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Meg Hillier MP Yvette Cooper MP
Chairs, Public Accounts Committee and Home Affairs Committee
House of Commons
London
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By email

20 October 2020

Dear Chairs,

Response to joint letter of 21 September 2020

On 25 September I wrote to you regarding several points raised during the evidence session at the Public Accounts Committee on 10 September, including the Windrush Compensation Scheme (WCS). That letter answered many of the questions raised in your letter of 21 September, but I am now providing you with answers to all the questions, including with the latest available data. Data to the end of September 2020 will be published by the end of October.

Reaching Commonwealth nationals beyond the Caribbean

You asked to understand the pace at which we are implementing the Windrush Lessons Learned Review recommendation to focus on Commonwealth citizens beyond the Caribbean.

Since 28 April 2018, the Home Office has delivered almost 125 engagement and outreach events and surgeries throughout the UK to promote the Windrush Scheme and the WCS to all nationalities being impacted. To ensure vital engagement could continue during the pandemic, we moved our public community events online,

launching our digital programme of events on 21 May 2020. To date, we have held 11 digital events.

On 20 August 2020, the Home Office launched a new £750,000 national advertising campaign to encourage members of the Windrush generation (including non-Caribbean people) to get the support and compensation they deserve. We will be evaluating the impact of that campaign.

We are working with priority British High Commissions overseas to support them to raise awareness and signpost the help available for affected individuals. We will continue to build on this activity, applying learning from the campaign evaluation.

Current published WCS data shows that as of 31 August 2020, 178 claims had been received from non-Caribbean nationals (other than British). There are a further two whose nationality was not known. A further 1,071 (of the total 1,531 claims received) were from British nationals.

Estimated costs of Windrush Compensation Scheme

You asked about the cost of the Windrush Compensation Scheme. The current estimated costs of compensation payment for the WCS is £90-£250 million based on a planning assumption of 11,500 eligible claimants. There inevitably is a high degree of uncertainty around estimated costs and volumes and the Department continues to review estimates as more payments are made.

Our cost estimates use a range of data including the volumes of people successful through the Windrush scheme, operational data on the volume and nature of claims, the WCS scheme rules and DWP data on average employment income. The number of applications received to date is lower than expected and that is why we are continuing our efforts to raise awareness of the scheme, as outlined above. We want people to receive the maximum compensation to which they are entitled, and there is no cap on the amount of compensation we will pay out.

Average value of payments

Further to my letter of 21 September, I thought it would be helpful to provide updated information on the average value of payments. The average payment issued is now £7,301.13; and the average total payment per claimant is £7,996.48. There is significant variation in payment amounts, ranging from £85 to well over £100,000. These figures are for payments made up to the end of August 2020.

Payments and offers

The latest published statistics show that, to the end of August, we had paid over £1.3 million on 168 claims. A further £1.2m had been offered to individuals, awaiting acceptance or pending review.

There have been 52 interim payments on 49 unique claims (three claims have received more than one interim payment). The value of these interim payments is £358,074.05.

Vulnerable persons and working with local authority housing

You asked about the action the Home Office is taking to compensate people who have lost permanent council housing tenancies. You suggested that the compensation scheme should be used to fund local authorities to buy houses for these individuals, rather than making them join long local housing queues.

The Windrush Compensation Scheme can compensate individuals in a number of ways if they have faced difficulties accessing housing due to an inability to prove their lawful status. An award can be made for denial of access to housing services and/or homelessness if this occurred.

We will also consider the anxiety and distress this may have caused, and any impact on an individual's mental and/or physical health under the Impact on Life category. Finally, should there have been any significant impact, loss or detriment of a financial nature that is not provided for by other categories of compensation, we may be able to make an award under the discretionary category.

Statutory responsibility for providing housing to those who require it lies with local authorities and we believe that the best way to provide support for those with urgent housing needs is to engage with local authorities, housing providers and homeless charities to help secure temporary and permanent accommodation through the Vulnerable Person's Team. This approach has been successful to date and has resulted in finding accommodation for over 280 people.

The case of Mr Williams

Mr Williams started employment on 21 August 2013 and shortly afterwards was asked to provide identification to show his legal immigration status. As he was unable to do so, his employer ceased his employment on 18 September 2013. Mr Williams stated he did not receive any payment for this period and was unable to provide any information about what his potential salary would have been from his employer. Therefore, it was not possible to calculate his award based on actual earnings. This was explained to Mr Williams in his offer letter.

Mr Williams was offered [figure redacted] under the loss of access to employment category. The offer was made under the general award rules. This is [financial details redacted].

Our approach to loss of access to employment is comparable to the Employment Tribunal's approach for calculating loss of earnings. An award to cover actual losses generally would be paid where an individual is able to evidence sufficiently what these could have been, i.e. what their actual salary was or would have been.

We do not expect individuals to meet the criminal standard of proof and we published updated rules and guidance earlier this month to clarify this. However,



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more detailed changes to the 'Loss of Access to Employment' category are required so both actual and general awards can be made on the balance of probabilities, and

the award criteria are clear to individuals making claims. Further revised guidance will be published soon.

I hope this answers the questions you had.

Yours sincerely,

Matthew Rycroft CBE

(This correspondence has been redacted by the Committee. Text in square brackets has been inserted where text has been redacted.)