

The Windrush Compensation Scheme is changing: December 2020 Factsheet

The Windrush Compensation Scheme 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.

Following feedback from the Windrush Cross Government Working Group, members of the Windrush generation, community leaders and those affected, we are making improvements to the Scheme. We are:

- * **Raising the minimum award from £250 to £10,000** for anyone who can show an impact on their life under the terms of the scheme.
- * **Raising the maximum** award an individual can receive for an impact on their life **from £10,000 to £100,000** (with options for even higher awards in exceptional circumstances).
- * **Raising impact on life payments at every level** so that everyone will be paid more in this category.
- * Introducing a **new early payment** which means that as soon as people can show an impact on life under the terms of the Scheme, they will receive a **minimum £10,000 payment**.

This early payment will be fast-tracked and applicants won't have to wait for the whole application to be assessed. This applies to those applying in their own right as primary claimants or those claiming on behalf of individuals who have sadly passed away.

We are also making changes to the rules in the Loss of Access to Employment category including removing the 12-month cap on payments in all circumstances.

All changes will be applied retrospectively, and we will be contacting all applicants in the coming weeks to let them know how the changes affect them. (All payments will be subject to existing scheme rules including those governing criminality). Offers of payment will start being made immediately.

- * We expect to have considered the vast majority of cases that are currently pending for either a final or preliminary payment in the first 3 months of 2021.



We want these changes to make a real difference to people's lives and **urge everyone who thinks they may have been affected to apply.**

The Windrush Compensation Scheme was set up at pace in April 2019 to help people affected as quickly as possible. Since the Compensation Scheme was launched, we have worked closely with stakeholders, community leaders and the individuals and families affected to make improvements.

The standard of proof we use to assess your claim. In October 2020 we changed the Scheme so that we now operate on the balance of probabilities throughout the Scheme. This means our caseworkers will look to be satisfied if it is *'more likely than not'* that the losses and impacts being claimed for were incurred. (We no longer use references to *'satisfied so as to be sure'*, which previously applied in a limited number of categories).

Increases to the impact on life payments. In December 2020 we increased the impact on life payments at every level so that everyone will be paid more in this category. The Impact on Life category provides compensation for the non-financial impacts individuals may have suffered, including family separation, not being able to attend family events and celebrations, anxiety and distress or a deterioration in physical or mental health. We are not increasing or changing the evidence and information that we ask individuals to provide.

Original Scale

Level	Award
1	£250
2	£1,000
3	£3,000
4	£5,000
5	£7,000
6	£10,000+

New Scale

Level	Award
1	£10,000
2	£20,000
3*	£40,000
4	£70,000
5	£100,000**

*New level 3 is an amalgamation of levels 3 and 4 and everyone previously in those levels will now be in new level 3. **Because it is not possible to anticipate every eventuality that may arise, there remains scope to award more than £100,000 where an individual's circumstances are so compelling/severe it would be appropriate to do so.

We have overhauled the Loss of Employment category. Both actual and general awards are now made on the balance of probabilities and we have removed the 12-month cap on general awards. This means people receiving compensation in this category will be compensated for the actual period they were out of work in all circumstances, and where an individual's actual salary is unknown a general tariff will be used to calculate their award. We have also expanded the category criteria so more individuals will be entitled to compensation.

We have now opened the £500,000 Windrush Community Fund for applications. The Fund will support community and grassroots organisations to run outreach and promotional activity to raise awareness of the Windrush Scheme and Windrush Compensation Scheme.



Telephone: 0800 678 1925 (Mon to Fri 9am-5pm; Sat and Sun 10am-3pm). As before, all information will be treated with sensitivity and won't be passed on to Immigration Enforcement. The Scheme will be open to until 2 April 2023 - and we will keep this date under review. We Are Digital will provide the Claimant Assistance service from the first quarter of 2021. Until then Citizens Advice will continue to support those members of the Windrush generation and their families.