



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

29 September 2021

Dear Chair,

Thank you for your letter of 8 September about the further changes to the Windrush Compensation Scheme, about which I wrote to you on 20 July.

Altogether £36 million has now been awarded and £30 million paid out.

You raised several issues.

Our Vulnerable Persons Team works with government departments, the NHS, police, housing providers, employers, utility providers, and landlords to find practical solutions when people are vulnerable. The support is individually tailored. Where appropriate, the team may also liaise with other organisations on an individual's behalf and make direct contact with, for example, a landlord or utility provider.

To the end of August, the Vulnerable Persons Team had provided support to 1,938 people, with 103 cases ongoing. In future, this information will be publicly available as part of the wider Windrush Compensation Scheme transparency data published on GOV.UK.

To the end of July, 191 urgent and exceptional payment requests have been received, of which 61 have been approved, 113 declined, and 17 withdrawn. The total value of exceptional payments made to date is £111,977.50.

Information about urgent and exceptional payments is also due to form part of the wider Windrush Compensation Scheme transparency data published on GOV.UK.

To the end of July:

- 211 Tier 1 reviews have been concluded, 172 were upheld, and 39 resulted in an increased offer of compensation.
- 24 Tier 2 reviews have been concluded, 23 were upheld, and 1 has resulted in an increased offer of compensation.
- No offers of compensation have been decreased following a Tier 1 or Tier 2 review.

In some instances where offers of compensation have increased, this is because of new evidence which has come to light or been submitted by the claimant. All outcomes of reviews are looked at by senior managers who ensure our teams learn from them.

**Total number of full or interim payments by claim made up to (i) 31 March 2021 and (ii) from 1 April to 31 July 2021**

	Up to 31/03/2021		01/04/2021 - 31/07/2021	
	Interim	Full	Interim	Full
Immigration and legal fees	37	79	1	16
Detention deportation and removal	11	34	1	10
Employment	12	114	0	51
Child benefit/tax credits	1	13	0	1
Benefits	0	34	0	4
Housing	12	28	1	11
Health	2	20	0	4
Banking	4	41	0	9
Education	1	10	0	3
Homelessness	3	25	0	5
Impact on daily life	117	397	4	154
Discretionary	3	69	0	14
Driving licence	0	17	0	1

\* Interim payments do not include preliminary payments. These are separate payments.

\*\*Interim awards are offered where aspects of a claim can be concluded more quickly than others.

As part of the changes made last December, we removed the 12-month cap on general awards in the Loss of Access to Employment category, which applied to those who had not taken steps to resolve their status. This means employment awards are no longer capped because of a lack of mitigation action.

These changes have been applied retrospectively, so no compensation awards will be reduced or declined because of a failure to mitigate loss. However, we believe it is right to retain the discretion to reduce or refuse compensation awards, particularly where a wilful default or a lack of cooperation is apparent, or where an individual's actions increased their losses.

The Home Office remains focused on speeding up the processing of claims. On 21 July we published a redesigned primary claim form which is easier to complete. We have also refreshed caseworker guidance, which clearly sets out how caseworkers should apply the balance of probabilities and gather evidence to ensure claimants are only asked for the minimum necessary information. Together, these should improve and speed up the processing of claims.

We are taking steps to improve evidence-gathering, including by revising the data-sharing agreements with other departments and making third party referrals earlier. We are also recruiting more caseworkers – 56 over the next four months.

The number of final decisions made has increased month on month since March 2021, although the months of July and August were affected by annual summer leave.

We report on the number of claims which have received a payment under the Compensation Scheme. Many individuals receive more than one payment, e.g. a preliminary payment followed by a full and final payment. Between December and March, we paid a significant number of preliminary payments to people whose claim was in progress and had not previously received a payment.

We are planning to undertake some analysis over the next quarter to better understand the changing profile of claims. This will enable us to re-adjust our approach and position, if necessary.

We continue our efforts to maximise the number of preliminary awards we can offer. For example, we have created a new team to begin evidence-gathering as soon as a claim is received, to ensure we have as much information available as quickly as possible. We have also redesigned the claim form to help claimants provide the key information we need to make an award.

The loss of access to employment category was amended on 14 December 2020 so it would operate fully on the balance of probabilities. Prior to 14 December, we had made 63 payments for loss of access to employment broken down as follows:

<b>Award type</b>	<b>Total number</b>
Actual	46
General	17
<b>Total</b>	<b>63</b>

73% of awards for loss of access to employment prior to the December changes were actual awards.

62 of the 63 awards have been reassessed in line with the new rules (the outstanding case will be resolved shortly) and the results are as follows:

<b>Award type</b>	<b>Total number</b>
Actual	36
General	26
<b>Total</b>	<b>62</b>

The reassessment outcomes break down as follows:

<b>Reassessment outcomes</b>	<b>Number of claims affected</b>
General to actual	6
Remained general but award increased	6
Remained general, no change	4
Actual to general	16
Remained actual but award increased	3
Remained actual, no change	27

Fifty per cent of awards were changed. The most frequent change in award was from “actual” to “general”, causing an increase in the overall percentage of general awards (from 27% to 42%). Under the new rules – actual awards are calculated using an individual’s actual salary which they missed out on whereas general awards are calculated using a monthly tariff. General awards are given where we are unable to obtain evidence of the salary they missed out on, or where the salary was lower than the tariff.

We wanted to ensure individuals who were to provide evidence of their salary did not receive awards which were smaller than an equivalent general award would be, where their salary was lower than the general tariff.

As of 8 September, 32 representatives of an estate have requested assistance with applying for probate. They have been either referred by the Windrush Help team to our assistance provider We Are Digital, or have contacted WAD directly for support. The 32 includes claimants who had previously applied for compensation on behalf of an estate and new claimants considering submitting a claim.

We have contacted all 119 claimants who had previously applied for compensation on behalf of an estate and where we have confirmed the eligibility of the primary claimant with information about the support available to them.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a large flourish at the end.

**Kevin Foster MP**  
**Minister for Future Borders and Immigration**