



Home Office

Permanent Secretary  
Home Office  
2 Marsham Street  
SW1P 4DF  
[www.gov.uk/home-office](http://www.gov.uk/home-office)

Rt Hon. Yvette Cooper MP  
Chair, Home Affairs Committee  
House of Commons  
London  
SW1A 0AA

02 September 2020

Dear Chair,

Following our session with the Committee on 1 July, both the Second Permanent Secretary and I committed to write to you with some additional details on points raised throughout our exchange. Please accept our apologies for the delay in this letter reaching you.

### **Border Decisions: Timeline and Advice**

The Chief Scientific Adviser has provided the Committee with answers to the commitments we made in the session regarding border timelines and advice sought from the Home Secretary throughout this pandemic. In addition to the points made in the letter from the Chief Scientific Advisor I wish to clarify that in commissioning advice from SAGE, the Home Office does not dictate the methodology to be used. We did not commission an absolute number, nor a percentage number; we commissioned an assessment of the data associated with imported COVID-19 cases.

Given the pace of unfolding events, advice at the time was disseminated in the form of verbal briefings from the CSA and his office. He attended all SAGE meetings and internal Home Office meetings relating to these matters. In addition, the departmental COVID-19 response structure routinely receives the SAGE minutes and relevant papers, when formally issued by the SAGE secretariat.

The Committee also asked about whether we had estimated the number of people that might come in from other countries if the quarantine regulations are lifted. The Joint Biosecurity Centre (JBC) is leading on the analysis of risks associated with travellers to the UK and the lifting of travel restrictions; they are providing advice to Ministers on this matter. This is therefore a question for the JBC, which the Home Secretary has agreed to take forward and will provide further details in due course.

## **Asylum Accommodation: Response to the Covid-19 Pandemic**

The Home Office holds monthly and quarterly governance meetings and boards with providers to manage and monitor the Asylum Accommodation and Support (AASC) and Advice Issue Reporting & Eligibility (AIRE) contracts, service delivery, performance and contingency planning. These meetings have continued throughout recent months and have included the response to Covid-19.

In response to Covid-19 officials have daily discussions with providers and have formal meetings on a weekly basis, to ensure that individuals are housed safely, and that services are delivered in line with their contractual obligations and guidance from Public Health England (PHE), and to discuss and address any issues individuals may be facing as a result.

As part of these discussions, and in preparing contingency measures, Mears, in line with all other providers across the UK, stated their intention to use hotels. In these circumstances, and when the situation is urgent, providers are not obliged to give advance notice to the Home Office but must do so within one day of a move taking place.

Mears moved 30 people to hotels on 27 March; 31 people on 30 March; 16 people on the 31 March with the remainder moving between 1 and 27 April. They state all of the individuals were given advance notice of the moves.

As confirmed to the Committee, a number of individual needs assessments were carried out ahead of the moves to hotels. Following these, Mears decided not to relocate 102 other people to hotels; and following welfare assessments upon arrival at hotels, a small number of people were moved to dispersed accommodation instead.

Mears and the Home Office are members of the Glasgow City Council Partnership Board which meets fortnightly to discuss asylum accommodation with particular reference to contingency accommodation and exit and recovery plans.

## **Windrush Compensation Scheme and Individual Cases**

I would like to reiterate to the Committee that we have put people at the heart of the Windrush Compensation Scheme. Each person's claim is deeply personal and requires detailed consideration to understand their individual circumstances and experiences. Each person must be treated with the care, dignity and respect that they deserve, and where an individual's experiences are more complex, it is right we take the time to ensure these are considered carefully.

Officials work with individuals and with other organisations on their behalf, to gather as much information as possible so that case workers can build a detailed picture and understanding of an individual's life and any impacts they may have suffered.

This holistic approach necessarily takes time, but ultimately is beneficial to individuals since it enables us to compensate people fully for their experiences. Indeed, a small number of individuals have already been awarded compensation for elements they did not originally claim for.

Diane Abbott MP asked us to give an update on the case of Ms John and we have provided her with a response separately. As part of our thorough consideration we seek to achieve the best outcome for each person.

However, as we have set out to the Committee, we recognise that there is more to do to speed up the process to ensure people can be compensated as swiftly as possible.

The Committee asked us to update on a number of other cases:

Person A's claim was received on 10 April 2019. Their claim has been assessed and a final award offer letter was sent on 15 July 2020.

Person D's claim is with a caseworker. Following difficulty contacting person D's representative, the caseworker spoke with the claimant's representative on 24 July to discuss their claim. Person D's claim is linked to another application made later, and we are working to resolve them both as soon as possible.

We have been in close contact with person F since 11 February 2019. The team has also been in contact with their son. We recognise that person F has experienced extensive and repeated difficulties with their finances, employment and accommodation, and we have been working closely with them to provide support. Person F is a vulnerable individual, and as such has been handled by the Vulnerable Person Team, which is part of the Home Office Windrush Taskforce.

The Vulnerable Person Team has worked closely with DWP and the local authority, the London Borough of Hackney, to support person F including with financial assistance and assistance in finding accommodation on several occasions. This includes a request for an exceptional payment, which was awarded and paid on 10 March 2020. We understand that after a period of homelessness, person F has since moved to a new property. They have recently been offered a further exceptional payment to cover costs relating to accommodation. Person F was sent their final award compensation offer on 4th August but has not yet decided whether to accept the offer. We understand that they have new representatives and are discussing the situation with them.

The Committee requested the Home Office to consider providing a named caseworker for individuals making a claim under the Windrush Compensation Scheme and we have now adjusted our approach to provide each person with a single named caseworker for the main part of their claim, only retaining separate specialists where essential.

We are committed to ensuring that every customer is contacted monthly either by letter or phone, and customers are also encouraged to contact the Windrush helpline if they wish to discuss their case.

You asked us to check if the Home Office had contacted Martin Forde QC and discussed the evidential standard for the Windrush Compensation Scheme. The Minister for Future Borders and Immigration met with Martin Forde QC in May and it was agreed that where actual losses are claimed, it is right that additional evidence is provided. However, it was also agreed that the language used to describe the standard of proof required for these categories should be softened so it is clear to individuals that we are not expecting them to meet the criminal standard of proof. We are currently working through all our guidance and rules to update the wording and will publish new guidance and rules shortly.

In relation to the posting of the permanent Independent Person to the Compensation Scheme, I can confirm that this week we launched a public appointments process to recruit for this post. Martin Forde QC, who provided independent advice on the design of the scheme, will continue to serve as Independent Adviser in the interim.

The Committee requested data on the Windrush Compensation cases that have been waiting for more than a year for compensation and I can confirm that as of 1 July, there were 254 cases with the Home Office that had taken over 12 months to progress. <sup>(1)</sup>

Since then, we have changed how we are publishing Windrush Compensation Scheme statistics, moving from quarterly to a monthly basis. The latest data was published on 31 July, details of which can be found on Gov.uk at the following link. The next set of data will be published later this week.

<https://www.gov.uk/government/publications/windrush-compensation-scheme-data-july-2020>

## **Future Immigration System and the EU Settlement Scheme**

In relation to the level of English language required to qualify under the future immigration scheme, I wanted to confirm that the requirement to prove English language ability on certain routes (such as work, study and family partner routes) and at settlement will continue to be an important part of the future immigration system.

The requirement for migrants to speak English language supports integration, ensuring migrants can live and be part of the wider community in the UK. It also means migrants must demonstrate they have the ability required for the route and the role they are coming to complete. The level of English language ability required is set as appropriate for each relevant route based on the Common European Framework of Reference for languages. For example, students at degree level must show level B2 (A-Level or equivalent) and skilled workers B1 (AS-Level or equivalent). There are no plans to change these levels at this time.

Following recommendations by the Law Commission, we are simplifying the Immigration Rules. For English language provisions, we will create a single consolidated set of rules that are easier for applicants to understand. An example of how the new English language provisions are being developed is available in the illustrative rules, in the Home Office's response to the Law Commission recommendations on Simplifying the Immigration Rules. This is available at: <https://www.gov.uk/government/publications/simplifying-the-immigration-rules-a-response>

We will continue to provide a number of ways for applicants to show they meet the English language requirement, including:

- being a national of a majority English speaking country;
- having an academic degree taught in English;
- passing a secure English language test; and
- having shown they meet the required level in a previous successful application.

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<sup>1</sup> As of 1 July, there were additional cases that were over a year old, where we were waiting for further information from the claimant or a third party. The 254 cases with the Home Office and the additional cases include some cases where the claimants had received payment but their claims were not yet fully closed. These figures are internal management information and as such, these numbers have not been assured to the standard of official statistics and are subject to change as information is updated.

Additional ways of meeting the English language requirement will continue in some routes, such as:

- Skilled workers who are sponsored as a doctor, dentist, nurse or midwife can rely on the assessment of their professional body as proof of their English language ability.
- Students who are studying a course at degree level or above at a Higher Education provider with a track record of compliance can meet the English requirement if their sponsor assesses their ability.
- Students who are applying to complete a short-term study abroad programme in the UK - as part of a course equivalent to a UK degree being studied at a Higher Education Institution in the USA - do not need to prove English language ability.

We committed to updating the Committee on the access of children in care to the EU Settlement Scheme. The EU Settlement Scheme makes it easy for EU citizens and their family members to get the UK immigration status they need to continue living here with the same rights and entitlements as they had before we left the EU.

I can confirm that since the full launch of the EU Settlement Scheme (EUSS) on 30 March 2019, we have had plans and agreements in place with local authorities to ensure that relevant children and care leavers receive the support they need in securing their UK immigration status under the scheme. It continues to work well - to the end of July, more than 3.8 million applications have been received and more than 3.5 million grants of status made, with plenty of time to apply before the deadline of 30 June 2021.

The Department for Education has worked closely with the Home Office on design of the EUSS, recognising the particular role the state plays with respect to this group of vulnerable children and young people. This collaborative work has included producing guidance for local authorities and health and social care trusts on their role in making or supporting applications to the EUSS in respect of eligible looked after children and care leavers: <https://www.gov.uk/government/publications/eu-settlement-scheme-looked-after-children-and-care-leavers-guidance>. It has also included joint work on the new burdens assessment, which has provided relevant local authorities with additional funding for this work.

We are unable to provide a specific figure for children in care and care leavers who are eligible to apply for the scheme as there is no statutory mandate for local authorities to record the nationality of looked after children and care leavers. In the absence of this information, the Home Office are currently conducting a survey with local authorities. This survey will ask local authorities - and in Northern Ireland health and social care trusts - to provide the assurance that they have so far identified all relevant cases.

We will share relevant data from the survey with the EUSS vulnerability user group, comprising experts from the local authority and voluntary sectors, to help it to discuss progress in this important area and to focus our efforts in supporting local authorities and health and social care trusts with this work.

A range of support is available to help local authorities make and support applications under the EUSS. In particular, the Settlement Resolution Centre, open seven days a week, has a designated telephone number for local authorities to contact them to receive support and assistance over the phone about any aspect of the scheme.

The Home Office has already spent £9 million funding third party organisations across the country who support families and the hard to reach with their applications, and in March we announced a further £8 million to support this work. The Home Office has held teleconferences specifically for local authority staff responsible for making applications under the EUSS for looked after children, in order to support them and provide a direct point of contact for them within the Home Office.

I hope this letter addresses the concerns raised by members of the Committee.

A handwritten signature in blue ink, appearing to read 'Matthew Rycroft', with a long horizontal flourish extending to the right.

**Matthew Rycroft CBE**  
**Permanent Secretary**