



Home Office

Home Secretary

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

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

13 July 2018

Dear Yvette,

WINDRUSH COMPENSATION

At the hearing on 10 July I agreed to write to you further about the arrangements in place to provide help to the Windrush generation in advance of the launch of the Windrush compensation scheme.

I was grateful that you recognised my commitment to supporting those of the Windrush generation that have been wronged. As I set out to you in my letter of 28 June, the first priority in terms of providing that support is through helping people establish their immigration status through the Windrush taskforce. The importance of this should not be overlooked: if people are experiencing hardship because, for example, they cannot get a job, then the first priority in terms of alleviating that hardship is to remove any barriers they are facing that are connected with their immigration status.

However, the Taskforce can, and is, doing more. I also set out to you previously that there is a dedicated team for vulnerable people, which has arranged a fast-track service with the Department for Work and Pensions to confirm people's status and residence, and arrange access to benefits and documentation. Where people are identified as being homeless we have worked with local authorities to secure temporary accommodation. In addition to this, following your recent report, my officials are also working at pace with third sector organisations that have experience and expertise in supporting and helping those in financial difficulties, with a view to providing further tailored advice to those experiencing hardship.

You asked for more information about our existing arrangements for compensation. Whilst the Home Office deals with the vast majority of its caseload correctly and to a high standard, we have an existing ex-gratia scheme for the very small minority where things have gone wrong. The Immigration commands of the Home Office make such payments, beyond any legal or statutory requirements, as redress for claims of maladministration. These payments are made at the Home Office's discretion, and depend on the individual circumstances of each complaint. There are a wide range of circumstances that are

provided for by the scheme, covering both financial and non financial loss (including wrongful detention).

Of course, the ex-gratia scheme was established before the particular circumstances of the Windrush generation most recently came to light, and it is possible that not all the circumstances of Windrush individuals would be covered. This is the reason I have committed to set up a separate compensation scheme that more directly meets the losses that have been experienced by them.

As well as the ex-gratia scheme, the Home Office carefully considers claims for compensation that are included through a notice of possible legal action. Where we consider that the department has erred, we will seek to reduce any further distress for the claimant by making an offer of compensation, rather than continue through a lengthy legal challenge. I can confirm that Windrush generation cases are sometimes addressed through this route. For clarity there has been one individual who has received compensation and we have sought to make contact proactively with another. Whilst there is no requirement, settlement offers are sometimes accompanied by confidentiality clauses, depending on individual circumstances

I trust this information provides you with the necessary reassurance that my Department is doing it all it reasonably can to support people who have been wronged and once again I am grateful for the Committee's continued work in this area.

A handwritten signature in black ink, appearing to read 'S. Javid', with a small flourish at the end.

Rt Hon Sajid Javid MP