



Home Office

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31 August 2021

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

Dear Chair

My predecessor wrote to you on 10 July 2018 to outline the safeguards the Home Office put in place to protect those from the Windrush generation from being wrongly and erroneously impacted by Compliant Environment measures. This included pausing proactive data sharing with other government departments and delivery partners on those born before 1 January 1989. Since that time, the Department has worked hard to put in place safeguards in case-working and data sharing processes to ensure something like Windrush never happens again. Now that these safeguards are in place, I am writing to notify you of the Home Office's intention to resume proactive data sharing with other government departments to ensure only those eligible to access work, benefits and services do so and to protect taxpayer funded public services. I am also writing to provide you with an update on my Department's work to review the Compliant Environment, in line with recommendation 7 of the Windrush Lessons Learned Review.

Recommendation 7 of the Windrush Lessons Learned Review

The Compliant Environment is a complex set of policies and practices which have spanned many decades and governments and are similar to those in place in other comparable countries. They are not a uniform set of measures – they span public services and third parties and are in the main not directly administered by the Home Office. As a result, our approach to evaluating the Compliant Environment is also complex and comprises a variety of different strands, continuous review and embedding a different culture and approach. That is the Windrush legacy we are taking forward.

The Home Office had already taken steps ahead of the publication of the Lessons Learned Review to commission evaluation of some parts of the Compliant Environment; for example, the evaluation of the Right to Rent Scheme¹. This evaluation was commissioned externally, working in partnership with an independent contractor. Home Office analysts have carried out a review of the current academic evidence on the Compliant Environment and undertaken an analysis of internally held data. They have also

¹ The right to rent evaluation comprises of a landlord survey and mystery shopping exercise to test racial discrimination.

looked at policies to regulate access to work, benefits and services in a selection of other European countries, all of which had policies in place to protect public services and prevent illegal working.

More broadly we have demonstrated how we are seeking to learn the lessons of Windrush in the introduction of the successful EU Settlement Scheme (EUSS) by adopting a customer facing and individual approach. For example, all those granted status under the EUSS are given online evidence of their immigration status, which can be accessed at any time via the online service. We have also created the Resolution Centre (RC) to offer assistance seven days a week to those applying and to provide extended business hours telephone support to all customers.

On top of the safeguards within the Withdrawal Agreement, we have put in place comprehensive arrangements to enable those with reasonable grounds for missing the 30 June 2021 deadline to apply to the EUSS. To provide further reassurance to late applicants the Government has recently confirmed we will protect their rights until their application and any appeal is decided. This includes individuals' right to work and rent.

Beyond the EUSS we have also been improving the safeguards within the Compliant Environment and looking where we can go even further. For example, we are reviewing our 'permission to rent' policy. The review builds on the change we made in 2018 to introduce a 'minded to serve' safeguard into the process to enable tenants to make representations when it is deemed they do not have a right to rent.

We have updated our document list to include short-form birth certificates for right to work checks. This makes it easier for British citizens without a passport to evidence their right to work. A Chief Caseworker Unit was established in UKVI in June 2018 to ensure that decision makers have a clear escalation route where they have a concern or require specialist guidance. The unit also works to identify early warning signs and unintended consequences of policies and seeks to resolve systemic issues impacting on customers.

This specialist unit developed Our "Face behind the Case" training. This bespoke training encourages and supports Home Office staff to take the time to understand an individual applicant's circumstances in order to make more pragmatic decisions. So far, training has been delivered to over 10,000 Home Office staff on the front line, including caseworkers processing applications.

The Safety Valve Mechanism established in Immigration Enforcement provides decision makers with access to a network of experts. This enables early intervention for those individuals with vulnerability and safeguarding concerns. It has also facilitated more robust and sensitive handling of cases.

We have also introduced new safeguards to our data sharing processes within government. This provides increased assurance and improves the quality of existing secondary check processes.

The changes made ensure we have the robust systems and processes in place to underpin Compliant Environment measures. But as an additional precaution to protect against any unforeseen consequences, we have implemented an improved customer contact and resolution service for those who feel they have been incorrectly impacted. This service will improve customers' ability to tell us if something is not right and receive a swift resolution. It will also improve our ability to learn from customer feedback, make continuous improvements and inform policy development. We will be evaluating the information we receive through this route.

We have built a clear, well communicated web page ² which enables customers to contact the Home Office more easily. We are adding clear signposting to this new service on other government departments' correspondence. We are also building in a postal correspondence route for those with limited IT access or who are not digitally confident.

We will closely monitor the impact of the resumption and use this data to ensure that only those who are entitled to use publicly funded services can access them and that those who are here legitimately do not suffer negative consequences.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'P. Patel', with a stylized flourish at the end.

Rt Hon Priti Patel MP
Home Secretary

² <https://www.gov.uk/guidance/ask-the-home-office-to-check-your-immigration-status-is-correct>