



Home Office

Policy Statement

Windrush Compensation Scheme: Support in urgent and exceptional circumstances

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Contents

Background	4
Policy	4
Timing and Decision Process	5
Annex A: Framework for dealing with requests for support in urgent and exceptional circumstances	6
Annex B: Guide to supporting information and documents	7

Background

- 1) In April 2018, the Home Secretary established a Taskforce (now known as the Windrush Help Team) to make immediate arrangements for those who needed help to confirm their immigration status. This included setting up a helpline for affected individuals to get in touch with the Home Office. This support was formalised by the launch of the Windrush Scheme in May 2018. Under the Windrush Scheme, individuals may apply for documentation confirming their status, or for British citizenship if eligible.
- 2) In addition to providing documents confirming status, the Help Team has had considerable success in providing support to affected members of the Windrush generation. This has included working with the Department for Work and Pensions to confirm access to benefits, working with local authorities to secure temporary housing and signposting people towards debt advice services.
- 3) A dedicated Vulnerable Persons Team was established in May 2018 to provide help and advice to individuals where safeguarding and vulnerability issues are identified. The Vulnerable Persons Team works with central and local government departments, the NHS, police, local authority housing providers, social services and mental health teams to find practical solutions to vulnerability issues. The team may also directly contact vulnerable individuals' employers, landlords, utility providers, banks, creditors and bailiffs in order to resolve issues wherever possible.
- 4) The policy on support in urgent and exceptional circumstances was launched in October 2018, in order to provide financial assistance in exceptional cases in advance of the launch of the Windrush Compensation Scheme.
- 5) The Windrush Compensation Scheme was launched in April 2019, and we are assessing claims and making payments as quickly as possible. The policy on support in urgent and exceptional circumstances remains in place for exceptional cases where individuals cannot wait for a compensation claim to be assessed. This document sets out our approach to providing support in these cases.

Policy

- 6) This policy provides for support to members of the Windrush cohort who have an urgent and exceptional need that cannot wait for a claim to be concluded (or for a preliminary payment to be made) under the Windrush Compensation scheme.

For a case to be considered under this policy, the following tests apply:

- a. The individual in urgent and exceptional need is eligible for the Windrush Compensation Scheme;
- b. The individual should normally have made a compensation claim. There will be circumstances in which an individual has not yet been able to make a claim, in which case they may still be made an exceptional payment;
- c. There is a compelling reason why they cannot wait for their Windrush Compensation Scheme claim to be concluded (or for a preliminary payment to be made) and
- d. The circumstances of the request are exceptional – (should support the individual's life, dignity or ability to return to the UK in an urgent circumstance).

Other factors to be considered where relevant (but not exhaustive):

- e. Whether the circumstances of the request are connected to difficulty demonstrating lawful status or being denied entry to the UK;
- f. Whether the individual has access to alternative funds or there are other exceptional circumstances;
- g. Whether there are any other steps that the Help Team can take to resolve their urgent and exceptional need and
- h. The cost should normally be less than £5,000.

- 7) Anyone who considers they might fall within this policy should contact the Help Team at Freephone: 0800 678 1925 or Email: commonwealthtaskforce@homeoffice.gov.uk
- 8) A reasonable degree of evidence will be required. The Help Team will work with individuals that request support and advise them on the information needed. **A guide is provided at the end of this policy statement to the information and evidence that will be most helpful in considering a request for urgent and exceptional support. We recommend that individuals consider this guide before making a request, and if possible locate any relevant documents ready to share with the Help Team.**
- 9) Any payments or assistance provided under this policy may be taken into account in any subsequent award made under the Windrush Compensation Scheme.

Timing and Decision-making Process

- 10) On receipt of a request for an urgent and exceptional payment, the Vulnerable Persons Team, within the Help Team, will undertake an initial assessment. This will be considered and prioritised, if urgent, and we aim to advise the claimant of the outcome within ten working days and earlier if possible.
- 11) If a payment is offered, the individual (or delegated payee) will be contacted usually within a further 48 hours of being informed of the outcome, with details of the payment or assistance offered.
- 12) If an offer of support is accepted, payment will be made as soon as possible. Payments will be made as a Faster Payment, and we aim to make payments as soon as possible but no more than 14 days following an application. If an offer of assistance is not made, or is declined, individuals are free to make another application should their circumstances change.

Annex A: Framework for dealing with requests for support in urgent and exceptional circumstances

Where a request for support is made, the following steps will apply:

- 1) Individual contacts the Help Team requesting urgent and exceptional support.
- 2) Help Team confirms that the individual is eligible under the Windrush Compensation Scheme (if not already done so as part of existing compensation claim) and seeks to resolve their need through existing support options, i.e. local authorities, the charitable sector and OGDs.
- 3) The Help Team will consider the request. Where further information is required, the Help Team will request this. For a case to be considered under this policy, the following tests apply:
 - a. The individual in urgent and exceptional need is eligible for the Windrush Compensation Scheme;
 - b. The individual should normally have made a compensation claim. There will be circumstances in which an individual has not yet been able to make a claim, in which case they may still be made an exceptional payment;
 - c. There is a compelling reason why they cannot wait for their compensation claim to be concluded (or for a preliminary payment to be made) and
 - d. The circumstances of the claim are exceptional – (should support the claimant's life, dignity or ability to return to the UK in an urgent circumstance).

Other factors to be considered where relevant (but not exhaustive):

- e. Whether the circumstances of the claim are connected to difficulty demonstrating lawful status or being denied entry to the UK;
 - f. Whether the individual has access to alternative funds or there are other exceptional circumstances;
 - g. Whether there are any other steps that the Windrush Help Team can take to resolve their urgent and exceptional need and
 - h. The cost should normally be less than £5,000.
- 4) The Help Team aims to inform the individual of their decision in writing within 10 working days of the request. The applicant is asked to formally accept any offer made and that the total cost may be taken into account in any subsequent award made under the Windrush Compensation Scheme.
 - 5) If accepted, the Department makes payment or other arrangements for the individual as soon as possible and within 14 days of making a request.

Annex B: Guide to supporting information and documents

When considering a request for urgent and exceptional support, it is important that we understand an individual's circumstances and why they are applying for support. The Help Team will advise individuals on what information is most helpful for considering their request, and may ask for copies of relevant documents.

We recommend that anyone who wishes to make a request reviews the following list of example questions and, where possible, locates any relevant documents ready to share with the Help Team at the point that they make contact.

By providing as much information as possible at the time of making contact, this will make it easier for the Help Team to consider the request and provide appropriate support as quickly as possible.

Rent arrears

- Can you provide a copy of your most recent rent statement?
- Can you provide the name and contact details for your landlord?
- Are you receiving housing benefit or other financial support with rent payments?
- Have you discussed a rent repayment plan with your landlord?
- Have you contacted Department for Work and Pensions for assistance with a repayment plan?
- When did you begin to accrue the rent arrears?
- Are you at risk of eviction due to your rent arrears?

Homelessness / rehousing

- When did you become homeless?
- Where are you currently sleeping?
- Do you have access to food, clothing and personal items?
- What were the circumstances which led to you becoming homeless?
- Have you registered as homeless with your Local Authority?
- Have you previously been refused housing or housing benefit? If so, when?
- Who did you apply for housing with?
- Have you approached the Department for Work and Pensions for help with advance rent payments or a holding deposit?

Threat of eviction

- Have you received a s.21 or s.8 Notice?
- What is the name and contact information for your landlord?
- Can you provide a copy of any eviction notice you have received?
- Have you discussed a repayment plan with your landlord or the Department for Work and Pensions?

Debt or other arrears

- When did you begin to accrue the debt or arrears?

- Can you provide a copy of bills, demands or other documents showing the amount owed?
- What is the name(s) and contact details of your creditor(s)?
- Have you discussed a rent repayment plan with your creditor(s)?
- Is the debt related to your inability to demonstrate your status in the UK?

Returning to the United Kingdom

- Do you have a passport and/or visa to travel to the UK?
- When do you intend to travel to the UK?
- Do you have funds to support your initial living costs for your arrival in the UK?
- Do you have any accommodation arranged for your arrival in the UK?
- Do you have family or friends in the UK?