

Parliamentary Briefing: Windrush Compensation Scheme

February 2024

Background

The Windrush Scheme is a government initiative to help and support people who arrived in the UK a long time ago but don't have documents that confirm their immigration status. Without these documents, many people have faced problems when trying to find work, rent a home and access the benefits and services they're entitled to.

The scheme was established after it emerged that people of the Windrush Generation (arriving in the UK between 1948 and 1971) were being wrongfully treated as illegal immigrants. As a result, many lost access to housing, healthcare, employment, social security, bank accounts and driving licences. Some were placed in immigration detention centres and forcibly removed from the UK.

However, by the end of 2023, only 1,993 individuals had been offered compensation, accounting for just 13% of those the Home Office estimates to be eligible, leaving the vast majority still awaiting restitution. Additionally, claimants reported that in some cases, compensation levels have been insultingly low or did not cover all the areas of their lives that have been impacted, such as losses to private pensions.

Many of the older Windrush Generation continue to be affected by injustices and hardship as a result of having been denied their immigration status.

Age UK's Position

Too many received shameful treatment which has had a devastating impact on them and their families. What makes the Windrush scandal even worse is that rather than righting the wrongs done, the Windrush Compensation Scheme has itself become a cause of further distress.

We have a number of key recommendations which we believe the Government should act upon to do right by this group of older people. It is increasingly urgent that we do. Time is not on the side of those waiting for compensation.

Age UK would like to see the Government:

- Remove administration from the Home Office
- Account for losses to private pensions and future earnings.
- Process applications and appeals quicker.
- Improve training for case workers and consistency between cases.
- Improve routes to challenge Compensation Scheme decisions.
- Reduce the burden of proof on claimants.
- Implement all the recommendations set out by the 2020 Wendy Williams Review.

Remove the Scheme from the Home Office

The Home Office is responsible for the original injustices faced by the Windrush Generation as a result of their hostile environment policies. Making administration of the scheme independent of the Home Office would improve trust and re-establish the integrity of the scheme. It would ensure that those affected by the scandal do not have to undergo the stress of asking for compensation from and submitting evidence to, the body responsible for their loss and trauma.

Reform the Scheme to properly recognise losses

Loss of private pensions

As a result of losing employment and entitlements to benefits due to the Windrush Scandal, many drew their private pensions early in order to make ends meet. This has led to a reduced private pension pot. In some cases, a loss of employment may have also led to the loss of a private pension. However, loss of private pensions is not currently included in the scheme's calculation of loss of earnings. This is despite repeated calls from campaigners for the inclusion of private pensions.

Whilst being locked out of employment, claimants have missed out on their workplace pension. This can mean not accruing qualifying years of a defined benefit pension, or the employer contribution, tax relief and investment returns of a defined contribution scheme. This is a particularly important issue given that the majority of Windrush victims are either of, or are approaching pensionable age.

Loss of future earnings

Loss of future earnings is not currently compensated for under the scheme.

Estimating these losses is complex but as they are the direct result of actions taken by the Home Office we believe the Government should find a way to cover them in the compensation scheme.

Remove barriers preventing awards from the Windrush Compensation Scheme

A number of issues are preventing swift access to justice for those affected by the Windrush scandal:

- Slow application and appeal process
- Inconsistency between cases
- Limited routes to challenge application outcomes
- High burden of proof on claimants

Implement the Williams Review

In 2020 Wendy Williams published the 'Windrush Lessons Learned Independent Review'¹ which outlined 30 recommendations for the Government.

Despite initially accepting the recommendations, in 2023 the Home Office decided to row back on three commitments they had made;

- Commitment 3: Running Reconciliation Events
- Commitment 9: Introducing a Migrant Commissioner
- Commitment 10: Reviewing the remit and role of the independent chief inspector of borders and immigration

Older people told us:

"When it came to light that people like us had been wrongfully treated as illegal immigrants, I spoke to ITV to share my experience. After that, it only took the Home Office a week to finally give me documentation. And eventually, I was offered some compensation.

But all the pension contributions I could have been making wasn't included and the jobs, I missed out on weren't considered. I did challenge the Home Office on this, but my claim was rejected. The Home Office said it was too difficult to compensate loss of pension or future earnings."

Glenda (Age 64), Age UK Campaigner

"In 2018, my daughter helped me make a claim to the Windrush Compensation Scheme. The level of evidence was ridiculous and several things we'd send to the Home Office would get lost, so we'd have to send them again. I waited for three years before I was finally made an offer which compensated my loss of earnings but there was no mention of my pension losses."

Thomas (Age 70), Age UK Campaigner

"After three years, I finally got compensated but it turns out I was underpaid due to my homelessness. And although my claim has been reopened, my full compensation still hasn't been paid to me because they're dealing with fresh cases. But new cases will keep coming. I'll just be in a queue forever, I'll never get what I'm actually owed. I might die before my claim gets processed."

Conroy (Age 67), Age UK Campaigner

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