

Research Briefing

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# The government's response to the Windrush scandal



## Immigration Act 1971

1971 CHAPTER 77

An Act to amend and replace the present immigration laws, to make certain related changes in the citizenship law and enable help to be given to those wishing to return abroad, and for purposes connected therewith.  
[28th October 1971]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Summary

- 1 Introduction
- 2 How is the government supporting those affected?
- 3 What lessons have been learned?
- 4 The Labour government's plans

REGULATION

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## Summary

The Windrush generation is a group of people who migrated to the UK from Caribbean Commonwealth countries between 1948 and 1973. Such people are entitled to live in the UK permanently but many of them did not have documentation to prove this.

Because they were unable to prove their right to live in the UK, some members of the Windrush generation and other long-standing UK residents were wrongly treated as illegal immigrants. They were consequently denied access to employment, healthcare and other services, and in some cases detained or removed from the country.

The obstacles these people encountered in trying to prove their status, and the difficulties and distress they experienced as a result, have come to be known as the 'Windrush scandal'.

## The Conservative government set up two programmes to support people affected

The government has put in place schemes to [provide proof of immigration status](#), and to [provide compensation for losses](#) experienced because an affected person was unable to prove their immigration status. Under these schemes:

- 17,000 people have received documentation confirming their status or British citizenship (up to the end of March 2024)
- 8,800 claims have been made for compensation, of which 2,600 have received payments (up to the end of July 2024)

Some have [criticised the compensation scheme](#), saying that it has been too slow and bureaucratic, and that payments do not adequately reflect losses. The [government has made several changes to the design and operation of the scheme](#) since it was launched, including to make compensation payments more generous and increase the number of staff working on it.

[£94 million has been paid in compensation](#), as of the end of July 2024. Total compensation scheme payments could exceed £165 million if Home Office estimates of future claims are correct.

## A major review made 30 recommendations for changes at the Home Office

Alongside the schemes to support victims of the Windrush scandal, in 2018 then Home Secretary Sajid Javid commissioned a major review to look at the events leading up to the Windrush scandal.

The [Lessons Learned Review by Wendy Williams](#) concluded that what happened to those affected by the Windrush scandal was “foreseeable and avoidable”. Officials and ministers had not, she found, heeded warning signs from both inside and outside the Home Office. The review made 30 recommendations and called on the government to publish a comprehensive improvement plan within six months of the review’s publication.

The Johnson government accepted all 30 of the review’s recommendations and published a [comprehensive improvement plan](#) in September 2020. [The Sunak government subsequently decided not to proceed](#) with three of the review’s recommendations.

## The Labour government has made commitments to improve the response

The [Labour Party manifesto](#) for the 2024 general election stated: “we will ensure the victims of the appalling Windrush scandal have their voices heard and the compensation scheme is run effectively, with a new Windrush Commissioner”. Ahead of the election, then Shadow Home Secretary Yvette Cooper said in an [opinion piece](#) that Labour would:

- restore community engagement to encourage applications to the Windrush Compensation Scheme
- speed up compensation payments
- proceed with reconciliation events
- re-establish the Windrush unit to continue transformation within the Home Office
- appoint a new Windrush commissioner to oversee the delivery of the compensation scheme and the implementation of the Lessons Learned review, and to be a voice for families and communities in making sure change happens

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# 1 Introduction

## 1.1 What is the Windrush scandal?

The Windrush generation is a group of people who migrated to the UK from Caribbean Commonwealth countries between 1948 and 1973. People belonging to this group were entitled to live in the UK permanently, but many did not have documentation to prove this.

As a result of being unable to prove their right to live in the UK, some members of the Windrush generation were wrongly treated as illegal immigrants and consequently denied access to employment, healthcare and other services in the UK. Some were put in immigration detention or removed from the country.

The obstacles these people encountered in trying to prove their status, and the difficulties and distress they experienced as a result, have come to be known as the 'Windrush scandal'.

The term 'Windrush' is a reference to the ship MV Empire Windrush. The ship arrived at Tilbury Docks, Essex, in June 1948, bringing people from Jamaica, Trinidad and Tobago and other islands in response to post-war labour shortages in the UK.<sup>1</sup>

### The causes of the Windrush generation's difficulties

The [Lessons Learned Review by Wendy Williams](#) identified immigration and nationality policies and legislation under successive governments from the 1960s onwards as contributing factors. These included:

- The Commonwealth Immigrants Act 1962, which introduced immigration controls on British citizens from the colonies
- The Immigration Act 1971, which confirmed that the Windrush generation had the right of abode in the UK but did not involve any documents to demonstrate this state. Nor did the government keep records
- The Immigration Act 1988, providing that people would lose their settled status if they stayed out of the UK longer than two years

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<sup>1</sup> See for example [HC Deb 1 July 1948 vol 452 c2367](#)

- ‘Hostile environment’ policies, particularly after 2014, intended to deter illegal immigration by requiring immigration status checks on people seeking work, healthcare and rented accommodation
- Difficulties getting immigration status documentation: the standard of evidence became higher and the processes more complex and costly<sup>2</sup>

## Who was affected?

The Lessons Learned review focused on the Windrush generation: mostly Black people who came to the UK from Caribbean countries, and their descendants. But not everyone who is part of the Windrush generation has been affected by the Windrush scandal. Many people did secure documentation to prove their immigration status. As solicitor Jacqueline McKenzie told the Home Affairs Committee in 2023:

... the cohort of people affected by the Windrush scandal are largely a very marginalised and vulnerable cohort within the Windrush generation. They are not the Windrush generation, they are a tiny cohort within it. They are very marginalised and socially excluded...<sup>3</sup>

Conversely, not everyone who suffered from not being able to prove their immigration status was part of the Windrush generation. People from many different countries have been able to avail of the Windrush schemes.

Throughout this briefing, references to victims of the Windrush scandal cover people of all nationalities who were affected by the issues outlined above.

## How many people were affected?

The overall number of people affected by the Windrush scandal isn't known. The [Lessons Learned Review](#) commissioned by the government concluded that “gaps in official data mean we might never know exactly how many people were affected”.<sup>4</sup>

What is known is how many people have engaged with support schemes set up by the government to provide documentation and compensation to affected individuals. By the end of March 2024, 22,000 people had applied to the Windrush Documentation Scheme, and 17,000 people had secured documentation or citizenship.<sup>5</sup> By the end of July 2024 there had been 8,800 claims for compensation for losses experienced because of being unable to prove a right to live in the UK, of which 2,600 had received payments.<sup>6</sup>

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<sup>2</sup> Home Office, [Windrush Lessons Learned Review: Independent review by Wendy Williams](#), HC 93, 19 March 2020, part 2

<sup>3</sup> Home Affairs Committee, [Oral evidence: Work of the Home Office: Windrush](#), HC 1186 2022–23, 8 March 2023, Q1

<sup>4</sup> Home Office, [Windrush Lessons Learned Review: Independent review by Wendy Williams](#), HC 93, 19 March 2020, p44

<sup>5</sup> Home Office, [Windrush Task Force Data: Q1 2024](#), tabs WRTF\_02 and WRTF\_03, 23 May 2024

<sup>6</sup> Home Office, [Windrush Compensation Scheme data: July 2024](#), tab WCS\_08, 29 August 2024

## 1.2

# Emergence and response in 2018

## When was the Windrush scandal identified?

In late 2017, the Guardian newspaper began publishing stories about long-standing UK residents who were being wrongly classed as illegal immigrants.<sup>7</sup> These reports are widely credited with bringing the scandal to light.

There had been warnings about the issue in the years before the scandal made headlines. In 2014, the charity Legal Action Group published a report entitled [Chasing Status: if not British, then what am I?](#). The report highlighted the situation of long-term UK residents who were unable to prove their immigration status or were deemed to be living in the UK unlawfully. The charity noted that these people were being targeted for detention and removal, despite having spent most of their lives here.<sup>8</sup>

## How did the government respond?

As the Guardian's reports gained wider public and political attention, in April and May 2018 the government set out a series of actions it was taking. These actions included:

- Creating a team to support affected individuals to get documentation to prove their right to reside in the UK<sup>9</sup> (see section 2.3 below)
- Reviewing Home Office records to verify if anyone had been deported incorrectly<sup>10</sup> (see section 2.3 below)
- Enabling members of the Windrush generation to acquire British citizenship<sup>11</sup> (see section 2.2 below)
- Announcing that it would set up a compensation scheme for affected individuals<sup>12</sup> (see section 2.2 below)
- Commissioning a lessons-learned review<sup>13</sup> (see section 3.5 below)

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<sup>7</sup> [“I can't eat or sleep': the woman threatened with deportation after 50 years in Britain”](#), The Guardian, 28 November 2017; [“They don't tell you why': threatened with removal after 52 years in the UK”](#), The Guardian, 1 December 2017

<sup>8</sup> Legal Action Group, [Chasing Status: if not British, then what am I?](#), October 2014

<sup>9</sup> [HC Deb 16 April 2018 c20](#)

<sup>10</sup> [HC Deb 23 April 2018 c621](#)

<sup>11</sup> [HC Deb 23 April 2018 c620](#)

<sup>12</sup> [HC Deb 23 April 2018 c621](#)

<sup>13</sup> [HC Deb 2 May 2018 c350](#)

## 2 How is the government supporting those affected?

Theresa May's government launched two schemes to support victims of the Windrush scandal:

- The [Windrush Scheme for Documentation](#), which enables members of the Windrush generation to get documentation to prove their right to be in the UK.
- The [Windrush Compensation Scheme](#), which enables people who suffered losses because they could not show that they had a right to live in the UK to claim compensation.

Both schemes are free of charge and have no deadline. In January 2024 the Sunak government said they would remain open as long as they are needed.<sup>14</sup>

### 2.1 The Windrush Scheme for Documentation

The [Windrush Scheme for Documentation](#) was launched in May 2018 to ensure that members of the Windrush generation could get the documentation they need to prove their right to be in the UK, free of charge. The scheme is open to:

- Commonwealth citizens who were either settled in the UK before 1 January 1973 or who have the [right of abode](#)
- people of any other nationality who arrived in the UK and had indefinite leave before 1 January 1973
- people of any nationality, who arrived in the UK between 1 January 1973 and 31 December 1988 and who have settled status
- children of Commonwealth citizens who were settled in the UK before 1 January 1973 or have the right of abode and were ordinarily resident in the UK on 1 January 1973

Eligible people may be able to obtain evidence of their immigration or settled status, or apply for British citizenship, depending on their circumstances.

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<sup>14</sup> Home Office, [Windrush Schemes Factsheet – November 2023](#), 4 January 2024

There is detailed [guidance on who is eligible for the scheme](#), and [guidance for civil servants](#) on how to consider applications.<sup>15</sup>

Since the scheme was launched, 16,895 people have been issued with documentation confirming their status or British citizenship (up to March 2024).<sup>16</sup> The nationalities of these people are shown in the table below.

Nationalities of people granted documentation under the Windrush Scheme for Documentation	
Jamaica	3,508
Other Caribbean	2,128
Pakistan	200
India	2,509
Bangladesh	163
Ghana	165
Nigeria	481
EU	4,843
Rest of world	2,898
<b>Total</b>	<b>16,895</b>

Source: Home Office, [Windrush Schemes Factsheet – March 2024](#), 30 April 2024

## Are there still undocumented people from the Windrush generation?

It is unknown how many people were eligible for this scheme, and therefore whether there may still be people eligible for documentation.

In April 2023, [the Guardian published a story about a Trinidad-born man who has lived in the UK since 1959](#). He had been unable to work for the previous 13 years because of lack of documentation. The story reported that he “was aware of the government’s promises to help people who had been wrongly deported after being misclassified as illegal immigrants, but did not understand that a wider group of people could be helped by the scheme”. It also quoted a campaigner, Patrick Vernon, as saying “this is not a unique case; some people still know nothing about the schemes set up to help”.<sup>17</sup>

<sup>15</sup> Home Office, [Windrush Scheme: full eligibility details](#), 24 October 2023; Home Office, [Windrush scheme: caseworker guidance](#), 24 October 2023

<sup>16</sup> Home Office, [Windrush Schemes Factsheet – March 2024](#), 30 April 2024

<sup>17</sup> “[‘Like a blocked gate I can’t climb over’: a Windrush victim’s DWP impasse](#)”, The Guardian, 7 April 2023

## 2.2

# The Windrush Compensation Scheme

The [Windrush Compensation Scheme](#) was launched on 3 April 2019 (following a design and consultation process) for people who suffered losses because they could not show that they had a right to live in the UK. Eligible people can receive compensation for losses relating to:

- employment
- immigration fees
- housing
- health
- education
- driving licences
- banking
- welfare benefits
- homelessness
- detention and removal
- impact on life (for example, inconvenience, injury to feelings, missing major family events or not being able to travel)
- living costs (for example, rent, utilities, contributions towards food and household essentials, travel and prescription fees)

The criteria for, and levels of, compensation are set out in [Home Office guidance](#).<sup>18</sup>

Under current scheme rules, the minimum payment to someone the Home Office finds eligible for an award is £10,000. There is no cap on the total value of an award, but the highest awards that have been paid (up to March 2024) are between £400,000 and £450,000.<sup>19</sup>

Claims for compensation can be made by people who have had losses because they could not prove their right to stay in the UK ('primary claimants'), because their partner, child, brother, sister or parent could not prove their right to stay in the UK ('close family members'), or because they represent the estate of a primary claimant.

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<sup>18</sup> Home Office, [Windrush Compensation Scheme: full rules](#), 24 October 2023

<sup>19</sup> Home Office, [Windrush Schemes Factsheet – March 2024](#), 30 April 2024

## Limits to compensation

There are several limitations to compensation that victims of the Windrush scandal can receive. Some of the limitations include:

- Reduced or no compensation for claimants who have not tried to resolve their immigration status. The Home Office can reduce or decline to make an award if claimants have failed to take reasonable steps to resolve their lawful status, failed to take reasonable steps to mitigate losses, or taken unreasonable steps that have resulted in increased losses.
- No compensation for some types of immigration application. Refunds for immigration application fees are only available for unsuccessful applicants under certain categories of application (such as indefinite leave, citizenship, no time limit stamp). This excludes other, potentially costly, application routes that Windrush victims might have pursued in the past after being told by the Home Office that they didn't have status.
- Fixed compensation rates for most types of loss. Fixed rates are used to determine or cap compensation in most categories, rather than compensation being based on actual financial losses.<sup>20</sup>

## Challenging decisions

Claimants can challenge the amount offered in compensation, or a decision not to offer compensation. A request for a review of a decision is determined in the first instance (Tier 1) by a senior reviewer in the Home Office who was not involved in taking the decision to which the claim relates.<sup>21</sup> In most cases, senior reviewers can uphold a previous decision or make a new determination, although there are certain cases where decisions must be referred back to the Home Office for reconsideration.

If a claimant challenges a Tier 1 decision then a further review (Tier 2) is considered by the [Adjudicator's Office](#). The Adjudicator will make a recommendation to the Home Office as to whether, why and how the determination in force should be reconsidered.<sup>22</sup> The Home Office will then consider this recommendation and inform the claimant of its decision.

The Home Office does not regularly publish data on how many requests for review lead to previous decisions being overturned. However, in September 2022, the government said that it had accepted and implemented all recommendations made by senior reviewers in the Home Office following a Tier 1 review decision, and all recommendations made by the Adjudicator, following Tier 2 review decisions.<sup>23</sup>

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<sup>20</sup> Home Office, [Windrush Compensation Scheme: full rules](#), 24 October 2023

<sup>21</sup> As above, part 10

<sup>22</sup> As above

<sup>23</sup> PQ 48446 [on [Windrush Compensation Scheme](#)], 20 September 2022

## Changes to the scheme

The Home Office has made significant changes to the rules and criteria over the five years since the scheme launched. These include:

- December 2020: increasing the minimum payment for impact on life (such as inconvenience, hurt feelings, family separation) from £250 to £10,000, and the maximum payment from £10,000 to £100,000<sup>24</sup>
- July 2021: removing the application deadline, which had been April 2023<sup>25</sup>
- August 2022: broadening criteria to cover more kinds of losses, including in relation to homelessness and living costs incurred by close family members<sup>26</sup>
- October 2023: expanding entitlements under the loss of access to employment category and removing requirements for continuous residency in the UK since birth or arrival<sup>27</sup>

Changes to the compensation scheme have been applied retrospectively. This means that people who would have received higher offers had the revised rules been in place in the past are offered additional compensation.

## Claims and payments

As of 31 July 2024:

- 8,828 claims have been made
- 2,634 claims have received payments
- 638 claims have been rejected as ineligible (claims which do not meet the eligibility criteria)
- 4,677 claims have been assessed as having zero entitlement (claims which meet the eligibility criteria but where claimants are not entitled to an award)
- 2,135 claims have sought a Tier 1 review, of which 1,581 have been determined
- 433 have sought a Tier 2 review, of which 365 have been determined

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<sup>24</sup> Home Office, [Windrush Compensation Scheme factsheet - December 2020](#), 14 December 2020

<sup>25</sup> Home Office, [Windrush Compensation Scheme end date removed](#), 21 July 2021

<sup>26</sup> Home Affairs Committee, [Letter from the Minister for Safe and Legal Migration \(PDF\)](#), 22 August 2022

<sup>27</sup> Home Office, [Windrush Schemes Factsheet – November 2023](#), 8 December 2023

- 856 claims are in progress (this does not include claims at Tier 1 and 2 review, or claims that have received a final offer)<sup>28</sup>

People can make multiple claims to the scheme, and data on the total number of people who have made or received a compensation payment is not published.

## Amount paid and size of compensation payments

The Home Office had paid out £93.6 million by 31 July 2024.<sup>29</sup> A breakdown of all payments up to the end of March shows:

- 1,392 claimants received at least £10,000 but under £30,000
- 536 claimants received at least £30,000 but under £50,000
- 312 claimants received at least £50,000 but under £100,000
- 136 claimants received at least £100,000 but under £300,000<sup>30</sup>

Fewer than five people received awards in each of the following ranges: under £10,000, at least £350,000 but under £400,000, and at least £400,000 but under £450,000. Home Office data does not show the precise number of people receiving awards in these ranges.

## Nationality of compensation recipients

The vast majority of primary claims (4,177 of 5,314) to the Windrush Compensation Scheme were made by British citizens.<sup>31</sup> Other nationalities that accounted for a large number of claims included citizens of Jamaica (437), Nigeria (121), United States (69), Ghana (54), Barbados (43) and India (42).

## How many more people might be entitled to compensation?

Claims continue to be made despite the scheme opening over five years ago, and over 8,800 claims already having been made. There were 220 claims in July 2024, and the monthly average in the first half of 2024 was 153 claims.<sup>32</sup>

When the government launched the scheme in April 2019, it estimated it might pay out compensation worth between £120 million and £310 million to 15,000 people.<sup>33</sup> The National Audit Office (NAO) said that the government did not know how many people might be eligible for compensation, and so

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<sup>28</sup> Home Office, [Windrush Compensation Scheme data: July 2024](#), 29 August 2024

<sup>29</sup> As above, tab WCS\_03

<sup>30</sup> Home Office, [Windrush Schemes Factsheet – March 2024](#), 30 April 2024

<sup>31</sup> Home Office, [Windrush Compensation Scheme data: July 2024](#), tab WCS\_08, 29 August 2024

<sup>32</sup> As above, tab WCS\_02

<sup>33</sup> National Audit Office, [Investigation into the Windrush Compensation Scheme](#), 21 May 2021, p8

estimated the number based on information from its immigration systems and the 2011 census.<sup>34</sup>

In October 2019, the government reduced its assumption to 11,500 likely applications with estimated compensation payment of between £60 million and £260 million.<sup>35</sup>

In July 2021, the then Home Secretary Priti Patel stated that the government had further reduced its estimate of eligible claims it was likely to receive to between 4,000 and 6,000, with estimated costs of between £171 million and £215 million.<sup>36</sup> The total expected costs have not declined in line with the number of expected claims because changes to the scheme meant the average estimated claim award had increased.

She noted that “estimating the volume of eligible claims likely to be received was and still is extremely challenging due to the lack of information available on the number of people who have been affected”.

The [Home Office's annual report and accounts for 2023 to 2024](#) gave £81 million as the best estimate of the total value of future compensation scheme payments. The report explains how this figure has been calculated, and uncertainties around it, as follows:

The provision value is based on the likelihood of number of claimants, and the estimated costs for the different areas of loss for which claims may be made. There is a considerable amount of uncertainty in these assumptions, due to incompleteness of data on how many individuals have been impacted, and how they have been impacted.<sup>37</sup>

If future compensation scheme payments are as estimated, this would bring total payments to over £165 million. The Home Office has repeatedly stated that there is no limit to the amount of compensation available should claims be accepted.

## Criticism of the compensation scheme

The compensation scheme has been criticised as too slow and bureaucratic, and not offering adequate compensation. There was particularly strong criticism of the level of payments for impact on life (such as inconvenience, injury to feelings, immigration difficulties returning to the UK and missing major family events) when the scheme was first launched.<sup>38</sup> One person described the £250 offer of compensation they received as “offensive”.<sup>39</sup> At

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<sup>34</sup> As above

<sup>35</sup> As above

<sup>36</sup> Home Affairs Committee, [Letter from the Home Secretary on the Windrush Compensation Scheme, dated 20 July 2021 \(PDF\)](#), published 21 July 2021

<sup>37</sup> Home Office, [Home Office annual report and accounts: 2023 to 2024](#), 30 July 2024, p259

<sup>38</sup> Home Affairs Committee, [Oral evidence: The Windrush Compensation Scheme](#), HC 1013 2019–21, Q1

<sup>39</sup> “[‘Lambs to the slaughter’: 50 lives ruined by the Windrush scandal](#)”, The Guardian, 19 March 2020

that time, the minimum payment for impact on life was £250 and the maximum payment £10,000.

### Administration of the scheme

In May 2021, the NAO published a [Value for Money report on the Windrush Compensation Scheme](#). It identified a number of issues with administration of the scheme, including:

- that the government started accepting applications before it was ready
- that until it started enacting the changes it made in December 2020, it was not meeting its objective of compensating claimants quickly
- that it took, on average 154 staff-hours to process a case through to payment approval, compared with an estimated 30 hours
- that of the cases that were subject to a quality assurance check, half needed to be returned to a caseworker for further work

The NAO concluded that the Home Office “needs to sustain its efforts to improve its caseworking operations and management systems to ensure it fairly compensates members of the Windrush generation in acknowledgement of the suffering it has caused them”.<sup>40</sup>

A subsequent [report by the Public Accounts Committee](#) concluded that there had been “fundamental problems with both the Department’s design and implementation of the Windrush Compensation Scheme”. The committee found that:

The Department designed a scheme that was too complex and difficult for the claimants to engage with and failed to launch the scheme with adequate capacity to run it, and it has played catch-up ever since.<sup>41</sup>

The committee recommended that the Home Office should speed up its processing of payments, identify aspects of the claims process which were not working as effectively as they should and conduct a new estimate of how many people might be eligible for compensation. In November 2021 the Johnson government agreed with all of the committee’s recommendations. Setting out the actions it was taking in response, the government said it was:

- publishing a redesigned primary claim form which was easier to complete
- publishing refreshed caseworker guidance which set out clearly how caseworkers should apply the balance of probabilities and gather evidence to ensure claimants were only asked for the minimum information necessary

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<sup>40</sup> National Audit Office, [Investigation into the Windrush Compensation Scheme](#), 21 May 2021, p10

<sup>41</sup> Public Accounts Committee, [Windrush Compensation Scheme \(PDF\)](#), HC 174, 27 July 2021, p3

- recruiting more caseworkers
- launching a package of support to help those who were making, or who had already made, claims on behalf of a relative who had passed away to obtain the legal documentation required to process their claims<sup>42</sup>

### Accessibility of the scheme

A November 2021 [report by the Home Affairs Committee](#) highlighted a number of issues with the accessibility of the Windrush Compensation Scheme, and concluded :

The purpose of the Windrush Compensation Scheme is to ensure that those who have suffered loss due to their inability to demonstrate their lawful status can receive the maximum amount of compensation to which they are entitled and to right some of the wrongs done by the Home Office. That is what makes it so deeply troubling that the Home Office's handling of claims has repeated the same mistakes which lead to the Windrush scandal in the first place. Those who apply face a daunting application process without adequate support; they face unreasonable requests for evidence; they are left in limbo in the midst of inordinate delays. Too often, injustice has been compounded rather than compensated. This is unacceptable and must not continue.<sup>43</sup>

Among the specific issues identified by the committee were:

- the process of applying for compensation is difficult for claimants
- the proof required of financial loss can be difficult to meet
- offers of compensation do not necessarily reflect the losses and impacts suffered

The committee welcomed improvements that had been made to the scheme over time, but found that these changes had taken far too long and had not gone far enough. The committee recommended that:

- The compensation scheme should be transferred to an independent organisation, as many Windrush campaigners have called for<sup>44</sup>
- New arrangements should be introduced to ensure that everyone who wishes to access legal assistance with their claim is able to do so<sup>45</sup>

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<sup>42</sup> Public Accounts Committee, [Treasury minutes: Government response to the Committee of Public Accounts on the Fourteenth report from Session 2021-22 \(PDF\)](#), HC 174, 8 November 2021

<sup>43</sup> Home Affairs Committee, [The Windrush Compensation Scheme](#), HC 204, 24 November 2021, para 276

<sup>44</sup> As above, para 38

<sup>45</sup> As above, para 140

The Home Office rejected the proposal to move the compensation scheme outside of the Home Office, saying that a handover would only lead to more delays.<sup>46</sup>

On the lack of support for legal fees, the charity JUSTICE said “most Claimants find the application process difficult” and that lawyers typically charged 20% to 30% of the final award under conditional fee arrangements (‘no win, no fee’ claims). It recommended that free legal advice should be made available to claimants.<sup>47</sup> The Home Office has rejected proposals to provide legal assistance for claimants, saying that the scheme has been designed to be accessible to anyone without the need for legal assistance, and that in the vast majority of claims that have been concluded claimants received compensation without any involvement of legal professionals.<sup>48</sup>

At a [Home Affairs Committee evidence session](#) in March 2023, solicitor Jacqueline McKenzie told MPs “there are still inordinate delays. I have cases that have been outstanding for over 18 months”. She also highlighted that many cases were overturned at review, which she said meant that “the case-working is very poor”. In January 2024, the Home Office stated that it had reduced the time to allocate a claim for a substantive casework consideration from 18 months to under four months.<sup>49</sup> The four-month period includes all essential eligibility checks, together with a preliminary assessment to make an initial payment of £10,000 wherever possible.

The Home Office has increased the number of caseworkers working on the Windrush Compensation Scheme. In August 2021 there were 63.1 full-time equivalent caseworkers. This increased to 80 in October 2021.<sup>50</sup> In March 2023 there were 124 caseworkers, and the then Parliamentary Under Secretary of State for Migration and Borders said this would increase to 154 by the end of June.<sup>51</sup>

In April 2023, Human Rights Watch argued that the compensation scheme was failing. It said the scheme was violating the rights of victims of the Windrush scandal to an effective remedy for human rights abuses suffered as a result of actions by the Home Office.<sup>52</sup> The organisation heard that the process was complex and often claimants needed legal assistance. It also said that offers of compensation were slow and inconsistent. Human Rights Watch made several recommendations for reform, including:

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<sup>46</sup> Home Affairs Committee, [The Windrush Compensation Scheme: Government Response to the Committee's Fifth Report](#), HC 1098, 7 February 2022, p2

<sup>47</sup> JUSTICE, [Reforming the Windrush Compensation Scheme \(PDF\)](#), 15 November 2021, para 1.6

<sup>48</sup> Home Affairs Committee, [The Windrush Compensation Scheme: Government Response to the Committee's Fifth Report](#), HC 1098, 7 February 2022, p14

<sup>49</sup> Home Affairs Committee, [Letter from the Minister for Legal Migration on the Windrush Compensation Scheme, dated 18 January 2024 \(PDF\)](#), published 24 January 2024

<sup>50</sup> [Treasury minutes: Government response to the Committee of Public Accounts on the Fourteenth report from Session 2021-22 \(PDF\)](#), 8 November 2021

<sup>51</sup> Home Affairs Committee, [Oral evidence: Work of the Home Office: Windrush](#), HC 1186 2022-23, 8 March 2023, Q89

<sup>52</sup> Human Rights Watch, [“UK: “Hostile” Compensation Scheme Fails ‘Windrush’ Victims”](#), 17 April 2023

- removing the Windrush Compensation Scheme from the Home Office
- ensuring more transparent, independent oversight over administration of the scheme
- guaranteeing legal aid for all eligible claimants
- providing an independent and impartial tribunal to consider appeals
- lowering the burden of proof and providing full compensation for losses

Campaign group [Justice4Windrush](#) wrote an open letter to the government and Leader of the Opposition in 2024 making recommendations similar to those by Human Rights Watch.<sup>53</sup> Signatories include members of the Windrush generation and their descendants, public figures and lawyers, including Martin Forde KC, who had previously been the government's independent adviser on the design of the Windrush Compensation Scheme.

Delays accessing compensation are of particular concern because the victims of the Windrush scandal are an ageing cohort, and some claimants have died before receiving compensation. As of the end of June 2024, the Home Office was aware of 56 claimants who had passed away after having submitted a claim.<sup>54</sup>

## 2.3 Support for people to access the schemes

The Home Office has tried to promote the Windrush schemes and support eligible people to access them. This has included:

- The Windrush Help Team (also called the Windrush Taskforce): a government service to help people access the Windrush Documentation Scheme and Windrush Compensation Scheme.<sup>55</sup>
- The Vulnerable Persons Team: a government team to provide help and advice to individuals where safeguarding and vulnerability issues are identified.<sup>56</sup>
- The Windrush Community Fund: up to £500,000 of financial support for charitable, community or grassroots organisations to fund projects which raise awareness of the Windrush Scheme (documentation), the Windrush Compensation Scheme or both.<sup>57</sup>

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<sup>53</sup> Justice4Windrush, [The Letter](#), accessed 2 August 2024

<sup>54</sup> [PQ 1720 \[Windrush Compensation Scheme\]](#), 2 August 2024

<sup>55</sup> Home Office, [Windrush Help Team: partner pack](#), 22 September 2020

<sup>56</sup> Home Office, [Windrush scheme: support in urgent and exceptional circumstances](#), 23 August 2022

<sup>57</sup> Home Office, [Apply for the Windrush Community Fund](#), 14 December 2020

- The Community Engagement Fund: up to £150,000 of financial support for charitable, community or grassroots organisations to fund projects which raise awareness of the Windrush Scheme (documentation), the Windrush Compensation Scheme or both.<sup>58</sup>

However, there have been criticisms that the government's efforts to reach and support eligible people to claim compensation have not been sufficient or effective.

A 2021 [report by the National Audit Office](#) found that research commissioned by the Home Office found that lack of awareness and trust might discourage people from approaching the department about these schemes.

Some respondents to a Home Office-commissioned survey reported they did not trust the department or believe they would be helped or were eligible.

The Home Affairs Committee raised concerns in November 2021 that the Home Office had not done enough to proactively identify victims of the Windrush scandal and help them access support, and called on the Home Office to provide more detail on the costs of doing so.<sup>59</sup>

The government-commissioned Lessons Learned Review noted that the narrow focus of the Historical Cases Review (which was established to review the cases of Caribbean nationals born before 1973 to identify people who may have been wrongly detained or removed) meant that the Windrush Taskforce did not proactively contact non-Caribbean nationals in the same way as it did Caribbean nationals. It also recommended that the government should be more proactive in identifying people affected and put right any detriment detected, and consider reviewing data on other Commonwealth cases as well as Caribbean nations.<sup>60</sup>

In its response to the Home Affairs Committee's report, the government said that it was writing to people who had been granted documentation under the Windrush Scheme, but who had not yet applied for compensation, to signpost the compensation scheme and encourage them to consider applying. It added the Historical Cases Review was never intended to identify everyone affected in all ways by Windrush issues, and that there was no way to use Home Office data to do this. The government said that extending the review to all nationalities would bring what is currently an unknown but large number of cases into scope, which could cost "in the tens of millions".<sup>61</sup>

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<sup>58</sup> Home Office, [Home Office funds activities to support Windrush community](#), 23 December 2023

<sup>59</sup> Home Affairs Committee, [The Windrush Compensation Scheme](#), 24 November 2021, paras 49 and 51

<sup>60</sup> Home Office, [Windrush Lessons Learned Review: Independent review by Wendy Williams](#), HC 93, 19 March 2020, p15 and 137

<sup>61</sup> Home Affairs Committee, [The Windrush Compensation Scheme: Government Response to the Committee's Fifth Report](#), HC 1098, 7 February 2022

## 3

# What lessons have been learned?

Since the Windrush scandal came to light, several reports have looked at what went wrong, how the government responded, and what changes were needed to avoid a similar issue in the future. These reports have included:

- a Joint Committee on Human Rights report in June 2018 on [Windrush detention](#)
- a Home Affairs Committee report in July 2018 on [the Windrush generation \(the committee also produced a report in November 2021 on The Windrush Compensation Scheme which is mentioned above\)](#)
- a National Audit Office report in December 2018 on the [Handling of the Windrush situation](#)
- a Public Accounts Committee report in March 2019 on [The Windrush generation and the Home Office](#)
- the government-commissioned [Windrush Lessons Learned Review](#) in March 2020
- an Equality and Human Rights Commission [Public Sector Equality Duty assessment of hostile environmental policies](#) in November 2020

### 3.1

## Joint Committee on Human Rights report, June 2018

The Joint Committee on Human Rights published a [report on Windrush generation detention](#) in June 2018. This was based on an in-depth examination of Home Office case files belonging to two members of the Windrush generation who had been wrongly detained.

The committee identified a “catalogue of errors” regarding the handling of these cases. These included “misapplication of the law relating to immigration status, the seemingly unlawful and inappropriate use of detention powers, and a culture that failed to treat people with basic respect and dignity”.<sup>62</sup>

The committee said that it was “unacceptable that the rights of a whole category of people with a legal right to be in the country were overlooked by

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<sup>62</sup> Joint Committee on Human Rights, [Windrush generation detention \(PDF\)](#), 29 June 2018, para 18

Home Office officials”. It found that the Home Office’s approach to Windrush detention cases “demonstrated a wholly incorrect approach to case-handling and to depriving people of their liberty”.<sup>63</sup>

The committee rejected the Home Office’s explanation that poor handling of these cases was due to “a series of mistakes over a period of time”. It did not consider this a credible or sufficient explanation, and raised concerns that the cases reflected systemic deficiencies. The committee called for “fundamental change in the law, culture and procedures to protect human rights in the work of the Home Office”.

The government’s response expressed deep regret about the two cases the committee looked at, and said it was committed to providing them with the support and compensation they deserve. It stated that the government had “given a firm commitment that we will learn lessons from the wrongs experienced by the Windrush generation and ensure these mistakes never happen again”.<sup>64</sup>

## 3.2 Home Affairs Committee report, July 2018

The Home Affairs Committee published a [report on the Windrush generation](#) in July 2018. The committee sought to identify the underlying causes of the scandal, the adequacy of the government’s response and broader lessons for the department. While it welcomed the establishment of the Windrush Taskforce and fee waivers for Windrush cases, the committee concluded that:

The process of review, lesson learning and accountability remains unsatisfactory. There was a clear lack of oversight of the system as a whole, meaning that the Government did not recognise systemic problems as they arose.

The committee stated that “it is vital that the ‘shape’ of other problems with immigration policy is seen in future and that the promised change in culture in the Home Office is implemented”.<sup>65</sup>

The committee made several recommendations about the approach the government should take to the compensation and documentation schemes to support members of the Windrush generation.

In its response, the government stated that it “deeply regrets what has happened to the Windrush generation and that we are determined to put it right”.<sup>66</sup> It also confirmed the government’s commitment to a major review.

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<sup>63</sup> As above, paras 29 and 36

<sup>64</sup> Joint Committee on Human Rights, [Windrush generation detention: Government Response to the Committee’s Sixth Report of Session 2017–19 \(PDF\)](#), HC 1633, 18 October 2018, para 2

<sup>65</sup> Home Affairs Committee, [Windrush generation \(PDF\)](#), HC 990, 3 July 2018, para 140

<sup>66</sup> Home Affairs Committee, [The Windrush generation: Government Response to the Committee’s Sixth Report of Session 2017–19 \(PDF\)](#), HC 1545, 4 September 2018, p2

### 3.3 National Audit Office report, December 2018

The NAO's December 2018 report on the [Handling of the Windrush situation](#) considered whether problems with the Home Office's information management and management of immigration casework might have contributed to the difficulties encountered by the Windrush generation. Its recommendations, which aimed to reduce the risk of a similar situation arising in the future, included that the Home Office:

- consider its responsibility to be more proactive in identifying people affected
- improve its approach to assessing risks to particular individuals and groups before it implements its policies
- develop a strategy to support potentially vulnerable people engaging with the immigration system
- place a greater emphasis on outcomes in its checks on quality of decision-making, and consider additional checks on refusal decisions
- use independent scrutiny to identify and counter potential negative consequences of policy and operational processes

### 3.4 Public Accounts Committee report, March 2019

The Public Accounts Committee published a [report on the Windrush generation and the Home Office](#) in March 2019. This was based on the NAO's report, and an evidence session with legal experts and a member of the Windrush generation who had been affected by Home Office policies.

It concluded that “for many years, the Home Office has failed to protect people's legal rights to live, work and **access** services and benefits in the UK”.<sup>67</sup> The committee found that the department had shown a “lack of care”, that it ignored warning signs, and that it was a “a dereliction of duty for the Department not to monitor the impact of its compliant environment policy on vulnerable members of our society”.<sup>68</sup>

The committee said that the government “must protect and prioritise people's rights to residency or citizenship when designing, delivering and monitoring its immigration policies and systems”.<sup>69</sup> The committee called for the government to do more to support victims of the Windrush scandal, and to

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<sup>67</sup> Public Accounts Committee, [Windrush generation and the Home Office \(PDF\)](#), HC 1518, 6 March 2019, para 1

<sup>68</sup> As above, paras 1 and 3

<sup>69</sup> As above, para 1

extend its historical reviews to identify other nationals who may have been wrongfully detained, removed or sanctioned under the compliant environment.<sup>70</sup>

The government agreed with most of the committee's recommendations, but did not agree that it should extend the historical review. It stated that this review was not intended to identify all people affected in all ways by Windrush issues, and that the scope of the review had been restricted to the group believed to have been most affected. The response said that extending the review would add around 300,000 more cases to its scope, which would "would take a substantial number of caseworkers around two years to review at a significant cost".<sup>71</sup>

## Equality and Human Rights Commission assessment

On 12 June 2020, the Equality and Human Rights Commission announced that it would assess the Home Office's compliance with the Public Sector Equality Duty in relation to understanding the impact of its policies on the Windrush generation.<sup>72</sup> [The commission's assessment](#), published in November 2020, found that the Home Office had failed to comply with its Public Sector Equality Duties when developing and implementing its hostile/compliant environment policies.<sup>73</sup>

The Home Office subsequently [signed a legal agreement](#) with the Equality and Human Rights Commission in April 2021, which committed to a two-year improvement action plan which will be monitored by the EHRC.<sup>74</sup> In July 2023 the Commission [extended the agreement by a year](#), to allow additional time to complete and embed the agreed actions.<sup>75</sup> In April 2024 [the Commission found that the Home Office had made equality improvements](#).<sup>76</sup>

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<sup>70</sup> As above, paras 4 and 5

<sup>71</sup> Treasury Minutes, [Government response to the Committee of Public Accounts \(PDF\)](#), CP 113, June 2019, p5

<sup>72</sup> Equality and Human Rights Commission press release, [Home Office actions affecting the Windrush generation under review](#), 12 June 2020

<sup>73</sup> Equality and Human Rights Commission, [Public Sector Equality Duty assessment of hostile environment policies](#), 25 November 2020

<sup>74</sup> Equality and Human Rights Commission press release, [Home Office signs legal agreement to improve practices following Windrush](#), 1 April 2021

<sup>75</sup> Equality and Human Rights Commission press release, [Equality watchdog extends Home Office legal agreement to improve practices following Windrush](#), 12 July 2023

<sup>76</sup> Equality and Human Rights Commission press release, [Home Office makes equality improvements after EHRC intervention](#), 25 April 2024

## 3.5

# Windrush Lessons Learned Review, March 2020

The Home Office commissioned a [Lessons Learned Review](#) in May 2018 to identify the underlying causes of the Windrush generation's difficulties and important lessons for the Home Office.

Wendy Williams, then HM Inspector of Constabulary and Fire and Rescue Services, was appointed to lead the review. She was supported by an independent advisory group.

It was originally intended that the review's report would be published by 31 March 2019, but this was delayed due to the complexity and scale of the work involved.<sup>77</sup> It instead came out in March 2020.

## Race and racism

While people from many countries were affected by problems proving immigration status, the terms of reference for the Lessons Learned Review focused on the Windrush generation.<sup>78</sup> Wendy Williams said the Windrush generation could be defined as a racial group by virtue of having Caribbean ethnic and national origin and noted that almost all were Black.

The review considered whether “institutional racism” was a cause of the Windrush scandal. Ms Williams concluded:

While I am unable to make a definitive finding of institutional racism within the department, I have serious concerns that these failings demonstrate an institutional ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation within the department, which are consistent with some elements of the definition of institutional racism.

She noted that the Home Office does not record an individual's ethnic origin or national origin or their colour, which limited her ability to consider whether race played a part in any institutionalised manner.

## Lessons for the Home Office

The [Lessons Learned Review](#) made 30 recommendations which concerned four broad areas:

- the Home Office's interaction with the communities it serves and with external stakeholders
- the Home Office's interaction with its people

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<sup>77</sup> HCWS1714 [on [Immigration](#)], 11 July 2019

<sup>78</sup> Home Office, [Windrush Lessons Learned Review: terms of reference](#), 21 October 2021

- the Home Office's role in wider government
- the Home Office's approach to race, diversity and inclusion<sup>79</sup>

Summarising the review's 30 recommendations, Ms Williams highlighted a need for "systemic and cultural change":

... the Home Office must acknowledge the wrong which has been done; it must open itself up to greater external scrutiny; and it must change its culture to recognise that migration and wider Home Office policy is about people and, whatever its objective, should be rooted in humanity.<sup>80</sup>

Specific recommendations included undertaking a full review and evaluation of the hostile/compliant environment policy (recommendation 7); establishing a Migrants' Commissioner responsible for speaking up for people affected by the immigration system (recommendation 9); including sections on risks to vulnerable individuals and groups, and equalities in all policy submissions (recommendation 25); and overhauling staff learning and development (recommendations 6, 11, 12, 29).

Ms Williams highlighted the scale of the response that was needed to address all of her recommendations:

While it may be possible to address some recommendations relatively quickly, the harder challenge will be for the department to accept, fundamentally, that a systemic and cultural change is necessary. That will call for some difficult discussions at senior levels and throughout the organisation, as well as personal reflection. It will call for commitment from the senior leadership to reinforce the behaviours they expect of each other, to model those behaviours and to hold each other and the leadership at all levels to account. It will require so much more than any defensive, technical or process solutions we have seen adopted in response to some other reviews and criticism.

Setting out her view on how the impact of the review could be measured, Ms Williams stated:

What will make this review different is if, in 12 to 24 months' time, we can see evidence of deep cultural reform, with changes in behaviour at all levels and functions throughout the organisation – up and down, and from side to side.<sup>81</sup>

The review called on the Home Office to publish a comprehensive improvement plan within six months, on the assumption that Ms Williams would conduct a follow-up review around 18 months later.

## Government acceptance of the Lessons Learned Review

Following publication of the Lessons Learned Review, on 19 March 2020 the then Home Secretary Priti Patel made a [statement to the House](#), in which she

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<sup>79</sup> Home Office, [Windrush Lessons Learned Review: Independent review by Wendy Williams](#), HC 93, 19 March 2020, part 4

<sup>80</sup> As above, p7

<sup>81</sup> As above, p136

apologised, on behalf of the current and successive governments, for the actions spanning decades which had led to the Windrush generation's suffering.<sup>82</sup> She confirmed that, over the coming months, the Home Office would work at all levels to reflect on the report's recommendations, including those relating to the compliant environment policies and cultural change.

In June 2020, in a [further statement to the House](#), the then Home Secretary accepted the recommendations of the Lessons Learned Review "in full".<sup>83</sup> The government also established a Windrush Cross-Government Working Group to provide strategic input into the Home Office's response to the Lessons Learned Review.<sup>84</sup> In July 2020, in a [further statement to the House](#), the then Home Secretary said that she had accepted all 30 recommendations made by Wendy Williams.<sup>85</sup>

The Home Office formally responded to the review on 30 September 2020 through the publication of a Comprehensive Improvement Plan.<sup>86</sup> In a foreword, the then Home Secretary acknowledged that the Lessons Learned Review "exposed institutional failings at the heart of the Home Office", and said that she had "confronted these shameful findings head on, taking swift and decisive action to make amends and to build a better Home Office".

The plan set out the actions the Home Office would be taking, and in some cases had already taken, to respond to each recommendation. Important actions that the Home Office set out in the plan included:

- carrying out a full review and evaluation of the compliant environment policy and measures, individually and cumulatively
- implementing a programme of major cultural change
- training immigration officials in the history of nationality and immigration legislation

A Steering Group and One Home Office Transformation Programme were created to take forward the actions set out in the Plan. A [Windrush Cross-Government Working Group](#) was also established to bring together important stakeholders who could:

- advise the Home Office on its strategic approach to engagement and outreach
- advise on the design and delivery of the Windrush Schemes Community Fund

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<sup>82</sup> [HC Deb 19 March 2020 c1154](#)

<sup>83</sup> [HC Deb 21 July 2020 c2020](#)

<sup>84</sup> Home Office, [New working group launched to address challenges faced by Windrush generation](#), 22 June 2020

<sup>85</sup> [HC Deb 21 July 2020 c2020](#)

<sup>86</sup> Home Office, [The Response to the Windrush Lessons Learned Review: A Comprehensive Improvement Plan](#), 30 September 2020

- provide strategic input into the Home Office response to the Wendy Williams Lessons Learned Review
- support the design and delivery of practical solutions to address the wider challenges that disproportionately affect people from Black, Asian, and minority ethnic backgrounds<sup>87</sup>

Sub-groups were established to focus on the Windrush schemes, the implementation of the Lessons Learned Review, and collaboration with the Commission on Race and Ethnic Disparities.

## Wendy Williams's progress review

On 29 September 2021, Wendy Williams returned to the Home Office to undertake an independent assessment of the Home Office's progress in implementing the 30 recommendations in her review, and against the department's own Comprehensive Improvement Plan.

Her [Windrush Lessons Learned Review: progress update](#) report was published on 31 March 2022.<sup>88</sup> It considered the adequacy of the plan in relation to each of her original recommendations, recorded the department's progress in implementing the recommendations, and commented on whether the actions were leading to lasting cultural and systemic change.

Wendy Williams was broadly supportive of the department's general approach to the Comprehensive Improvement Plan, stating:

If the department regarded my challenge as daunting, there can be no doubt that it has risen to that challenge. At some levels, it has set about implementing my recommendations with vigour and determination, even challenging itself to be ambitious and, on occasions, going beyond the letter of them and seeking to achieve the spirit behind them.<sup>89</sup>

However, she identified a common theme that changes had not been implemented "promptly and consistently". She especially highlighted the pace of developing wider external scrutiny arrangements:

The lack of progress goes to the heart of how the department operates and is indicative of an organisation which was not yet confident enough to secure an increase in the type of independent insight and scrutiny that my recommendations envisaged.<sup>90</sup>

Ms Williams also noted that most external stakeholders who chose to take part in the progress update believed that little, if anything, had changed.

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<sup>87</sup> Home Office, [Windrush Cross-Government Working Group: terms of reference June 2020](#), 28 July 2020

<sup>88</sup> Home Office, [Windrush Lessons Learned Review: progress update](#), 31 March 2022

<sup>89</sup> As above, p125

<sup>90</sup> As above, p10

The progress update found that eight recommendations had been met, 13 were partially met, and nine were unmet. Ms Williams identified the following areas as significant future risks:

- The lack of progress in appointing a Migrants' Commissioner (recommendation 9).
- The apparent lack of progress in the way the department engages with its public at all levels, and demonstrates the highest standards of service delivery (recommendations 3, 4, 5 and 8).
- The lack of progress in implementing the department's formal learning and development programme (recommendations 6, 4 and 29).

Ms Williams encouraged the Home Office to use her follow-up report "as an opportunity for reflection and as a spur to press on with continued drive and determination".<sup>91</sup> She concluded:

In many respects, I believe the department is at a tipping point. It can maintain its momentum and drive the initiatives forward to achieve the systemic and cultural changes required in such a way that they become part of 'what we do here', or it can settle for a situation where it loses impetus, direction and focus, in which event it runs the risk that it may only be a matter of time before it faces another 'difficult outcome', with all that that entails.<sup>92</sup>

Then Home Secretary Priti Patel and the Home Office Permanent Secretary welcomed the publication of the progress update report.<sup>93</sup> In a Home Office press release issued in response to the report, the then Home Secretary said:

I am pleased with what we've achieved in the last 2 years and that Wendy Williams has recognised this is a different department from the one she originally saw.

I have laid the foundations for radical change in the department and a total transformation of culture. We have already made significant progress and Wendy highlights many achievements, including the work we have put into becoming a more compassionate and open organisation.

Having said that, there is more to do and I will not falter in my commitment to everyone who was affected by the Windrush scandal. Many people suffered terrible injustices at the hands of successive governments and I will continue working hard to deliver a Home Office worthy of every community we serve.<sup>94</sup>

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<sup>91</sup> As above, p1

<sup>92</sup> As above, p126

<sup>93</sup> Home Office press release, [Windrush Lessons Learned progress update](#), 31 March 2022

<sup>94</sup> As above

## Government decision not to proceed with certain recommendations

In January 2023, then Home Secretary Suella Braverman provided an [update on the delivery of recommendations set out in the Lessons Learned Review](#).

This stated that the Home Office had made further progress in delivering against Wendy Williams' recommendations, including in relation to learning for senior civil servants and diversity and inclusion. The statement announced that the department would no longer proceed with three of the 30 recommendations:

- Recommendation 3: run a programme of reconciliation events.
- Recommendation 9: introduce a Migrants' Commissioner.
- Recommendation 10: review the remit and role of the Independent Chief Inspector of Borders and Immigration, to consider whether to give it more powers.<sup>95</sup>

On recommendation 3, the then Home Secretary said: "on the balance of expert advice received on how to approach this incredibly sensitive subject, I am persuaded that there are more effective ways of engaging with those impacted". The statement set out the face-to-face engagement that had been conducted to date and said this would remain an important part of the department's work.

On recommendations 9 and 10 (which relate to "openness to scrutiny"), the then Home Secretary said that there are "a number of ways in which we are inviting this challenge and scrutiny in a more efficient way". These included the establishment of the Independent Examiner for Complaints, and insight and challenge from the Windrush Working Group and the government's Independent Adviser.

Alongside the statement the Home Office published a table with an update on each recommendation and its current status.<sup>96</sup> The current status for most recommendations was listed as "monitoring", with the status of only two being "in development".

### Response to decision not to proceed with recommendations

The government's decision not to proceed with three of the recommendations from the Lessons Learned Review was widely criticised.

Wendy Williams expressed disappointment that these recommendations would not be implemented:

I am disappointed that the department has decided not to implement what I see as the crucial external scrutiny measures, namely my recommendations

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<sup>95</sup> HCWS523 [on [Windrush Lessons Learned Review Recommendations](#)], 26 January 2023

<sup>96</sup> Home Office, [Windrush Recommendation Update \(PDF\)](#), 26 January 2023

related to the migrants' commissioner (recommendation 9) and the independent chief inspector of borders and immigration (recommendation 10), as I believe they will raise the confidence of the Windrush community, but also help the department succeed as it works to protect the wider public, of whom the Windrush generation is such an important part.<sup>97</sup>

The then Independent Chief Inspector of Borders and Immigration, David Neal, said he was disappointed that the review of his organisation had been discontinued.<sup>98</sup> The then Shadow Home Secretary Yvette Cooper called the decision to discontinue the three recommendations “shameful”.<sup>99</sup>

MPs on the Home Affairs Committee explored the decision not to take forward these three recommendations at an [oral evidence session on 8 March 2023](#). Jacqueline McKenzie, a lawyer who advised on the Williams Review, argued that the 30 recommendations came as a package: “you cannot pick and choose”.<sup>100</sup> Ms McKenzie also told the committee that she had seen “very little change in the attitudes that caused the Windrush scandal in the first place”.<sup>101</sup> She questioned the Home Office’s success in implementing the recommendations made by the Lessons Learned Review, saying:

The Home Office keeps saying, “We’ve implemented most of the recommendations”. How? Where is the evidence? Where is the change? What has it done? Some of the recommendations are about culture and the organisation itself. It will take decades to impact or to make change.<sup>102</sup>

Wendy Williams herself referred to recommendations 9 and 10 as part of a “three-legged stool”, along with the Independent Examiner for Complaints (which was implemented).<sup>103</sup>

In June 2024, the High Court held that the decision not to proceed with recommendations 9 and 10 amounted to indirect discrimination.<sup>104</sup> The judge found that:

... given the particular impact on Windrush victims as compared to the rest of the population at large and that the Defendant had not shown that these policy decisions were a proportionate means of achieving a legitimate aim given the very limited evidence from the Defendant as to the basis of this decision-making.

It was found that the decision not to proceed with recommendation 3 was not unlawful, because it was a proportionate means of pursuing a legitimate aim.

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<sup>97</sup> “[Suella Braverman ditching Windrush reform is ‘slap in the face’ for victims](#)”, The Independent, 26 January 2023

<sup>98</sup> Independent Chief Inspector of Borders and Immigration press release, [Role and remit review of ICIBI discontinued](#), 26 January 2023

<sup>99</sup> Yvette Cooper (@YvetteCooperMP), [X \(Twitter\)](#), 6 January 2023 [accessed 1 August 2024]

<sup>100</sup> Home Affairs Committee, [Oral evidence: Work of the Home Office: Windrush](#), HC 1186 2022–23, 8 March 2023, Q8

<sup>101</sup> As above, Q3

<sup>102</sup> As above, Q8

<sup>103</sup> As above, Q50

<sup>104</sup> *R (Donald) v Secretary of State for the Home Department* [2024] EWHC 1492 (Admin), 19 June 2024, para 291

A Home Office spokesperson has been reported as saying that the department is “carefully considering the judgment and will respond in due course”.<sup>105</sup>

### Changes to Home Office delivery of Windrush response

The [Home Office's annual report and accounts for 2022 to 2023](#) stated that “due to the significant progress we have made, our Windrush response and [the] Department's transformation programme will now be embedded into the fabric of our everyday operations and activities, instead of being managed through a dedicated team”.<sup>106</sup> This decision was met with disappointment by members of the *Windrush* generation and then Shadow Home Secretary Yvette Cooper, according to the Guardian.<sup>107</sup> The Windrush Cross-Government Working Group also met for the last time on 20 September 2023.<sup>108</sup>

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<sup>105</sup> [“Home Office's decision to scrap Windrush reforms declared 'unlawful'”](#), Civil Service World, 20 June 2024

<sup>106</sup> Home Office, [Home Office annual report and accounts 2022 to 2023](#), 19 September 2023, p78

<sup>107</sup> [“Unit tasked with reforming Home Office after Windrush scandal being disbanded”](#), The Guardian, 19 June 2023

<sup>108</sup> Home Office, [Minutes of the Windrush Cross-Government Working Group: 20 September 2023](#), 4 March 2024

## 4

# The Labour government's plans

In the last Parliament, the Labour Party called for the Home Office to [give control of the Windrush Compensation Scheme to an independent body](#) following “systemic mismanagement under Conservative Ministers”. Then Shadow ministers consistently criticised the government over its implementation of the Lessons Learned Review recommendations, including the January 2023 decision not to proceed with all 30.<sup>109</sup>

The [Labour Party manifesto for the 2024 general election](#) stated: “We will ensure the victims of the appalling Windrush scandal have their voices heard and the compensation scheme is run effectively, with a new Windrush Commissioner”. In an opinion piece ahead of the election, then Shadow Home Secretary Yvette Cooper gave more details about Labour's plans, saying that it would:

- restore community engagements to encourage applications to the Windrush Compensation Scheme
- speed up compensation payments
- proceed with reconciliation events
- re-establish the Windrush unit to continue transformation within the Home Office
- appoint a new Windrush commissioner to oversee the delivery of the compensation scheme and the implementation of the Williams review, and to be a voice for families and communities in making sure change happens<sup>110</sup>

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<sup>109</sup> See: “[Thanking The Windrush Generation Isn't Enough. We Must Make Sure A Scandal Like This Can Never Happen Again](#)”, Huffington Post, 22 June 2020; [HC Deb 10 January 2023 c424](#); [HL Deb 12 January 2023 c1529](#); “[Windrush inquiry head disappointed as Braverman drops ‘crucial’ measures](#)”, The Guardian, 26 January 2023

<sup>110</sup> “[The Tories betrayed the Windrush victims – we will stand by them](#)”, The Guardian, 22 June 2024

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