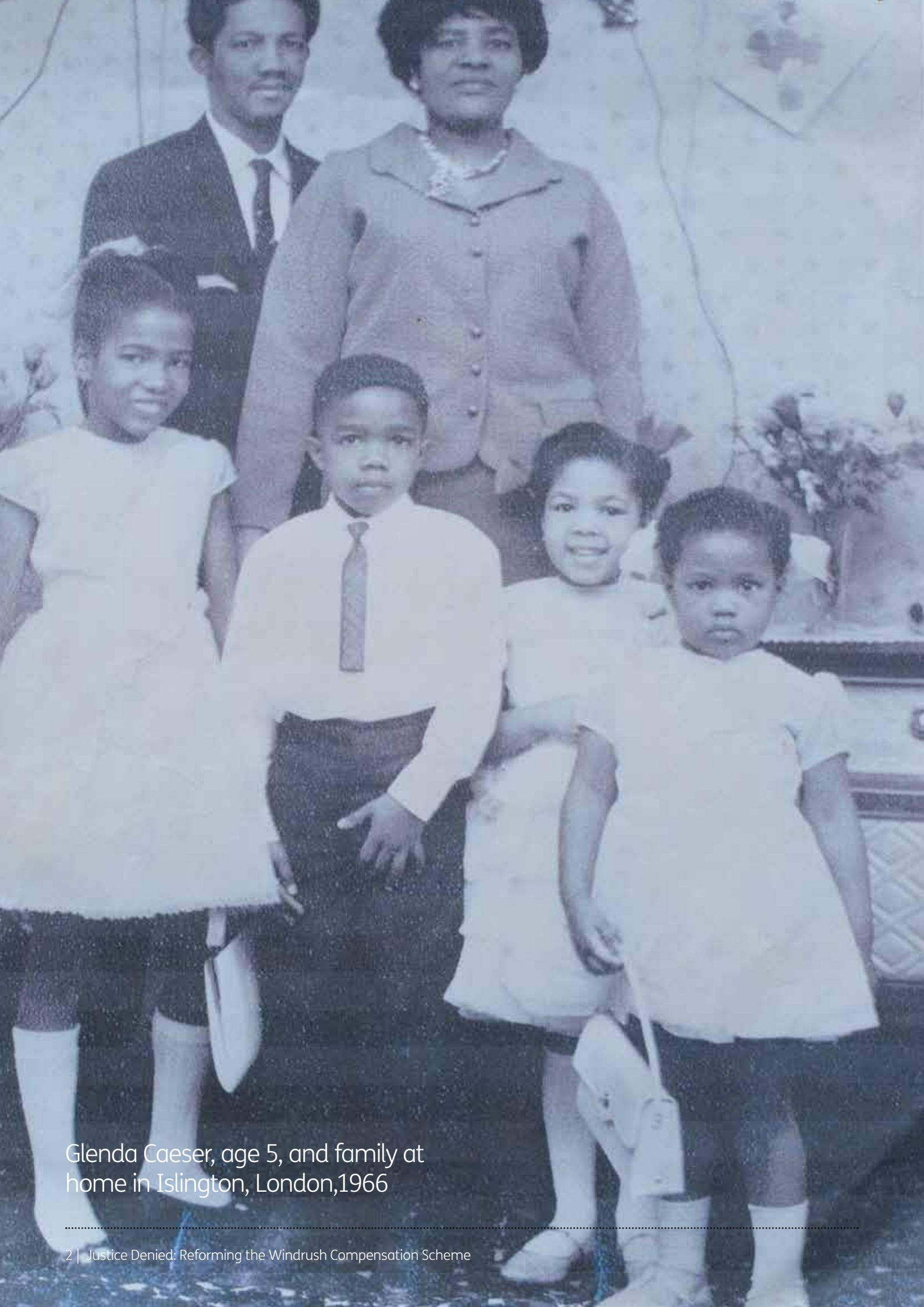
Three vertical portrait photographs of individuals of African descent. The leftmost portrait shows a woman with short, curly blonde hair, wearing black-rimmed glasses and bright pink lipstick. The middle portrait shows a man wearing a black flat cap, a white collared shirt, and a gold chain necklace. The rightmost portrait shows a man with a grey goatee, wearing a dark zip-up jacket.

Justice Denied:
Reforming the
Windrush Compensation
Scheme

February 2024



Glenda Caeser, age 5, and family at home in Islington, London, 1966

Foreword

In recent years, the experiences of many older people from the Windrush Generation are clear for all to see. Too many have received shameful treatment that has had a devastating impact on them and their families. What makes this scandal even worse is that rather than righting the wrongs, the Windrush Compensation Scheme has itself become a cause of further distress.

The group that has come to be known as the Windrush Generation migrated here from the Caribbean and other parts of the Commonwealth between 1948 and 1971. The Windrush Generation and their descendants have made hugely positive contributions to our country, but despite this, the Home Office's hostile environment policies led to many losing their jobs, as well as access to their pensions, healthcare, and other benefits. In some cases, people were deported and were unable to return. In others, people were unable to leave the UK for fear of not being allowed back in, meaning they were deprived of the opportunity to say goodbye to parents and other relatives as they lay dying abroad. Not surprisingly, this pain continues to have a profound impact on the Windrush Generation and their descendants.

This report contains the stories of three courageous and deeply impressive older people caught up in the scandal: Glenda Caesar, who is 64, Thomas Tobierre, 70, and Conroy Downie, 67. I'd like to thank them for allowing us to share their incredibly moving stories. Their stories are the heart of this report. They bring to life the personal toll of their treatment by the Home Office, which has sadly devastated what should be these pensioners' 'golden years' in retirement.

At Age UK, we strive to use our collective influence and expertise to tackle the inequalities and exclusion experienced by older people facing adversities of all kinds. I hope that our report brings the stories of Glenda, Thomas and Conroy to a new audience and that we, at Age UK, can play a part in helping them and others from the Windrush Generation to secure the justice they deserve. It is increasingly urgent that we do. Time is not on the side of those waiting for compensation. At least 53 people have already died waiting for their claims to be decided.

We make a number of key recommendations in this report we believe the Government should act upon to do right by this group of older people. The Home Office must seek to rebuild trust and repair trauma so everyone with a right to compensation has the confidence to come forward and claim it.



Paul Farmer
Chief Executive
Age UK

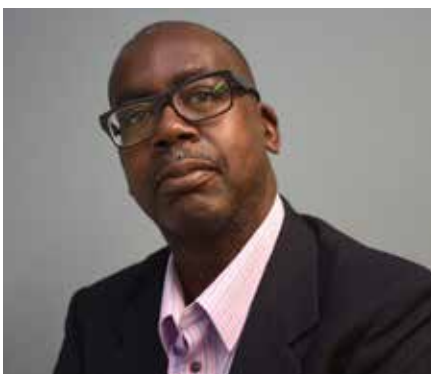
Foreword

The Home Office scandal (Windrush scandal), which took place for many years, but was only publicised in 2017-2018, ironically and sadly made the British public realise the enormous contribution of the Windrush Generation to Britain post-World War II.

Despite many attempts and campaigns to raise and acknowledge the history of the contribution of the Windrush Generation, and particularly the campaign I was involved in for a national Windrush Day, it took the scandal itself to do this, one which devastated the lives of thousands of Windrush elders in terms of losing their homes, jobs, being deported, threatened deportation and affecting their physical and mental health. Despite the platitudes of and apologies by politicians over the last several years, and the support of the British public, justice has still not been done for this generation. This is despite the fact that the Government launched the Windrush Compensation Scheme in April 2019.

This scheme has essentially failed to meet the financial and emotional losses incurred by the Government's policy. This report from Age UK highlights again the injustices and particularly the losses incurred connected with pension rights and loss of future income. Despite the work done by lawyers and campaigners for many years, the Government has not acknowledged this, which means that their notion of righting the wrongs has failed miserably on this account alone. So the question is: why is it that after all these years, the Windrush Generation has not been given the proper recognition in terms of the losses they have incurred in the past and particularly in the future as elders retiring? When we come to retirement, it's meant to be a time when one has a better quality of life. Sadly, for the Windrush generation, because of the impact of the color bar in the 1950s to the 1970s, they were often paid less than their white counterparts, which means that they had earned less, and thus were not able to build the pension pots and contributions that many take for granted today. That is why this report needs to be taken seriously by this Government, to ensure not only that the Windrush Compensation Scheme is removed from the Home Office and managed independently, but also that the scheme is fundamentally revised and updated to recognise pension loss and loss of future earnings as well.

But we need to go beyond this. We need to do more work looking at the health and wellbeing of the Windrush Generation. Sadly, over 50 people have died already. We still do not know the true impact of the psychological and traumatic impact of the hostile environment policy on the minds, bodies and survival of the Windrush generation and other migrants and refugees affected by this policy.



Professor Patrick Vernon OBE
Windrush Campaigner and
Equity system leader

Introduction

This year marks the 76th anniversary of the arrival of HMT Empire Windrush to the Port of Tilbury, Essex, on 22 June 1948. This group and those who followed, migrating between 1948-1971, have come to be known as the Windrush Generation.

The Windrush Generation and their descendants have made significant contributions to British society. Supporting the country to rebuild after the devastation of the Second World War, many worked in the newly created NHS as nurses, midwives, auxiliary workers, cooks and cleaners. They drove buses and trains and laboured in factories across the country. The Windrush Generation have made huge cultural contributions to the UK, building families and culturally enriching communities by introducing new musical genres, foods and customs.

In 2017, it emerged that members of the Windrush Generation, and others who arrived in the UK before 1973, mainly from Commonwealth countries, were being wrongfully detained and deported as a result of the Home Office denying their legal right to be in the UK.

Although they were in the UK legally and had their status of Indefinite Leave to Remain confirmed by the Immigration Act 1971, many of the Windrush Generation would have been children when they came to the UK and would have travelled on their parents' passports. They found it difficult to prove their right to live in the UK because they did not have a passport, and/or their parents' passports had been lost or not kept. Other information confirming their status and showing long-term residence in the UK, including large paper trails made up of National Insurance, NHS and school records, were not always accepted by the Home Office, and in some instances victims found it extremely difficult to obtain their documents. Thousands of landing cards, which could have helped victims of the scandal prove their status and arrival year, were also destroyed by the Home Office.ⁱ

The Home Office's hostile (also known as 'compliant') environment policies were introduced in 2012 and aimed at making it harder for those without legal immigration status to live and work in the UK. The Home Office failed to act to prevent those from the Windrush Generation and others who were unable to prove their legal status from being wrongly swept up in these policies.

Unable to prove their status, they were deemed to be illegal immigrants and lost access to housing, healthcare, employment, social security, bank accounts and driving licences. Some were placed in immigration detention centres and forcibly removed from the UK. The impact on those affected, and their descendants, is enormous and traumatic, with long-term consequences for their financial security and mental and physical health.

Thanks to tireless campaigning from those from the Windrush Generation and reporting in the Guardian newspaper the extent of the scandal was exposed. In 2018, the then Home Secretary Amber Rudd apologised for the failings of the Home Office and stated that 'where people have suffered loss, they will be compensated'.

In April 2019, the Home Office launched the Windrush Compensation Scheme. While the scheme is a positive attempt to go some way towards addressing the experiences of those affected by the scandal, it has been subject to criticism since its inception. In response to this criticism, a number of changes were made to the scheme, including an increase of payments for 'impact on life' and a commitment to make a preliminary payment as soon as this had been established. Further changes to the scheme, announced in 2020, included: the removal of the end date of the scheme; the broadening of the homelessness category to include people who were already homeless and where this continued due to a loss of status; and the introduction of compensation of family members who supported with living costs.

While Age UK welcomes the Government's commitment to compensating victims of the scandal, we believe the current Windrush Compensation Scheme has yet to produce the fair, effective and efficient mechanism that the older people of the Windrush Generation and their families deserve. The current scheme is not just slow, it is also difficult to access and unfair. We believe it is failing to fulfil its intended purpose. Applicants

are required to jump over too many hurdles, compensation amounts are too low and what victims can claim for is too narrow. As a result, the older people who are impacted by the Windrush scandal continue to be affected by these injustices, and many have spoken out about the impact on their mental and physical health. Time is moving on for these older people, who have often already waited years for justice and the compensation that is due to them. Unfortunately, at least 53 have died while waiting for their claims to be processed.

Further changes are needed to make sure that the scheme can be accessed by all those affected by the scandal and that compensation properly covers all areas of loss caused by the scandal, including issues like private pensions, which are not yet included in the scheme. This report focuses on the progress made by the Compensation Scheme and makes a number of recommendations for further improvements. These recommendations are based on what we have heard from victims of the Windrush scandal and their descendants in relation to accessing the scheme, their experiences and challenges their generation continues to face, as well as written reports looking in detail at the workings of the compensation scheme.

Finally, we are clear that while crucial, compensation alone cannot undo the trauma caused by the scandal. The Government should also make a concerted effort with the community and those affected to make amends, in order to rebuild trust.

Windrush Compensation Scheme

Many of the older Windrush Generation continue to be affected by injustices and hardship as a result of having been denied their immigration status. For many this led to loss of jobs, homes, access to healthcare and other public services, being forced into penury and being deported. Some older people have been forced to depend on their adult children to sustain themselves, which further broadens the impact to not just the direct victims but also their families.

An appropriate, financially fair, accessible and well-run compensation scheme can start to make amends for the enormous detriment many have suffered. Despite the Home Office continuing to review the scheme, it does not meet these standards.

Claimants have reported that in some cases compensation levels have been insultingly low and currently the scheme does not cover all areas of their lives that have been impacted, such as losses to private pensions of future earnings. While the Government has said that it is now committed to providing the highest possible level of compensation, claimants face numerous barriers to achieving this; for example, issues with trust and accessibility.

This report sets out the areas of the scheme that are failing to deliver for those affected:

- The decision to give the Home Office responsibility for administering the scheme and making decisions on applications
- Delays and errors in administering the current scheme
- The appeals process
- Exclusion of private pensions from awards
- Treatment of lost earnings, specifically loss of future earnings
- Burden of proof for higher compensation claims

Home Office delivery of the Windrush Compensation Scheme

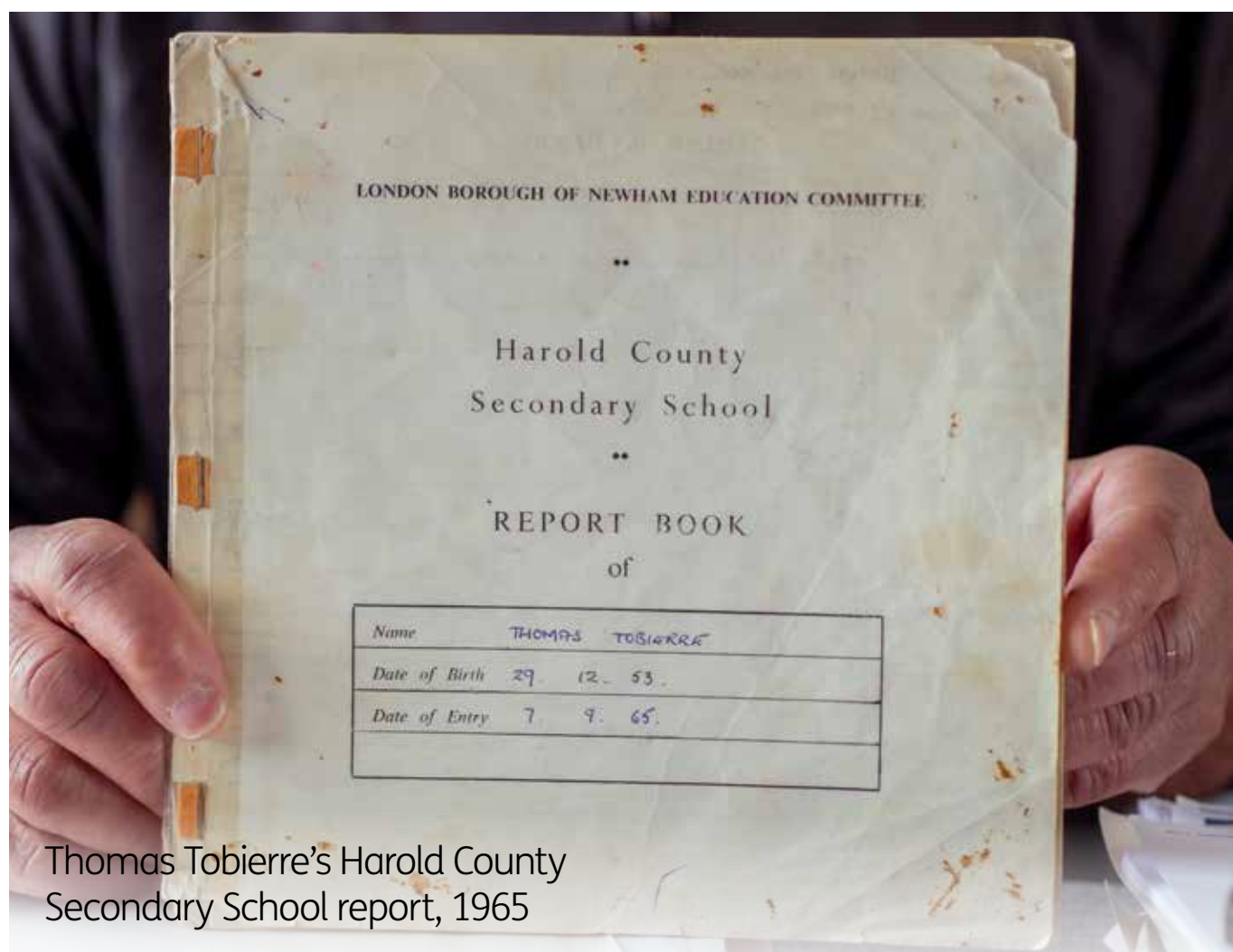
Despite the Windrush Compensation Scheme having opened for claims in April 2019, as of the end of 2023, only 1,993 individuals have been offered compensation, accounting for just 13% of those the Home Office originally estimated to be eligible. The Home Office's original planning assumption for the compensation scheme was that 15,000 people would be eligible to make a claim, but as of November 2023, only 7,688 claims had been made to the compensation schemeⁱⁱ. This means significant numbers of those affected are still awaiting justice and restitution.

As the Home Affairs Select Committee found in its inquiry in 2021, a number of factors within the scheme are discouraging those eligible for compensation from applying. The Select Committee's report stated that:

The evidence provided to us makes it plain that the delays and difficulties in applying for the scheme, together with a deep mistrust of the Home Office, form a toxic combination which may be putting off those who were caught up in the Windrush scandal from applying, for fear of being re-traumatised by the process.

Despite measures taken to reform and improve the scheme since its launch, it is still failing to fulfil its intended purpose.

The Government must honour its commitments to the Windrush Generation and make changes which will improve the scheme and ultimately ensure more people receive the compensation they are entitled to.



Thomas Tobierre's Harold County Secondary School report, 1965



Conroy Downie, 67

Conroy's story

I was born in Jamaica, but I came to this country when I was 16 years old on a student visa but they wouldn't let me study because I'm black. Those days they saw us by the colour of our skin, not by our character or ability. I was told if I joined the army, I could get citizenship after 5 years, so I joined the Parachute Regiment. But it was a lie.

I've been in active warfare three times, I put my life on the line for this country for 6 years. When I came out of the army in 1980, I suffered from PTSD so I really struggled to get on my feet. And when I tried to get housing, the council said they needed to see documentation of my status from the Home Office, so I couldn't get accommodation. I was homeless for 18 years.

2006 is the first time the Home Office threatened to deport me to Jamaica, I received immigration bail and spent a few months in two holding centres before being released. In 2009, when they tried to deport me again, one hour before putting me on a plane out of here, they said I'm exempt from deportation because of the 1971 Immigration Act which stated that anyone who came before the 1st January 1973 was exempt.

When the Government couldn't get me, they came for my son. Because he was born in the British Military Hospital in Berlin whilst I was serving in the army, they said he wasn't British and threatened him with deportation.

In 2018, my daughter showed me how to apply for Compensation and after three years, I finally got compensated but it turns out I was underpaid due to my homelessness. I got my first accommodation under my name in this country in 2019. And although my claim has been reopened, my full compensation still hasn't been paid to me because they're dealing with fresh cases.

But new cases will keep coming. I'll just be in a queue forever, I'll never get what I'm actually owed. I might die before my claim gets processed. And although I started getting my military pension, I haven't got my war pension yet, when you fight in warfare you get more money, so I'm engaged in a tribunal hearing for it right now.

Me and my daughter run a surgery all over the country to help people fill out their application to the scheme. A lot of people don't know how to apply or find it daunting. The Home Office try to hide the information, but we get out there.

The Government need to take the Scheme out of the Home Office's hands. We need an unbiased, independent regulator to run the Scheme. The Home Office caused the problem, so how can they be the one giving out compensation. They're still making the same mistakes they made back then. They still don't know what they're doing, and people of the Windrush generation can't afford to keep being messed around. Time is not on our side.

Removal of the Compensation Scheme from the Home Office

The Home Office is the Government department responsible for the original injustices faced by the Windrush Generation as a result of their hostile environment policies. We've heard from older people affected and Windrush campaigners that many are fearful and unwilling to apply to the scheme, given their low levels of trust in the Home Office and following a history of negative experiences.

The Home Affairs Select Committee's recommendation that responsibility for the scheme should be transferred to an independent body was not accepted by the Government, but Age UK believes this is an essential step.

Making administration of the scheme independent of the Home Office would improve trust and re-establish the integrity of the scheme. It would ensure that those affected by the scandal do not have to undergo the stress of asking for compensation from, and submitting evidence to, the body responsible for their losses and trauma.

Faster application and appeal process

Following criticism from Parliament and in the media that claimants were facing long delays, the Home Office made a number of changes to speed up the administration of claims from December 2020.

The National Audit Office, which is responsible for scrutinising the use of public funds, carried out a review of the operation of the scheme, published in 2021. This review concluded that after a difficult start the changes made were resulting in some progress, but stated that:

The Department needs to sustain its efforts to improve its caseworking operations and management systems to ensure it fairly compensates members of the Windrush Generation, in acknowledgement of the suffering it has caused them.

The Windrush Compensation Scheme continues to be too slow and decisions need to be made more speedily. The process needs to be faster; claimants have already suffered financial losses, many continue to incur debt and are forced to be financially dependent on family members, sometimes with insecure accommodation, while waiting for a compensation decision. Many others feel they cannot move forward with their lives until the process is completed.

A faster application system is of particular importance as many of the claimants are older, so time is not on their side. In January 2024, in an answer to a Parliamentary question, Tom Pursglove, the Minister of State for Legal Migration and the Border, stated that at least 53 claimants have died before receiving compensation. Further delays occur when decisions are challenged, which happens frequently. However, a lack of transparency on the progress of cases means we do not know how long applications take where the outcome is challenged, and where initial decisions need to be reviewed.

Improved training for case workers and consistency between cases

We are concerned to hear reports about cases that initially received nil awards but on review have received substantial levels of compensation.

Continued efforts are needed to ensure that caseworkers fully understand the issues faced by those affected by the Windrush scandal, that they are trained to make decisions fairly and effectively, and to ensure consistency across casework.

Improving routes to challenge Compensations Scheme decisions

At present, there are two routes to challenge the Home Office's decisions. A Tier 1 review takes place within the Home Office, while a Tier 2 review goes to somebody independent, located in HM Revenue & Customs. We hear that Tier 2 delays can often take a long time to be resolved, leading to further waits before receiving compensation.

As of the end of December 2023, 1,549 people have sought a Tier 1 review and 607 are awaiting a decision, some of whom have been waiting nine months. 323 people have sought a Tier 2 review, 54 of whom are awaiting a decision. Some have been waiting four months.ⁱⁱⁱ

Unfortunately, the Home Office is not obliged to accept a Tier 2 review decision and there are no current routes of appeal. If the Government does not transfer responsibility for the scheme's administration out of the Home Office, it should at least establish an independent appeals process to challenge decisions made by the Home Office, with the power to make binding awards.

Issues surrounding compensation levels

Accounting for losses to both State and private pensions

Private Pensions

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

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

We acknowledge that private pensions are complex but we also believe that this is an issue that can be resolved. If certain fair and valid assumptions are made, we see no reason why the Government cannot include missing returns to pensions within compensation awards.

For defined contribution pensions, where the employee saves throughout their working life, the money gets invested and they ultimately receive a pot of money at retirement, a simple model could be used to calculate lost contributions and returns on investment. For example, this could be achieved by taking 8% of the award made for lost salary (equivalent to the auto-enrolment minimum contribution), adding this for each missing year of employment, and factoring in additional investment returns for each year (for example at a rate of 5.5% p.a., in line with the Financial Conduct Authority's assumptions). We believe this would create an easy-to-administer system based on a defined contribution pensions model, that would help people with some additional support for their later life.

It is also possible to factor in losses for defined benefit pensions, although we acknowledge this is a more difficult calculation that relies on making more assumptions. As the Government previously stated, actuarial calculations would be required here to create an accurate assessment of loss. However, by applying the claimants scheme's annual accrual rate (for example, 1/60th) to the salary award and the number of years missing from employment as a result of the Windrush scandal, and by estimating how long they would have received this missing pension in retirement, based on an assumption of life expectancy (which could,

for simplicity be assumed to be the same for all victims), it would be possible to calculate the value of a lump sum award to compensate for losses. The Government could also go further and factor in the loss of index-linking and spousal benefits too.

Age UK believes that individuals should be compensated for losses to their private pension and that it is perfectly possible to build this into the compensation scheme.

State Pension

Those who lost their jobs due to the Windrush scandal and, as a consequence, had periods of time when they were unable to work and pay national insurance contributions, may well have found this has had an impact on their State Pension. Until recently, people have not been able to access compensation for this, but the Government has now set out plans to address the problem. If people have an offer of compensation for loss of access to work there will be checks to see if people have gaps in their National Insurance record for this period. If there are, these gaps will be filled if this will improve their state pension entitlement. We welcome this provision and it is important that this compensation is put in place as quickly as possible, especially for people who are already pensioners.

Compensation for a loss of future earnings

Loss of future earnings is not compensated under the scheme. While the scheme compensates for a loss of earnings during the period the claimant was unable to work due to being unable to establish their right to work, it does not take into account the wider cost of losing a job, such as the loss of a career or promotion opportunities and the resultant higher earnings.

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

Current employment law makes a provision for loss of future earnings at tribunals. Awards may be given once the Employment Tribunal has considered the individual circumstances of the case. The Government should employ the same method for the Windrush Compensation Scheme.

High burden of proof for compensation payments

Many claimants have reported that the compensation awarded has been lower than expected. For example, those who have had their health impacted are eligible to claim the highest levels of compensation in the scheme, but accessing medical evidence has proved difficult. Proving the impact of stress and its relation to further health problems due to adverse treatment by the Home Office is difficult, therefore the benefit of doubt must be applied. Chronic stress can lead to a wide array of health problems, from mental ill-health to heart disease. Health conditions also have a knock-on impact on many other areas of life, including ability to earn an income.

Difficulty in accessing public services as a result of being locked out of NHS treatment also makes it harder to provide evidence. In addition, victims may not have wished to speak to a medical professional about the issues they faced.

Where medical reports exist, obtaining the necessary medico-legal reports is out of reach for many claimants because they require costly legal support. At present, legal aid is not available for claimants. We understand that without this evidence higher levels of compensation are not being awarded.

The burden of proof to claim compensation must be reduced to help claimants gain the right amount of compensation they deserve.

We agree with recommendations made in the Home Affairs Select Committee report in 2021, which called for the Home Office to provide greater clarity about how the impact on life awards are determined and should issue clear guidance on how different types of impact correspond to a tariff level.

Furthermore, as the Home Office does not seek medical advice to support determinations on awards, it should be open to claimants to seek funded medical advice if they are seeking a higher reward.

Williams Review

In 2020 Wendy Williams published the ‘Windrush Lessons Learned Independent Review’^{iv}, which outlined 30 recommendations for the Government. The Williams Review detailed what it found to be a ‘culture of ignorance’ in the Home Office and a failure to ‘root its policies in human dignity’. She set out a series of recommendations to improve the department’s culture and bring about systemic and sustainable change.

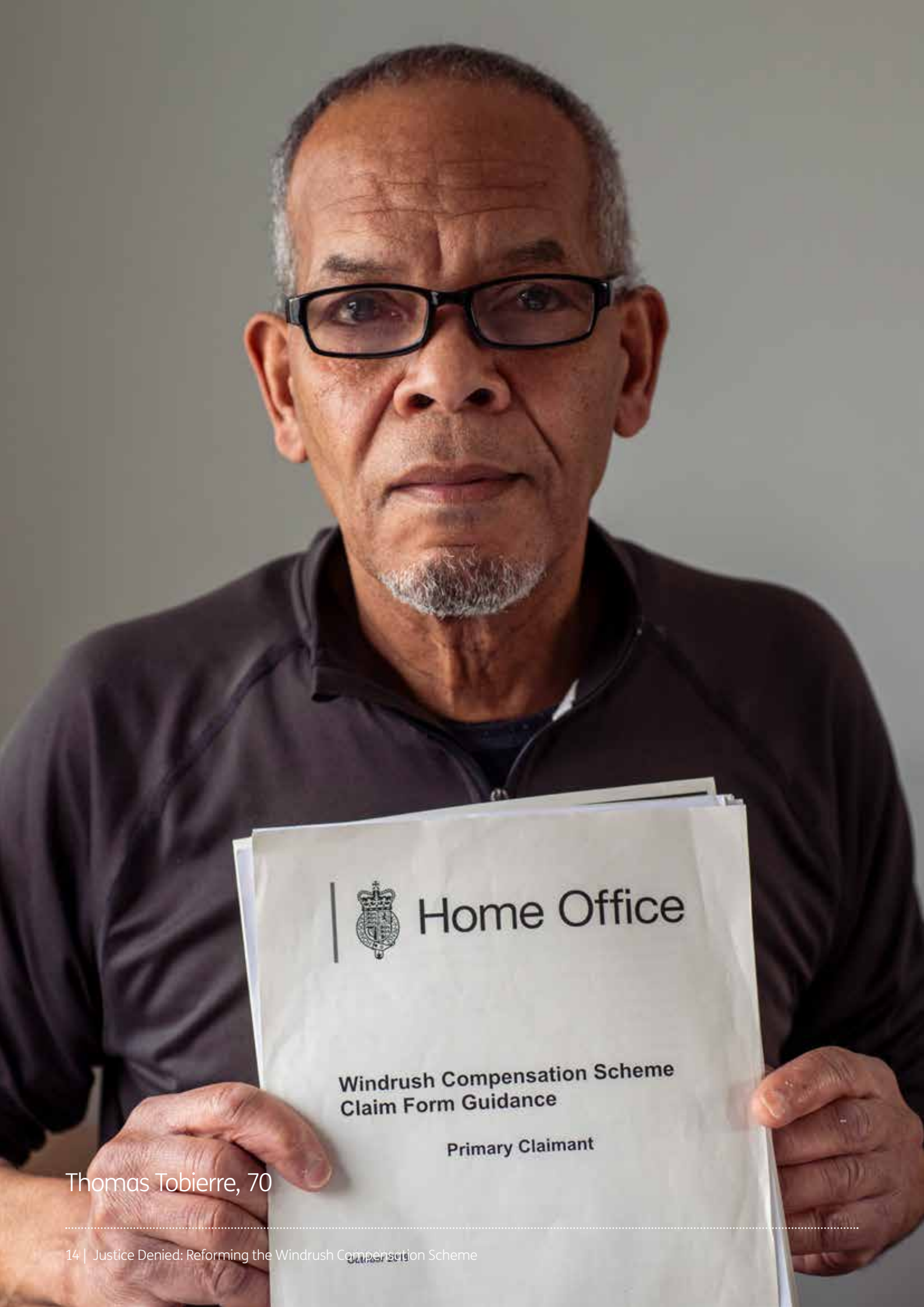
The then Home Secretary, Rt. Hon Priti Patel MP, accepted the recommendations in full. However, in 2023, the Home Office decided to row back on three commitments they had made:

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

Age UK is concerned about the Government’s decision to drop these commitments that were made in response to the Williams Review, particularly the one relating to reconciliation events. Ms Williams recommended that the Home Office should run a programme of reconciliation events with the Windrush Generation. She wrote that the events “would enable people who have been affected to articulate the impact of the scandal on their lives, in the presence of trained facilitators and/or specialist services and senior Home Office staff and Ministers, so that they can listen and reflect on their stories.”

Establishing trust with the communities affected by the Windrush scandal is particularly important if the compensation scheme continues to be run by the Home Office. Reconciliation events would help to build trust, begin to repair the trauma caused by the scandal and lead to more of those affected to feel safe enough to come forward and claim the compensation they are due. It might also provide at least some of these older people with a sense of closure that would help them to move on in their lives.

We urge the Government reconsiders its decision not to implement the recommendations from the Lessons Learned Review in full.



Home Office

Windrush Compensation Scheme
Claim Form Guidance

Primary Claimant

Thomas Tobierre, 70

Thomas's story

I came to England in 1961 from St Lucia at seven years old. I did pretty much all my schooling here and then trained to become an engineer. I spent 50 years working as an engineer. I was sadly made redundant in 2017 but was offered a new job shortly after. They said I needed to provide a right to work document before I could start working. This was the first time I had run into issues with my status.

I was only 7 years old when I came here, so I had no paperwork of my arrival, but I couldn't get the job without it.

I had my school reports, my marriage certificate, my pension details. But still, I had to prove my right to be here.

I spent over a year unemployed whilst trying to get my documentation. There was no urgency from the Home Office, and they asked for so much proof, they made me feel like a criminal.

That year, I depleted all my savings. I sold my car and cancelled my life insurance, I even had to cash in my private pension just to have something to live on. My wife, Caroline, took on extra hours at her cleaning job to help make ends meet, but she was always really tired.

Later we found out she had stage 4 bowel cancer. It was a really difficult time mentally.

Once the Home Office scandal broke out in 2018, I got my documents. And within a matter of weeks, I went back to work. But with Caroline's cancer progressing, we were still really struggling.

We had so many appointments to attend in London, so my kids had to help out. And I wanted to be by her side but after all the financial strain we'd been through, I had no savings or pension to fall back on, I couldn't afford to take time off work and still pay the bills.

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

At this point, my wife's cancer had come back and this time it was a brain tumour. She didn't have long left, and I wanted to be around and make adaptations to our home. I didn't want to take the offer, but we really needed the money.

The people affected by this scandal are old people, and nobody would want their loved ones to be treated like we have. When you are dealing with older or even terminally ill people, you shouldn't be delaying things.

It's like the Home Office is waiting for us all to die. And we haven't done anything wrong, all we have done is help build this country up. We don't deserve this.

I've heard so many excuses about why my pensions can't be compensated, but I'm not backing down. If my pension can get compensated, then it's a pathway for others facing the same problem. Most of us are in our 60's and 70's, so our pensions are really important to us.



Glenda Ceaser, 64

Glenda's story

I was born in Dominica but came to the UK in 1961 at only 3 months old in the arms of my parents, so the UK is the only home I've ever known. I grew up in London and spent 20 years working for the NHS as a GP Practice Administrator. I first found out I wasn't considered British in the 90's, when I tried to apply for a passport to visit my dying mother in the Caribbean.

The Home Office made it really difficult to get the right documents and eventually I gave up. I was so upset because my mum had suffered a stroke, and I knew she wouldn't have long left. I'm really sad I couldn't see her before she passed away.

I didn't realise the scale of the problem until I was forced out of my job a few years later for the same reason. Not only was it impossible for me to get a new job but I also couldn't access any benefits and lived 10 years without an income. I had no other choice but to cash in my private pension.

I was still getting job offers but I couldn't accept any of them because of my status. I went for interviews, but they wouldn't let me work because I couldn't provide the documents they needed.

Even my son, who was born here, was unable to get his citizenship. He felt like he had been rejected by his own country, it really took a toll on his mental health and mine too. I felt like I had put him in this position, just by giving birth to him.

We weren't able to work, or pay into a pension, or go to see our family abroad. It was devastating.

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

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

There are so many people who came from all over the world that share the same story as me, and they haven't been compensated enough or at all. I'm standing up for them until every one of us is validated.

The Government need to put people back into the position they would have been if it were not for their wrongdoings, they need to take real responsibility and show some regard for people of colour.

Conclusion

This country is indebted to the Windrush Generation and they must be treated equitably and fairly. Everyone who has suffered and continues to suffer because of the Home Office's failures must receive full compensation for all the harms that have been done to them. The Government must remain committed to righting the wrongs of the Windrush Scandal and the Compensation Scheme is key to this. An appropriately generous and well-run compensation scheme could begin to make amends for the enormous detriment many have suffered and are still suffering, in the process building some much-needed trust and confidence.

The scheme in its current form is not achieving this because it fails to take sufficiently into account not just the monetary impact but also the social impact on those affected. Many of the victims are older people who are now at the most vulnerable stage in their lives. Their vulnerability is further compounded by the uncertainties of waiting for a compensation decision which for many will determine the quality of the remainder of their lives. As many of the victims may not have much longer to live it is important to take into consideration the fact that at least 53 claimants have already died before receiving the compensation owed to them. Time is of the essence and the Government must take steps to improve the scheme sooner rather than later.

Without further change the continued shortcomings of the scheme and the additional hardship being caused by them will leave many to conclude it is itself another example of the institutional racism that so many Black people have experienced in the UK. A fair and effective Compensation Scheme could be part of the solution, but instead it is compounding the problem.

References

- i Amelia Gentleman, 'The Windrush Betrayal', 2020
- ii <https://www.gov.uk/government/publications/windrush-compensation-scheme-data-november-2023>
- iii <https://www.gov.uk/government/publications/windrush-compensation-scheme-data-november-2023>
- iv https://assets.publishing.service.gov.uk/media/624493098fa8f5277757623e/14.12_HO_Windrush_Lessons_Learned_Review_Accessible_6_.pdf



Thomas Tobierre and daughter, Charlotte, holding picture of late wife, Caroline

If you or your family would like help understanding whether you might be eligible for the Windrush Compensation Scheme, you can visit our webpage for more information: **ageuk.org.uk/information-advice/work-learning/discrimination-rights/windrush-scheme/** or you can get direct support from the Windrush Legal Initiative by emailing **nicola@gmiau.org**

To apply for compensation, you need to complete a Windrush Scheme Application form, which can be downloaded from the Government website: **gov.uk/apply-windrush-compensation-scheme/how-to-claim**

If you need extra support making an application or are not online and would like a form posted to you, you can contact the Windrush helpline on **0800 678 1925**.

Home Office
Windrush Compensation Scheme
Claim Form Guidance
Primary Claimant

October 2019

Written by Roshni Mistry, Natalie Cresswell and Mbalu Bah.

If you would like more information about our work in this area please contact **publicaffairs@ageuk.org.uk**

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