

Home Affairs Committee

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From the Committee Chair

Rt Hon Priti Patel MP
Secretary of State
Home Office
2 Marsham Street
SW1P 4DF

4 March 2021

Dear Secretary of State,

Re: Windrush Compensation scheme

Thank you for your letter of 16 February 2021, and oral evidence you provided to the Committee last Wednesday on the Windrush Compensation Scheme.

We would be grateful for your response to the following further questions on the operation of the Scheme:

Changes to the Scheme announced in December

1. To date, how many people have been offered the new early payment; how many people have accepted the offer, and how many people have received the £10,000 payment?

- a) When a claimant accepts their offer of an early payment, how long does it take for them to receive it?

2. You recently informed us that you expect 40-50% of cases will qualify for the new £10,000 preliminary payment on initial assessment. What might prevent a case from qualifying for the early payment during the initial assessment?

- a) When a case does not qualify during the initial assessment, how is the reason for this communicated to claimants?
- b) How are existing claimants and people who've yet to apply supported to understand the evidence they need to provide so they can receive the new early payment?
- c) How long, on average, does it take for caseworkers to complete the initial identity and eligibility checks on an application? How might these checks affect the capacity for caseworkers to determine entitlement to the new early payment within six weeks?

3. You wrote to us that all primary and deceased estate claims are being considered for a preliminary award or a full and final offer unless they are “held due to an outstanding legal or policy issue.” What is meant by “outstanding legal or policy issue”? How many cases are affected?

4. The monthly datasets on the compensation scheme provide a breakdown of the number of claims which have received payment and the total value of those payments. Will future datasets make clear the number of cases where impact of life payments have been retrospectively increased?

- a) Will you commit to ensuring that payments that are retrospectively increased are not counted twice in statistics, as this could skew available statistics on the number of claimants who have received payments?

Claimant support

5. We have heard that having to contact the Home Office to be referred to the claimant assistance service is off-putting to people who want to apply. Why do you consider this referral process to be necessary?

- a) Have you consulted Martin Forde, the Windrush Advisory Group, or claimant representatives, on this arrangement?
- b) We have been told that many claimants feel compelled to seek costly legal support with their applications. What consideration have you given to providing legal aid, a budget for applicants to spend on legal costs, or funding law centres and pro bono support for claimants?
- c) How do you ensure that people who fill in the form by themselves, without legal or claimant assistance support, are not disadvantaged?

Communication with caseworkers

6. The Home Office’s written evidence to our inquiry says that “Our aim is not to require individuals to provide unnecessary details, only the minimum evidence necessary to maximise the payment they receive.” In how many, and what proportion, of cases have people been asked to resubmit information already provided? In how many cases, and what proportion of cases, has the reason given for requesting resubmission been because the application or evidence had been lost?

7. You told us during oral evidence that staff training was encouraging empathy and improving the way in which the Home Office communicates with individuals. We have been told of a request for further evidence which contained 34 separate items, including questions such as “How did you feel when you were brought into a room at the enforcement centre and asked questions?” Is this in line with the approach recommended in staff training?

- a) How will the improvements to communication you spoke of ensure a better experience for people who apply to the Windrush Compensation Scheme?

Impact on life

8. You told us that the Home Office has not yet needed to commission a medical report to assist with determining a claim for impact on life. How does the training and guidance available to caseworkers equip them to determine whether, for example, “Short periods of focused medical treatment may have been necessary” (Level 3) or whether there have been “Profound impacts on a claimant’s life which are likely to be irreversible” (Level 5) without expert medical advice and assistance?

Loss of access to employment

9. You told us that there are data sharing agreements with HMRC. In what circumstances can data provided by HMRC be used to calculate an award for actual losses and in what circumstances is this not possible, and why? Where HMRC data cannot be used to calculate an award for actual losses, what consideration has been given to the use of other available data, such as ONS employment statistics, to enable claimants to receive an award that better reflects their actual losses?

- a) Can you further explain your response in your letter of 16 February 2021 that limiting everyone in these circumstances to the national living wage “ensures the Scheme remains fair”?

Reviews

10. Evidence we have received questions the independence of the Tier 2 review process. This is partly because the Adjudicator’s Office can’t enforce its recommendations to the Home Office. Why has the Home Office retained the right to refuse to implement recommendations made following a Tier 2 review?

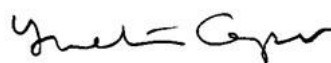
Urgent and exceptional payments

11. To date, how many applications for an urgent and exceptional payment have been received? How many payments have been made and what is the value of these payments?

- a) To date, how many individuals have received support from the Vulnerable Persons Team? What types of support does the Vulnerable Persons Team continue to provide?

Please answer these questions by 19 March.

Yours sincerely



Yvette Cooper MP