



Rt Hon Dame Diana Johnson MP
Chair of the Home Affairs Select Committee
House of Commons
London
SW1A 0AA

22 August 2022

Dear Dame Diana,

I am writing to inform you we have today amended the rules of the Windrush Compensation Scheme in order to make the Scheme more generous and to consider losses which were not previously covered.

Since the Scheme was established in 2019, we have listened to feedback and sought to make changes to the Scheme where it is right to do so. These latest changes have been made after listening to feedback from our customers, this Committee, the Scheme's Independent Person Martin Levermore, the Independent Adjudicator, as well as other community groups and organisations such as JUSTICE.

We will write to all Compensation Scheme claimants affected by these changes to explain how their claims will be impacted. We will also apply these changes retrospectively. This means individuals who have already received a decision on their claim will benefit from any additional compensation they are entitled to.

Homelessness

The Scheme's Homelessness category is designed to compensate individuals who suffered homelessness as a result of an inability to demonstrate their lawful status in the UK. Affected persons are awarded £250 per month of homelessness suffered.

We have now removed the cap (previously £25,000) on the amount of compensation an individual may receive under this category. This means every person will be compensated for the full period they were homeless.

We have also amended the eligibility criteria for this category, in order to widen the range of circumstances in which an individual will receive compensation:

- Previously, affected persons were only able to receive awards under this category if they became homeless due to an inability to demonstrate lawful status. We have now expanded the category to allow for awards to be made to people who became homeless for reasons unrelated to their immigration status, but who were subsequently unable to access support or accommodation (and therefore remained homeless) due to experiencing difficulty demonstrating their lawful status in the UK.

- We have removed the requirement for a person's health to have been adversely affected as a result of staying in poor conditions, in order to be considered homeless under the Scheme.
- We have clarified individuals are entitled to an award under the Homelessness category in cases where they experienced homelessness overseas.

Close Family Members

We recognise where individuals experienced difficulties, their partners, children, parents or siblings may also have suffered. This is why the Scheme provides for Close Family Members to be awarded compensation, in addition to Primary Claimants who were directly impacted.

Previously, Close Family Members could claim under the Immigration and Legal Fees, Impact on Life and Discretionary categories. We have now added a fourth category of 'Living Costs' to the Scheme. This category ensures Close Family Members will receive compensation to cover any contributions they made to cover a Primary Claimant's living costs where the Primary Claimant lost out on employment or benefits due to an inability to demonstrate lawful status.

We have also amended the Impact on Life category, so Close Family Members are now eligible for a Level 1 Impact on Life award. Previously, a Close Family Member was only entitled to an Impact on Life award if this reached Level 2 or above on the Impact on Life tariff. This change means every Close Family Member who experienced an impact will receive at least £10,000 in compensation.

Finally, we have introduced preliminary payments for Close Family Members. This means Close Family Members who meet the minimum criteria will be eligible to receive part of their award more quickly, without having to wait for a final offer to be made.

Minimum Information

We have received some claims which we have been unable to progress due to insufficient information being provided.

In order to help claimants provide us with the information we need – and to ensure we can pay the maximum award available – we have introduced into the Scheme rules clarification on the minimum amount of information required to enable us to process a claim.

Where we are unable to progress claims, we will write to claimants to outline what information is required, and what help is available through our claimant assistance provider, We Are Digital. We will of course continue to progress claims where the minimum amount of information is subsequently provided.

Right to review

We have amended the rules in order to clarify where an individual submits a claim but is found to be ineligible to apply for the Compensation Scheme, they may request a review of this decision. This is the only avenue of review available following an eligibility decision.

Eligibility reviews are carried out by an independent casework team within the Home Office, mirroring the process in place for applications to the Windrush (Status) Scheme.

Medical Reports

We sometimes need to obtain independent medical evidence in order to support an individual's compensation claim.

We have revised our processes for requesting expert medical reports on behalf of customers, to ensure this process is as quick and straightforward as possible for customers.

The department remains committed to righting the wrongs experienced by the Windrush generation, and to ensuring individuals receive the maximum amount of compensation they are entitled to as quickly as possible. In making these important changes to the Scheme I am confident we have taken another significant step towards this goal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a large, sweeping flourish extending from the top left and a small dot at the end.

Kevin Foster MP
Minister for Safe and Legal Migration