question Jamie what's your extended support to those families members that have seen their Windrush application pushed back due to the Ukrainian refugees we all appreciate the effort surrounding that Windrush applications appears to become greatly slow to deliver a resolution to Windrush applicant.

Home Office casework staff have not been diverted from the Windrush Compensation Scheme casework to support the work on Ukraine.

Julia: What is the Home office doing to address Windrush applications that have been confirmed Windrush yet they have to start the whole process to be able to apply for the Windrush scheme fund? Nigel that further delay the applicants successful claim for compensation ?

We are working hard to align Status determination with the Windrush Compensation Scheme to avoid the need for duplicate effort.

Garrick Prayogg: are you still dealing with claims from 2019

Yes, we still have a small number of claims being processed. We work hard with each claimant to ensure that all the necessary information is available to support the maximum payment possible under the Scheme. This means that some claims can take longer to finalise though we are working to reduce the time taken from claim to decision. Claims are normally considered in date order.

Mervin Caesar-John: Question: are there many cases coming through 'We Are Digital'?

At 6 April 2022, we have received 455 referred claims and 158 direct referrals totalling 613 total claims received via WAD. Some customers that have been referred by Help Team or go directly then decide to not submit a claim, say they will complete it themselves or get family member support.

Roland Houslin: A lot of people are not applying to scheme because they do not see the Home Office as genuine, ie claimant having to justify why the preliminary payment is needed.

We are working hard to ensure that the Scheme is accessible and fully supports any individual who would like to make a claim. Claims are considered on the balance of probability, so they only need to be able to show that it is more likely than not that the impact they describe occurred. The Windrush Compensation Scheme will compensate for an impact provided that was due to an inability to confirm existing Indefinite Leave to Remain (Settled status) in the UK.

Jeff: Please could you explain what are the last steps to a claim that has been reviewed by the independent adjudicator and has agreed with the claimants appeal for a review of the compensation offer?

Where the Independent Adjudicator decides that a decision on a compensation offer should be re-visited, we will reconsider the outcome as quickly as possible and notify the claimant of any outcome of that review.

Judy L. Richards, Sussex Racial Equality Action Project: The government says it is not complicated so people don't need solicitors. Nigel says it is complicated so how does the Home Office advise the government on, say, the need for free Legal Aid for claimants?

As I explained at the meeting a lot of work has been invested in simplifying the Primary Claim Form. We are Digital (WAD) provide a support service for those who need help and the Helpline together with our dedicated Vulnerable Persons Team can also provide additional support where required.

Roland Houslin: The information been given here by the HO about the preliminary payment is certainly not reflective of applicant's experience.

Comment noted – happy to follow up on any individual examples where an applicant has not experienced the process or service described?

J Greaves: Your answer re the preliminary payment is not clear. . If someone is told you are not eligible for the preliminary payment then it cannot be also true that they are eligible under Impact on Life category. both situation cannot be true.

We make a decision on a Preliminary Payment within six weeks of assessing an individual is eligible for the Scheme, though at that point there may not be sufficient evidence to conclude on the balance of probabilities that there is an entitlement to a payment under the Scheme. We are working hard to improve the early part of our consideration process to ensure that we can get the necessary information and evidence to pay a Preliminary Payment at the earliest possible point. It should be noted that Preliminary payments were only implemented from December 2020, so any claims concluded before that would only have received a substantive payment.

Julia davidson: Only 414 claims for the preliminary payment supposed to have been paid that's only 19per cent Considering the amount of staff that has been taken on to deal with the applications that percentage is not reflective of that NIGEL can you please respond to this Plz ?

As in the previous response, there are several of factors that impact on the ability to make a Preliminary Payment, primarily sufficient evidence on the balance of probabilities that there is an entitlement to a payment under the Scheme. On staff availability, a proportion of the new staff allocated are still receiving training or mentoring, we are working hard to get them sign-off and available.

Preston Windrush Generation & Descendants UK: 10 - 20 per caseworker is a lot when cases are taking more than 3 months. What is the average timeline per case?

Each claim is dealt with individually on the merits, with the claimant at the heart of those considerations. We work hard with each claimant to ensure that the maximum possible compensation that is available under the Scheme is paid out as quickly as possible. The timeline of reaching a conclusion will vary greatly depending on several factors, including the number of sub-heads claimed under, the level of impacts and the amount of information readily available. For example, if wider enquiries are required with previous employers or to gain information from Other Government Departments these can take some time to complete.

Garrick Prayogg: who do the monitoring and evaluation on a weekly basic or monthly

Monitoring of caseworkers' quality and overall systems quality is daily. Martin Levermore also monitors and reports back on the Scheme in monthly meetings. Any claimant who is not satisfied with an offer made can request an internal review. If following that review, they are still not satisfied then a further free review is available by an Independent Adjudicator.

Julia davidson: Nigel can you confirm how many claimants have been reimbursed £1500 when a deceased estate being dealt with by a family member ?

To clarify whether a claimant needs to pay for probate depends on the value of the estate:

- If the value of the estate is over £5,000, the application fee is £273.
- There is no fee if the value of the estate is less than £5,000
- We can reimburse the total fee if there is one payable
- We can also reimburse **up to** £1,500 in legal costs in relation to applying for probate

We have so far made payments promptly to all those who have requested them.

We have made 2 direct probate payments directly to the Gov.uk Probate Team and 3 reimbursements to customers for the probate application fee (£645.00 in total).

We have received two requests for payment up to £1500 for legal costs. One request for £1500 and a second for £1193.19, both have been paid totalling £2693.19.

Roland Houslin: Claimants are totally fed up of the HO misleading them, intentionally are not the end result is the same. It is totally frustrating and does not instill confidence. What the HO say is not reflecting in it's action.

We will always remain open and honest in our updates. The purpose of attending these sessions to try to re-build confidence and to genuinely listen to customer and stakeholder views and concerns.

Julia davidson: Nigel we have all heard on here now Terms used as FRONT END - BACK END ETC ? It would be useful to have directions on what these areas are covering to expedite applicants claims

Apologies we should have been clearer:-.

**Front end:** Includes receipt of the claim, upload to the system followed by the necessary identity and eligibility checks. These teams work closely with the Windrush Status teams to confirm eligibility to the Scheme. These teams also include our Helpline and Vulnerable Persons Teams

The claim would then be passed to an initial consideration team to determine a Preliminary payment where possible followed by substantive consideration of all of the heads of the claim by a caseworker. The payment team would then arrange payment.

**The back end:** Includes processes to consider any Tier 1 review requested and to work with the Office of the Independent Adjudicator where claims are returned for reconsideration.

J Greaves: HO has not addressed the change in the guidance to workers re the 2 year rule

A separate briefing session was provided to explain the requirement to correct the guidance to reflect the Law that has been in place since 1962.

A link to that detail is here:-

[Update to Home Office Casework Guidance - Home Office in the media \(blog.gov.uk\)](https://www.blog.gov.uk/2018/07/26/update-to-home-office-casework-guidance/)