

Home Affairs Committee

Oral evidence: [Work of the Home Office](#), HC 536

Wednesday 14 October 2020

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Members present: Yvette Cooper (Chair); Ms Diane Abbott; Laura Farris; Simon Fell; Andrew Gwynne; Adam Holloway; Dame Diana Johnson, Tim Loughton; Stuart C McDonald.

Questions 88 - 137

Witness

I: Wendy Williams, Her Majesty's Inspector of Constabulary, Her Majesty's Inspector of Fire and Rescue Services.



Examination of witness

Witness: Wendy Williams.

Q88 **Chair:** Welcome to this evidence session from the Home Affairs Select Committee. We are looking today at the Windrush scandal and the report by Wendy Williams into lessons learned.

Welcome to Wendy Williams from HMICFRS. Thank you for the report that you did into the Windrush scandal. The Home Affairs Committee has taken a close interest in this issue and has conducted its own inquiries into this over the years. It maintains a strong interest in the appalling treatment of the Windrush generation by their own Government and the importance of making sure that lessons are learned now. We want to cover some of the issues that you found as part of your report and also what needs to be done now to make sure that those lessons are learned. Can I start by asking if you were shocked by what you found when you conducted the inquiry?

Wendy Williams: I was incredibly moved by what I found. I did not know much about the scandal, I am ashamed to say, before being appointed to carry out the review. The more I looked into what had happened, the more concerned I became. From speaking to people who had been affected, that was both moving and, in some circumstances, a shocking experience.

The thing that particularly struck me was the sense of bewilderment on the part of people who had been affected. They had great dignity and could not understand what had happened. They were incredulous and, I have to be honest, so was I.

Q89 **Chair:** In terms of what you found when you looked at what the Home Office had been doing and was doing, and the way that it was operating, were there things there that shocked you? You have many years of experience of inspecting organisations and looking into different kinds of criminal justice organisations, as well as Home Office organisations. Did what you found within the Home Office shock you, or was it the kind of things you had seen before?

Wendy Williams: Would it be helpful if I set out what I did find and then go on to talk about my response to it? If not, I am quite happy to answer your question.

Q90 **Chair:** Obviously, we have your report and people have had the chance to read that. What would be interesting to know is what surprised you as part of it, and what struck you as being either the most important thing that the Home Office got wrong or the most important thing that you see it needs to do now. Rather than going through all the important recommendations, just highlight the most important or the one that you found most troubling when you came across it.

Wendy Williams: To summarise matters, I was appointed to carry out a review of the events leading up to the Windrush scandal. My terms of



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reference asked me to identify the policy, operational and legislative factors that led to members of the Windrush generation being caught up in enforcement measures designed for people who are here illegally. I was also asked what other factors played a part, why it was not spotted sooner and what my recommendations would be to hopefully avoid something similar happening again. In carrying out that review, I was asked to look at immigration law and policy, but also equalities law and the workings and operations of the Home Office.

In terms of the Windrush generation, it is important for me to make the point that the Windrush generation came to the UK from the Caribbean between 1948 and 1973, answering an invitation from the British Government to help rebuild the country following the Second World War. They came here, they settled here and they made a significant contribution to British society. It is fair to say that they are woven into the fabric of British society. They regarded themselves as British, and the Immigration Act 1971 makes that clear. The problem was they lacked the documents to prove it and official records were not kept.

Many people did register their status, but some did not. The report makes clear that various written assurances were given to the Windrush generation at the time of the registration campaigns confirming that their status would not be affected in any way, nor their rights, if they had failed to register their status. My report sets out the written confirmation given to those who made those queries at the time. We also came across an internal Home Office circular, which showed that the Home Office did not want to “stimulate a flood of applications” for registration at the time because it was worried that it would have insufficient staff to cope with the demand. The Windrush generation acted on those assurances.

Sadly, those assurances given by the Home Office proved to be hollow because when successive Governments in the 1980s, 1990s and right the way through set out to prove that they were being tough on immigration, they introduced a series of immigration enforcement policies, the most notable of which was the hostile environment policy. The aim of the policy was to cut off supplies to services like bank accounts and healthcare, but also jobs and housing, on the expectation that people who were here illegally and who could not provide documents would leave. The worst of it was that the Windrush generation were here legally and they had British status; they simply lacked the documents to prove it. At the point when the Windrush generation tried to prove their status, they were asked to provide an unreasonably high level of proof.

The situation is made worse by the fact that in 2006 we came across an internal Home Office circular that said that applicants from the Windrush generation who might seek to prove their status would find it difficult to do so decades after having entered the UK. The circular said that they were to be treated with discretion and sensitivity, but the Windrush generation were institutionally forgotten. Those who could not prove their status to this unreasonably high standard lost their homes, jobs, access to public



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services like healthcare, and in extreme circumstances their very sense of identity. Some were locked up and some were removed to their country of origin, a country that they had not seen in some cases for about 50 years.

The shocking aspect, as far as the review is concerned, is that there were external warning signs, but there were also internal warning signs. A number of organisations had come forward and had raised the risk that the policy might trap the wrong people, namely people who had status but lacked the documents to prove it. Despite that, the Home Office failed to listen, and policy was relentlessly pursued out of this resolute conviction that it was the right thing to do and that it would be effective.

In terms of my findings, I found that the Windrush scandal represented a profound institutional failure, in that it was both foreseeable and avoidable and that it was a long time in the making. I also went on to say that the Department had demonstrated a culture of disbelief and carelessness, but also a culture of ignorance and thoughtlessness on the issue of race and the history of the Windrush generation. There are a number of aspects that I found had occurred that should not have occurred and the signs were there that the Department failed to act on them.

In terms of my previous experience, I have carried out reviews of a different nature—thematic reviews into areas of policing, such as hate crime and also stalking and harassment—and it is the quality of service provided to individuals who trusted the Home Office and who, when they most needed help, did not receive that help that particularly stood out for me.

Q91 Chair: The Home Secretary responded to your review and recognised—I think these were her words—that it was “a fraction away” from finding the Home Office to be institutionally racist, as a result of the things that you looked at. Can you tell us how you came to that conclusion?

Wendy Williams: In terms of the consideration of institutional racism, I was asked to look at equalities law, immigration law and also policy. It was inevitable that I would look at the extent to which the Department was discharging its responsibilities effectively.

When it comes to institutional racism, many different people have many different views as to what it is. I went back to first principles and to Sir William Macpherson’s definition. He defines it as, “The collective failure of an organisation to provide an appropriate and professional service to people because of their colour...It can be seen...in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping”. It can also manifest itself in terms of direct discrimination or indirect discrimination.

My review was an informal lessons learned review. It was not a statutory inquiry. There were limitations to what I was able to explore, but there were a number of opportunities that were afforded by virtue of the fact that it was an informal review, because members of staff—hundreds of



them—came forward and they felt able to be open and candid. That was at all different levels. The process was a voluntary process; it was not a mandatory process. That enabled me to explore in some depth the approach of the Department.

As far as Sir William Macpherson is concerned, his definition looks at six indicators, which I can go into if you want to—

Chair: No, thank you; we are short for time.

Wendy Williams: In summary, I found evidence of four of the factors. In one of those four factors there was not a direct read-across. I did not find evidence of the remaining two indicators, but I concluded that I had sufficient concerns that led to me reaching the conclusion that I did in terms of the Department's position and the way that it deals with race. One has to remember that this is the foremost Department of State, which deals with race, migration, policy, nationality, national origin and ethnic origin. It is absolutely essential that the Home Office is alive to its responsibilities, such as the public sector equality duty, which I can come back to, but also that it serves its communities effectively by reaching out to them, by recognising vulnerability and by identifying the impact of its different policies on different groups and taking action either to avoid discrimination or to address it.

Q92 **Chair:** Very briefly—I know everybody else has a lot of questions that we need to cover—going back to the question I raised at the beginning, having looked at all of that, were you shocked by what you found in terms of the way the Home Office was operating; or did it not surprise you, given other problems you had found in other similar organisations? Just a very brief response; I am going to go to Tim Loughton in a second.

Wendy Williams: The important factor here is that the Department is responsible for some of the most contentious areas of public policy when it comes to public protection, enforcement and migration. If it has that significant responsibility, the Department has to discharge that responsibility effectively. That was not the case in the Windrush scandal. Mine is not the first review that has been carried out into the Home Office. Some of the findings that I identified are consistent with some of the findings of other reviews into the Home Office. That is why, in answering your question, I return to my first finding, which was that this was a profound institutional failure.

Q93 **Tim Loughton:** Can I congratulate you on what I thought was a comprehensive and readable report? It absolutely needs to be the basis for a turning point in the way the Home Office does its business.

I want to look at the whole issue of cultural change, which you highlight, and some quite robust phraseology that you have rightly used on the institutional ignorance and thoughtlessness towards race; the complexity of the immigration system, which created barriers to application; and a target-driven decision-making process, which removed discretion from case workers, and so on. How do we tackle that culture change that is so



needed? From the response you have had from the Home Secretary and others—and she has said that she expects to see nothing less than a total transformation of culture—how is it going so far, and do you think that Ministers have ownership and complete buy-in to that process?

Wendy Williams: In terms of how it needs to be tackled, I do go into this in the report. Some of the elements are tangible and some of them are intangible, but the review demonstrated that there were fundamental flaws in the Department's way of working and culture, and you have alluded to some of the examples of that. In tackling it, the Department needs to establish an organisational culture and professional development framework, which demonstrates that it values its staff and values the communities that it serves. That must lead to effective training, whether in the area of immigration law or more widely.

If I can talk about training in immigration law, in particular, the immigration legislative landscape is completely complex. A very senior person in the Department said that they did not believe—the Department accepted this—that there was anyone in the Department who understood the full impact of its own policies and legislation. That says to me there is a significant gap and an absence of a learning culture.

It starts from the top. The leadership at the top of the organisation—I welcome the fact that you refer to both Ministers and officials—has to demonstrate that it is serious about the plans and the actions to which it has signed up and it has to be consistent in providing those messages. From a ministerial perspective, I would see that as providing ministerial support, setting the standards, setting the expectation, holding officials to account and setting the example.

Q94 **Tim Loughton:** On the point about complexity, we have all found in our studies on this Committee and beyond that the immigration system is hugely complex. Whatever you think about it, it needs streamlining and simplifying for people applying to understand but also, as you have just said, for people running the system to understand. What you have just described about nobody in the Home Office understanding how it works is what led to the equivalent of the financial crash back in 2007, where nobody understood all these financial instruments that were being bandied around the world and that caused the financial crash.

To what extent is that being used as an excuse to hide the cultural lack of empathy or understanding of people who are involved in this whole process? As you put in the report, they are just viewed as numbers rather than as human beings who have specific requirements. Just because it is a rather complex requirement does not mean that they have to be written off just as numbers and you do not have to try to help them. Your point about training is absolutely right, but in recommendation 15, where you talk about devising a programme of major cultural change, you talk about officials within the Department being responsible for it, and you have just said absolutely that Ministers need to lead from the top. But do we not need something from outside as well? Otherwise, they are talking to



themselves and there is still a culture of denial by some people.

I do not know what your experience is of other Departments you have looked at, but when I was a Minister in a particular Department, there was a huge divide between the ministerial floor, where Ministers, directors and Permanent Secretaries sit, and the “other ranks”. I was always completely nonplussed that officials almost had to ask permission to approach you and ask something, which seemed to me like madness. How do you get through years or decades—I am sorry; this is a very long question—of that institutionalised apartheid, almost, in a Department between the decision-makers and the troops, let alone the people they are supposed to be there to look after and legislate for?

Wendy Williams: You have referred to the internal steps as well as the external steps. If I can deal with the external steps first, one of the significant points that I made in my report is that it is essential that the Home Office engage effectively with the communities it serves, other Government Departments, other interested parties, experts and the public who are affected by its policies. There was a tendency at the time of my review for the Home Office to go to what I have started calling the “usual voices”, because it drew from a narrow range of external consultees. My question was: is this genuine consultation or is this just a sounding board, but “We are just going to do what we are going to do”?

We saw that played out in the Right to Rent example, which is annexed to my report, where the landlords consultative panel felt that its presence there was not significant and for the most part its advice, suggestions and so on were not acted on.

The first aspect, which is the external aspect that I have identified, is that the Department needs to open itself up to much wider scrutiny and challenge because that is how good policy is made, and that is how effective performance is carried out.

As to the internal aspects, yes, as part of the review I interviewed members of staff from the most junior right through. I was struck by the number of occasions when caseworkers and junior staff said, “We were flagging these cases and we have been flagging them for some time, but nobody listened”. That is why in the report I talk about things like staff surveys and the extent to which the Department is listening to its own voices. As part of the improvement programme, I have suggested in the report that the Department refer to its own staff, as well as to external experts, in terms of what needs to change and how best to do so.

Q95 **Andrew Gwynne:** Can I also add my thanks to you, Ms Williams, for your report? It is an absolute eye-opener to those with no experience of the Home Office. I know this is some time ago now, but between 2005 and 2009 I was a lonely parliamentary private secretary to Patricia Scotland, as Minister of State, and then to Jacqui Smith as Home Secretary. The departmental flaws have long been known to those with experience of the Home Office. I think it was John Reid, as Home Secretary, who described



the Department as not fit for purpose. What indicators of successful cultural change do you expect to see as a result of your recommendations, both in the short term but, more importantly, in the long term?

Wendy Williams: The Department should demonstrate that it is listening, both internally and externally, and it should demonstrate that it is celebrating success. By that, I mean that the sorts of behaviours, performance and activities that are positive in the Department should be highlighted, but with that comes accountability. By contrast, those behaviours that would not be expected need to be rooted out. There are far too many examples—or there certainly were at the time of the report—of the Department not necessarily prioritising those aspects.

Other indicators are the attainment gap in terms of diversity and inclusion, which I go into in some depth. When one looks at the community that we serve and at the Home Office, the levels of workforce representation initially paint a positive picture, in as much as the Department's rate of staff from minority ethnic communities stands at 26%. Unfortunately, when you look at the detail, those staff are concentrated in the two most junior grades. As one goes up the Department in terms of seniority, the numbers dwindle away to single figures, whether in numbers or percentages. I regard this as an important indicator of success because I have spoken to members of staff who have said, "My family is from X. If I was sitting around that table and I had heard that these cases were coming through, I would have certainly raised a red flag and questioned it".

Workforce representation and effective training are essential. I hesitate because training is not the answer to everything, but a Department that does not understand the history of migration to from the UK, British colonial history, or the impact of its own policies and where they intersect is a Department that is labouring and it needs to address that.

Q96 **Andrew Gwynne:** Given the significant gap that you outlined to my colleague Mr Loughton, are you convinced that the Department can ensure that permanent cultural transformation? Are you confident that that change can or will be made?

Wendy Williams: I consider that the Department has a choice. It can really embrace my recommendations and periodically demonstrate its successes, or I suppose it can pay lip service to my recommendations, not institute that fundamental cultural change and run the risk of future serious flaws being explored. I am hopeful, and I see this as a telling moment. This is a seminal moment for the Department. All of the messaging that I have seen—I am included in the Department's distribution list—has been positive. It has talked about having outreach events with members of staff and getting their views as to its mission, its purpose, its culture and what needs to change.

Now is the time for action. It is only by those at the top making clear their expectations of those whom they lead; middle managers doing the same with those whom they lead; and frontline managers reinforcing those



messages, so the messages get through to the top, that those changes will result. If the staff do not see that—if all they see is a vacuum—and if they do not receive regular updates as to progress that has been made, that will be a significant, and possibly once-in-a-generation, opportunity lost.

Chair: Sorry to interrupt. Apologies for saying this, Wendy, but I wonder if you could give slightly shorter answers, simply because everybody has lots of questions to put to you. We want to make sure we can all get in. Back to you, Andrew.

Q97 Andrew Gwynne: Lastly, failures of institutional memory in the Home Office were obviously part of the cause of the Windrush scandal. It is something that you have flagged up, particularly structural changes like the movement of the Immigration and Nationality Directorate to the Home Office, and subsequent structural changes bringing the Border and Immigration Agency back in.

Which of your recommendations do you think the Home Office should prioritise to ensure that that institutional memory is strengthened and that the individual's experience is considered in future policy development?

Wendy Williams: This is where the training programme recommendation—I believe it is 15, but I could be wrong—goes into the elements of training that need to happen in quite some depth. In fact, it is recommendation 7; excuse me. They are the history of migration to and from the UK, British colonial history and the history of legislation in the UK and within the Home Office. That will work to institute that institutional memory, but there are also other aspects, such as ensuring that people are dealt with and treated with mutual respect. So the training about unconscious bias and the training about equality, diversity and inclusion are relevant not only for service delivery, but for the organisation.

Q98 Laura Farris: I echo others' comments; I thought the report was very comprehensive, clear and illuminating. I want to ask you one question about process and then about equalities law. You have referred to the public sector equality duty and also indirect discrimination. On process, you deal in your report with issues like training and leadership, but in terms of tangibles, do you think that the Home Office would operate better if it separated its staff into those who deal with current immigration claims and those who deal with historic immigration claims? In other words, there would be a cohort of dedicated caseworkers who looked at legacy work, which is basically what Windrush was, rather than those who were responding to the current immigration claims coming through.

Wendy Williams: I did not look into the structure of the Home Office, because at the time of my review it was undergoing another review, which was looking at the Department's structure—it was called the BICS review—so I do not have that information. What I can say is that the Department had put in place a bespoke Windrush taskforce, with the idea being that it would deal exclusively with applications from members of the Windrush generation and it would have the ability to identify the relevant elements. In terms of caseworkers, its training provision has reduced quite



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significantly over time, so what you suggest might be a means of better aligning the training that they receive to the sort of cases that they deal with, but I cannot provide specifics on that.

Q99 Laura Farris: You talk in your report also about how the guidance that accompanied the 1971 Immigration Act had been useful and had provided the right signposts for staff, but at some point it had ceased to be used. Could you elaborate on that? How do you think that happened and how could it be prevented in the future?

Wendy Williams: Yes, it is on page 10 of my report. We have reproduced the Home Office circular, which was a form of guidance, dated 2006, I believe. It set out the rights of Windrush individuals and the fact that as a result of policy changes, individuals might be coming forward decades later to try to prove their status. It said that 40 or 50 years later, of course it would be difficult for them to prove their date of entry or indeed therefore their entitlement, so you should treat their applications with discretion and sensitivity. That was dated 2006. My understanding is that it was reissued in 2010, but somehow it got lost in the annals of time, and when the cases started to come through in significant numbers, it was lost sight of. That is why I have said that the Windrush generation were institutionally forgotten, and I made recommendations for ensuring that in future that sort of learning is captured and kept, and it contributes to the Department's institutional memory.

Q100 Laura Farris: I have some questions on equality. Are you aware of the Supreme Court decision in *Essop*, which came out at about the same time as you started your work? It was a big indirect discrimination case. In light of the findings in that case, was it your conclusion that people at the Home Office fundamentally did not understand what indirect discrimination comprised within its statutory definition under the Equality Act? As a second question, were you satisfied that they even knew what the public sector equality duty required them to do?

Wendy Williams: I asked a number of senior officials about the *Essop* case because, as you say, it was a relevant consideration at the time of my report. No one that I spoke to was aware of the case, and these were senior officials. I would have expected them to be aware of it, given that it was a Home Office case, and its finding. It is for that reason that one of my recommendations encourages the Department to ensure that all relevant case law on issues of discrimination is circulated to senior officials and to HR professionals so that the Department can revise or review its policies to ensure that it takes account of them.

In answer to your question about the public sector equality duty, I went into this in quite a lot of depth. Briefly, the 2014 and 2016 Acts demonstrated to me, as they were going through Parliament, that the Department did not fully appreciate the significance of the public sector equality duty. The Department did say in response, "If you look at such-and-such a document, it shows we have had due regard to our Equality Act responsibilities". But the summary document said that the Department felt



that there was a blanket exemption to the equalities law in the Home Office by virtue of the fact that it was implementing immigration legislation. That is patently not the case, so again I have made recommendations in that respect.

Laura Farris: Thank you very much; that is very helpful.

Q101 **Dame Diana Johnson:** I wanted to ask about casework and the quality of casework. I was struck by what you just said about that circular that was first issued in 2006, which was about treating people with discretion and sensitivity if they did not have evidence of what had happened to them when they arrived in the UK and subsequently. Could you say something about how you feel the casework that we expect people employed in the Home Office to undertake could be improved? This is on the basis of some of the comments you made in your excellent report about how people felt that they were having to do more with less, and that effectively the way things were happening took the individual out of case management. Could you say something about how casework can be done better?

Wendy Williams: The Department and its caseworkers are dealing with significant volumes, and I fully recognise that. As such, it had introduced targets. As I say in the report, targets are not necessarily a bad thing; they can help regulate work flows and so on. The problem is the extent to which they lead to unintended, if not perverse, consequences. We saw some examples of that happening. In my report I talk about a caseworker who told us that they had hidden a case because they wanted to work on it in their own time, and because they were subject to targets, they were concerned. That says to me something is fundamentally wrong.

When I looked at the 164 cases that involved members of the Windrush generation who have been detained and/or removed and/or were subject to the policy, I saw that the quality of decision making was unclear and it was poor. The quality of accounting for those decisions—decision letters—was poor. Levels of supervision were unclear. They were opaque. I could not see the extent to which there had been supervision or the extent to which there had not. I have spoken about the lack of an institutional memory and the extremely limited opportunities for direct contact between caseworkers and those making the applications. As one of the officials said, and this is again highlighted in the report, “If our staff had met the people on whose cases they were making decisions, I think that would have made a significant difference”.

To answer your question, those elements need to be addressed. The previous speaker has indicated that one opportunity could be to better align caseworkers to the areas upon which they are making decisions and in turn align that to the training that they receive. I should say—I do refer to this in my report—that the Department has since introduced a chief casework unit, I think it is called, the idea being that difficult cases can be escalated and advice given. It has also introduced a vulnerable persons team, which is a positive development, if it works effectively. It should be working hard to implement those recommendations.



Q102 Dame Diana Johnson: You have already identified good practice within the work of the Windrush Taskforce. Is there anything else you want to add in relation to what you think the lessons from that particular taskforce are? What can we learn? What would be very good to see implemented in a broader way by the Home Office?

Wendy Williams: Members of the taskforce, as they were called at the time, came along to some of the roadshows that I held with members of the Windrush generation who had been affected. I think they found that a really eye-opening and humbling experience, and certainly afterwards commented to me on how effective that had been, because it showed them the direct impact of their decisions.

I also had the benefit of visiting a number of the different Departments to see members of the taskforce carrying out their duties. I was really impressed. There was real appreciation and sensitivity—an appreciation that some people might find it more difficult—and efforts were made to assist. There were also the Windrush volunteers. They are members of staff whose families and networks might have come from the Windrush generation who have gone out into their local communities to raise awareness about the work of the taskforce and about the importance of people regularising their status. These are all positive indicators, and the common theme is that direct contact with the public.

Dame Diana Johnson: That is very helpful, thank you.

Q103 Ms Diane Abbott: I would like to follow my colleagues on the Committee in saying that I thought the report was exceptionally well-written and analytical. Our Chair asked whether you were shocked by anything you found. I have to say that I was not shocked by some of the things you revealed. I have been dealing with constituency casework on immigration for 30 years, and some of the things you found were not bugs in the system; they are features of the system. I want to ask you about your recommendations, which were extremely comprehensive. Recommendation 3 calls for a programme of reconciliation events. To your knowledge, have any of these reconciliation plans happened?

Wendy Williams: I produced the report and the Home Secretary laid it before the House in March of this year. My work with the Department is done, so to speak, unless and until I go back in one year's time to review progress. Having said that, I have had some contact with not only the Department, but people who have been affected. My understanding is that there have been reconciliation events. Obviously the coronavirus and the arrangements that have flowed from it have hampered any attempts to undertake an extensive programme, but I am aware that some events have taken place. As to the nature of those events, the number of them, how they have been carried out and how effectively they have been carried out, I do not have that information.

Q104 Ms Diane Abbott: Thank you very much. I am aware that your work is done, but you said earlier that you are copied in to correspondence, so I



thought it was worth asking you what is happening. I thought one of the most important things in the report was your recommendation that the Home Office look beyond the Caribbean. Because of the demographics of my constituents, at least, I know that there are many people from Commonwealth countries who were caught up with Windrush. Because it is called Windrush, sometimes people think it is just about people from the Caribbean, but obviously it is not. You may not be able to answer this, but are you aware of the Home Office responding to that recommendation of looking beyond the Caribbean, and how has it done it?

Wendy Williams: I was very clear about that recommendation. I have made reference to the roadshows that I have carried out, and at some of those roadshows people came forward from other parts of the world and, as you say, other parts of the Commonwealth to say that they were experiencing difficult circumstances that were very similar to those that were experienced by the Windrush generation. Because I had no frame of reference, I thought that had to be a recommendation.

As to the extent to which the Department has carried that out, I am not in a position to say. The improvement plan indicates that work is being undertaken to identify this larger group of people who may be affected. I would also point out that the National Audit Office exhorted the Home Office to look beyond the Caribbean. I would love to be able to say I was being original, but I have noticed that the Department did not appear to have responded to a previous recommendation in this regard by another organisation, and it was for that reason that I included it.

Q105 **Ms Diane Abbott:** But you do not know whether it has happened or not. I will move on to recommendation 21, which for me was extremely important. You talked about reducing the complexity of immigration and nationality law, immigration rules and guidance. I feel incredibly strongly about that, having been a Home Office civil servant and then having spent 30 years dealing with this labyrinth of rules, which all too often delivers my constituents up into the hands of not very sound immigration lawyers. Again, you probably will not be able to answer this, but are you aware of any progress being made in reducing the complexity of immigration and nationality law?

Wendy Williams: There is the Royal commission, I believe—I would have to provide the details, but there has been an exercise looking at the immigration rules, as opposed to immigration legislation.

Q106 **Ms Diane Abbott:** You mentioned that in your report, but has the Home Office moved on from that to look at rules and guidance?

Wendy Williams: I am not aware of that.

Q107 **Ms Diane Abbott:** I want to touch on the Windrush Compensation Scheme, which I realise you will not know anything about—it is not your responsibility, and so on—but you did say to the Joint Committee on Human Rights that you believe that a compensation scheme will be an important indicator of cultural change at the Home Office. Do you still



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believe that?

Wendy Williams: Absolutely.

Q108 **Ms Diane Abbott:** If the Committee's concerns about the scheme—as individuals, we have all heard them—are not addressed, would this indicate, in your view, that the Department is not learning lessons from your review?

Wendy Williams: Absolutely. I see the compensation as one of the important indicators that the Department has recognised the wrong that has been done and it is working hard to recompense people who have suffered loss as a result. It is the single issue that is raised the most with me by people who have been affected since the report was published. It is correct, as you rightly point out, that it is a separate statutory scheme with its own scrutiny and accountability arrangements. I made an initial assessment at the time of my report and, believe me, I will be making an assessment at the time of my review as to progress in one year's time.

I do see this as a key indicator. The Department should have in place systems and processes that can deal with applications quickly and sensitively. I said in my report that of course it is going to be difficult for members of the Windrush generation to demonstrate some of the elements of loss that they are claiming, and the Department should recognise that. I recognise this is public money, but this is public money that is being used to recompense people who have suffered a loss.

Ms Diane Abbott: Yes. Finally, one of the things I have said on this Committee is that this is an ageing cohort. There will be those who feel that with all of these delays, some people may die and never get the compensation they are entitled to. That is a big concern.

Q109 **Chair:** Thank you. To follow up on Diane Abbott's point, you talked very much about going further to right the wrongs. Given that 12,000 people have been granted documentation under the Windrush Taskforce and only 168 people so far have been given compensation, do you think that counts as righting the wrongs?

Wendy Williams: I think that by carrying out the process for considering compensation claims effectively, swiftly and sensitively, this will recompense the Windrush generation. This is symbolically significant in terms of rebuilding public trust and confidence. I am surprised that the numbers are as low as they are. The Department is in the process, as I understand it, of appointing an independent adviser to oversee the scheme. I would expect that individual to carry out a root-and-branch review of the scheme, how it is operating and what needs to change, and to put in place whatever activity is necessary to ensure that people are appropriately recompensed.

Q110 **Chair:** As an assessment of what is happening at the moment, given how many years this has already been under way, to only have 168 people out of 12,000 who have obviously been affected in some way—do you think



that, in itself, counts as making the kind of progress that they need?

Wendy Williams: This is an opportunity for the Home Office to demonstrate that it is taking things seriously. If 164 people have been recompensed, I struggle to see how the Department can justify that.

Q111 **Chair:** You also talked in your report about lack of empathy for individuals. You referred to the use of dehumanising jargon and clichés, and you talked about the importance of the use of language. You said, “The choice and use of words undoubtedly reflects, and also influences, an organisation’s culture”. You said, too, that Government Departments should be expected to use neutral language when dealing with the public. In terms of the evidence about how and whether the Home Office is learning the lessons from those points, you will be aware there was over the summer a case of a Home Office tweet that referred to “allowing activist lawyers to delay and disrupt” cases. The permanent secretary intervened and said that that was not an appropriate use of language from the Home Office official channels. Do you think he was right to do that?

Wendy Williams: I cannot comment on the tweet, because I was not aware of that specific comment. But I am very clear about this in the report. What I say is, as you have indicated, Madam Chair, that when talking about migration and the sorts of issues with which the Home Office deals, it is absolutely essential that the right language is used. I would use the term “neutral language”, given the highly contentious areas of public policy with which the Department deals.

Q112 **Chair:** Do you see that as applying to other groups of people that the Home Office deals with, as well as to the Windrush generation?

Wendy Williams: The use of language and terminology must apply to the Department’s general functions.

Q113 **Chair:** There have been concerns raised about the language the Home Office has been using, criticising “activist lawyers” and “do-gooders”, talking about people who have arrived from Syria and Iran “asylum shopping”, and conflating foreign national offenders who have committed crimes in the UK with asylum seekers. Without asking you to comment on individual phrases or words, do you think there are still dangers that you would warn the Home Office against right now affecting other people that they deal with—particularly, for example, the pressures that it is facing around the people arriving to claim asylum?

Wendy Williams: As you have indicated, Madam Chair, that is not an area that I am able to comment on specifically. I would refer the Committee back to the comments that I have made on, I think, page 112 or 109 of my report, where I talk about some of the risks of using dehumanising language and the importance of using neutral language instead.

Q114 **Chair:** I am going to press you a bit further on this, because lessons have to be learned. There has to be some evidence that the Home Office is doing things differently. The question is whether the Home Office is at risk of



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making similar mistakes again, of using dehumanising language, for example, and of not putting humanity at the heart of what it is doing. The question is whether you think the Home Office is still at risk of doing that and whether you would give it any warnings against that if it is really to learn the lessons and not simply treat this as something it believes to be an isolated historic case that is now resolved.

Wendy Williams: I am afraid I would respond as I have previously, Madam Chair, which is to say I cannot comment on specifics, especially specific examples about which I have no information. Instead I am more than happy to speak to page 109 of my report.

Q115 **Chair:** The Home Office has since produced its response to your report. What do you think of the response?

Wendy Williams: The response in some respects is quite ambitious. I was particularly pleased to welcome the fact that the Home Secretary had agreed to implement all of my recommendations. I do think that the implementation plan in some respects demonstrates that the Department is doing so.

The continuation of the Windrush Help Team, which was previously the taskforce, is one of the positives. There are positive examples, including the fact that it is developing ethical standards and is due to put in place a youth panel—a youth people’s board—to assist in carrying out its responsibilities, as well as the continuation of the Windrush volunteers. The final positive for me is the cross-Government working group. As I said at the time of the publication of my report, I thought that some of the recommendations I made in relation to, for example, policy development, workforce representation, equality, diversity and inclusion principles and effective training were relevant not only to the Home Office, but to wider Government. I think there are reasons to be hopeful.

There are, however, some examples where I do not feel the Department has provided sufficient information. I have given one specific example, which was in relation to the migrants’ commissioner. There was an absence of detail as to what will be done and when it will be done. I see that as such an important indicator, as far as the Department is concerned, that I would have expected more detail in that respect.

Q116 **Chair:** What role do you think the migrants’ commissioner should play?

Wendy Williams: It is a role of giving a voice to those who are marginalised, or who do not have a voice themselves. I was thinking of a role that is modelled on other commissioners’ roles, such as the Children’s Commissioner or the Victims’ Commissioner. That person would be an effective reflector back to the Department on the impact of policies that had been implemented and had had some unintended consequences, and indeed policies that might be implemented. I see that as one of the important indicators that the Department is prepared to open itself up to wider external scrutiny.



Q117 **Chair:** Are there any other areas where you think it would be helpful to have more information from the Home Office about what it is doing?

Wendy Williams: Yes: the evaluation of the compliant environment policy. It was not my role to comment on the merits of the policy, and I have not done so. However, I have in my report commented on the way that the policy was devised, implemented and introduced, and the extent to which it was reviewed or evaluated. I concluded that the evaluation was inadequate, and that is why it was one of my recommendations. I think that the timescales on activities are not ambitious enough, and I would expect to see more progress made.

Q118 **Simon Fell:** Thank you, Ms Williams. I would like to pick you up on that point, please—the hostile/compliant environment. It strikes me that Government essentially outsourced—perhaps even abdicated—responsibility for delivery of this policy to a wide range of external bodies, be it the NHS, landlords or banks. In your view, do you think the Home Office ever had a good enough grasp of how those organisations were delivering it, and also the impact on the communities that were then being affected by that element of the policy?

Wendy Williams: In terms of the policy and how it was rolled out, various risks and various warning signs were flagged by a number of different organisations and individuals over quite a period of time. In particular, in terms of the Right to Rent scheme, which saw landlords and letting agents having the outsourced responsibility for carrying out immigration checks on prospective tenants, the risk of discrimination as well as the question of whether the policy was achieving its objective came to the fore on a number of occasions.

In response, the Home Office did introduce certain actions to mitigate concerns that had been raised. In response to the risk of discrimination, it introduced a non-discrimination code, guidance for landlords and a helpline. However, as I make clear in the report, it is not adequate to tell someone not to discriminate in circumstances where the Department's own research into this raised the risk of discrimination. If faced with a person who had a British passport as opposed to a prospective tenant who did not, the majority indicated they would probably just default to the person with the passport. That, to my mind, raises some significant risks. In answer to your question, that remains an aspect that needs further attention.

Q119 **Simon Fell:** Thank you. With those red flags—whether it was in the data that was being supplied to third party organisations or whether it was through the appeals that were coming back—was the policy environment evolving and learning from that process? Has it learned from it now and put in place checks and balances that give you reassurance that we are in a better place, or are we still in danger of making the same mistakes again?

Wendy Williams: The Department has lodged its improvement plan, and I have indicated my willingness to go back in a year's time and review progress. In its improvement plan, it talks about the action that has been



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taken to address some of those issues. However, I would come back to the fact that as far as the recommendation on the review of the compliant environment policy is concerned, there is not the detail or indeed the speed of activity—the pace, as it were—that I would have expected. I certainly would look to the Department to demonstrate that it is learning the lessons in that respect.

Q120 Stuart C McDonald: My thanks to you, Ms Williams, for the report, and indeed to all of your team for the work you put into that. In your opening remarks, you mentioned the registration scheme that was opened in the 1980s. That is perhaps a part of the report that does not get as much attention as other parts, and I think it probably does merit that. Could you say a little bit about what the problems with that scheme were and what lessons we should learn from that?

Wendy Williams: The registration scheme was undertaken by the Home Office in, I believe, 1987. At the time, there were various publicity campaigns and frequently asked questions. As I indicated, a number of people did register their status, but some did not, and we looked back to identify what the reasons for that might have been. That is where we came across the written confirmation that was given to frequently asked questions, one of which was, “Will my rights be affected if I do not register?” The unequivocal response was, “No, your rights will not be affected and neither will your status be affected”. Then for us to find the internal Home Office document that showed that, in actual fact, the Home Office at the time did not want to—I think it used the term—“stimulate a flood of applications” because it was worried it did not have sufficient resources to cope with the demand; that, perhaps, is not an aspect that is so readily known. Therefore the Windrush generation can be forgiven for not understanding the changing landscape that occurred around them, and for acting on the assurances given to them by the foremost Department of State.

Q121 Stuart C McDonald: There was a fee involved in that application as well; is that right?

Wendy Williams: Yes, there was.

Q122 Stuart C McDonald: Did that act as a deterrent to some people as well, given that the Home Office was saying there was not much advantage in doing it?

Wendy Williams: Yes. In the roadshows I carried out, when I asked this question, the answers I was given were, “We were told we did not have to” and, “We were told it would not affect us” and, “Why would I pay for something that is my automatic entitlement?” Those were the responses.

Q123 Stuart C McDonald: Obviously it was a time-limited scheme as well. Did you come across any examples of people who would have registered had they appreciated the time? Was there a particular reason for there being a hard and fast cut-off point after which nobody could register?



Wendy Williams: I do not know the reason for it being time limited, and that is not a question I asked.

Q124 **Stuart C McDonald:** Sure. I am asking this in the context of a couple of other registration schemes that exist, one of which is for registering children as British citizens, where there is a £1,000 fee and, again, problems about lack of awareness. Then, obviously, there is the EU Settlement Scheme; there is no fee there, but there is a cut-off date that is going to be voted on this afternoon. Are there lessons we can learn from your report on being very careful about how we go about these schemes?

Wendy Williams: Effective media and outreach are, I think, essential, raising awareness where that is required and also having regard to clear policy principles. In carrying out the policy, has due regard been given to the public sector equality duty and to effective social policy research? To what extent has the Department consulted effectively and advised its Ministers of potential risks, opportunities and other options? These were absent in the Windrush scandal, and that is why I have made recommendations in that regard. I think the Department will be placing itself in a much better position by implementing those aspects of my recommendations.

Q125 **Stuart C McDonald:** On what you said about consulting and engaging with other options, I think in the report you criticised the fact that the alternative option offered is always to do nothing, rather than looking at a range of different possibilities.

Can I turn now to the issue of consultation and engagement? You mentioned in relation to Right to Rent how landlords felt as though they were essentially ignored. I think they are far from the only stakeholder who sometimes feels as though they are involved in a tick-box talking shop. What does proper engagement look like and how can the Home Office demonstrate it has engaged and taken into account concerns, even if it ultimately rejects them sometimes?

Wendy Williams: Effective engagement involves speaking to a wide range of different stakeholders, interested parties, members of the public and those who will be affected, and being open to hearing different points of view. At the time of the Windrush Review, the Department tended to consult or engage either with a narrow range of external voices, or with external voices that came from those it did not feel would challenge it unduly. As Windrush demonstrates, challenge can highlight some really important points. Had the Department been more receptive to those organisations that were raising the flag about the risk of the wrong people being caught by the policy and the risk of discrimination, this could have potentially been one of the opportunities to avoid what happened.

It is about recognising that others may have different policy objectives and you may not necessarily agree—you might agree to disagree—and there may be some elements that are non-negotiable in establishing those terms of engagement. However, being open to that challenge and explaining the



reasons for not following the advice or suggestions that are given, so that those with whom the Department consults at least feel that they have been heard—I think those are the sorts of elements I would expect to see.

Q126 Stuart C McDonald: So in relation to what we hear is mooted regarding fairly significant reform of the asylum system, you would encourage the Home Office to engage with as wide a range of stakeholders as possible—even those who have serious concerns about it—and to explain its red lines and be open about why it is pushing back against some of the criticisms?

Wendy Williams: That is regarded as good policy. The Institute for Government—its good policy checklist is reproduced in my report—sets that out. That is considered to be the approach to take to ensure that the policy is fully informed and it is of the best quality. After all, I recognise that Government and Ministers are in a hurry and they want to get stuff done, but they need the right advice to enable them to do that.

Q127 Stuart C McDonald: That brings me on to a point about how far the report and institutional reform can take us, because ultimately the limit upon it is the political decisions that are made. In relation to Right to Rent, for example, the appendix to your report on that topic makes clear that there were a million and one warnings about the problems it was causing. Even if the Home Office was perfect in how it functioned and advised Ministers, they made a decision knowing that that was a significant danger. Therefore ultimately it does, to an extent, come down to politics. It was not institutional failings that caused the problems of Right to Rent; it was almost known collateral damage.

Wendy Williams: The Department does have a part to play, however. Good policy principles dictate that the officials within the Department had a responsibility to flag potential risks and provide alternative options. I did not see evidence that was provided, certainly to an emphatic or persuasive extent.

However, the point I also make in the report is just that—that these Bills went through Parliament and they were passed. The 2014 Act in particular, was, I think, passed at the rate of 303 in favour, 16 against, and there were certain abstentions. I make that point because everyone in Government has a responsibility to be alive to these risks, but the principal responsibility lies within the Department. When I say “the Department”, I mean Ministers as well as officials.

Q128 Stuart C McDonald: What about the Right to Rent policy, and what should happen to it? What is your view on the future of the Right to Rent policy?

Wendy Williams: It is the subject of a case that is going through court at the moment, so I cannot comment on the case itself. I believe it is going to the Supreme Court and that will make a determination. I would go back to recommendation 7, I think, where I call for an evaluation of the compliant environment policies, looking at the range of the policies to see how effective they are.



Q129 Stuart C McDonald: Within a month of your report being published, obviously the Government won their appeal to the Court of Appeal, which has now been challenged in the Supreme Court. At the time, the Home Office itself and one of the Ministers involved were tweeting out that this was a great victory, and that the Right to Rent scheme was capable of not discriminating on the basis of race—completely ignoring the fact that the findings were that there was discrimination happening. Was that not completely insensitive and contrary to what you had recommended and published in your report just a month before?

Wendy Williams: I talked about the compliant environment policies and the extent to which they were reasonable and proportionate; the extent to which they identified the right group of people, so to speak; and the extent to which there was the risk of discrimination. Those elements were considered by the court. In the context of the Right to Rent scheme, it is part of the ongoing litigation. However, I have been very clear about the recommendations I have made about evaluating the policy. I also go back to the remarks I have made about the public sector equality duty and the extent to which due regard has been given to equalities.

Q130 Stuart C McDonald: Finally, you recommended a migrants' commissioner, which I think is a good idea and a very welcome one. We already have an Independent Chief Inspector of Borders and Immigration. I think that organisation does a good job and comes up with very sensible recommendations. However, the reports tend to gather dust and eventually the Home Office will agree to a handful of recommendations and ignore the rest. It seems to struggle to get the attention it deserves or to really deliver change within the Home Office. What can be done, first of all, to improve that particular organisation's standing and, secondly, why should a commissioner be any different?

Wendy Williams: I have made recommendations in this respect. The recommendation is for the Home Secretary, in conjunction with the Independent Chief Inspector of Borders and Immigration, to look at the remit of the inspector's post, including discretion for when he or she can publish the different inspection reports that are prepared. However, I do see the inspector's role as somewhat different to the role I am envisaging the migrants' commissioner would have. The Chief Inspector of Borders and Immigration would not have a role to speak for and be the voice of those who are marginalised or those who are vulnerable. He or she is considered to be independent and would have to be seen to be so. Therefore the migrants' commissioner would be the voice of those who perhaps are heard rather less often.

Stuart C McDonald: Thank you very much. That is very helpful.

Chair: Thank you. A quick couple of follow-up questions, Diane Abbott.

Q131 Ms Diane Abbott: Thank you, Chair. Ms Williams has said quite frequently that she is not able to speak to what progress has been made on her recommendations because her work with the Department is done. Does she expect the Department ever to tell her what progress has been made



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on her recommendations, or is it a matter for Members of this House to put that to Ministers?

Wendy Williams: If I have given the impression that I am done, I would seek to contradict myself, if I may. I have been asked to go back to review progress in a year's time—to review progress in the Home Office against the recommendations that have been made—and, assuming I am asked to do so, I would be very happy to do so. That will be the opportunity for me to assess progress at that stage.

In my responses to your earlier questions, I was saying that the report was laid before the House in March and there has been no follow-up activity on my part, and so I was not able to comment on it at this stage. I certainly am anticipating being in a position to comment in future.

I also think that it is not just a case of me commenting. This is just the start for the Department. It has produced its improvement plan, and it has set out its plans. The proof of the pudding is in the eating, so it will be for a number of organisations and others to assist the Department on its improvement journey.

Ms Diane Abbott: Thank you, Ms Williams.

Q132 **Chair:** Do you have any sense yet of what the scope of that progress review will be when you go back to the Department?

Wendy Williams: I have not been given any details.

Q133 **Chair:** That will be set by the Home Office, would it, rather than by you?

Wendy Williams: It would be agreed between us.

Q134 **Chair:** In terms of what, ideally, you think a progress review would be, do you have any sense about the things you would want to go back and look at?

Wendy Williams: This is why I talked about the level of ambition, as far as the Department is concerned. We have seen the Home Secretary provide an important and unequivocal statement of intent. Now it is time for the Department to deliver. I would expect a number of my recommendations to have been implemented—many, if not most of them—by the time I returned. Therefore I am looking at the timescales for completion of some of the actions and thinking that potentially coincides with the date I am due to come back. I would have expected a greater level of ambition in that respect so as to enable me to report on the effect of the changes that the Department has implemented.

Q135 **Chair:** Would you expect that, ideally, you would be able to assess not simply whether precise individual recommendations have been completed, but what evidence there might be of a broader cultural change in the Home Office?

Wendy Williams: Absolutely.



Q136 **Chair:** Would that mean—again, ideally—being able to look at the way casework is being done on broader issues? As well as Windrush casework, for example, Stuart McDonald raised with you the issue about the EU Settlement Scheme and whether cultural change has applied in the implementation of the EU Settlement Scheme.

Wendy Williams: My recommendations in relation to policy are, of course, forward-looking, so I would see it as an important part of my work to look at the examples to which the Department can point to show how they have adopted good policy principles since the review was originally done. That is how I would carry out the role. It is not about me looking back; it is about the Department looking ahead and me assessing the extent to which it has done so effectively.

Q137 **Chair:** Presumably, as well as being able to look at any examples that the Department gave you of good practice, it would include being able to look at any examples that might be raised with you of people raising concerns that it has not been implemented in particular areas.

Wendy Williams: That is an essential element of an independent review—the ability to look at the whole picture and not just a part of it.

Chair: Wendy Williams, thank you very much for the evidence you have given us today. We very much appreciate it. Thank you for the review you did in the first place, and for the ongoing interest you are taking in this, in making sure we can get justice for the Windrush generation and also in making sure the Home Office can learn the lessons thoroughly from the things that went so badly wrong. Thank you for your time today. That concludes our evidence session.