

THE WINDRUSH JUSTICE CLINIC

PRELIMINARY RESEARCH REPORT:
**THE WINDRUSH COMPENSATION
SCHEME: UNMET NEED FOR
LEGAL ADVICE**

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Windrush
Compensation
Project

EXECUTIVE SUMMARY

Following the unfolding of the Windrush scandal in 2018, the Home Office announced the introduction of the Windrush Compensation Scheme (WCS). The WCS was supposed to compensate members of the Windrush generation and their families for the losses and impacts they have suffered as a result of not being able to demonstrate their lawful immigration status.

It was originally envisaged that 15,000 people would be eligible for compensation under the WCS and that the Home Office might pay out compensation worth between £120 million and £310 million. However, according to recent departmental statistics, only 834 claimants have so far been offered a final compensation payment, and total payments so far amount to only around £36 million.¹

The Windrush Justice Clinic (WJC) <https://windrushjc.org/>, which was launched on 20 October 2020, was set up to support people affected by the Windrush Scandal to make successful claims for compensation. The WJC aims to address some of the unmet need for free legal support and advice amongst possible claimants.

The WJC is a collaborative partnership made up of community organisations, Law Centres and University legal advice clinics striving to help victims of the Windrush scandal receive the compensation they deserve.

WJC utilises the strengths of its various partners to offer comprehensive assistance to victims whilst also engaging in advocacy and on-going reform discussions in respect of the Windrush Schemes. There are several 'layers' of support through collaborative partnerships, which consists of:

- Community groups the Claudia Jones Organisation (CJO), Windrush Compensation Project (WCP) and Jigsaw House Society (JHS). They provide outreach informing the community about the compensation scheme, WJC's services and offer emotional and practical support to clients once they are taken on by one of the legal advice providers.
- Legal Advice Clinics at the University of Westminster (UOW), London South Bank University (LSBU) and King's College London (KCL). They provide support on a range of matters including; delivery of training to students and WJC partners, support with outreach, triage cases, advise and prepare claims on behalf of clients. They are also undertaking research, some of which has resulted in the publication of this report.
- North Kensington Law Centre (NKLC), Southwark Law Centre (SLC), the Joint Council for Welfare of Immigrants (JCWI) and the Greater Manchester

¹ Note: The Home Office statistics referred to above and in the body of this report are taken from those available on 25 March 2022. Updates are available online on the Gov.uk website <https://www.gov.uk/government/publications/windrush-compensation-scheme-data-march-2022>

Immigration and Asylum Aid Unit (GMIAU). They provide specialist legal representation on more complex cases. They are also able to provide clients with specialist legal advice and representation in other areas of law such as immigration and housing if needed.

Community engagement is central to the work of WJC and a fundamental part of our work. This involves not only the community partners and their networks informing the work we do but also building relationships with other grassroots organisations embedded in and working with the communities affected by the scandal. WJC has provided training to community volunteers on the WCS and the work of WJC as well as attended information sessions in community centres.

The following funders have stepped in to enable the casework and support provided by the WJC: AB Charitable Trust, the Allen & Overy Foundation, King's College University, the Paul Hamlyn Foundation, Trust for London and the Quintin Hogg Trust.

The aim of this research was to obtain a better understanding of the unmet need for legal advice amongst those who have been affected by the Windrush scandal, as well as other factors influencing the success of claims. The research is also intended to inform the development of the Windrush Justice Clinic (WJC) and to assess how best the Clinic can deliver support to those who most need it.

The research found that:

- a. the WCS application process is too complex for claimants to complete alone and the limited support provided by the Home Office is insufficient;
- b. legal advice and support is necessary for claimants to prepare their applications, provide necessary evidence and pursue reviews if appropriate;
- c. other than the WJC and its partner organisations, there are very few sources of totally free and easily accessible legal advice for WCS claimants in the UK;
- d. this preliminary research has been unable to quantify the exact number of people with an unmet need. However, available statistics suggest that it is highly likely that there are significant numbers of people who have been affected by the Windrush Scandal who would benefit from legal advice to make a claim under the WCS, seek a review of an existing offer, or to ensure payment of an award that has been offered.

The research makes the following recommendations to the WJC:

1. explore ways to reach possible clients through non-virtual means (such as in-person outreach through existing community groups);

2. provide regular opportunities for individuals to obtain free legal advice at physical locations around London (and other cities if possible). This could take the form, for example, of “pop-up” clinics at partner organisations;
3. focus on new partnership opportunities in cities outside of London;
4. conduct further research into the experience of claimants through focus groups and interviews;
5. carry out analysis of outcomes for claimants who don't receive legal advice (including the impact of non-legal support from community organisations);
6. carry out research into the extent to which the WCS retraumatises claimants;
7. implement a consistent system of data-collection across WJC partners in order to better understand trends in compensation awards and the impact of legal advice at different stages in the process;
8. advocate for legal aid for WCS claimants.

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INTRODUCTION

THE WINDRUSH SCANDAL

Members of the Windrush generation were named after the first post-war ship called the “HMT Windrush”, which arrived from the West Indies to Britain in 1948. Those who arrived were citizens of the “UK and Colonies”, and had the same status to that of a British Subject born in the UK, a right conferred by the British Nationality Act 1948.² Many Commonwealth citizens had been invited to the UK from their home countries (including Africa and Southern Asia) after the Second World War to address the shortage of workers at the time.

In 2010, the Home Office destroyed thousands of landing cards and other records. This meant that through no fault of their own, many members of the Windrush generation were living here without documentary proof of their immigration or nationality status, despite the fact that they were in the UK legally. Furthermore, many of the children who came to live in the UK in the 1950s and 60s travelled on their parents’ passports, which meant they arrived undocumented. In her independent review commissioned by the Home Office, Wendy Williams said, “this, in essence, set the trap for the Windrush generation”.³

The lack of documentation or official records confirming the status of individuals in this group has become more and more problematic as increasingly hostile immigration laws and policies have successively been introduced, from the Commonwealth Immigrants Act 1962 onwards. The Immigration Act 1971 provided that foreign nationals who were ‘ordinarily resident’ in the UK on 1 January 1973 (when the Act came into force) were deemed to have ‘settled’ status (i.e. Indefinite Leave to Remain). However, following the introduction of “hostile environment” policies from 2010 onwards, those without documentary proof have often been unable to establish to the Home Office that they were lawfully resident in the UK. The Home Office placed the burden of proof on individuals to prove that their residency predated 1973. At times, staff demanded at least one official document from every year that they had lived here, and sometimes more than one document.⁴ This created a huge, and in many cases, impossible burden on people who had done nothing wrong.

² See Sundeep Lidher, “British Citizenship and the Windrush generation”, (20 April 2018), Available at: <https://www.runnymedetrust.org/blog/british-citizenship-and-the-windrush-generation&sa=D&source=docs&ust=1645006138026780&usg=AOvVaw2GlqZFRyRiz1dDKLSZpiR>

³ Wendy Williams, “Windrush Lessons Learned Review: Independent review by Wendy Williams”, March 2020, p. 9. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876336/6.5577_HO_Windrush_Lessons_Learned_Review_LoResFinal.pdf

⁴ Ibid. p. 10

As a result, members of the Windrush generation who were lawfully resident in the UK but did not have documentary proof of their rights were falsely accused by the Home Office of being “illegal immigrants” and found themselves being denied healthcare, welfare benefits, driving licences, pensions, housing and jobs. Many were placed in immigration detention, prevented from travelling abroad and threatened with forcible removal, while others were deported to countries they had not seen since they were children.

THE WINDRUSH COMPENSATION SCHEME

Following the unfolding of the Windrush scandal and the significant media coverage it received in 2018, the government eventually acknowledged members of the Windrush generation had been treated unfairly. In efforts to “right the wrongs”, the Home Office announced a number of “corrective measures” aimed at repairing the damage since the scandal broke. One of the most important policies announced was the introduction of the WCS.

The WCS was launched by the Home Office in April 2019 to compensate members of the Windrush generation and their families for the losses and impacts they suffered as a result of not being able to demonstrate their lawful immigration status. It was originally envisaged in April 2019 that 15,000 people would be eligible for the scheme, and that the department might pay out compensation worth between £120 million and £310 million. In September/October 2019, this estimate was reduced down and the Home Office estimated that it would make payments to 11,500 people through the scheme at a cost of between £60m and £260m. On 21 July 2021, the Home Office further reduced this figure, estimating that it was likely to receive between 4,000 and 6,000 eligible claims.

There are three types of eligible claimants under the scheme:⁵

- a. primary claimants (who are eligible themselves due to having suffered hardship as a result of the Windrush scandal);
- b. estates of eligible individuals who are now deceased; and
- c. close family members of eligible individuals.

Applicants must establish their identity, eligibility and lawful status before caseworkers assess entitlement and appropriate compensation. Almost everyone originally from a Commonwealth country who arrived before 1 January 1973 is

⁵ Home Office, “Windrush Compensation Scheme, Version 8.0 Guidance for decision makers considering cases under the Windrush Compensation Scheme”, 27 October 2021. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028652/Windrush_Compensation_Scheme.pdf

eligible to apply, barring those convicted of certain serious offences (in which case the Home Office has the discretion to decline or reduce an award).⁶

If a claimant provides their identity, eligibility and status, caseworkers will assess where the claimant's losses fall under the following categories for entitlement provided for under the scheme:

- a. Immigration and legal fees (eg. Home Office fees for unsuccessful immigration applications);
- b. Detention, deportation or removal;
- c. Loss of access to employment;
- d. Loss of access to benefits;
- e. Inability to access services: housing, health, education, driving licences and banking;
- f. Homelessness;
- g. Impact on life (including inconvenience, trauma and exacerbation of health conditions resulting from inability to show lawful status);
- h. Discretionary payments (losses/impacts that are financial in nature and are not covered by the categories above).

Awards may be declined or reduced if caseworkers consider that the claimant has contributed to losses or failed to take reasonable steps to resolve their lawful status, mitigate losses or impacts.⁷

In October 2020, the Home Office announced that the threshold for deciding to award compensation to claimants would now be "on the balance of probability" across the full scheme. References to "satisfied so as to be sure" and "satisfied beyond reasonable doubt" were removed from the guidance for caseworkers.

In December 2020, the Home Office announced and introduced a number of further changes. These included:

- a. Increasing the minimum award under the Impact on Life category from £250 to £10,000 and the maximum award from £10,000 to £100,000 or higher in "exceptional circumstances". The Home Office said that the minimum £10,000 Impact on Life award could be paid as a new early preliminary award (ie. before someone's full application is assessed) and that these changes would apply "retrospectively" to the scheme.

⁶ Ibid, p. 24.

⁷ Ibid, p. 31.

- b. Changes to the Loss of Access to Employment category to remove the 12-month cap on payments and making both actual and general awards on the balance of probabilities.
- c. Introducing a £500,000 fund for community groups to raise awareness of the WCS and Windrush Scheme (another Home Office scheme intended to provide documentation to those unable to prove their right to live in the UK).
- d. Transferring responsibility for the “Claimant Assistance Service” from Citizens Advice to We Are Digital.

As of December 2021, only 834 claimants have so far been offered a final compensation payment, and total payments so far amount to around £35 million.

WORK OF THE WJC

The WJC provides a free and confidential service to help individuals who have been affected by the Windrush scandal to make successful claims under the WCS. WJC is a collaboration between the University of Westminster Legal Advice Clinic (UOW), King’s Legal Clinic, (KLC) London South Bank University Legal Advice Clinic (LSBU), North Kensington Law Centre (NKLC), Southwark Law Centre (SLC) and community groups Claudia Jones Organisation (CJO), The Windrush Compensation Project (WCP), The Jigsaw House Society (JHS), The Joint Council for the Welfare of Immigrants (JWCI) and Greater Manchester Immigration and Asylum Aid Unit (GMIAU).

The WJC has already supported clients to obtain compensation awards totalling £1,151,500, with an average award of £57,572. Many more claims are ongoing. A number of clients have also been supported to pursue reviews of their original offers from the Home Office. Eight clients have so far been offered higher awards on review, with an average increase of £52,679 per case. A number of these claimants are presently being supported to pursue a Tier 2 appeal, so the sums awarded will likely increase further.

A table of the number of clients the WJC partners have assisted and/or advised since launching in 2020:

| WJC Partners | Number of clients assisted/advised by the WJC |
|---------------------|--|
| North Kensington | Assisted 75 clients with their compensation claims. |

| | |
|---|--|
| Law Centre | |
| University of Westminster Legal Advice Clinic | Assisted 21 clients with their compensation claims and advised 5 clients on their Windrush status. |
| Southwark Law Centre | Assisted 12 clients with their compensation claims |
| London South Bank University | Advised 7 clients with compensation claims who went on to become clients of WJC partners. |
| Claudia Jones Organisation | Assisted 86 people, 39 of whom went on to become clients of WJC or partner organisations. |
| Joint Council for the Welfare of Immigrants | Assisted 6 clients with their compensation claims (all subsequently transferred to GMIAU) |

Feedback received from clients demonstrates the importance of the service provided by the WJC. For example, recent clients left the following feedback:

Client 1.

“I’m very happy with the service I received ...regarding the help I much needed with my Windrush compensation, the advice was fantastic and the communication was always outstanding. If it wasn’t for the help I don’t know where I would be emotionally as I really struggled by myself mentally to cope with all the red tape side of things. I would highly recommend the Windrush Justice Clinic to others or anyone else that needed their mind put at rest etc, the information and advice was very informative and communication was first class. I am extremely happy with the result of my case regarding my Windrush compensation and feel had I not got the help & advice I was given from the Windrush Justice Clinic I wouldn’t have had the outcome I eventually got from the home office, I can’t thank you enough for all you have done so thank you once again.”

Client 2:

“I would definitely recommend your services to somebody who is finding it hard to understand the complexities of the Windrush Compensation Scheme, as you would definitely be able to help them with their application.”

Client 3:

In 2018, I helped my father apply for compensation from the Windrush Compensation Scheme. It was stressful, knowing what evidence to include, where to find it and what to write for his impact statement.

My father needed my help for sending emails and writing to our MP, I know my father found it really difficult at times having to express all his feelings to me so I could know what to write.

It took us nearly two years to finally get my father the compensation, my father was deflated and tired by this time. The scheme is very intense, I know my father found the endless jumping through hoops hard and disheartening. It was so hard doing it on my own and I know now that it would have been easier had we been able to get help with my fathers claim, he would have found discussing the impact of the scandal easier rather than worrying if I would be affected by what he was going through.

We then had to claim for my mother, at this time we were put in touch with the Windrush Justice Clinic and I cannot stress enough how much this helped us. We considered ourselves lucky that we had someone who was able to help us put an impact statement together, when you have had a trauma like the Windrush scandal and all the emotions and problems that can bring. It can be really daunting then have to find the right words to write, so having help with this was amazing. After all this is a big part of the claim, it's this that will show the impact of your life.

There are so many Windrush victims who aren't so lucky to have this help and that's a real shame. Talking through what you have been through, especially to someone who is considerate, helpful and most importantly independent from the Windrush scheme was what made a difference. For my mother it was the first time she had felt heard and from the healing can come and also hope.

Claiming for compensation as I said before is difficult and stressful, even receiving an email from the compensation team can be really detrimental to your day. The Windrush Justice Clinic take a lot of this stress away. I'm not sure as a family we could have done another Windrush claim again without the help of the Windrush Justice Clinic."

Case study - Laura

Laura was a client helped by the WJC. Her story shows how much hardship has been inflicted by the Windrush Scandal and the difficulties in obtaining compensation under the WCS, as well as the importance of legal advice and support.

Laura met Brian when she was 16 and he was 18, they married two years later. Brian was born in St Lucia and had travelled to the UK in the early 1960s as a young child. Laura and Brian had four children and until their lives were devastated by the Windrush scandal they had both been working, Brian as an engineer and Laura as a cleaner. Brian found that he was unable to secure employment after having been made redundant from his job as an engineer, due to being unable to prove his lawful status in the UK. Laura took on extra shifts as a cleaner to supplement the family's income.

Despite repeatedly applying for jobs Brian was unable to secure employment because he was unable to provide the documents that he was asked to produce. Brian, with the help of his daughter, made numerous and continuous attempts to resolve the situation, involving his MP and others but it was not until a year later that Brian's lawful status in the UK was formally recognised. During the time that it took to resolve this, they had to use Brian's redundancy pay and drawdown from his pension to pay their bills and survive. Laura was diagnosed with cancer soon after Brian's status was resolved which meant that she was unable to continue working and although Brian did manage to secure employment, they were now in debt and totally dependent on his income. Brian now had to work all the hours he could to cover the family's outgoings and was unable to take time off work to accompany Laura to hospital appointments and for her chemotherapy treatment.

Laura and her children were referred to the Windrush Justice Clinic (WJC) by Windrush Lives, an advocacy group and victim support network, led by victims of the Windrush scandal. Laura and her children's claims for compensation as close family members of a primary claimant were prepared and submitted. In support of Laura's claim the WJC submitted a comprehensive statement from Laura, setting out the extent of the hardship she had suffered as a consequence of Brian having been unable to prove his lawful status in the UK, together with a comprehensive bundle of documentary evidence including medical evidence and a letter from her counsellor detailing the stress Laura had been under. Despite this the Windrush Compensation Scheme contacted Laura requesting further evidence and she provided what further information she was able to. By this time Laura's cancer had progressed and she had been told that she didn't have much longer to live. Laura wanted to be able to organise her affairs, including her funeral so that she could leave her family with as little additional stress to deal with as possible. She also wanted to be able to enjoy the little time that she had left which would have been made easier if she received her compensation. The WJC asked the Windrush Compensation Scheme to expedite her claim for these reasons.

An offer was made a few weeks later of a level 2 award, £20,000, for impact on life. The description of a level 2 award as set out in the Windrush Compensation Scheme Rules is:

“Moderately severe impact on some aspects of the claimant’s life over an extended period of time (weeks or months) or where multiple cumulative impacts were suffered for a relatively short period of time. Claimants may have been unable to engage in activities with which they were previously familiar, although should still have been able to live a relatively normal life for much of the time. There may have been an inability to attend one or more significant family events; or there may have been family separation.”

The WJC and Laura felt that this was an inadequate offer and although Laura was keen to obtain her compensation, for the reasons set out above, she decided to request a review of the offer. The WJC made detailed representations in support of the review pointing out why level 2 was inadequate with reference to Laura’s statement and evidence previously submitted. Again, a request to expedite the review process was made as Laura’s health was deteriorating and she now had only weeks left to live. Sadly, Laura did not live long enough to use her compensation in the way that she had wanted to, and the review decision was not received until after she had died. The offer was increased to a level 3 offer, £40,000, for impact on life.

OVERVIEW OF THE RESEARCH

The aim of the study is to better understand the unmet need for legal advice amongst potential WCS claimants and other factors influencing the success of claims, as well as to assess how best the Windrush Justice Clinic can deliver support to those who most need it.

In order to meet these objectives, the researchers:

- a. carried out a review of existing research into the issue of access to legal advice and official data on the numbers of people who have made successful claims under the WCS (including data provided by the Home Office);
- b. collated data relating to WCS clients supported by the WJC;
- c. carried out a review of existing sources of legal advice and support for potential claimants (such as Home Office funded support, law centres and community organisations);
- d. collected responses to a questionnaire targeted at individuals who have been affected by the Windrush Scandal.

Methodology for qualitative research

The questionnaire at Appendix 2 was provided to participants via a link to an online survey with hard copies available on request . Participants were recruited through

relevant community groups and organisations, including WJC partner organisations such as the Claudia Jones Organisation and Windrush Lives. These organisations emailed their mailing lists with details about the project and a link to the survey and publicised the research on social media where appropriate.

Criteria for participation in the questionnaire was self-identification as an individual who has been affected by the Windrush scandal. Anyone under the age of 18 or who lacks capacity to give valid consent was excluded. Responses to the questionnaire were coded and anonymised. See appendix for a copy of the questionnaire. Questionnaire responses were received from 10 participants.

Challenges

The researchers faced a number of challenges in collecting survey data from the target group. The research was conducted during the COVID-19 pandemic and was therefore carried out virtually. This made the identification of possible participants more difficult because relevant groups couldn't be accessed at physical meeting spaces such as community halls, churches and other locations.

Encouraging the completion of an online survey was particularly challenging due to the age of the target demographic and limitations in relation to access and usage of relevant technology.

A further difficulty was lack of trust amongst those who have been affected by the Windrush scandal. Those who are entitled to support under the WCS, by definition, have suffered loss or distress as a result of difficulties proving their immigration status because of Home Office policies. As a result, understandably, a survey which requires participants to divulge sensitive information such as nationality and immigration history, may be difficult to complete for those who have already suffered trauma on the basis of their immigration status. Although the researchers made clear that survey results would be anonymised, this factor likely reduced the number of willing participants to the research.

Wider benefits of the research

The WCS was launched in April 2019 to compensate members of the Windrush generation and their families for the losses and impacts they have suffered as a result of not being able to demonstrate their lawful immigration status. However, fewer claimants than expected have made successful claims and many concerns have been raised about barriers to applying for survivors of the Windrush scandal. It is surprising, therefore, that little qualitative research has been done directly with the individuals affected to understand how they could be better supported to successfully apply through the scheme.

As one of the major providers of support and assistance to WCS claimants, it is of critical importance for the WJC to understand how best to help those seeking to make claims and to understand potential barriers to successful applications. The WJC is currently running as a pilot project which will end in June 2022. This research will inform the future development of the WJC to ensure that legal advice and support for potential claimants is targeted where there is need.

It is hoped that this research will allow the WJC to roll out their support services to individuals who have suffered as a result of the Windrush scandal on a national level, hopefully helping many more people to make successful claims. It is also hoped that this research will influence the development of the compensation scheme more widely, complimenting the work that has already been done into the operation of the scheme (see summary at “Review of existing research”). This research could inform campaigns for better support for those affected by the Windrush scandal and guide policymaking processes to improve the experiences of those seeking compensation for the hardship that they have experienced, encouraging an approach more focused on the experiences of the affected groups.

REVIEW OF EXISTING RESEARCH

A number of research reports have been carried out to better understand the impact of the Windrush scandal and some have included a specific focus on the operation of the WCS. Reports have identified the unmet need for legal advice and support for potential WCS claimants as a barrier to effective operation of the scheme (see summary of research conclusions below).

Following the unfolding of the Windrush scandal in 2018 and the significant criticism of the Government’s handling of it, an independent lessons learned review was commissioned by the Home Office in May 2018.⁸ The Windrush Lessons Learned Review by Wendy Williams was published in March 2020. As well as reviewing nearly 69,000 official documents, 164 case files and speaking to government staff, officials and politicians, Wendy Williams and her team spoke to approximately 270 people affected by the scandal. Separately, they also carried out ethnographic research with a smaller group to understand more deeply the impact of the scandal on their lives.⁹ The review identified serious problems in Home Office policies and culture and made 30 recommendations for change.

It was not within the remit of Wendy Williams’ review to look specifically at the design or operation of the WCS. However, the review did highlight some concerns with the scheme, noting that at the time of writing, it was disappointing that few payments had

⁸ Wendy Williams, “Windrush Lessons Learned Review: Independent review by Wendy Williams”, March 2020. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876336/6.5577_HO_Windrush_Lessons_Learned_Review_LoResFinal.pdf

⁹ Ibid, p.9.

been made, and that “more community-led support was not made available to those submitting applications, in addition to the support provided by CA [the advice-provider previously contracted by the Home Office]”.¹⁰ Other problems included “the complex application process and the unreasonable levels of documentary proof required, both of which were prominent features of the scandal itself”.¹¹ The review also noted that reductions to legal aid was one of the factors which contributed to what happened to those affected by the Windrush scandal.¹²

Since the Windrush Lessons Learned Review, three separate, independent reports have found serious failings with the Compensation Scheme (reports of the National Audit Office, JUSTICE and the Home Affairs Select Committee) and two have highlighted in particular the need for claimants to have legal advice and support.

Key reports on the WCS:

National Audit Office, Investigation into the Windrush Compensation Scheme, 21 May 2021

JUSTICE, Reforming the Windrush Compensation Scheme, 15 November 2021

Home Affairs Select Committee, The Windrush Compensation Scheme, 24 November 2021

The detailed report by JUSTICE into the WCS, “Reforming the Windrush Compensation Scheme”, was published 15 November 2021 (the “JUSTICE report”).¹³ The report was produced by a working group chaired by Professor Robert Thomas, Professor of Public Law at the University of Manchester. The group included representatives from a range of organisations involved in assisting people who had been affected by the Windrush scandal to make claims under the WCS. The report identified a number of headline problems with the scheme. These included the Home Office’s lack of independence, the absence of satisfactory routes to challenge Home Office decisions through the appeals process and the quality of decision-making. The report made 27 recommendations, including that free legal advice should be made available to claimants.¹⁴

On 24 November 2021, the Home Affairs Select Committee published its report “The Windrush Compensation Scheme” (the “HASC Report”).¹⁵ The HASC launched an inquiry into the scheme in November 2020 which included a roundtable with six

¹⁰ Ibid, p. 126.

¹¹ Ibid.

¹² Ibid, p. 13.

¹³ JUSTICE, “Reforming the Windrush Compensation Scheme”, 15 November 2021. Available at: <https://files.justice.org.uk/wp-content/uploads/2021/11/12142211/JUSTICE-Report-Reforming-the-Windrush-Compensation-Scheme-Press-Copy.pdf>

¹⁴ Ibid, para 1.6, p. 2.

¹⁵ Home Affairs Select Committee, “The Windrush Compensation Scheme”, HC 204 (24 November 2021). Available at: <https://committees.parliament.uk/publications/7936/documents/82209/default/>

people who had applied for compensation and separate interviews with people who had applied. The Committee also received more than 30 pieces of written evidence, including from claimants and heard oral evidence from a number of representatives of legal and community organisations, claimants, as well as senior Home Office officials and the Home Secretary. The Committee was concerned by what it found. The report states that the HASC was “seriously troubled that instead of providing a remedy, for many people the Windrush Compensation Scheme has actually compounded the injustice faced by the Windrush generation”.¹⁶ The report urged the Home Office to “guarantee access to legal assistance for all claimants who require it”.¹⁷

A number of themes have emerged in existing research with particular relevance to the issue of access to legal advice for claimants:

- a. the complexity of the application process;
- b. limitations of the assistance provided through the Home Office;
- c. the particular need for legal assistance;
- d. limited availability of free legal advice and support.

The complexity of the application process

Concerns were raised in the JUSTICE report that applicants face considerable difficulties in completing the WCS application form (which now runs to over 40 pages) and providing evidence dating back over long periods. By the very nature of the scheme, it must take account of a wide range of claimants with varied individual circumstances, and therefore the design is inevitably complex. Legal firms reported to the JUSTICE working group that it was commonplace for claimants to face delays and repeated requests for evidence with which they required help from a trained legal professional.

In her evidence to the Home Affairs Select Committee, Jacqueline McKenzie noted the challenges for claimants in responding to extensive requests for further information from the Home Office:

“One of the applications I submitted on 20 May 2020, a very good application, quite a straightforward one. We approach it by doing almost an impact on life statement, almost like a traditional witness statement, and he has had back a badly written letter from the Home Office of 34 bullet points requiring further evidence.”¹⁸

¹⁶ Ibid, p. 3.

¹⁷ Ibid, p. 4.

¹⁸ Jacqueline McKenzie, “Oral evidence: The Windrush Compensation Scheme”, HC 1013, 9 December 2020. Available at: <https://committees.parliament.uk/oralevidence/1372/pdf/>.

She also noted that many people, without assistance, may simply give up due to the demands of the application process:

“We are lawyers and we are getting those letters and we are able to say, “See appendix 4, because we gave you that information”. But when most people are doing this on their own in their homes, when they get those letters they tear them up, put it in the bin and give up. That is one of the big problems here.”¹⁹

Similarly, the HASC was informed by Wilsons Solicitors that the applications were far from “straightforward to prepare”. The scheme was described as “too complex, arduous and inaccessible for lay claimants”.²⁰

Limitations of the assistance provided through the Home Office

The Home Office funds a limited assistance service for claimants. In April 2019, Citizens Advice was appointed to provide the service²¹ but, following a procurement process, it was announced in December 2020 that the contract would be moving to We Are Digital.²² Concerns were raised in evidence to the HASC by a number of groups and individuals with direct experience of the WCS about the quality and extent of the support provided.²³

Leigh Day raised concerns that, due to resources, the help that was being provided by Citizens Advice was limited.²⁴ This was echoed by Ravi Nayer, partner at Brown Rudnick LLP,²⁵ and by North Kensington Law Centre, who state that claimants were only being given “a small 1 - 2 hour slot” to see a Citizens Advice caseworker and “their case is not handled the same as it would be if they would go to a law firm or Law Centre”.²⁶ As a result, the Law Centre “received referrals from Citizens Advice to assist people with making compensation claims”.²⁷ Alexandra Ankrah, former Home Office employee, noted that Citizens Advice training included tips on signposting to a

¹⁹ Ibid.

²⁰ Home Affairs Select Committee, “The Windrush Compensation Scheme”, HC 204, 24 November 2021, p. 39. Available at:

<https://committees.parliament.uk/publications/7936/documents/82209/default/>

²¹ Citizens Advice, “Citizens Advice to help those applying to the government’s Windrush compensation scheme”, 11 April 2019. Available at:

<https://www.citizensadvice.org.uk/about-us/about-us1/media/press-releases/citizens-advice-to-help-those-applying-to-the-governments-windrush-compensation-scheme/>

²² We Are Digital, “Windrush Compensation Scheme factsheet - December 2020”, 14 December 2020. Available at:

<https://homeofficemedia.blog.gov.uk/2020/12/14/windrush-compensation-scheme-factsheet-december-2020/>.

²³ Home Affairs Select Committee, “The Windrush Compensation Scheme”, HC 204 (24 November 2021). Available at: <https://committees.parliament.uk/publications/7936/documents/82209/default/>

²⁴ Home Affairs Select Committee, “Written evidence submitted by Leigh Day (WCS0013)”. Available at: <https://committees.parliament.uk/writtenevidence/19114/pdf/>

²⁵ Home Affairs Select Committee, “Written evidence submitted by Ravi Nayer (WCS0016)”. Available at: <https://committees.parliament.uk/writtenevidence/19117/pdf/>

²⁶ Home Affairs Select Committee, “Written evidence submitted by the North Kensington Law Centre (WCS0014)”. Available at: <https://committees.parliament.uk/writtenevidence/19115/pdf/>

²⁷ Ibid.

solicitor where claimants sought assistance on Impact on life and costs as “the provision of support on quantum and defining impact on life with vulnerable claimants, did not come within the scope of their contract or expertise”.²⁸ The training also did not include any guidance relating to handling trauma.²⁹

In oral evidence to the HASC, Jacqueline McKenzie told the Committee that she was concerned about the small number of people who had been reached by the assistance service.³⁰ She also questioned whether We Are Digital had relevant experience either working with this cohort or delivering compensation. She noted that “the work needed now is not assistance with online access but significant advice, legal and hand holding throughout the claims process delivered in a culturally sensitive way”.³¹ Windrush Action, a “victim led group set up to fight for fair and just compensation in the wake of the Windrush scandal” noted that neither they “nor any other organisation representing Windrushers” had been consulted about the choice of organisation “to play this critical role”.³²

The JUSTICE report reviewed the service provided through We Are Digital and identified the following problems with the nature of the support provided:

- a. Only 3 hours support is provided to claimants in completing the form. This time period is “insufficient to consider all the relevant facts, draw out additional information, identify potential sources of supporting evidence and coherently present a claim and supporting evidence”.³³ The working group conducted a survey of lawyers providing support to Claimants which found that most cases required more than 20 hours work.³⁴
- b. The service excludes advice on the merits and substance of an application.³⁵
- c. The support generally stops after a claim is submitted. A claimant therefore does not receive support or advice when considering whether the offer they have received is fair and properly assessed under the Scheme (and therefore whether there is merit in pursuing further review).³⁶

²⁸ Home Affairs Select Committee, “Written evidence submitted by Alexandra Ankrah (WCS0027)”, §48. Available at: <https://committees.parliament.uk/writtenevidence/23067/pdf/>

²⁹ Ibid.

³⁰ Home Affairs Select Committee, “Oral evidence: The Windrush Compensation Scheme, HC 1013” (9 December 2020). Available at: <https://committees.parliament.uk/oralevidence/1372/pdf/>

³¹ Ibid.

³² Home Affairs Select Committee, “Written evidence submitted by Windrush Action (WCS0009)”. Available at: <https://committees.parliament.uk/writtenevidence/19069/pdf/>

³³ JUSTICE, “Reforming the Windrush Compensation Scheme” (15 November 2021), §4.65. Available at:

<https://files.justice.org.uk/wp-content/uploads/2021/11/12142211/JUSTICE-Report-Reforming-the-Windrush-Compensation-Scheme-Press-Copy.pdf>

³⁴ Ibid. §1.6.

³⁵ Ibid. §4.70

³⁶ Ibid. §4.68.

- d. Individuals providing support do not provide “any real measure of independence” from the Home Office: no professional duty is owed to the Claimant, service standards and training are set and provided by the Home Office and Claimants are signposted back to the Home Office where questions arise with which We Are Digital Staff cannot assist.³⁷
- e. We Are Digital do not signpost Claimants to legal support.³⁸

The JUSTICE working group also submitted a Freedom of Information Act request to the Home Office on the geographical locations of support services for WCS claimants provided by We Are Digital via partner organisations (response at Schedule 4 in the report by JUSTICE). The information provided shows that the availability of support provided by partner organisations is inconsistent, and as the report points out, there are no locations in Scotland, in England north of Leeds, or in the East of England north of Ipswich. Further, “major cities with likely high numbers of potential Claimants, including Nottingham, Bristol, Liverpool and Wolverhampton do not have any physical venue offering We Are Digital support”.³⁹

As a result of the deficiencies in the support provided by the service, the report concluded that it has “limited value to individual Claimants or to the credibility of the Scheme as a whole”.⁴⁰

The particular need for legal assistance

In light of the limitations of the support provided by We Are Digital, the JUSTICE report summarised the need for legal assistance for Claimants thus:

“Crucially, the We Are Digital services exclude advice on the merits and substance of an application. The nature of the services it provides is fundamentally different from, and falls short of, obtaining legal advice. However, the complexity of the application process and required evidence means that applicants often need to rely on legal assistance in preparing their forms and collating supporting materials, especially where expert medical or psychiatric reports are required, or where subject access requests need to be made to various organisations. We note that recoverability of legal fees is a common element in most comparable compensation schemes, despite the fact that many of these schemes are more straightforward for claimants to navigate.”⁴¹

Evidence submitted to the Home Affairs Committee by Windrush Action, a “victim led group set up to fight for fair and just compensation in the wake of the Windrush

³⁷ Ibid. §4.69

³⁸ Ibid. §4.69.

³⁹ Ibid. §4.67.

⁴⁰ Ibid. §4.69.

⁴¹ Ibid. §4.70.

scandal”, notes the “misleadingly simple” nature of the application form by reference to the Impact on Life category:⁴²

“For example, all applicants have been impacted by the hostile environment and will be making a claim under the section 3.13 Impact on Life. The impact can only be properly explained by a legally trained person preparing with the applicant a witness statement describing in detail the impact on their life. A few lines written by an applicant will only, if at all, result in the payment of the lowest tariff for impact. To meet the higher tariff thresholds, a carefully prepared witness statement would be required, after a careful consideration of the relevant section of the Guidance and the Rules. Similarly, anyone who is claiming significant financial loss under section 3.14, the Discretionary heading, will need professional assistance in preparing a detailed schedule of loss to properly quantify their loss.”

The JUSTICE Report emphasised the need for claimants to have legal support:

“The Working Group heard from a number of groups providing pro bono support for Claimants. These groups are limited in their work by lack of funding and do not have the resources to meet the national demand for support. Some claimants have sought paid legal advice from law firms through conditional fee agreements and damages based agreements. These agreements avoid the need for up-front fees but commit claimants to making considerable payments to their lawyers if successful. Typically, these payments are 20 to 30% of the value of the award but have been up to 67%. The Home Office estimated that caseworkers would take 30 hours to assess cases at the outset of the Scheme although in practice the average is 154 hours, reflecting the complexity of the Scheme. If lawyers assisted claimants with their applications, there would be a saving to the Home Office in reduced caseworker time and a reduction in the number of unmeritorious applications. We recommend that free legal advice is made available to claimants through Legal Aid or that the Scheme is amended to provide a sliding scale of fixed legal fees.”⁴³

The HASC report found at §123:

“The majority of respondents to the compensation scheme consultation (96%) believed that claimants should be offered assistance with completing their application. Suggestions for the type of assistance that should be provided included: assistance with the application form, assistance gathering evidence, free legal advice, and help understanding the process. Respondents also suggested that

⁴² Home Affairs Select Committee, “Written evidence submitted by Windrush Action (WCS0009)”, §19. Available at: <https://committees.parliament.uk/writtenevidence/19069/pdf/>

⁴³ JUSTICE, “Reforming the Windrush Compensation Scheme” (15 November 2021), §1.6. Available at: <https://files.justice.org.uk/wp-content/uploads/2021/11/12142211/JUSTICE-Report-Reforming-the-Windrush-Compensation-Scheme-Press-Copy.pdf>

claimants “should be able to access independent legal advice before accepting a compensation award” .⁴⁴

The JUSTICE working group heard from “experienced firms working in the public-law sphere” that average preparation times were up to 45 hours per application.⁴⁵ Evidence to the HASC from Hudgell Solicitors, who at the time were acting for fourteen claimants, was that they expected to do at least 50 hours of work per claim.⁴⁶ The National Audit Office has reported that Home Office case workers spend an average of 154 hours per claim.⁴⁷ However, JUSTICE found that applications for legal aid under “Exceptional Case Funding” criteria (for areas of work which are not otherwise covered by legal aid provisions) were being rejected on the basis of assertions by the Home Office that the scheme is designed to be accessible without legal advice.⁴⁸

North Kensington Law Centre reported in evidence to the Home Affairs Select Committee that some claimants have been told by Windrush Helpline operators not to seek legal advice.⁴⁹

In their evidence to the HASC, the North Kensington Law Centre and Alexandra Ankrah both called for claimants to be given access to legal advice prior to accepting an offer of compensation.⁵⁰

The HASC Report noted the evidence of witnesses that legal advice is necessary due to the “adversarial nature” of the WCS:

“It has also been suggested that support for legal assistance would make the scheme operate more fairly for claimants. Ravi Nayer, who designed the redress scheme for survivors of historic child sexual abuse at Manchester City Football Club, wrote that where, as in the Windrush Compensation Scheme, redress schemes are

⁴⁴ Home Affairs Select Committee, “The Windrush Compensation Scheme”, HC 204 (24 November 2021). Available at: <https://committees.parliament.uk/publications/7936/documents/82209/default/>

⁴⁵ JUSTICE, “Reforming the Windrush Compensation Scheme” (15 November 2021), §4.72.

Available at:

<https://files.justice.org.uk/wp-content/uploads/2021/11/12142211/JUSTICE-Report-Reforming-the-Windrush-Compensation-Scheme-Press-Copy.pdf>

⁴⁶ Home Affairs Select Committee, “Written evidence submitted by Malcolm Johnson, Hudgell Solicitors (WCS0012)”. Available at: <https://committees.parliament.uk/writtenevidence/19093/pdf/>

⁴⁷ National Audit Office, “Investigation into the Windrush Compensation Scheme” (21 May 2021), §13.

Available at:

<https://www.nao.org.uk/wp-content/uploads/2021/05/Investigation-into-the-Windrush-compensation-scheme-.pdf>

⁴⁸ JUSTICE, “Reforming the Windrush Compensation Scheme” (15 November 2021), §4.73.

Available at:

<https://files.justice.org.uk/wp-content/uploads/2021/11/12142211/JUSTICE-Report-Reforming-the-Windrush-Compensation-Scheme-Press-Copy.pdf>

⁴⁹ Home Affairs Select Committee, “Written evidence submitted by the North Kensington Law Centre (WCS0014)”. Available at: <https://committees.parliament.uk/writtenevidence/19115/pdf/>

⁵⁰ Ibid, Home Affairs Select Committee, “Written evidence submitted by Alexandra Ankrah (WCS0027)”, §48. Available at: <https://committees.parliament.uk/writtenevidence/23067/pdf/>

operated on an adversarial basis (for example, where compensation can be reduced or declined on the basis of evidence that is provided), provision should be made for legal advice “to place applicants in a position to prepare their claim cognisant of the risks of an adversarial process”⁵¹.

Limited availability of free advice and support

Although none of the sources reviewed by the authors provide statistics for the numbers (or geographical locations) of legal advice providers for WCS applicants, available evidence suggests that sources of free legal support are scarce. For example, Windrush Action, in their written evidence to the Home Affairs Select Committee, noted the challenges for claimants in finding legal help with their applications:

“There are a limited number of solicitors’ firms that have been willing to undertake this work in the absence of public funding and The Scheme failing to provide for the reasonable legal costs incurred on behalf of an applicant. In this desert of funding, applicants have had to search for the few firms of solicitors willing to engage in this loss-making work and the few remaining Law Centres in city centres.”⁵²

Some solicitors firms appear to be offering Damages Based Agreements to WCS applicants. However, as noted in the JUSTICE report, claimants who enter into such agreements risk losing a significant proportion of any compensation that they ultimately receive from the Home Office.

“The current position is creating delay and causing further harm. Claimants are reliant on a patchwork of organisations and firms providing legal support on a pro bono basis, but this is not available to all because of capacity, and is reliant on the good will and charity of professionals. The lack of alternative legal funding has led to firms offering their services on Damages Based Agreements typically requiring payment of 20-30% of the award received to legal representatives, and an instance of an agreement for 67% of the award to be paid to the legal representatives. It is regrettable that Claimants should sacrifice a significant proportion of their award to legal costs, but such a situation arises as a direct consequence of the failure of the Scheme to make any provision for necessary legal costs. We believe the costs of legal advice can and should be modest and will be at least partially offset by savings generated elsewhere in the Scheme by improvement in the quality of applications and a narrower focus on the relevant issues.”⁵³

⁵¹ Home Affairs Select Committee, “The Windrush Compensation Scheme”, HC 204 (24 November 2021), §136. Available at:

<https://committees.parliament.uk/publications/7936/documents/82209/default/>

⁵² Home Affairs Select Committee, “Written evidence submitted by Windrush Action (WCS0009)”, §21. Available at: <https://committees.parliament.uk/writtenevidence/19069/pdf/>

⁵³ JUSTICE, “Reforming the Windrush Compensation Scheme” (15 November 2021), §4.75. Available at:

JUSTICE concludes that funding for legal advice is essential to delivering the aims of the Scheme and would ameliorate many of the problems identified in the report. The report states that provision of legal advice would increase trust, reduce trauma and discourage unmeritorious claims, reduce error and save costs, benefitting both claimants and the Home Office.⁵⁴

Similarly, Martin Forde QC told the HASC:

"[...] if the claims had been compiled by compensation lawyers through legal aid the Home Office task of dealing with them and having the documentation, not having to ask the supplementary questions and possibly not retraumatising victims, would be much quicker. If they had a good firm of solicitors saying, "That is the file. Everything is paginated. You have the NI records, the tax records, the employment records, it is all there for you and this is our claim" I think things would speed up dramatically. I see real advantages now in legal support."⁵⁵

The HASC Report concluded:

"There are strong arguments for facilitating access to legal advice for people who wish to seek help with their claim. Having access to funded legal representation may help more people to feel confident accessing and engaging with the scheme. It would also facilitate a greater number of comprehensive, well-ordered claims which can be processed more efficiently by caseworkers.

"We do not believe that the limited service provided by We Are Digital is sufficient to obviate the need for specialist legal advice. We therefore urge the Home Office to introduce new arrangements to ensure that everyone who wishes to access legal assistance with their claim is able to do so."⁵⁶

OUTCOMES OF CLAIMS UNDER THE WCS SO FAR

The Home Office estimated the overall cost of the Windrush Compensation Scheme to be between £90 million and £250 million, based on a planning assumption of 11,500 eligible claims.⁵⁷ Others have estimated that there may be as many as 12,000

<https://files.justice.org.uk/wp-content/uploads/2021/11/12142211/JUSTICE-Report-Reforming-the-Windrush-Compensation-Scheme-Press-Copy.pdf>

⁵⁴ Ibid. §4.77.

⁵⁵ Home Affairs Select Committee, "Oral evidence: The Windrush Compensation Scheme", HC 1013 (9 December 2020), Q62. Available at: <https://committees.parliament.uk/oralevidence/1372/pdf/>

⁵⁶ Home Affairs Select Committee, "The Windrush Compensation Scheme", HC 204 (24 November 2021), §§139-140. Available at: <https://committees.parliament.uk/publications/7936/documents/82209/default/>

⁵⁷ Public Accounts Committee, "Oral evidence: Home Office Recall", evidence of Matthew Rycroft (10 September 2020, HC 678).

– 50,000 possible claimants.⁵⁸ However, according to the last statistics published 24 February 2022, only 865 claimants have received an offer of compensation.⁵⁹

According to the most recent statistics provided by the Home Office, as at January 2022:⁶⁰

| | |
|--------------|--|
| 3,490 | Claims for compensation received |
| 1,655 | Cases with a final decision |
| 865 | Final decisions where an offer of compensation was made |
| 192 | Claims rejected on eligibility grounds |
| 590 | “Zero entitlement” claims (meaning that claims met the eligibility criteria, but a zero award is made under entitlement) |

According to the above, of the claims made for compensation, only 25 per cent have so far received a positive decision (and offer of compensation). Based on the above, 22 percent received a negative decision (eligibility was rejected or a zero award was made) and around 54 per cent are still waiting on a decision.

Home Secretary Priti Patel informed the Home Affairs Select Committee last year that the average calendar days from the date the claim was received to a Full and Final payment date was 434, as at 31st January 2021.⁶¹ This is consistent with reports from the sector. For example, in a report by JUSTICE into the scheme, Leigh

⁵⁸ Home Affairs Select Committee, “Oral evidence: The Windrush Compensation Scheme”, evidence of Jacqueline McKenzie (9 December 2020, HC 1013). Available at: <https://committees.parliament.uk/oralevidence/820/pdf/>, <https://committees.parliament.uk/oralevidence/1372/pdf/>

⁵⁹ Home Office, “Windrush Compensation Scheme data: January 2021” (27 January 2022). Available at: <https://homeofficemedia.blog.gov.uk/2022/02/24/windrush-compensation-scheme-factsheet-november-2021/>

⁶⁰ Ibid.

⁶¹ Home Affairs Committee, “Letter from the Home Secretary on changes to the Windrush Compensation Scheme, dated 16 February 2021” (16 February 2021). Available at: <https://committees.parliament.uk/publications/4739/documents/48321/default/>

Day, a law firm which (as of December 2020) had been instructed by 30 individuals for advice and assistance in obtaining compensation, reported that the average length of time from submission of the application form to receiving an offer of compensation or rejection of the claim was 425 days.⁶²

Home Office statistics show that, in October 2021, of the 1,807 claims that the Home Office define as still ongoing, 1,133 were over 6 months old, or 63% of the total. 179 were over 18 months old and 207 were between 12 - 18 months old.

Since its inception, the Windrush Compensation Scheme has paid £36 million to claimants. However, this is still only a fraction of the projected costs of the scheme of between £90 million and £250 million. The Home Office state that a total of £43 million has been offered to claimants.

According to a recent Home Office factsheet, “full and final offers and payments” made so far are as follows:⁶³

| Pay range | Number of claimants offered | Number of claimants paid |
|---------------------------------------|------------------------------------|---------------------------------|
| Nil offer | 572 | N/A |
| From £0.00, less than £10,000.00 | * | * |
| From £10,000.00, less than £30,000.00 | 301 | 332 |
| From £30,000.00, less than £50,000.00 | 291 | 259 |

⁶² See JUSTICE, “Reforming the Windrush Compensation Scheme”, 15 November 2021. Available at: <https://files.justice.org.uk/wp-content/uploads/2021/11/12142211/JUSTICE-Report-Reforming-the-Windrush-Compensation-Scheme-Press-Copy.pdf>

⁶³ Home Office, “Windrush Compensation Scheme factsheet - January 2022” (27 January 2022). Available at: <https://homeofficemedia.blog.gov.uk/2022/01/27/windrush-compensation-scheme-factsheet-november-2021/>

| | | |
|---|-----|-----|
| From £50,000.00, less than £100,000.00 | 192 | 144 |
| From £100,000.00, less than £150,000.00 | 49 | 37 |
| From £150,000.00, less than £200,000.00 | 6 | 6 |
| From £200,000.00, less than £250,000.00 | 9 | 6 |

Under the Scheme's rules, If a claimant is not satisfied with a decision made on their claim, they can apply for an internal "Tier 1" review. A Tier 1 review is determined by a more senior caseworker who was not involved in taking the original decision. A claimant can also escalate a complaint which has already been through a Tier 1 review to an Independent Adjudicator (the "Tier 2" review). Tier 2 reviews are currently undertaken by the Tax Adjudicator's Office. Numbers of appeals so far and outcomes are as follows:

| | | | |
|------------|--------------------------------|------------|-------------------------------------|
| 464 | Claims seeking a Tier 1 review | 332 | Claims with a Tier 1 review outcome |
| 148 | Claims seeking Tier 2 review | 57 | Claims with a Tier 2 review outcome |

OUTCOMES OF CLAIMS RECEIVING SUPPORT FROM THE WJC

Given the length of time taken for offers to be made under the WCS, many of the applications with which the WJC has assisted are still ongoing. However, a number of claimants have already been supported to obtain offers from the WCS and some have successfully 'appealed' their original offers by requesting a review and obtained far greater compensation awards with the assistance of WJC partner organisations.

Available data from WJC organisations North Kensington Law Centre and the University of Westminster Legal Advice Clinic shows that 20 clients have so far been assisted to receive compensation awards totalling £1,151,500, with an average award of £57,572. Many more claims are ongoing.

Eight clients have so far been supported to pursue reviews of their original offers and to obtain higher awards. The increase in awards across these eight claimants totals £421,430, with an average increase of £52,679 per case. A number of these claimants are presently being supported to pursue a Tier 2 review, so the sums awarded will likely increase further.

SUPPORT LANDSCAPE FOR WINDRUSH VICTIMS

Preliminary research was undertaken to identify the type of support services available for Windrush victims. The findings of the research suggests that there is a limited number of services in the UK providing specialist services to Windrush victims and even fewer guaranteeing free legal support. The level of advice and assistance depends largely on the type of the service provider delivering the support service. (see Appendix 1 for detailed information)

In reference to Citizens Advice,⁶⁴ research shows that the new standard procedure is to refer all Windrush matters to “We are Digital” for assistance. A manager at the Croydon branch advised that “during the time Citizens Advice was appointed to assist Windrush victims, they would generally receive around 2 referrals a week from the Home Office. Now, the only assistance Citizens Advice can possibly help Windrush victims with is checking their eligibility.”

The preliminary findings are summarised as follows:

a. Types of Support

| Service Provider | Nature of support offered |
|-------------------------|--|
| Home Office | <p>A free service funded by the Home Office to support claimants with their WCS applications.</p> <ul style="list-style-type: none"> ● Eligibility checks ● Form filling ● Posting forms ● Help with relevant documents/information for application ● Additional support offered in “urgent and |

⁶⁴ Previously, Citizens Advice was appointed by the Home Office to provide a limited assistance service for Claimants. In December 2020, following a procurement process, it was replaced by We Are Digital.

| | |
|------------------------|--|
| | exceptional circumstances” ⁶⁵ |
| Law Centres | <p>Independent legal services operating on a pro bono/not-for-profit basis, providing WCS claimants with free and/or fixed fee legal advice and assistance.</p> <ul style="list-style-type: none"> ● Legal advice (In person, online, telephone and written) ● Legal assistance/support ● Legal representation ● Casework ● Form filling/assistance with WCS application ● Gathering relevant documents, information and evidence ● Reviewing compensation offers ● Drop in/appointments |
| University Law Clinics | <p>Services run by university law schools providing free legal advice and assistance to WCS claimants.</p> <ul style="list-style-type: none"> ● Legal advice (in-person, online, telephone and written) ● Legal assistance/support ● Form filling/assistance with WCS application ● Casework ● Gathering relevant documents, information and evidence ● Reviewing of compensation offers ● Drop in/surgery sessions/appointments |
| Other Law Clinics | <p>Organisations (not law centres or university clinics) providing free legal advice and assistance to WCS claimants.</p> <ul style="list-style-type: none"> ● Legal advice (in-person, online, telephone and written) ● Legal assistance/support ● Legal representation |

⁶⁵ See Home Office, “Windrush scheme: support in urgent and exceptional circumstances (accessible)”, (23 February 2021), Available at: <https://www.gov.uk/government/publications/windrush-scheme-support-in-urgent-and-exceptional-circumstances/windrush-scheme-support-in-urgent-and-exceptional-circumstances-accessible>

| | |
|--|--|
| | <ul style="list-style-type: none"> ● Casework ● Advocacy services ● Reviewing compensation offers ● Drafting legal documents ● Tribunal representation ● Immigration support ● Litigation services ● Dispute Resolution |
| Pro Bono Providers | <p>Free legal services provided voluntarily by solicitors, barristers, charities or community groups to WCS claimants.</p> <ul style="list-style-type: none"> ● Legal advice (in-person, online, telephone and written) ● Legal assistance/support ● Legal representation ● Casework ● Advocacy services ● Reviewing compensation offers ● Drafting legal documents ● Tribunal representation ● Immigration support ● Litigation services ● Dispute Resolution |
| Law Firms with Damages-Based or Conditional Fee Agreements | <p>Law firms providing legal funding arrangements for WCS claimants with payment due on the condition that the application/case is successful and compensation is received (e.g. No Win No Fee Services).</p> <ul style="list-style-type: none"> ● Legal advice (in-person, online, telephone and written) ● Legal assistance/support ● Legal representation ● Casework ● Advocacy services ● Reviewing compensation offers ● Drafting legal documents ● Tribunal representation ● Immigration support ● Litigation services ● Dispute Resolution |
| Law Firms with other types of funding arrangements | <p>Law firms providing other types of legal funding arrangements for WCS claimants such as fixed fee, hourly rates and discounted services.</p> |

| | |
|-------------------------|--|
| | <ul style="list-style-type: none"> ● Legal advice (in-person, online, telephone and written) ● Legal assistance/support ● Legal representation ● Casework ● Advocacy services ● Reviewing compensation offers ● Drafting legal documents ● Tribunal representation ● Immigration support ● Litigation services ● Dispute Resolution |
| Community Organisations | <p>Organisations that provide a variety of free, not for profit, voluntary and charitable services to WCS claimants.</p> <ul style="list-style-type: none"> ● Information ● Assistance (in-person, online, telephone and written) ● Campaigning ● Culturally sensitive services ● Emotional support ● Law clinic services ● Pastoral support ● Drop in/surgery sessions/appointments |

b. Location of Support

| Service Provider | Location |
|------------------|--|
| Home Office | <ul style="list-style-type: none"> ● UK-wide <p>Note: there are no locations in Scotland, in England north of Leeds, or in the East of England north of Ipswich. There are no physical venues offering support in a number of major cities such as Nottingham, Bristol, Liverpool and Wolverhampton.⁶⁶</p> |
| Law Centres | <ul style="list-style-type: none"> ● London (SE15, W11,N1) ● Luton |

⁶⁶ JUSTICE, “Reforming the Windrush Compensation Scheme” (15 November 2021), §4.67.

Available at:

<https://files.justice.org.uk/wp-content/uploads/2021/11/12142211/JUSTICE-Report-Reforming-the-Windrush-Compensation-Scheme-Press-Copy.pdf>

| | |
|--|---|
| University Law Clinics | <ul style="list-style-type: none"> ● Leicester ● London (E1, W1W, SE1, WC2) |
| Other Law Clinics | <ul style="list-style-type: none"> ● London (WC1B) ● Preston ● Bilston |
| Conditional Fee Arrangement/Damage Based Agreement Providers | <ul style="list-style-type: none"> ● Belfast ● Birmingham ● Bristol ● Dagenham ● Harrow ● Hull ● Leeds ● London (EC4M, EC4N, EC4Y, UB5) ● Manchester ● Newcastle ● Norwich ● Nottingham ● Oxford ● Plymouth ● Richmond ● Sheffield ● Stoke on Trent ● Wales |
| Pro Bono Providers | <ul style="list-style-type: none"> ● London (EC4A, EC1M, N1) ● Manchester |
| Law Firms with Fee Arrangements | <ul style="list-style-type: none"> ● Bath ● Belfast ● Bexleyheath ● Birmingham ● Bishop's Stortford ● Bognor Regis ● Bolton ● Brighton ● Cardiff ● Chelmsford ● Chipstead ● Coulsdon ● Eastbourne ● Guildford ● Halifax ● Hertford |

| | |
|-------------------------|--|
| | <ul style="list-style-type: none"> ● Horsham ● Hove ● Ipswich ● Kettering ● Kingston ● London (EC1R, EC1V, EC2A, EC2V, EC4V, EC4Y, N17, SE1, SE11, SW19, SW6, SW9, W1H, W1S, W5) ● Manchester ● New Addington ● Peterborough ● Reading ● Reigate ● Sevenoaks ● South Croydon ● Wallington ● Workington ● Worthing ● Yorkshire |
| Community Organisations | <ul style="list-style-type: none"> ● Kent ● Leeds ● London (E15, E2, EC2A, N16, N7, NW5, SW16) ● Manchester ● Middlesbrough ● Nottingham |

c. Number of Service Providers

| Service Provider | Approx. Numbers |
|--|-----------------|
| Home Office funded support | 2 |
| Law Centres | 4 |
| University Legal Clinics | 5 |
| Other Law Clinics | 3 |
| Legal Aid Providers | 2 |
| Conditional Fee Arrangement / Damage Based Agreement Providers | 4 |

| | |
|---------------------------------|----|
| Pro Bono Providers | 4 |
| Law Firms with fee arrangements | 15 |
| Community Organisations | 14 |

SURVEY RESULTS

In order to better understand individual experiences of the WCS, the researchers collected responses to a questionnaire targeted at individuals who have been affected by the Windrush scandal.

This was aimed at collecting information in relation to existing and potential WCS claimants and identifying unmet need for legal advice. The survey was circulated on 21 October 2021 by way of social media and email, namely through WJC partner databases. The survey targeted people primarily affected by the Windrush Scandal, as well as family members and representatives of an estate.

The survey is still live and has received a total of 10 responses: two Primary Claimants, two Family Members and six Representatives of an estate. Five respondents live in London, three in Bristol, one in Northamptonshire and one in Hong Kong. All of the individuals who completed the questionnaire provided detailed responses of the deep trauma that they suffered and are still suffering as a result of the scandal. These detailed responses have not been included in this iteration of the report, and instead will be used in further research into the retraumatising impact of the WCS.

The results of the survey revealed that people found accessing legal advice for claims under the WCS or in relation to their immigration status either somewhat or extremely difficult to obtain, with some having to conduct the research for themselves. Although the majority stated that they had already submitted a claim for compensation, a need for further legal advice and support was apparent, with eight requesting further help in relation to their claims from the WJC. Of those who had made claims, only three sought legal advice when making their claims and six did not. Of the three that obtained legal advice, two found it “extremely difficult” to find.

The following comments and feedback were received, capturing widely held attitudes to the WCS:

“The Windrush compensation scheme is another scandal in itself. It is racist and an exercise in paying out as little as possible, while waiting for victims to die or give up the settlements being offered to victims - a further insult from an institutionally racist

home office. It has become abundantly clear that Priti Patel is a racist and a fascist whose sole mission is to destroy the lives of Black people and refugees.”

“I personally think they are being very unfair, biased and racist towards the victims of the Windrush, and their families. Refusing to award victims, underpaying the victims appeal process, taking too long. They are finding excuses not to pay victims, instead of acknowledging the pain and suffering of victims and treating victims of the Windrush like criminals, rather than victims of the Home Office’s mistakes and the British government's failure in compensating victims and family for impact on their lives even though they are British citizens”

“I’ve been very happy with the justice clinic and the help from Anna Steiner & partners, it’s the Home Office my problems lay with, I feel it should never have been down to the Home Office to sort out the compensation payments. It should have been an independent person/persons as I do not trust the Home Office at all, I’ve had a terrible experience and was lied to for many years which I have evidence of this also.”

“The staff are unprofessional causing distress and retraumatizing of claimants. They seem not to know what they are doing and they either lose your documents e.g. your evidence and video sent to them on USB sticks. They are misleading when you complain about the service or skip over detail when responding to a complaint, trying to make it seem as though the claimant is in the wrong.”

“The Windrush compensation scheme is another scandal in itself and is being run by an institutionally racist Home Office.”

“The compensation scheme is not designed to offer you what you have lost, it's designed to see how you survived the trauma, and then they use your evidence to go against you...”

“From my experiences with the Windrush Compensation Scheme / Home Office, and their responses to my claim, it is almost like they are telling me the following: "We are really, really, sorry for punching you in the face, however, we are sure you've recovered now, it wasn't that bad of a punch, so here is another punch in the face, but don't worry about that one, because you've already recovered, please accept some tape and cotton wool to make a plaster out of.”

“The Windrush compensation scheme is another scandal in itself and not fit for purpose. The Home Office are the ones who ruined my life, why am I having to beg them for a fair and proper level of compensation. The Home Office is institutionally racist and this is a fact not an accusation.”

“... My British-born mother was wrongly advised by the Home Office that she'd lost her British citizenship by marrying my father. In fact both were British citizens.”

RESEARCH FINDINGS

THE COMPLEXITY OF THE APPLICATION PROCESS AND INSUFFICIENCY OF HOME OFFICE SUPPORT

It is clear based on the experiences of claimants, as reported in the available research literature and in the survey conducted by the WJC, that they face considerable difficulties in applying for compensation under the existing process. This includes completing the WCS application form (which now runs to over 40 pages), providing evidence dating back over long periods and responding to frequent requests from the Home Office for further evidence.

This problem was reflected in our survey. Of the respondents who had made a claim for compensation under the WCS, all nine responded to the question “What was your experience of the Windrush Compensation Scheme” with the answer: “Difficult” (compared to the alternatives of “Easy”, “Neutral” or “Prefer not to say”).

The Home Office funds a limited assistance service for Claimants. This is now provided by We Are Digital. Only 3 hours of support is provided by the service to assist claimants in completing the application form for the WCS. This is despite the fact that most cases require more than 20 hours of work when assistance is provided by a lawyer. Evidence to JUSTICE and the HASC suggested that average preparation times were 45 or 50 hours per claim. Available research found that due to a combination of limited capacity, lack of legal expertise and lack of independence, the support provided through this service is extremely limited and insufficient to properly support claimants with the process of applying for compensation.

THE NECESSITY OF LEGAL ADVICE

In light of the complexity of the process outlined above, we found that legal advice is essential at all stages of claims to the WCS. This includes the preparation of application forms, collation of relevant evidence, correspondence with the Home Office and advice on any offers of compensation and the merits of appeal.

The WJC’s own data shows the substantial increases on the awards offered to claimants that have been achieved with legal support. For example, one client supported by North Kensington Law Centre appealed an offer of £14,248.88 and as a result received a final award of £97,457.00.

We agree wholly with the JUSTICE report’s conclusions on legal aid for claimants to the scheme:

“[T]he availability of funding for legal assistance is essential to delivering the aims of the Scheme and is furthermore an essential component of assuming the

independence of the Scheme. The provision of legal assistance would benefit not only Claimants, but also the Home Office in several respects.”⁶⁷

UNMET NEED

Official data shows that far fewer awards of compensation have been made than originally anticipated by the Home Office. Although there are many problems with the scheme, limited access to legal advice has frequently been identified as a barrier to successful claims.

This was borne out in our survey. Of those respondents who made claims to the WCS, only three sought legal advice when making their claims and six did not. Of the three that obtained legal advice, two found it “extremely difficult” to find.

It is clear that there is significant unmet need for legal advice amongst those who have:

- a. possible claims under the WCS but require assistance in putting together their application, compiling necessary evidence or responding to further requests from the Home Office;
- b. received offers under the WCS but require advice on possible merit in an appeal and/or assistance in pursuing an appeal;
- c. received offers under the WCS but have not received payments.

Whilst the WJC and its partners, along with some Law Centres and legal advice clinics, offer free legal assistance and advice, due to the fact that legal aid is not available to claimants under the WJC, the majority of other providers appear to charge for legal services (either upfront or by way of a “no win no fee” type agreement).

⁶⁷ JUSTICE, “Reforming the Windrush Compensation Scheme” (15 November 2021), §4.77.

Available at:

<https://files.justice.org.uk/wp-content/uploads/2021/11/12142211/JUSTICE-Report-Reforming-the-Windrush-Compensation-Scheme-Press-Copy.pdf>

RECOMMENDATIONS & FUTURE WORK OF THE WJC

REACHING TARGET GROUPS

It is clear based on the above that there is unmet need for legal advice and representation amongst the groups of claimants who the WJC can support. Based on even a conservative analysis of Home Office figures, there are thousands of potentially eligible claimants under the WCS. Many if not all of these individuals would benefit from support from the WJC.

Although the WJC has assisted many individuals to make claims or to appeal existing offers, the available evidence suggests that there are likely to be many people in need of legal advice for this purpose who are not aware of the WJC or, for various reasons, cannot access its services.

Based on what is known of the demographics of those affected by the Windrush scandal (and the difficulties experienced by the researchers in reaching relevant groups and collecting survey responses) it is likely that a largely virtual casework service will not reach those who most need support.

Individuals who are unable to make an application for compensation, or who are having difficulties in corresponding with the Home Office, are less likely to be able to request or access support from the WJC via virtual means.

Therefore, recommendations one and two are focussed on increasing the WJC's reach amongst groups who may not be able to find or access support through the usual channels.

Recommendation 1: Explore ways to reach possible clients through non-virtual means (such as in-person outreach through existing community groups)

Recommendation 2: Provide regular opportunities for individuals to obtain free legal advice at physical locations around London (and other cities if possible). This could take the form, for example, of "pop-up" clinics at partner organisations.

The Home Office does not publish statistics on the location of WCS claimants. However, the analysis above suggests that existing sources of free legal advice for possible claimants are concentrated in London. It is therefore suggested that the WJC consider expanding out of London, through partnerships with existing organisations that may have legal advice infrastructure but little WCS expertise, such as Law Centres not currently offering assistance with WCS claims.

Recommendation 3: Focus on new partnership opportunities in cities outside of London.

RESEARCH

A number of areas for further research have been identified.

Firstly, it is recommended that the WJC build on the present work by carrying out interviews and focus groups with individuals who have been affected by the Windrush scandal. This would allow researchers to elicit more detailed, qualitative descriptions of the claimant experience and to better understand barriers in applying for compensation (or deterrents to doing so). Suggested interview and focus group questions are attached at Appendix 3.

Recommendation 4: Conduct further research into the experience of claimants through focus groups and interviews.

Other identified areas of research include further investigation into the contracting arrangements of the Home Office with advice providers, further analysis to compare outcomes for claimants who do not receive legal advice compared to those who do (and those who receive some form of non-legal support from community organisations) and research into the additional trauma and retraumatization caused by the WCS as it is currently being administered by the Home Office.

Recommendation 5: Carry out or commission further research into contracting arrangements for advice providers.

Recommendation 6: Carry out analysis of outcomes for claimants who don't receive legal advice (including the impact of non-legal support from community organisations)

Recommendation 7: Research into the extent to which the WCS retraumatizes claimants.

Recommendation 8: A follow up research report to be commissioned in 2022 to explore the impact of the changes to the Windrush compensation scheme, introduced in December 2021, and any further changes as a result of the second report by Wendy Williams.

Recommendation 9: Ensure that the learning from casework and support and the experience of people impacted, inform the campaign for improvements to the scheme.

Recommendation 10: The ability to identify and carry out strategic legal challenges to the scheme to be explored further

DATA COLLECTION

The available data shows that legal advice and assistance provided by the WJC has supported claimants to claim significant sums of money in compensation. However, data is not yet available from all providers associated with the WJC and is not in a consistent format. In order to understand trends across WJC clients and to fully quantify the impact of the WJC, it is recommended that a system is developed to record assistance provided to clients and outcomes. Data collection should include the following information relating to the claim:

- a. stage at which legal advice was provided to client (eg. before a claim was made or following an offer from the WCS);
- b. what the client received help with (eg. assistance with preparation of claim form, evidential requirements or appeal);
- c. any offers made;
- d. reviews pursued and subsequent offers (if relevant).

It is also recommended that the geographic location of clients, as well as the means by which clients heard about the WJC, should be recorded in order to inform outreach and further expansion of the Clinic.

Recommendation 8: Implement a consistent system of data-collection across WJC partners in order to better understand trends in compensation awards and the impact of legal advice at different stages in the process

WIDER CHALLENGES RELATING TO THE WCS

Clearly, the WJC alone cannot address the unmet need for support amongst possible and existing WCS claimants. Partner organisations providing legal advice and support to WJC clients provide this service completely for free, are largely dependent on the work of volunteers and simply cannot accommodate the many thousands of possible clients in need of legal advice.

It is recommended that the WJC focus campaigning activity on calls for legal aid for WCS claimants, in order to ensure the sustainability of the provision of crucial advice for this group of clients and to properly resource the organisations providing this important support.

Recommendation 9: Advocate for legal aid for WCS claimants

ACKNOWLEDGMENTS

First of all, the authors of this report would like to thank the anonymous respondents to our survey, who shared their experiences of the Windrush Compensation Scheme and gave powerful personal accounts of the difficulties in obtaining the compensation to which they are entitled.

We would like to thank all of the WJC partners (UoW Legal Advice Clinic, KLC, LSBU, NKLC, SLC, CJO, the WCP, JHS, JCWI and GMIAU), for your invaluable input into this report and for your important work to help those affected by the Windrush scandal to get some recompense for their suffering.

Particular thanks go to the University of Westminster for the funding without which this research would not have been possible.

We are also grateful to Professor Robert Thomas and the members of the JUSTICE Windrush Compensation Scheme Working Group for inviting us to participate in the discussions which led to the excellent report; "Reforming the Windrush Compensation Scheme".

We are extremely grateful to the many organisations that helped us to publicise our research questionnaires including Windrush Lives, United Legal Access and Windrush Legal Advice Clinic, as well as all those who shared information about the nature of the services that they provide to WCS claimants, and about their experiences of the Home Office.

APPENDICES

Appendix 1 - A table of the service providers offering specialist advice and assistance to Windrush victims making compensation claims under the WCS nationally; and the level of advice and assistance given.

Some of the information has been obtained online through the service providers website.

| Service Providers Name | City | Contact Details | Level of Advice/ Assistance | Fee |
|-----------------------------------|-------------|--|--|--------------|
| Home Office Funded Support | | | | |
| We are Digital | UK | Friars House Manor House Drive Coventry CV1 2TE 03333 444 019 0808 196 8496 info@we-are-digital.co.uk https://www.we-are-digital.co.uk/windrush-compensation-scheme | Assist with WCS claims, check eligibility, help fill in the application form, work in partnership with the Home Office. Monday to Friday 09:00 - 17:00 | Free Service |
| Windrush help team | UK | 0800 678 1925 windrushcompensationscheme@homeoffice.gov.uk | Provides claimants with forms by post, help to work out eligibility, refers claimants to 'We Are Digital'. | Free Service |

University Law Clinics

| | | | | |
|---|--------------|---|--|--|
| Justice for Windrush | Leicester | University of Leicester University Road LE1 7RH 0116 252 2363 lawadviceclinic@leicester.ac.uk https://www.le.ac.uk/legal-advice | Project volunteer students help potential candidates work out whether they have a valid claim, gather evidence, and complete the Claim Form. | Free Legal Advice |
| Queen Mary Legal Advice Centre | London (E1) | Queen Mary University of London School of Law Mile End Road London E1 4NS 020 7882 5555 lac@qmul.ac.uk https://www.qmul.ac.uk/ https://www.qmul.ac.uk/media/news/2020/hss/queen-mary-launches-black-justice-project-to-tackle-discrimination.html | Preliminary one off advice. | Free written Legal Advice by appointment |
| University of Westminster Legal Advice Clinic | London (W1W) | University of Westminster Legal Advice Clinic 4-12 Little Titchfield Street, London W1W 7BY 020 3506 9626 020 7815 5450 lawclinic@westminster.ac.uk https://uowlegaladviceclinic.org.uk/windrush-justice-clinic/ | Advice, assistance, casework, and representation | Free Legal Advice and Support |

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|--|---------------|---|--|---|
| London South Bank University Legal Advice Clinic | London (SE1) | London South Bank University Legal Advice Clinic Clarence Centre for Enterprise and Innovation 126 London Road Southwark SE1 0AE 020 7815 5450 legaladvice@lsbu.ac.uk https://www.lsbu.ac.uk/study/study-at-lsbu/our-schools/law-and-social-sciences/study/subjects/law/legal-advice-clinic | One hour Drop-in opening times: Tuesdays: 10am–12 pm Wednesdays: 10am–12pm Wednesdays: 3pm–5pm Fridays: 10am–12pm Enquiries that are complicated may be directed to an appropriate local service. | Free Sessions |
| King's Legal Clinic | London (WC2) | Strand Building, Strand Campus, Strand, London, WC2R 2LS 020 7848 1575 kingslegalclinic@kcl.ac.uk https://www.kcl.ac.uk/legal-clinic/contact-us | Working in collaboration with Southwark Law Centre to provide free legal advice and representation to Windrush Justice clinic clients | Free Legal Advice and Representation |
| Other Law Clinics | | | | |
| United Legal Access | London (WC1B) | 7 Bell Yard, London, WC2A 2JR 1 Great Russell Street, Bloomsbury, London WC1B 3ND | Casework, Representation, Form Filling. Virtual legal advice clinic (Online portal 24/7), Appointment Offer assistance in starting WCS application, gathering information/ evidence needed to support claim, reviewing completed application before it is sent off and reviewing compensation offer before acceptance. | Free assistance/ advice for Windrush compensation work. |

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|---|---------------|--|--|--------------------------------------|
| Preston Windrush Generation and Descendants | Preston | 07564 732 983 info@prestonwindrush.co.uk https://www.prestonwindrush.co.uk/ | Independent and Confidential service for people who need independent advocacy support, and emotional support. Tuesday evenings via Zoom at 8:30pm breakout room 1 to 1 Advocacy and the 2nd room Wellbeing. | Free Advocacy Surgeries |
| Windrush Legal Advice Clinic | Bilston | 58 Bank Street, Bilston, West Midlands, WV14 8PD 01902 382542 wlac@mjmlegalservices.co.uk https://www.mjmlegalservices.co.uk/ | Written Advice, Casework, Representation, Form Filling, Initial Advice, Legal advice. <i>Information sourced from Website.</i> | Free Legal Advice |
| Law Centres | | | | |
| Southwark Law Centre | London (SE15) | Hanover Park House, 14-16 Hanover Park, London SE15 5HG 020 7732 2008 windrushjustice@southwarklawcentre.org.uk https://www.southwarklawcentre.org.uk/windrush/ | Offer free independent legal advice to Windrush victims, so that they can successfully apply for compensation which accurately reflects their loss and suffering. | Free Legal Advice and Representation |
| North Kensington Law Centre | London (W11) | Unit 13, Baseline Business Studios, Whitchurch Rd, London W11 4AT 020 8638 7429 info@nklc.org.uk | Offer free independent legal advice to Windrush victims, so that they can successfully apply for compensation which accurately reflects their loss and suffering. | Free Legal Advice and Representation |

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|---|---------------|---|--|--|
| Luton Law Centre | Luton | Community House 15 New Bedford Road Luton LU1 1SA 01582 481000 admin@lutonlawcentre.org.uk https://www.lutonlawcentre.org.uk/windrush-scheme/ | Provides assistance with documents to prove arrival and/or time spent in the UK, help to identify appropriate documents to prove eligibility, assist in completing sections 5, 6 or 7 of the Windrush Scheme form <i>Information sourced from Website</i> | Fixed fee to provide help - £300 (inc. VAT) Free Adviceline |
| Islington Law Centre | London (N1) | 38 Devonian Road, London, N1 8JH 020 7288 7630 info@islingtonlaw.org.uk www.islingtonlaw.org.uk | Legal Advice and assistance. Monday – Friday, 10am - 1pm and 2pm - 4pm <i>Information sourced from Website</i> | Free Services |
| Pro Bono Providers | | | | |
| Greater Manchester Immigration Aid Unit (GMIAU) | Manchester | 1 Delaunays Road Crumpsall Green Manchester M8 4QS 0161 7407722 referrals@gmiau.org or nicola@gmiau.org https://gmiau.org/about-us/what-we-do/ | Advise, support, represent and campaign for people subject to immigration control. In partnership with 8 city law firms (Bryan Cave Leighton Paisner, Charles Russell Speechlys, Debevoise & Plimpton, Dechert, Latham & Watkins, Linklaters, Taylor Wessing and White & Case) | GMIAU run a free, pro bono initiative, to assist claimants in making new applications to the Windrush Compensation Scheme. |
| Queens Court Chambers | London (EC4A) | Queens Court Chambers, 5 Chancery Lane, Holborn, London EC4A 1BL 0203 633 8598 | Queens Court Chambers is a proud supporter and member of Advocate, the Bar's national charity that makes it possible for barristers to balance a dedicated practice with | Pro Bono - in deserving cases for those who are unable to obtain legal aid and cannot afford to pay, |

| | | | | |
|-----------------------|---------------|---|---|---|
| | | info@queenscourtchambers.co.uk | making a significant contribution to the community. <i>Information sourced from Website</i> | i.e. Windrush Cases. |
| Windrush Legal Angels | London (N1) | Obaseki Solicitors 27 Bentley Rd Dalston London N1 4BY 02077397549 info@obasekisolicitors.com www.obasekisolicitors.com info@windrushlegalangels.co.uk https://www.windrushlegalangels.co.uk/ | Written Advice, Casework, Representation, Form Filling, Initial Advice Also, online support and virtual assistance with gathering the relevant documents and information. <i>Information sourced from Website</i> | Pro Bono Free legal support to apply for British Citizenship and naturalisation (Windrush Scheme). Free legal support to apply under the Compensation Scheme. |
| Leigh Day | London (EC1M) | Panagram 27, Goswell Rd, London EC1M 7AJ 020 7650 1200 jmckenzie@leighday.co.uk https://www.leighday.co.uk/about-us/our-people/partners/jacqueline-mckenzie/ https://www.leighday.co.uk/our-services/human-rights/judicial-review/the-windrush-generation/ | Legal Advice, Assistance, Litigation, and dispute resolution. Windrush Team - Social Justice & Community Work. <i>Information sourced from Website</i> | Pro Bono and Legal Aid |

| Conditional Fee Arrangement / Damage Based Agreements Providers | | | | |
|---|---|---|--|---|
| Hudgell Solicitors | Hull London (EC4Y) Manchester | No 2 @ The Dock 46 Humber Street HU1 1TU 55 Fleet Street London EC4Y 1JU 1 St Peter's Square Third Floor Manchester M2 3AE 0808 159 9721 https://www.hudgellsolicitors.co.uk/group-actions/windrush/ | Legal Advice, Assistance, Litigation, and dispute resolution. <i>Information sourced from Website</i> | No win no fee |
| OTS Solicitors | London (UB5) London (EC4N) | Heathrow – West London Office 11 Station Parade Northolt London UB5 5HR 60 Cannon Street, London, EC4N 6NP 0203 959 9123 info@otssolicitors.co.uk https://www.otssolicitors.co.uk/news/windrush-success-story-and-lesson-learned/ | Legal Advice, Assistance, Litigation, and dispute resolution. <i>Information sourced from Website</i> | No win no fee and private fee-paying basis. |

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|------------------------------------|--|---|--|---|
| Thompsons Solicitors / Trade Union | London (EC4M) Dagenham Harrow Norwich Stoke on Trent Nottingham Birmingham Belfast Newcastle Oxford Bristol Plymouth Wales Leeds Sheffield | Regional 0800 0224 224 enquiries@thompsons.law.co.uk https://www.thompsons.law/news/news-releases/our-firm-news/social-justice-law-firm-seeks-to-test-home-office-refusal-to-allow-the-child-of-a-windrush-victim-to-remain-in-the-uk-after-21-years https://www.thompsons.law/ https://www.thompsonstadeunion.law/ | Legal Advice, Assistance, Litigation, and dispute resolution. <i>Information sourced from Website</i> | No Win No Fee |
| Mullender Law | Richmond | 2nd Floor Dome Building The Quadrant Richmond TW9 1DT 020 3322 8771 office@mullenderlaw.com https://mullenderlaw.co.uk | Legal Advice, Assistance, Litigation, and dispute resolution. <i>Information sourced from Website</i> | No win no fee basis - pay a percentage agreed in advance of any damages received. |

Legal Aid Providers

| | | | | |
|--|--|---|---|--|
| <p>Duncan Lewis Solicitors</p> | <p>National Law firm: (Service offices) Birmingham Bradford Croydon Dorset (Weymouth) Harrow Kent (Gravesend) Leeds Leicester London (E8) London (EC3) London (N1) London (N3) Luton Manchester Milton Keynes Northampton Peterborough Swansea Wolverhampton</p> | <p>Headquarters Sackville House 143-149 Fenchurch Street, London, EC3M 6BL. 033 3772 0409 contact@duncanlewis.com https://www.duncanlewis.co.uk/</p> | <p>A leading immigration legal team, recognised by Legal 500 as leaders in their field, that specialises across the full range of immigration, asylum, nationality and human rights; including Windrush related matters. The team is very experienced in progressing cases both face to face and through remote means, where this is more convenient for the client.</p> | <p>Advice and assistance is offered by way of legal aid (where clients are eligible) and privately funded.</p> |
| <p>Deighton Pierce Glynn</p> | <p>London (EC1R) Bristol</p> | <p>33 Bowling Green Lane London EC1R 0BJ 020 7407 0007 Unit 10c, 10th Floor Whitefriars, Bristol BS1 2NT 0117 332 3598 bristol@dpglaw.co.uk https://dpglaw.co.uk mail@dpglaw.co.uk https://dpglaw.co.uk</p> | <p>Legal Advice, Assistance, Litigation, and dispute resolution.</p> | <p>No Win No Fee, Discounted Fee, Crowdfunding, Legal aid</p> |

Law Firms with fee arrangements

i.e., Fixed, Hourly and Discounted Services

| | | | | |
|--------------------------------|-------------------------------------|---|---|--|
| Fisher Stone Solicitors | Halifax | <p>Trinity House, Blackwall, Halifax, HX1 2QR</p> <p>01422 291060</p> <p>help@fisherstone.co.uk</p> <p>https://www.fisherstone.co.uk/home-office-launches-windrush-compensation-scheme/</p> | <p>Legal Advice, Assistance, Litigation, and dispute resolution</p> <p><i>Information sourced from Website</i></p> | Fee arrangements to be discussed |
| Immigration Legal Services Ltd | Ipswich | <p>65 St Matthews Street Ipswich IP1 3EW 01473 229820</p> <p>sallie.davies@immigrationlegalservices.co.uk</p> <p>https://immigrationlegalservices.co.uk/windrush-compensation-scheme-events/</p> | <p>Legal expertise, advice, and guidance.</p> <p><i>Information sourced from Website</i></p> | Fixed fee. |
| Hugh James (London) | <p>London (EC2V)</p> <p>Cardiff</p> | <p>99 Gresham Street, London, EC2V 7NG 033 3016 2222</p> <p>Two Central Square, Cardiff, CF10 1FS 033 3016 2222</p> <p>samuel.barker@hughjames.com</p> <p>https://www.hughjames.com/blog/windrush-compensation-scheme-evidence-due-to-be-submitted-by-8-june</p> | <p>Legal Advice, Assistance, Litigation, and dispute resolution.</p> <p><i>Information sourced from Website</i></p> | Free initial consultation to discuss fee |

| | | | | |
|----------------------------------|---------------|---|---|--|
| Kingsley Napley | London (EC2A) | <p>20 Bonhill Street, London, EC2A 4DN</p> <p>020 7814 1275</p> <p>mlogdon@kingsleynapley.co.uk</p> <p>https://www.kingsleynapley.co.uk/insights/blogs/giving-something-back/a-year-on-from-windrush-lessons-to-be-learned</p> | <p>Legal Advice, Assistance, Litigation, and dispute resolution.</p> <p><i>Information sourced from Website</i></p> | Hourly rate/ fee arrangement to be discussed |
| Matthew Gold & Co Ltd Solicitors | London (EC1V) | <p>11 Jerusalem Passage, London, EC1V 4JP</p> <p>0208 445 9268</p> <p>london@matthewgold.co.uk</p> <p>http://www.matthewgold.co.uk/windrush-compensation-scheme/</p> | <p>Legal Advice, Assistance, Litigation, and dispute resolution</p> <p><i>Information sourced from Website</i></p> | Fee arrangements to be discussed |
| Wilson Solicitors LLP | London (N17) | <p>697 High Road, Tottenham, London N17 8AD</p> <p>020 8808 7535</p> <p>3 Waterhouse Square 138 - 142 Holborn London EC1N 2SW</p> <p>020 7781 9600</p> <p>a.gonzalez@wilsonllp.co.uk</p> <p>https://www.wilsonllp.co.uk/victory-in-windrush-case/</p> | <p>Legal Advice, Assistance, Litigation, and dispute resolution.</p> | Fee arrangements to be discussed |

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| <p>Taylor Rose MW</p> | <p>Nationwide: Bath Bexleyheath Birmingham Bishop's Stortford Bognor Regis Brighton Chelmsford Chipstead Coulsdon Eastbourne Guildford Hertford Horsham Hove Kettering Kingston London (EC4V) London (SE1) London (SW19) London (SW6) London (SW9) London (W1H) London (W5) Manchester New Addington Peterboroug h Reading Reigate Sevenoaks South Croydon Wallington Workington Worthing</p> | <p>Correspondence Address: Stuart House, St John's Street, Peterborough, PE1 5DD 020 3540 4444 info@taylor-rose.co.uk www.taylor-rose.co.uk</p> | <p>Legal Advice, Assistance, Litigation, and dispute resolution</p> | <p>Fee arrangements to be discussed</p> |
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| Eagle Solicitors | London (SE11) | 163 Kennington Lane Kennington London SE11 4EZ 020 7840 0671 info@eaglesolicitors.com | Legal Advice, Assistance, Litigation, and dispute resolution | Fee arrangements to be discussed |
| WM Immigration | Belfast | 80-81 Ebrington Square, Londonderry, BT47 6FA info@wmimmigration.com https://www.wmimmigration.com/ | Legal Advice, Assistance, Litigation, and dispute resolution | Fixed Fees |
| Switalskis | Yorkshire | West Yorkshire: Boston Spa, Bradford, Honley, Huddersfield, Leeds, Pontefract, Wakefield North Yorkshire: Knaresborough, York South Yorkshire: Barnsley, Doncaster, Sheffield 01924 882000 david.greenwood@switalskis.com www.switalskis.com | Legal Advice, Assistance, Litigation, and dispute resolution | Fee arrangements to be discussed |
| Lisa Law Solicitors | London (SE1) | 13 London Rd, Elephant and Castle, London SE1 6JZ 020 7928 0276 info@lisaslaw.co.uk www.lisaslaw.co.uk | Legal Advice, Assistance, Litigation, and dispute resolution | Fee arrangements to be discussed |

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| Westkin Associates | London (W1S) | 5th Floor Maddox House, 1 Maddox Street, Mayfair, London, W1S 2PZ 0207 118 4546 info@westkin.com https://www.westkinassociates.com/windrush-settlement-scheme/ | Legal Advice, Assistance, Litigation, and dispute resolution. <i>Information sourced from Website</i> | Fixed Fee |
| Compass Immigration Law Ltd | Bolton | 3 Mawdsley Street, Bolton BL1 1JZ 01204 531 535 info@compasslaw.org.uk https://www.compasslaw.org.uk/legal-advice/windrush-compensation-scheme/ | Legal Advice, Assistance, Litigation, and dispute resolution. <i>Information sourced from Website</i> | Consultation fee £30 A Range of Fixed Fees |
| Saunders Law | London (EC4Y) | Hamilton House 1 Temple Avenue London EC4Y 0HA 0207 632 4300 info@saunders.co.uk | Legal Advice, Assistance, Litigation, and dispute resolution | Fee arrangements to be discussed |

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|--------------------------------|---------------|--|--|----------------------------------|
| Karis Solicitors | London (EC1R) | 40 Bowling Green Lane London EC1R 0NE 0207 415 7016 stuart.kerr@karissolicitors.com www.karissolicitors.com | Legal Advice, Assistance, Litigation, and dispute resolution | Fee arrangements to be discussed |
| Community Organisations | | | | |
| Good Law Project | Kent | 3 East Point High Street, Seal, Sevenoaks, Kent, United Kingdom, TN15 0EG legal@goodlawproject.org https://goodlawproject.org/news/windrush-scandal/ | Campaigners <i>Information sourced from Website</i> | Not for profit organisation |
| Voluntary Action Leeds | Leeds | Stringer House, 34 Lupton St, Hunslet, Leeds LS10 2QW 0113 297 7920 info@val.org.uk https://doinggoodleeds.org.uk/ | Information, Advice, Support | Voluntary Organisation |

| | | | | |
|---------------------------------|---------------|---|---|--|
| Amnesty International UK | London (EC2A) | Human Rights Action Centre 17-25 New Inn Yard, London, EC2A 3EA 020 7033 1500 sct@amnesty.org.uk https://www.amnesty.org.uk/britains-shame-70-years-after-windrush | Campaigners <i>Information sourced from Website</i> | Charitable Organisation |
| Migrants' Rights Network | London (E15) | The People's Place 80 – 92 High Street, London, E15 2NE 020 7424 7386 07534 488696 info@migrantsrights.org.uk https://migrantsrights.org.uk/2021/07/27/july-newsletter-it-didnt-come-home/ | Campaigners <i>Information sourced from Website</i> | Immigration Law Practitioners' Association finder. |
| Praxis for Migrant and Refugees | London (E2) | Pott Street, London E2 0EF 020 7729 7985 020 7749 7608 020 7749 7605 laura.stahnke@praxis.org.uk admin@praxis.org.uk | Free immigration advice over the phone on Wednesday afternoons from 2pm to 4pm and on Thursday mornings from 10am to 12.30pm. | Free immigration advice |
| Claudia Jones Organisation | London (N16) | 103 Stoke Newington Road, London N16 8BX 020 7241 1646 windrushcoordinator@claudiajones.org http://claudiajones.org/ | To provide culturally sensitive services that supports claimants Drop in: Tuesdays 9.00-11.00am and Thursdays 2.30-5.00pm. | Free Legal Advice - by referral to WJC |

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| Joint Council for the Welfare of Immigrants | London (N7) | 441 Caledonian Road London N7 9BG 020 7251 8708 nicola.burgess@jcwi.org.uk https://www.jcwi.org.uk/news/new-free-legal-advice-for-windrush-victims | Immigration charity organisation/Campaigners | Free Legal Advice |
| Voice 4 Change England | London (NW5) | 2c Falkland Road, London, NW5 2PT 020 7485 4789 info@voice4change-england.co.uk https://www.voice4change-england.org/ | Civil Society charity/ Campaigners <i>Information sourced from Website</i> | Community Volunteers |
| The Jigsaw House Society | London (SW16) | 20 Grayscroft Road Grayscroft Road, London, England, SW16 5UP | Free Legal Advice - by referral to WJC | Charitable Organisation |
| Windrush Defenders WD Legal | Manchester | Unit 66, Cariocca Business Park, 2 Hellidon Close, Ardwick, Manchester, M12 4AH https://wdlegal.co.uk/ | Provides advocacy and support <i>Information sourced from Website</i> | Charitable Organisation |

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|--------------------------------|------------------------------|--|--|-----------------------------------|
| Electronic Immigration Network | Manchester | Office 116, Regus, St James Tower 7 Charlotte Street Manchester M1 4DZ 0161 521 9831 0161 235 6330 info@ein.org.uk | UK's largest specialist provider of information on immigration and asylum case law and country information through the internet. | Charitable Organisation |
| Administrative Justice Council | Manchester and Middlesbrough | https://ajc-justice.co.uk/ | Associated with the WJC <i>Information sourced from Website</i> | Charitable Organisation |
| Windrush National Organisation | National | info@windrushnationalorganisation.com https://windrushnationalorganisation.com/ | Campaigners <i>Information sourced from Website</i> | Charitable Organisation |
| The Pilgrim Church | Nottingham | Queens Walk, The Meadows, Nottingham, NG2 2DF 0115 986 5633 clivefoster36@gmail.com | Drop-in Surgery. | Free Advice and Pastoral support. |

WJC Questionnaire

Thank you very much for your interest in taking our survey

The Windrush Justice Clinic is carrying out research into what influences people to make a claim for compensation and how successful a compensation claim is likely to be; including access to free legal representation. The data collected will be used to fundraise and campaign for wider provision of free legal advice and representation for victims of the Windrush scandal.

If you have been affected by the Windrush scandal – whether you have claimed compensation or not – please support this research by completing this short survey which should take only 5/10 minutes.

Please press “Next” to start the survey and read about how your data will be protected.

Participation Information

Please click on "More info" and read through the information, which explains a bit more about the purpose of the research and what will be expected from you as a participant.

[More info](#)

If you are happy to take part in the research, please read the following statements below and select 'Yes' to confirm:

I understand the purpose of the research and what is required from me;

I have been given an opportunity to ask questions, received enough information and have been given adequate time to consider my decision to participate in the research;

I understand that my responses may be quoted in publications, reports and other research outputs, but my name and/or my organisation will not be used unless I waive confidentiality;

I understand that my participation is voluntary and I am free to withdraw from the research at any time before its publication, without giving any reason for my decision;

I understand that my personal data will be secured against any unauthorised access and kept in accordance with the University of Westminster's guidelines and the General Data Protection Regulations.

I have read and consent to the statements and I agree to participate in the research.
Required

Yes

No

About You

Your gender *Required*

Male

Female

Other

Prefer not to say

Year you were born? *Required*

If Other, please specify the year you were born?

Your country of birth? *Required*

Do you currently live in London? *Required*

Yes

No

If No, please specify the City you currently live in?

How have you been affected by the Windrush Scandal? *Required*

Primary Claimant (it was me personally who had problems proving my lawful status in the UK)

Family Member (it was someone I'm related to who had problems proving their lawful status in the UK)

Representative of an Estate (I represent somebody who has died who had problems proving their lawful status in the UK)

Primary Claimant - Direct impact or loss as a result of the Windrush Scandal

Please briefly describe what impact or loss you have experienced? *Required*

Have you ever obtained Immigration advice to help resolve your status in the UK?* *Required*

Yes

No

Who did you go to for Immigration advice?

A Solicitor's firm

A Barrister acting on direct access

A legal advice clinic

A law centre

Other

If Other, please specify:

Did you have to pay for the Immigration advice?

Yes

No

How easy or difficult was it to obtain this Immigration advice?

Why have you not obtained Immigration advice?

Have you submitted a claim for compensation from the Windrush Compensation Scheme? *Required*

Yes

No

Other impact or loss as a result of the Windrush Scandal

Have you ever obtained Immigration advice to help resolve your status in the UK?* *Required*

Yes

No

Not Applicable

Who did you go to for Immigration advice?

A Solicitor's firm

A Barrister acting on direct access

A legal advice clinic

A law centre

Other

If Other, please specify:

Did you have to pay for the Immigration advice?

Yes

No

How easy or difficult was it to obtain this Immigration advice?

Why have you not obtained Immigration advice?

Have you submitted a claim for compensation from the Windrush Compensation Scheme? *Required*

Yes

No

Yes - Submitted a claim for compensation

Did you submit your claim before or after the 14 December 2020?

Before

After

Has the Home Office contacted you about a preliminary payment or final offer?

Yes - Preliminary Payment

Yes - Final Offer

No - I have not been offered either

No - My claim was rejected

How much was the Final Offer (approximately)?

Did you accept the first offer you received?

Yes - I accepted the first offer I received

Yes - After a review, I accepted an offer

No - I did not accept the first offer and I have applied for a review

No - I did not accept the first offer and currently have not taken any action

Other

If Other, please specify:

How long did it take to get a Final Offer? (e.g. 1 year)

If your claim was rejected, please state the reason(s) you were given for the rejection?

Has the Home Office contacted you regarding any of the following:

Acknowledgement of receipt only

Acknowledgement of receipt and any further correspondence (e.g. request for further information)

Preliminary offer (£10,000)

Final Offer (Final offer means full settlement of the claim)

I have not heard or received anything

To reject claim

How much was the Final Offer (approximately)?

Did you accept the first offer you received?

Yes - I accepted the first offer I received

Yes - After a review, I accepted an offer

No - I did not accept the first offer and I have applied for a review

No - I did not accept the first offer and currently have not taken any action

How long did it take to get a Final Offer? (e.g. 5 months)

If your claim was rejected, please state the reason(s) you were given for the rejection?

What was your experience of the Windrush Compensation Scheme? *Required*

Easy

Neutral

Difficult

Prefer not to say

Did you seek legal advice when making your compensation claim? *Required*

Yes

No

Did you have to pay for the legal advice?

Yes

No

If yes, which of these did you receive legal advice from?

A Solicitors firm'

A Barrister acting on direct access

Other

If Other, please specify:

If No, which of these did you receive legal advice from?

Pro bono clinic

A law centre

A Solicitor's firm (acting pro bono)

A Barrister on direct access (acting pro bono)

Other

If Other, please specify:

How easy or difficult did you find it to obtain legal advice when making your compensation claim?

Do you believe the legal advice made a difference to your compensation claim?

Do you require further legal advice and support for your compensation claim?

Yes

No

Please specify what further legal advice or support that you require?

Would you like to discuss your compensation claim with the Windrush Justice Clinic?

Required

[More info](#)

Yes

No

No - Not submitted a claim for compensation

Why have you not submitted a claim to the Windrush Compensation Scheme?
Please select all the reasons that apply to you *Required*

I am based overseas and do not have residency or citizenship status in the UK

I am still in the process of sorting out my status

I am not sure about sharing my case or circumstances with the Home Office

The form and application process seem complicated

I do not have some or all of the documents or information required

I am not sure if I am eligible

I am not sure if the process will be worth it

I am trying to secure a legal representative or other assistance

I am currently in the process of applying

Other

If Other, please specify:

Have you ever received any legal advice or support to make your compensation claim? *Required*

Yes

No

Have you ever tried to obtain legal advice?

Yes

No

Can you suggest any changes that would encourage you to make a claim under the Windrush Compensation Scheme? *Optional*

Would you like to discuss your potential compensation claim with the Windrush Justice Clinic? *Required*

[More info](#)

Yes

No

Additional Information

Please provide any additional comments or feedback on your experience of the Windrush Compensation Scheme. *Optional*

End of Survey

THANK YOU FROM THE WINDRUSH JUSTICE CLINIC

Thank you very much for participating in the research carried out by the Windrush Justice Clinic. This research will help to ensure that legal advice and support for potential claimants is targeted where there is need and we hope that ultimately it will help to make the Windrush Compensation Scheme more fair and to improve the experience for people going through the Scheme in future.

We hugely appreciate your contribution to this important work.

RESOURCES FOR FURTHER THERAPEUTIC SUPPORT

We know that many people have suffered serious trauma and hardship as a result of the Windrush Scandal and we understand that discussing your experiences may have been very difficult.

Information about mental health support available from the NHS: [Mental health - NHS \(www.nhs.uk\)](https://www.nhs.uk)

Below are some organisations that provide specialist support:

THE CLAUDIA JONES ORGANISATION (LONDON)

The Claudia Jones Organisation provides intensive emotional and practical support for African Caribbean heritage women and their families in Hackney and surrounding boroughs. They offer individual and group therapy to help those who have been impacted or are at risk of becoming victims of hostile immigration policies, as well as a range of other issues including the trauma of abusive relationships, health issues and COVID-19.

Email: For general enquiries, the email address is info@claudiajones.org.

Find us on facebook: <https://www.facebook.com/ClaudiaJonesOrganisation>

Write to us: 103 Stoke Newington Road, London N16 8BX.

Drop in: Tuesdays 9.00-11.00am and Thursdays 2.30-5.00pm.

Telephone us: 020 7241 1646.

Office hours: Monday-Friday 10am-6pm.

AFRICAN & CARIBBEAN MENTAL HEALTH SERVICES (ACHMS)

ACMHS is a community-based organisation providing free and confidential culturally appropriate mental health services predominantly to African and African Caribbean communities as well as other minority groups with mental health needs living in Manchester and surrounding areas.

Address: Windrush Millennium Centre, 70 Alexandra Road, Moss Side

Manchester M16 7WD

Telephone: 0161 226 9562

Fax: 0161 226 7947

Email: admin@acmhs-blackmentalhealth.org.uk

Opening Times: Monday – Friday: 9AM – 5PM

LEGAL SUPPORT

If you require legal advice to assist you to apply for compensation for hardship experienced as a result of the Windrush Scandal, or to help you to appeal a decision by the Windrush Compensation Scheme, please contact one of our legal advice clinics. We can offer remote assistance regardless of where you are based.

UNIVERSITY OF WESTMINSTER LEGAL ADVICE CLINIC

The UoW Legal Advice Clinic offers appointments in person, online or by telephone during term time.

Website URL: [WINDRUSH JUSTICE CLINIC - LEGAL ADVICE CLINIC \(uowlegaladviceclinic.org.uk\)](http://uowlegaladviceclinic.org.uk)

Email: lawclinic@westminster.ac.uk

Telephone: 020 3506 9626 (24 hours answerphone please leave a message we will return your call within 48 hours where possible)

Online enquiry form: [CLICK HERE](#)

LONDON SOUTH BANK UNIVERSITY LEGAL ADVICE CLINIC

The LSBU Legal Advice Clinic offers advice by appointment via online video meetings or telephone during term time.

Tel: 020 7815 5450

Website URL: www.lsbu.ac.uk/legaladviceclinic

Email legaladvice@lsbu.ac.uk

Appendix 3 - Interview and focus group questions

Structured Telephone Interview (Individual)

Personal Details of participants:

- o Full Name
- o Year of Birth
- o Location
- o Country of Origin

Questions:

1. How were you affected by the Windrush scandal?
 - o Directly affected.
 - o A close family member
 - o Representative of the Estate
 - o Other
2. Have you ever obtained immigration advice to help resolve your status in the UK?
 - o If yes, how easy or difficult was it to obtain this immigration advice?
 - o If no, why have you not obtained immigration advice?
3. Has any of the participants submitted a claim for compensation from the Windrush Compensation scheme?

If yes,

- When did you submit the claim? (Approximate date)
- Were you successful in obtaining compensation?
 - a. Yes (Accepted)
 - o When was your claim accepted? How long did it take?
 - o How much compensation did you receive?
 - o Are you happy with what you received?
 - o Was it what you expected?
 - b. No (Rejected)
 - o Please briefly explain why your compensation claim was rejected.
 - c. Other (Ongoing)
 - o Please state what stage you are at in your compensation claim?

If No,

- o What is deterring you from submitting a claim for compensation from the Windrush Compensation scheme?
- o Do you require legal advice or support in order to make a compensation claim?

4. Did you seek legal advice when making your compensation claim? *
 - a. Yes
 - o Who did you receive legal advice from?
 - o How easy or difficult did you find obtaining legal advice when making your compensation claim?
 - o Did you feel the legal advice made a difference to your compensation claim?
 - b. No
 - o Why?
5. Have you received any additional support when making your compensation claim? *
 - o Yes - Please state what support you received?
 - o No - Please state why did you not seek additional support?
6. Do you still require further legal advice or support?
7. Would you be happy to discuss your claim with the Windrush Justice Clinic?
8. Would you be happy for Windrush Justice Clinic to contact you in the future e.g., for research purposes?
9. Do you have any useful support services you would suggest?
10. What areas of change do you believe need to be made to the compensation scheme?
11. Please provide any further comments, criticism and/or feedback on your feelings and experience of the Windrush Compensation Scheme. Any examples?

Focus Group Question (Zoom Meeting)

Personal Details of participants:

- o Full Name
- o Year of Birth
- o Location
- o Country of Origin

Questions:

1. How was each person affected by the Windrush scandal?
 - o Directly affected.
 - o A close family member
 - o Representative of the Estate
 - o Other
2. Have they ever obtained immigration advice to help resolve your status in the UK?
 - o If yes, how easy, or difficult was it to obtain this immigration advice?
 - o If no, why have you not obtained immigration advice?
3. Has any of the participants submitted a claim for compensation from the Windrush Compensation scheme?

If yes,

- When did you submit the claim? (Approximate date)
- Were you successful in obtaining compensation?

d. Yes (Accepted)

- o When was your claim accepted? How long did it take?
- o How much compensation did you receive?
- o Are you happy with what you received?
- o Was it what you expected?

e. No (Rejected)

- o Please briefly explain why your compensation claim was rejected.

f. Other (Ongoing)

- o Please state what stage you are at in your compensation claim?

If No,

- o What is deterring you from submitting a claim for compensation from the Windrush Compensation scheme?
- o Do you require legal advice or support in order to make a compensation claim?

4. Did any of the participants seek legal advice when making their compensation claim? *

a. Yes

- o Who did you receive legal advice from?
- o How easy or difficult did you find obtaining legal advice when making your compensation claim?
- o Did you feel the legal advice made a difference to your compensation claim?

b. No

- o Why?

5. Have any of the participants received any additional support when making their compensation claim? *

- o Yes - Please state what support you received?
- o No - Please state why did you not seek additional support?

6. Do any of the participants still require further legal advice or support?

7. Would they be happy to discuss their claim with the Windrush Justice Clinic?

8. Would they be happy for Windrush Justice Clinic to contact them in the future e.g., for research purposes?

9. Can they suggest any useful support services?

10. What areas of change do you believe need to be made to the compensation scheme?

11. Please provide any further comments, criticism and/or feedback on your feelings and experience of the Windrush Compensation Scheme. Any examples?