

**WINDRUSH
LESSONS LEARNED
REVIEW**

Progress update

Independent report by

Wendy Williams

Windrush Lessons Learned Review – Progress update

Independent report by Wendy Williams



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FOREWORD

It has been just over two years since the government published my original Windrush Lessons Learned Review report into the events leading up to what became known as the Windrush scandal. I was asked to review the workings of the Home Office and to identify the factors that led to members of the Windrush generation being caught up in immigration enforcement measures designed for those who were in the country unlawfully, and the impact these events had on their lives.

I made 30 recommendations which boiled down to three factors: the department should acknowledge the wrong which was done, it should open itself up to greater external scrutiny, and it should recognise that migration and wider Home Office policy is about people and, whatever its objective, should be rooted in humanity.

18 months later, I was pleased to be invited back to the Home Office to consider the progress made by the department in implementing my recommendations in line with the department's stated ambition, set out in its Comprehensive Improvement Plan (CIP). The department's aim was to use the plan "to build a Home Office fit for the future, one that serves every corner of society ... [with] a long-term focus on wholesale and lasting cultural change" (CIP pages 3-5). The plan detailed the steps the department would take to implement not only the letter, but also the spirit, of my recommendations.

In carrying out my updated assessment, I spoke to many people, both internally and externally, and reviewed documentary evidence, including cases, policy documents and other data, details of which are contained in this report. I would like to thank all the people in the department who have facilitated and supported my revisit, as well as everyone externally who has taken part in the process and given up their time and shared their experience and expertise.

While my assessment of progress includes a description of the extent to which the department has implemented each of my recommendations, I have also considered how far the progress made reflects the "wholesale and lasting cultural change" that the department acknowledges is required to provide an assurance that something similar to the Windrush scandal would be unlikely to happen again. These considerations go to the heart of how policy is made – in other words, how the department designs, implements and reviews policy, and engages with its workforce and the public it serves, in accordance with the principles of effective public administration.

My hope for the future is that the department acknowledges the efforts of its staff and the achievements it has made so far, but also recognises that there is still a great deal to be done. So, it should guard against complacency and not let up on its efforts to bring about change; instead, I would encourage the department to use my revisit and this report as an opportunity for reflection and as a spur to press on with continued drive and determination, to make sure that the changes made to date are irreversible and provide a firm foundation for further improvements. The department might also wish to make internal arrangements for reviewing progress at different stages in the future, to check the extent to which it is achieving its stated ambitions. If nothing else, the current events the department is dealing with, at home and abroad, demonstrate the importance of making sure it is operating in a way that promotes its mission to achieve "a safe, fair and prosperous UK".



INTRODUCTION

EMPIRE

WINDRUSH

LONDON

Background

What we now know as the Windrush scandal began to emerge as a national issue in late 2017. On 1 December 2017, the Guardian newspaper covered the case of Anthony Bryan. He had lived in the UK for 53 years but was told he was in the country illegally, detained at an immigration centre and booked on a flight to Jamaica. By early 2018, attention became more widespread, both in the media and in Parliament. More articles appeared about people who had been seriously affected by the government's 'hostile environment' measures, with reports of individuals being forced into crisis because the government didn't accept their legal right to live in the UK.

By April 2018, the story finally broke as a national scandal, with headlines about a "fiasco" that "shamed Britain". The reports described the appalling treatment of some individuals who belonged to a group collectively known as the Windrush generation. They had held what became Citizenship of the UK and Colonies (CUKC), and came to the UK between 1948 and 1973 mostly from Caribbean countries. The Windrush generation was named after the ship HMT Empire Windrush, which brought 1,027 passengers from the Caribbean to the UK on 22 June 1948. This journey has come to symbolise post-war Caribbean migration to the UK at the end of the empire.¹

Although an Act of Parliament entitled people from the Commonwealth who arrived before 1973 and were in the UK to the 'right of abode' or 'deemed leave' to remain in the UK, it hadn't automatically given them the documentation to prove it. Nor had the Home Office kept records confirming their status. So, unless they made a further application and paid a fee, they had no way of showing that the UK was their rightful home, even though in most cases they had known no other. Some of the Windrush generation retained British status under changes to legislation in the 1980s.

Others had a right to register, but that was time-limited and not widely publicised. As successive governments introduced measures to discourage migrants from entering the UK illegally, they increasingly focused on requiring people to provide documentary proof of status to access public services and other essentials, such as work, driving licences, housing and healthcare. Subsequently, cases started to emerge where members of the Windrush generation couldn't access public services as they were unable to prove their status. When they took steps to establish their status, the Home Office had no record of them, and in some cases triggered enforcement action and either removal from the UK or refusal of re-entry. This is how the tragedy unfolded.

After the scandal broke, and following significant parliamentary and media scrutiny, the Secretary of State apologised for the way that people from the Windrush generation had been treated. The department created a taskforce to provide urgent help with formalising their legal status and set about compensating people by establishing the Windrush Compensation Scheme and the historic casework review. The government also announced the Windrush Lessons Learned Review (WLLR) in May 2018, and I was appointed as the Independent Adviser in June 2018. I was asked to investigate the key legislative, policy and operational decisions that led to members of the Windrush generation becoming entangled in measures designed for migrants without lawful status, and to establish what lessons the Home Office could learn to make sure it does things differently in future.

¹ This was my definition of the Windrush generation (WLLR page 24). The government's eligibility criteria for the Windrush Scheme and Windrush Compensation Scheme do not seek to define the Windrush generation and differ from my definition.

In March 2020, the government published my report.² The Windrush generation was defined on page 24 as “sharing the protected characteristic of race (national origin, ethnicity, nationality and colour; the majority are black)”. One of my findings was that the Home Office had failed to take account of this ethnic group, and I concluded that: “This makes the scandal more than a case of bureaucratic bad luck. It makes it a profound institutional failure.” (WLLR page 10)

In my report, I made 30 recommendations urging the government to:

- go further to right the wrongs
- look beyond the Caribbean
- tell the stories of empire, Windrush and their legacy
- assess and limit the impact of the hostile environment on the Windrush generation
- engage meaningfully with stakeholders and communities to develop, implement and evaluate policy
- better understand and provide internal training on the public sector equality duty (PSED) and its intersection with immigration and nationality law

The Home Office accepted all 30 recommendations and published a Comprehensive Improvement Plan (CIP) in September 2020, in which it set out how it would implement my recommendations.³

The purpose of my revisit

The aim of my revisit, as agreed through my terms of reference, is:⁴

“To provide an independent assessment of the Home Office’s progress in implementing the 30 recommendations set out in the Windrush Lessons Learned Review (WLLR) report, published in March 2020, in accordance with the department’s stated ambition (set out in its Comprehensive Improvement Plan published in September 2020) ‘to build a Home Office fit for the future, one that serves every corner of society’, with a ‘long-term focus on wholesale and lasting cultural change’.”

In carrying out this revisit, I have agreed to produce a report which establishes:

- the adequacy of the CIP in relation to achieving both the letter and the spirit of the WLLR recommendations
- how well the CIP has been implemented to date
- to what extent the CIP’s implementation is leading to wider cultural and systemic change within the department, which the WLLR identified as being necessary

The full terms of reference are in Annex A.

The context of my revisit

It is to the Home Secretary’s credit that she both accepted all 30 of my recommendations and invited me back to assess the department’s progress. The decision sent a message to the public, and to the Home Office itself, that ministers were determined to work with officials in the department to reform its culture and working practices and, in doing so, restore its reputation as one of the foremost departments of state.

² [Windrush Lessons Learned Review by Wendy Williams – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432211/Windrush_Lessons_Learned_Review.pdf)

³ [Response to the Windrush Lessons Learned Review: A Comprehensive Improvement Plan – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432211/Response_to_the_Windrush_Lessons_Learned_Review_-_A_Comprehensive_Improvement_Plan.pdf)

⁴ [Windrush Lessons Learned Review progress update: terms of reference – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432211/Windrush_Lessons_Learned_Review_progress_update_terms_of_reference.pdf)

I was therefore pleased to be invited back to carry out the revisit, but uncertain of what I would find. In the interim, I had been invited to several Home Office events and asked to talk about my review, and how I hoped the department would receive it. Those occasions made me hopeful that the department would treat my review as an important – and perhaps unprecedented – opportunity to change its culture and ways of working for the better.

Before the revisit, I noted that I would assess success according to three principal indicators: commitment, pace and change. These elements form the basis of my terms of reference.

Having carried out the revisit, my overview is positive in some respects. I have seen examples of impressive activity and, in some ways, the department is very different to the organisation I encountered at the time of my original review. I saw optimism and enthusiasm in several parts of the organisation, and consistently at the most senior levels, as well as some senior-level oversight and scrutiny of the department's plan. However, there is still much more to be done. It is important that all the constructive activity that my review and recommendations have stimulated is managed into a sustainable programme of ongoing progress. It is equally important that the department's most senior leaders, such as the Permanent Secretary, maintain personal responsibility for ensuring the plan is embedded consistently across the department, so that the desired cultural and operational changes take root. The engagement of the Senior Civil Service (SCS) and other senior leaders will also be crucial to achieving this result.

My approach to the revisit

I have approached the revisit in a constructive way, with rigour and impartiality. The starting point is the department accepting all the findings and recommendations from the original WLLR report. When that report was published, those recommendations had not already been met. The recommendations have to be read and understood in the context of the report as a whole.

When assessing each recommendation, I have considered:

- the meaning of the recommendation in the context of my original report
- whether there is any possibility that the department might not have fully understood the recommendation or the findings on which it is based
- the adequacy of the department's published plan to address the recommendation
- an assessment of the plan against the actions taken to implement it, the Home Office's self-assessment, the Home Office's answers to questions posed by the revisit team, and documents reviewed from the WLLR or gathered during the revisit process
- whether what the department has stated to the revisit team is compatible with its public statements, internal documents and evidence gathered from interviews with officials and from third parties

As in my original report, when I refer to the 'department' or the 'Home Office', I am referring collectively to:

- the Secretary of State, their special advisers and the ministerial team who head up the department, setting the political direction and priorities
- the Permanent Secretary and the SCS who lead and manage the department, advising ministers
- civil servants at junior grades who perform the vast majority of policy and operational roles, developing and implementing policy proposals and engaging with the public

The issues that I identify in my report relate to all three of those levels in the Home Office, and, similarly, my assessment applies to all levels.

The Windrush Compensation Scheme

I am aware that the Home Affairs Select Committee, in its recent report on the Windrush Compensation Scheme, recommended that I include a review of the scheme as part of my revisit.⁵ The department also indicated in its response that it expected me to consider the scheme's design and operational decision making. Such a review was not part of my original remit, is not contained within my terms of reference for this progress update and would have required more specific terms and a much longer period to complete. I am also mindful that the scheme has its own appointed independent adviser. That said, where the CIP has referred to the scheme in response to its implementation of certain recommendations, such as **Recommendation 4**, I have considered aspects of the scheme (see the next part). It may, however, be necessary for the department to commission another organisation or individual to carry out a formal review of the scheme at a future date.

The Nationality and Borders Bill

When assessing the department's response to implementing recommendations that relate to policy, such as **Recommendation 13**, I have also considered aspects of the New Plan for Immigration,⁶ which will be delivered in part through the Nationality and Borders Bill.⁷ However, the bill is currently making its passage through Parliament, and some of the cases relating to matters that may have influenced certain proposals are sub judice at the time of writing. Therefore, I have made reference to the bill only where relevant and where I am able.

The overall methodology is in Annex B.

My expectations

The WLLR report summarised one of the major issues facing the department:

“Ultimately, the Windrush scandal was made possible by social and political pressure on a department that was already at risk of not understanding the full consequences of the implementation of its policies ...

By detaching policy design and development from implementation, it took away some of the means of anticipating the harm its policies could do ... It made this harm more likely by not taking enough account of the built-in risks of its policies. And a lack of diverse perspectives at senior levels arguably made it less likely that emerging policy would be challenged, and staff across the organisation didn't feel confident enough to raise any doubts of their own.” (WLLR page 119)

Another of the major issues was what I described as “an institutional ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation”. (WLLR page 7)

The report also summarised some indicators which the department could use to see if significant cultural reform was starting to happen in 12 to 24 months' time (WLLR page 136), including:

- more consistent messaging at senior levels about the behaviours expected at every level of the organisation, with evidence of these behaviours being modelled at the top
- a transparent system for rewarding positive, inclusive behaviours
- tangible evidence that diversity and inclusion are at the department's core, by prioritising a meaningful learning and development programme, publishing completion levels and providing follow-up assessments of effectiveness

⁵ [The Windrush Compensation Scheme \(parliament.uk\)](https://www.parliament.uk/business/committees/committees-a-z/home-affairs-committee/windrush-compensation-scheme/)

⁶ [New Plan for Immigration: legal migration and border control strategy statement \(accessible web version\)](https://www.gov.uk/government/consultations/new-plan-for-immigration-legal-migration-and-border-control-strategy-statement) – GOV.UK (www.gov.uk)

⁷ [Nationality and Borders Bill – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/bills-2018/nationality-and-borders-bill)

- positive language and messaging in all areas of the department's work
- embracing the opportunities offered by the transformation programme and inviting more participation in its design from staff at all levels
- inviting more public scrutiny of the department's work and being open to challenge
- a community engagement programme which results in community-informed policy making

The Home Office has repeatedly stated in the CIP and during my discussions with senior leaders that implementing a change in culture takes time and sustained effort. This is undoubtedly true. However, 18 months on from my report's publication, it is also reasonable to expect to see signs of improvements and changes, so I have set out my expectations for each recommendation at this stage. What is essential, though, is that the department maintains ownership of the plan at the most senior level to make sure that changes in procedures and approaches become part of normal business. The recent example, referred to above, of senior-level oversight being delegated may be justified, but also runs the risk, if done prematurely, of being seen as de-prioritising the CIP, especially as many of the recommendations remain outstanding.

Everyone should be able to see and feel that it is different this time, because the department will recognise the Windrush scandal as an historical series of events deeply embedded in past structures, policies and cultures. In so doing, the department will be able to cite far more constructive relationships with internal staff, wider government and the public, including the Windrush generation.

The structure of my report

The department has grouped the recommendations into five different themes in its CIP, and I have adopted a similar approach for reporting on the progress it has made. My report is therefore split into five parts:

- righting the wrongs and learning from the past (theme 1)
- a more compassionate approach (theme 2)
- robust and inclusive policy making (theme 3)
- openness to scrutiny (theme 4)
- an inclusive workforce (theme 5)

In each part, I introduce the theme and the department's summary of the recommendations grouped under it. By providing a brief thematic overview, I examine whether the department's thematic aspirations are consistent with what I designed my recommendations to address, in the context of my findings in the WLLR.

I then go on to consider each recommendation in turn and explore the adequacy of the plan (if the plan is 'adequate' it fully addresses the recommendation and where that is not the case, I explain why it is deficient), the department's progress on implementing the recommendation, and whether the actions are leading to, or should lead to, lasting cultural and systemic change. I use the terms 'met', 'partially met' and 'not met' to assess progress alongside specific observations relevant to each recommendation.

Summary of my findings

Grouping recommendations under themes

The department's general approach to the CIP is to be commended. The decision to group the recommendations into five themes that formed the foundation of the department's One Home Office transformation programme and the genesis of its mission, purpose and values demonstrates a clear intention to reset its culture, working practices and relationship with the public it serves.

That said, there are some examples where the department's grouping of recommendations into themes has obscured the full extent of my original findings or has led to misunderstanding and incorrect implementation of some recommendations. Where this has happened, I have clarified the position by referring to the relevant section in the WLLR and my specific findings.

One notable omission from the CIP's themes is separation of the issue of race. This was identified as a separate specific theme in the WLLR, with four recommendations grouped under it (**Recommendations 27, 28, 29 and 30**). In my view, it is not likely to be helpful for the department to lose sight of its significance, both internally and externally, given its responsibilities to the public encompassing the intersection of race with nationality and immigration. I have therefore considered the department's focus on this area when carrying out my assessment.

For the most part, though, I support the department's decision to adopt a thematic approach, as a way to give clarity to its workforce and promote accountability from its most senior leaders (who have responsibilities for themes and for implementing the recommendations that relate to them). The thematic approach has also permitted scrutiny and oversight of the plan's progress in the form of the Windrush steering group, chaired by the Permanent Secretary.

Closing recommendations – emphasis on procedure

The department's scrutiny arrangements have injected some momentum into its work to implement the CIP. A properly resourced programme team has also provided much-needed structure and direction. Understandably, the department has tried to implement as many of my recommendations as possible by the time of the revisit, which is important not only for demonstrating progress to the public, but also to staff.

This approach has proved fruitful, as the department can point to some progress on most, and marked progress on several, of my 30 recommendations. That said, there are examples where the department's own assessment of progress has in my view overstated the progress made.

By their nature, some recommendations might never be fully implemented, as they will need to be continuously reviewed to make sure the actions are embedded and having the desired effect. Examples include **Recommendation 6**, which relates to implementing a learning and development programme, and the other training-related recommendations (**Recommendations 11, 24 and 29**). They are not ever capable of being considered 'closed'.

The department reports a recommendation as 'closed' when it considers that it has carried out all the actions necessary to achieve it. The process of closure involves validation and closure reports that require formal approval. But during the revisit, there was evidence that in my view showed the department to have closed some recommendations prematurely. Some of the examples I saw, and referred to in this report, indicated that the department had placed an emphasis on the procedure related to the recommendation rather than on addressing the substantive issues, or ensuring that the actions identified were having the desired effect, or revising them as necessary. This approach was a feature I identified at the time of my original review.

Since my revisit, I am pleased to note that the department has begun to consider what is needed to make sure its actions are sustainable and contribute to wider cultural change.

This further activity should be included in the individual recommendation and overall closure report and should be reviewed periodically to ensure the anticipated benefits are taking root. Without this scrupulous and consistent attention, the department risks undermining the efforts made so far and not achieving its ambition to follow both the letter and spirit of my recommendations.

Training and development

It is not enough to set expectations: the department needs a trained and informed workforce, led and modelled from the top, to appreciate the need for change and be motivated to make it happen. It is therefore disappointing that the department's current training and development provision is so delayed. It was also disappointing to see that some members of the SCS were less engaged when it came to identifying their own training needs and embracing the department's initiatives with commitment and enthusiasm.

Having said that, I saw positive examples of local training and initiatives within some teams, as well as a number of informal learning tools that were available on the department's intranet. But this local innovation and motivation appears not to have been matched centrally. While it is a positive sign that parts of the department have felt empowered to arrange their own training and development, these results rely on proactive local managers, rather than consistent provision and drive from the centre. This is essential, as it goes to the heart of making improvements in casework and policy making.

Therefore, the department is currently unable to progress a significant part of its transformation programme, which risks hampering its efforts to become a learning organisation and an exemplar of good public administration.

The department should therefore implement **Recommendations 6, 24 and 29** without further delay.

Workforce representation

The lack of black, Asian and minority ethnic staff at a senior level was a key finding in my original review. It set out the benefits of a diverse workforce and highlighted that a lack of understanding of the law and good practice on diversity and inclusion had contributed to some of the errors in thinking which gave rise to the Windrush scandal itself. I advocated that the department adopt a coherent strategy, with clear measures for success and senior-level accountabilities.

In its CIP, the department aspires to having a more inclusive workforce at all levels, which more closely reflects the diverse communities it serves. It has also taken action to address many of the structural aspects that my recommendations point to – for example, setting up the Strategic Race Board and developing its diversity and inclusion strategy in accordance with **Recommendations 27 and 28**.

However, success in this respect remains elusive and a much more dynamic approach is needed. Only through clear, consistent and unequivocal messaging from the most senior leaders, coupled with action encouraging managers to adopt inclusive practices, will the department be able to convince its own people, as well as those outside, that it is truly inclusive.

Pace of change

The failure to implement changes promptly and consistently is a common thread running through the revisit. Of course, I would expect that some recommendations, by their nature, will take longer than others to implement. An organisation of 38,000 people will be subject to various constraints and bureaucratic procedural requirements. Some will have been affected by the COVID-19 pandemic and the diversion of civil servants to other urgent activities.

That said, there are many examples where the department has not made progress at the pace it envisaged, or in some cases at all. Alongside internal training, there is the failure to make progress on certain outward-facing activities, such as senior-level engagement with those affected (**Recommendation 3**) and stakeholder engagement (**Recommendation 8**). But equally concerning is the pace of developing wider external scrutiny arrangements.

External insight and scrutiny

It is noteworthy that the recommendations relating to external insight and scrutiny arrangements, namely the Migrants' Commissioner (**Recommendation 9**), the review of the Independent Chief Inspector of Borders and Immigration (ICIBI) (**Recommendation 10**) and the Independent Case Examiner (**Recommendation 20**), are all currently unmet.

The lack of progress goes to the heart of how the department operates and is indicative of an organisation which was not yet confident enough to secure an increase in the type of independent insight and scrutiny that my recommendations envisaged. The department will now hopefully make progress and see these appointments as an opportunity to identify potential systemic issues (one of the stated aims in the terms of reference for the independent reviewer of the Independent Chief Inspector of Borders and Immigration) and improve governance and practice.

The views of the public are diverse, but it has emerged consistently that the majority of external stakeholders who chose to take part in the revisit believe that little, if anything, has changed. This view is also held by some of the people I spoke to in my original review, who expressed scepticism about the department's progress. Individuals and groups also raised concerns about various aspects of the Windrush Compensation Scheme, further details of which are provided in part 1. The concerns voiced remain deep-rooted and will have to be addressed if the department is to truly transform the way it engages with those who were affected.

The lack of a shift in those perceptions makes it essential that the department is able to refer to external scrutiny arrangements to validate changes and improvements in the future. I would therefore urge the department to implement all the remaining recommendations, particularly **Recommendations 9, 10 and 20**, without further delay.

Next steps

The department is undertaking an ambitious and significant transformation programme. But the longer the delay in implementing some of the more challenging recommendations, the greater the risk that it will fail to reap the rewards of all this activity.

This next stage is crucial to the department's cultural transition. It will be tempting to point to the process of implementing my recommendations as evidence that the department has changed. But to do so would mean that only part of the work has been done. Now the really hard work begins to embed practices that will promote a different approach and different results.

I believe the department is potentially poised to make the significant changes it needs to. But it must grasp the opportunity to implement the more fundamental recommendations that relate to producing:

- a more highly trained, developed and professional workforce

- a department that is more comfortable engaging with the public and stakeholders on all issues of public policy – not just the uncontroversial
- an organisation that is more confident under the gaze of external scrutiny

If the department fails to do this, it risks looking back on this seminal transformation programme as a missed opportunity.

I therefore rhetorically pose the following questions which the department should consider when deciding how the next phase of its transition will develop.

- How will the department demonstrate to the Windrush generation that it has changed and can show improvements in how it carries out its duties?
- How will the department demonstrate a focus on outcomes rather than outputs, to assure itself it has made the necessary changes?
- How will the department know that its culture is improving? What measures will it use to check that it has brought all staff with it?
- How will the department harness local initiatives and goodwill, and scale them up to demonstrate to its workforce that it is a learning organisation?
- How will the department be more dynamic in its efforts to develop, achieve and retain a more diverse and inclusive senior leadership cadre?
- How will the most senior leaders convey to the whole organisation what the priority is in terms of culture?
- How willing is the department to hear from a range of voices, whether supportive or opposing?
- How will the department demonstrate that it is taking action to continuously improve?

Thank you

There are many people to thank in preparing this report. I would like to extend my thanks to The Right Honourable Priti Patel MP for inviting me back into the department and for publishing this progress update. Thank you too to the Permanent Secretary, Matthew Rycroft, and the Windrush programme team who provided me with resources and ongoing assistance, including arranging access to information. Special thanks also go to the small team of Home Office officials that made up my 'revisit team', as well as those volunteers who gave up their time to support the revisit over and above their day jobs. I am also extremely grateful for the support I received from many professionals from various disciplines, and the invaluable advice of some members of my original Independent Advisory Group. I also want to thank those individuals and organisations who took the time to engage with my revisit, either by responding to my call for evidence or by taking part in my online consultation events. I also wish to thank the officials and ministers from across the department and beyond, who actively engaged with my revisit through my internal feedback route, focus groups or interviews. Finally, I extend particular thanks to those members of the Windrush generation who I spoke to about their experiences since publishing my report, without whose input this revisit would not have been possible.



PART 1:

Righting the wrongs
and learning from the past
(theme 1) assessment

In this part, I assess how much progress the department has made in ‘righting the wrongs’ of the Windrush scandal and ‘learning from the past’, in line with the ambition set out in its CIP. I go on to individually assess progress in implementing each of the recommendations grouped and summarised by the department under this theme, which it has characterised as:

- **Recommendation 1** – provide a sincere apology
- **Recommendation 2** – publish a comprehensive improvement plan
- **Recommendation 3** – run reconciliation events
- **Recommendation 4** – continue the Windrush Scheme and outreach
- **Recommendation 5** – be more proactive in identifying those affected
- **Recommendation 6** – implement a learning plan on UK history
- **Recommendation 16** – establish a repository for recommendations

1.1 Windrush Review findings

“The [Windrush] scandal has affected hundreds, and possibly thousands, of people, directly or indirectly, turning lives upside down and doing sometimes irreparable damage. They were essentially denied their rights: the right to live and work in the UK, to receive healthcare, to have a pension, to claim state benefits and to re-enter the UK. At its most extreme, they were deprived of their liberty and ability to live in the UK, splitting families.” (WLLR page 25)

“The report explores the culture and workings of the Home Office (its ministers and officials working on their behalf) and its agencies, set in the wider political context, during the critical time that created the conditions for the scandal. In the process, it shows how both policy makers and operational staff lost sight of people the department had a duty to protect. A failure to see how past legislation combined with evolving policy and to assess what impact this might have on vulnerable people and minorities, especially the Windrush generation, alongside a focus on meeting targets, made the crisis inevitable.” (WLLR pages 9-10)

My original report told the stories of members of the Windrush generation and how they had been affected by the scandal. I summarised **Recommendations 1 to 12** in the following way:

“This first set of recommendations aims to make sure the government and the Home Office in particular fully appreciate and accept what went wrong, the scale of the injustice and its impact, and their own failings ... [The recommendations] also focus on maintaining and extending the help currently in place for the people the scandal affected, including for nationalities other than Caribbean countries.” (WLLR page 14)

“There have been some positive changes since the department apologised”

As well as providing redress through the Windrush Taskforce and the Windrush Compensation Scheme, I emphasised that purely financial help would not be enough and there were more fundamental issues to address. I assessed the Windrush Scheme (then run by the Windrush Taskforce), where I heard that “some have not approached the Taskforce because they are scared it could put them at risk of Immigration Enforcement action” (WLLR page 139). I also considered briefly the incipient scheme which became the Windrush Compensation Scheme, and its roll-out across over 30 engagement events (WLLR pages 125-126). At the time of my report, the scheme had received far fewer claims and had paid out much lower sums than it had expected (36 payments, the largest of which was £62,198). The scheme has its own independent adviser and was originally due to close in April 2021, though the end date has now been removed.

At the time of my original report, changes had begun and there were some helpful schemes and policies in place. I summarised the relationship between policy and practice in the following way (WLLR pages 127-128):

“Overall, the safeguards described within the department’s ‘human face’ programme of work shows the department has started to recognise the need to put the person at the heart of the service it provides. This is a positive step. However, many of the measures tend towards procedural or structural solutions that reduce the likelihood of error once policies are implemented. There is also a more fundamental need to examine the development of the policies.

“Nor do they tackle the need for a cultural change that puts people, ethics and accountability at the centre of decisions about who is targeted for enforcement and why. This shift would make problems less likely to happen in the first place and help to create opportunities for learning across the immigration system to promote better results. To achieve this outcome, the department would have to put in place better systems for data recording, information management and data security, as well as supervision, performance management and continuous improvement.”

Another important aspect of my findings related to poor understanding of Britain’s colonial history, the history of black Britons and “the complex immigration situation created by successive legislative changes, set against an unwillingness or inability to learn from past mistakes, or to engage with experts and local communities”. As such, I recommended that the department should tell the stories of empire, including the history of immigration legislation, to ensure that present and future immigration policy was informed by an understanding of the past (WLLR page 139).

A third aspect was record keeping and the responsibility of the department to “keep track of the impact of the policies and legislation it has implemented and to make sure ... it supports [those affected] appropriately” (WLLR page 137). I noted that the “Home Office’s failure to keep accurate records makes it impossible to say how many people the scandal affected” (WLLR page 137). This led to my recommendations for improved institutional retention of knowledge, as well as **Recommendation 16**, which the department has grouped under this theme.

1.2 The department's response

In its CIP, the department states that it has already:

- made an unreserved apology to the Windrush generation (on the day of publication by the Secretary of State, and since individually to every person who receives compensation through the Windrush Compensation Scheme)
- provided over 13,300 documents to over 11,500 individuals, confirming their status or citizenship
- provided support to at least 1,568 vulnerable individuals, with 129 cases ongoing
- made payments totalling over £1.3 million through the Windrush Compensation Scheme on 168 of the 1,531 claims received so far, of over £2.5 million offered
- launched a new £750,000 national communications campaign targeting affected people that the Home Office has been unable to reach so far

The department sets an unequivocal and bold ambition to ensure it has “properly listened to and made amends for the wrongs suffered as a result of the Windrush scandal”. It commits to “using what we have learned to inform our future work ... [so] that we can be proud of the way in which we serve the public” (CIP page 14).

The CIP proposes that the department works with academics to develop a training programme for staff and organise events to learn from the past, reset relations with the community and “celebrate the contribution of the Windrush generation in order to build for the future” (CIP page 14).

The CIP also outlines how the department intends to go further by setting up roundtable discussions and working with the Windrush Cross-Government Working Group (WCGWG) to “address the wider challenges that disproportionately affect people from black, Asian and minority ethnic backgrounds” (CIP page 8)

In its self-assessment document, the department sets out the action it considers it has taken so far to implement my 30 recommendations. It rightly identifies that theme 1 “sets the tone for our overall response and must achieve a balance between the past and looking forward”. Although the department has conducted an outreach programme and some face-to-face events (**Recommendation 3**), these were ceased due to the COVID-19 pandemic and also due to the views of others, including the WCGWG, who did not support carrying out the events in the manner suggested. Therefore, a range of options are being considered. The department also states that it has gone beyond the recommendations by announcing a £500,000 Windrush Community Fund which can provide between £2,500 and £25,000 to grassroots organisations and charities, enabling them to raise awareness of the schemes within communities. The grant has been promoted in the UK and through the high commissioners of the Caribbean, India, Pakistan, Ghana and Nigeria.

1.3 My expectations

I recognise that some recommendations, by their very nature, will take longer than others to implement. However, the department has provided an unambiguous statement of intent and acknowledged the importance of demonstrating to the public that it has established a firm foundation from which to make significant changes. By the time of my revisit, it would therefore be reasonable to expect all the recommendations under this theme to have been implemented in full, with some evidence that their impact was starting to be seen more widely. While the views of those affected cannot be the only measure of success, they are an important barometer of the extent to which the department is effectively righting the wrongs. Assessing whether the department is applying an understanding of what came before to its current and future work will also help to demonstrate how much it has learned from the past.

To assess the department's progress on achieving its ambition, I have considered each of the recommendations it grouped under this theme (**Recommendations 1, 2, 3, 4, 5, 6** and **16**), as well as evidence gathered through:

- one-to-one conversations with people inside and outside the department
- three internal engagement events for Home Office officials and one external event for people affected by the Windrush scandal (or who have engaged with the department since the WLLR)
- a workshop with civil society organisations
- an external call for evidence
- an internal call for evidence to gather staff feedback
- immigration cases brought by or against the Home Office
- meetings with representatives from operational teams (including the Windrush Compensation Scheme team, Her Majesty's Passport Office and Immigration Enforcement)

I also looked at aspects of the Windrush Compensation Scheme and a small sample of cases (see my assessment of **Recommendation 4**). I recognise that this is a separate, non-statutory scheme with its own independent adviser, and that a formal review was not included by the Secretary of State within my terms of reference. I have therefore confined my revisit to a consideration of aspects of the scheme where it is relevant to my recommendations.

1.4 Progress against the theme

Rebuilding trust is central to this theme, and to the recommendations that sit within it. Apologising publicly is an important first step. But it is only by engaging effectively with those who have previously suffered detriment that the department will be able to re-establish that trust. I recognise that the word 'reconciliation' may have different connotations for different people. My interpretation of the term envisaged ministers and senior officials meeting with members of those communities who had experienced the effects of the scandal, not only to understand the impact of the episode on people's lives, but also to reassure them that they had been heard, and that the department was committed to setting things right. In other words, I envisaged that a dual benefit would derive from those events. It is therefore disappointing that at the time of writing this report, almost two years after the WLLR was published, no formal reconciliation events have taken place (**Recommendation 3**).

Had the events taken place, they could have been complemented by the numerous outreach events undertaken by more junior staff and volunteers from within the department, demonstrating to those affected communities the department's genuine commitment to righting the wrongs and learning from the past.

The continuation of the Windrush Scheme and the Windrush Compensation Scheme would also support those who were affected to help them rebuild their lives. This programme of activity would, in turn, restore faith in the department.

These actions would not in themselves be sufficient to bring about the department's desired outcomes. Recognising that there are some people in the cohort who, for reasons linked to the negative experiences of others, would be reluctant to come forward and approach the department for assistance, it was also important to ensure that the systems for regularising individuals' status and compensating them for losses were supported by an outreach programme. In other words, the department would have to be proactive in identifying potential members of the cohort, both through publicity and engagement, and in encouraging them to apply for the relevant schemes. On a positive note, some of the public information states that personal details will not be shared with Immigration Enforcement. However, this assumes that the individual has already navigated to the webpage, which requires them to have been proactively searching and contemplating an application themselves.

Proactive steps would include clearly defining who was eligible to apply, updating the eligibility criteria and publicising the updated criteria as necessary. I am therefore pleased to see the outreach work and efforts to raise awareness as part of the Windrush Scheme (**Recommendation 4**). This work is testament to how effectively the department can engage with the appropriate support and opportunities.

Central to understanding the impact of the department's efforts is to gauge the views of members of the cohort regarding their experiences since the plan was implemented and, overall, whether their views of the department have changed.

In addition to its outward-facing efforts, internal methods used by the department are important for reassurance that another similar episode would be unlikely to occur. This would involve a programme of training and development for staff designed to:

- improve knowledge of the Home Office's own legislation and policy history, both legal and non-legal
- improve understanding of the law as it is now (especially nationality law and equality law) and how it has developed
- improve understanding of the wider history of migration to and from the UK
- improve practice in terms of keeping track of what information has already been obtained from individuals to avoid duplication
- keep a record of what policies applied to which casework decisions at the relevant time

Therefore, in assessing the department's compliance with the recommendations under this theme, I have also considered the extent to which the department has fulfilled its stated aims to be a learning organisation with systems in place to develop its institutional memory. I was disappointed to find that the learning programme agreed in response to **Recommendation 6** has yet to be finalised and rolled out. There is clear evidence of the department's commitment to developing this training but, by December 2021, it was still at the pilot stage, in contrast to the CIP's aim to have it in place for all staff by June 2021.

1.5 Theme 1 recommendation assessments

Recommendation 1

Provide a sincere apology

Ministers on behalf of the department should admit that serious harm was inflicted on people who are British and provide an unqualified apology to those affected and to the wider black African-Caribbean community as soon as possible. The sincerity of this apology will be determined by how far the Home Office demonstrates a commitment to learn from its mistakes by making fundamental changes to its culture and way of working, that are both systemic and sustainable.

In assessing progress on this recommendation, I would expect to see that:

- the department has made a public apology and has been proactive in communicating it more widely, including among those affected, at every opportunity
- the apology reflects a broader willingness to change and there is evidence of this change taking place, over and above the apology
- the department is measuring the success of its work and adjusting its approach in line with progress and learning lessons

Evaluating the CIP

The CIP confirms that on 19 March 2020, the Home Secretary made an unqualified apology on behalf of successive governments in Parliament, and then repeated on GOV.UK outside Parliament. The full readout of the statement remains publicly available on the GOV.UK and UK Parliament websites.

The Home Secretary acknowledged that members of the Windrush generation suffered terrible injustices through institutional failings, ignorance and thoughtlessness, saying that: “I am truly sorry for the actions that spanned decades. I am sorry that people’s trust has been betrayed. We will continue to do everything possible to ensure that the Home Office protects, supports and listens to every single part of the community it serves.”⁸ The CIP is adequate. There has been both a public acceptance of my report and a commitment to learn from mistakes. However, the wording of this recommendation also referred to the need for the department to make “fundamental changes that are both systemic and sustainable”, which is a continuing duty and is therefore incapable of completion by a statement of apology alone. Subsequent actions and a wider programme of work would be required for the department to demonstrate that the recommendation has been met in its entirety.

The CIP goes on to state that the Home Secretary and her ministerial team, as well as the Permanent Secretaries and officials at the Home Office, are committed to making the required fundamental, long-term and sustainable changes to Home Office culture and working practices.

8 Oral statement to Parliament: Windrush Lessons Learned Review – GOV.UK (www.gov.uk)

Progress on the recommendation

The department has reported this recommendation as closed.

The Home Office used different media to communicate the Home Secretary's apology. It created four tweets on 19 March 2020 with links to a video of the apology, and to the full version on GOV.UK. There was also newspaper coverage and repetition of the statement through tweeting on social media (which, of course, is not under the control of the department). Proceedings in Parliament and the GOV.UK website are not always followed regularly, and it is not clear how many people affected by the scandal would have seen the media articles. But efforts were clearly made to reach a larger audience and communicate the apology more widely.

The third medium for the apology was personal letters from the Home Secretary to successful claimants of the Windrush Compensation Scheme. However, I understand apology letters are not sent to those who successfully apply to have their status confirmed through the Windrush Scheme.

The numbers applying to the Windrush Compensation Scheme have, so far, been much lower than expected. By January 2022, there had been 3,490 claims, compared to an original planning assumption of 15,000.⁹ As the letter only accompanies an offer of compensation, only a small fraction of the total number of people affected are likely to have received it (as compared to the approximately 13,000 individuals granted status through the Windrush Scheme).

Given the significantly smaller cohort of individuals who have both applied for, and been awarded, compensation compared to individuals who have successfully had their status confirmed, this is an example of where the opportunities to give those affected a suitably worded apology may have been limited unnecessarily. Therefore, while the department has made an unqualified apology, some

questions remain over how widely it has been disseminated, by what means, and whether it has reached its target audience.

The department has sought to explain its reason for not apologising to those who applied to the Windrush Scheme (and not the Windrush Compensation Scheme) because not all of those who receive documentation through the Windrush Scheme will necessarily have suffered detriment. As noted in my introduction, the Windrush Scheme as it is currently does not apply to the same people I termed the 'Windrush generation'. However, some of those who have applied through the scheme will have suffered detriment, especially because of the length of time that the compliant environment has been in place for right to work and right to rent checks in particular. I consider that the department's explanation does not adequately engage with the reasons for apologising to those affected and the need to proactively rebuild trust.

Assessing whether the apology demonstrates the department's commitment to learn from its mistakes is more difficult. This depends on progress in relation to the other recommendations. It also depends on the department exhibiting the spirit of the apology in what it does and how it relates to people from the Windrush generation and their relatives. One stakeholder representing the affected communities told me that while the department had apologised multiple times, the apology was hard to accept when compared with some of its other actions.

Responding to the call for evidence, a civil society organisation stated that "little meaningful progress has been made towards changing the fundamental culture and the way of working at the Home Office". Another organisation reported that while the Home Office had taken steps to right some of the wrongs of the scandal by establishing the Windrush Scheme, there was still "an institutional failure to learn from the past and recognise the detrimental effect of the compliant environment on lawful migrants to the UK".

9 Windrush Compensation Scheme data: January 2022 – GOV.UK (www.gov.uk)

The views of those affected by the events provide some helpful insight into the overall impact of the department's remedial activity. Findings from my external call for evidence show that from those who responded:

- 76% (25) of respondents who had applied to either the Windrush Scheme or the Windrush Compensation Scheme said they hadn't been treated respectfully by Home Office staff
- almost all respondents (97%, 31) who applied to either scheme said they didn't trust the Home Office to deliver on its commitments
- 55% (70) of respondents said they thought there had been 'no progress at all' or 'not much progress' towards the department's ambition to be a fairer, more compassionate Home Office
- 65% (72) of respondents said there was 'no progress at all' or 'some progress' towards a change in Home Office culture

The relative numbers are small, and these findings should therefore be treated with some caution. But they should also be seen in the context of my direct contact with those affected (see below). The department's self-assessment document confirms that the department is developing a public trust and confidence index. When completed, this should also help to track the impact and effectiveness of its improvement activities.

Another important indicator is the views of the people I spoke to in my original review. I have been able to speak to some of them as part of the revisit. A number had made applications to regularise their status or for compensation. Sadly, they said their views of the department remained largely unchanged. Principal reasons related to concerns about the quality and timeliness of decision making and the department's engagement with them.

Based on the evidence I have seen, there have been some positive changes since the department apologised, including a widespread acceptance by the workforce and senior leaders that the tragedy should not have happened, and an enthusiasm to do things differently. These sentiments have been reflected in the internal staff events I have held, my visits to operational teams and the department's own staff events, some of the results of which I have seen.

Although the department has taken several steps to implement the first part of this recommendation, the evidence suggests that it must do much more to demonstrate to those affected and the wider public that it has embraced the spirit of the recommendation. Despite some proactive efforts to communicate with affected groups, much of the onus in the department's other initiatives has been placed on individuals 'self-identifying' and coming forward to make applications. I explained in my original report why such an approach was unlikely to be fully effective due to the combination of suspicion and lack of trust from some, which has an entirely rational basis in light of their or others' previous adverse experiences.

The Windrush Compensation Scheme provides an important opportunity for the department's apology to be implemented in a real and tangible manner. However, its reach is limited and opportunities to send a suitably worded apology to the far greater number of successful applicants to the Windrush Scheme have not, so far, been taken. The provision of the apology is only a part of the recommendation; successful implementation is contingent on significant progress being made in relation to the theme's other recommendations and, indeed, the CIP as a whole. As detailed below, progress on the recommendations grouped under this theme has been variable, and I therefore conclude that this recommendation has been partially met.

Recommendation 2

Publish a comprehensive improvement plan

The department should publish a comprehensive improvement plan within six months of this report, which takes account of all its recommendations, on the assumption that I will return to review the progress made in approximately 18 months' time.

In assessing progress on this recommendation, I would expect to see that:

- the department has published a comprehensive improvement plan that sets out how it intends to implement each of my original recommendations and wider learning from the WLLR

Evaluating the CIP

Through a written statement to Parliament on 30 September 2020, the Home Office published its 'Response to the Windrush Lessons Learned Review: A Comprehensive Improvement Plan'.¹⁰ This set out the work underway throughout the Home Office to implement my 30 recommendations.

The department published the CIP within the specified timeframe, enabling me to return to assess progress within 18 months of my original review being published. It is accepted that the true extent of its effectiveness will not be fully understood until the outcomes of implementing the recommendations have been identified and evaluated.

In producing the CIP, the department recognised the need to meet both the letter and spirit of my recommendations, which was a clear statement of intent. This marked a significant departure from the department's previous approach and is to be commended. At the time of my original report, I suggested that the department should undertake a period of reflection before devising its improvement plan.

Examples of some of the activity set out in the plan demonstrate that this took place.

For these reasons, I consider that overall, the plan is adequate.

Progress on the recommendation

I have seen a great deal of impressive activity, and the department's efforts were recognised by a number of people spoken to during my revisit.

"[The department] has done a lot of good work over the last few years to address recommendations ... I feel now there is momentum underneath regarding the cultural shift that goes beyond recommendations."
(Home Office senior official)

"I think we're talking a lot more and I think that is something that I've seen a lot more ... We're talking about race, we're having conversations about representation, we're having conversations about equality ... [It] is a massive, massive plus and a massive start."
(Home Office official)

"It's clear that the people at the top are committed and passing this down through the organisation."
(Home Office non-executive director)

¹⁰ Response to the Windrush Lessons Learned Review: A Comprehensive Improvement Plan – GOV. UK (www.gov.uk)

However, in some sections, the CIP does not address all aspects of my original recommendations, or the action identified is ineffective in meeting the recommendation for which it is designed. In such cases, I have specifically identified below where the plan is deficient. This has added to the overall lack of pace in important areas, which has so far prevented the department from driving the improvements and changes necessary to achieve its overall ambitions. Some of the recommendations require future planning as well as current execution and will require ongoing action to secure their implementation.

The department will no doubt be disappointed that 65% of respondents to my external survey thought there had been no progress at all or only some progress in changing the Home Office's culture since the publication of the CIP. Internally, 44% of staff who responded to the survey were pessimistic or very pessimistic that the CIP would result in a change of culture, compared to 34% who felt very optimistic or optimistic.

The test for the department is therefore to make sure that the plan also provides, or is supplemented by, sufficient safeguards to monitor progress and review activity to ensure that the changes take hold.

The department will then be able to reassure some who hold more sceptical views, such as those expressed in engagement events during the revisit:

“If (we're) looking at it in a 'tick-box' way, they [the Home Office] are doing well, they are doing something in response to all of your recommendations – but obviously that's not what you wanted.”
(External stakeholder)

“The Home Office has put lots of effort and focus on its response and applying the letter of recommendations, but the strategic input and spirit is lacking.”
(External stakeholder)

I am aware that plans are being developed to integrate monitoring and assurance of the CIP and the Windrush recommendations and themes into the department's One Home Office transformation programme. These plans should include an equally rigorous process of reviewing and embedding activity, and involve continued senior-level ownership and accountability, such as is afforded at present by the Windrush steering group, to guarantee their success.

Overall, I conclude that the department has certainly implemented the letter of this recommendation in accordance with the agreed timescales, and with no small measure of consideration and commitment. While the success of the CIP will be considered in my assessment of all the recommendations, this recommendation has been met to the extent that the department has produced the CIP, established a fully resourced programme team to implement it, and put governance arrangements in place which involve accountability and oversight at the most senior level.

Recommendation 3

Run reconciliation events

In consultation with those affected and building on the engagement and outreach that has already taken place, the department should run a programme of reconciliation events with members of the Windrush generation. These 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. Where necessary, the department would agree to work with other departments to identify follow-up support, in addition to financial compensation.

In assessing progress on this recommendation, I would expect to see that:

- the department has hosted, or is hosting, reconciliation events with members of the Windrush generation that have been developed in consultation with those affected
- senior Home Office staff and ministers are present at the events so that they can listen to and reflect on the impact of policy decisions, as well as use that experience to inform future policy-making processes
- where issues arise under another department's remit, there is cross-governmental collaboration to resolve them

Evaluating the CIP

The CIP makes a clear commitment to implementing this recommendation and hosting events in early 2021. It states that the department has discussed its approach with community leaders, faith leaders and Windrush volunteers, and has worked with the WCGWG to design and develop the events.

Besides these statements, the CIP does not provide details of how the department will fulfil the recommendation. Had the events taken place in early 2021, that would have been one year after my review was published. However, the department faced a delicate task in getting the events right, with many stakeholders' views to consider. COVID-19 would also no doubt have been a potential barrier to holding the events any sooner.

Overall, I consider that the department's response in the CIP is adequate.



Progress on the recommendation

It is impossible to ignore the COVID-19 pandemic. When I wrote the WLLR (pre-pandemic), face-to-face meetings were envisaged. At the time of writing this report, face-to-face meetings have started to return, but many people are reluctant to go to what they might not consider ‘essential’ events. This means that any event would need to consider whether it is likely to reach the audience it is intended to benefit. Online meetings have been helpful to many throughout the pandemic when there have been no other options, but they are not the same as face-to-face events and also have accessibility issues. Inevitably, the department would need to consider these factors.

The department does not rely on COVID-19 as a reason for delaying matters. But it does state that the recommendation has been more challenging than others to implement, not least because of the different views expressed by those who were consulted by the department.

My own engagement activity similarly raised a difference of views, principally due to the passage of time, on whether the recommendation should be implemented and, if so, what form it should take.

“We’ve been having that debate [Recommendation 3] for months on end. It needed to be resolved.”
(External stakeholder)

“People were going to talk in the context of how they had experienced racism and discrimination. The reconciliation process would just naturally allow for that to happen.” (External stakeholder)

“The Home Office has to do something around truth, reconciliation, healing and then systemic transformation. The ultimate aim is transformation, levelling the playing field so people are more aware of the empire and its impact.”
(External stakeholder)

The department has carried out a wider consultation exercise to design a strategy consisting of two phases. At the time of writing, only the first phase – the commissioning of facilitators and obtaining professional advice – has taken place. A facilitated consultation conducted during September and October 2021 recommended that the events go ahead in summer 2022. It is understood that ministerial approval has been obtained to move to the second design and roll-out phase for those events.

At the time of writing, the department is unable to point to any target dates for when the events will take place, which casts doubt on whether they will take place at all. I therefore conclude that the department has failed to implement **Recommendation 3**. The department accepts that the recommendation has not been carried out in the manner that was intended, but has instead referred to many other public engagement events it has carried out more generally as evidence of its public engagement work.

Further, it appears that the department has conducted Windrush engagement events (more than 180 at the time of the self-assessment). While they are not referred to by the department as evidence under this recommendation, they are clearly relevant to it. This is accepted, but the activity does not focus on the specific circumstances I identified in my original report, which **Recommendation 3** was designed to address.

The CIP and self-assessment are predominantly focused on ‘reconciliation events’. However, my third recommendation was for face-to-face events to take place with senior ministers and officials as a means of practically addressing the detriment experienced by those affected, and working across departments to resolve the issues facing members of the Windrush generation who have been caught up in the compliant environment. It was not a ‘truth and reconciliation’ recommendation.

There is a need for that work to be done, irrespective of whether there might be difficulties in presenting opportunities for resolving individuals’ issues as ‘reconciliation events’ (although I consider that such practical help does assist with reconciliation and community trust building, if people are proactively helped out of difficulties caused by the department).

This is because, in carrying out my revisit, I met people who were still in severe financial and personal difficulties, even after receiving their documents from the Home Office, and two years on from my original review. Some were unable to find work after time away from the job market. Others were in temporary accommodation, having to live with families or facing eviction because of unpaid bills. Some were in serious debt. Many still had unmet physical and psychological needs and had experienced a sense of loss and devastation which had fundamentally affected their ability to cope, undermining their sense of identity and feelings of self-worth.

The Home Office has put in place measures to provide redress for those affected through the Windrush Taskforce, including the vulnerable persons team, the exceptional payments policy and the Windrush Compensation Scheme. But purely financial help may not be enough, and there may be practical issues which require cross-departmental collaboration (for example, on benefits cases or access to healthcare). Understandably, there is deeper personal hurt arising from the fact that some people’s lives have been turned upside down, and the impact of these experiences is difficult to assess.

Given the amount of time that has elapsed, I can see some force in the suggestion that the opportunity may have passed. However, many interested parties, including those who were directly affected, have cited the department’s failure to make progress in this area as an indicator of its lack of commitment. They see the events and any follow-up activity as an essential step for being able to put the matter behind them and move on constructively. The same can be said for those who are still in the midst of detrimental circumstances. I therefore conclude that the failure to carry out **Recommendation 3** represents a missed opportunity for the department. The path towards implementing the recommendation is not easy, and I understand the department’s desire to strike the right balance in hosting these events. But it would be reasonable to expect the department to have overcome these barriers, and much sooner.

In my view, the department has not made enough progress in implementing this recommendation and it is therefore not met. I would encourage the department to take steps to address the issues I have identified and to evaluate their beneficial effects, which could be considerable, both to the affected communities and to members of the department.

Recommendation 4

Continue the Windrush Scheme and outreach

The Home Secretary should continue the Windrush Scheme and not disband it without first agreeing a set of clear criteria. It should carry on its outreach work, building on the consultation events and other efforts it has made to sustain the relationships it has developed with civil society and community representatives. This will encourage people to resolve their situation while recognising that, for some, a great deal of effort will be required to build trust.

In assessing progress on this recommendation, I would expect to see that:

- the Windrush Scheme has continued and been expanded due to implementing **Recommendation 5**
- outreach work is continuing, and people are being encouraged to resolve their situation both on an individual basis and in the initial stages of wider policy development

Evaluating the CIP

In its CIP, the department commits to keeping the Windrush Scheme and Windrush Compensation Scheme open for as long as necessary, to provide documents and compensation to people who need it. It also pledges to work with external stakeholders when it becomes appropriate to think about disbanding the Windrush Scheme, to establish the criteria for doing so. The Windrush Compensation Scheme will take claims until 2 April 2023, but the department will review this closing date in April 2022.¹¹

The CIP states that: “In August 2020, we launched a new £750,000 national communications campaign to reach out to all those affected who have not yet come forward to either resolve issues around their lawful status or claim compensation owed.” The campaign’s programme of activity included over 180 community events involving over 3,000 attendees to raise awareness about both schemes, targeting locations where those affected lived (suggested by Census data), involving the department’s own volunteers and ambassadors, and holding individual surgeries to help those who had come forward. With the support of the WCGWG, the department has also established the Windrush Community Fund, which aims to distribute £500,000 of funding to community and grassroots organisations, supporting them to raise awareness of the two schemes and the history of the Windrush generation. The department estimates it has been able to reach over 12 million people. The department has also launched a Windrush Help Team to provide advice, which has been communicated both in the UK and overseas. The messaging under the contact details specifically states that “anything you tell the Windrush Help Team will be treated with sensitivity and will not be passed on to Immigration Enforcement”. This is important in assessing the adequacy of the CIP as, by providing this reassurance, the department has demonstrated its attempts to rebuild trust.

Overall, the CIP is adequate for achieving this recommendation. However, as noted under **Recommendation 3** above, consultation events of the nature envisaged have been somewhat limited.

¹¹ The department has removed this end date to ensure that no one who is eligible for the Windrush Compensation Scheme is prevented from applying.

Progress on the recommendation

Since my original report, there has been a marked increase in the number of claims determined and sums paid through the Windrush Compensation scheme (837 at the time of the department's self-assessment, compared with the 36 claims referred to in the WLLR). The department has also hosted 11 interactive webinars and made use of specialist media outlets to publicise events. The department refers to the polls taken following its outreach events, which show that the majority considered the information provided was useful. It also refers to research done in December 2020, which concluded that 98% of people from Caribbean communities in the UK who responded were aware of government support for those affected by the Windrush scandal (although it is unclear how this would be measured).

However, the Home Office's analysis shows a significant difference between the number of people granted lawful status in the UK and provided with documents through the Windrush Scheme, and the number applying to the Windrush Compensation Scheme. As of December 2021, more than 14,800 people had received confirmation of their legal status or citizenship, but only 11% had made a compensation claim. Those who received status through the Windrush Scheme were not originally automatically informed about the Windrush Compensation Scheme, although I understand that since August 2019, grant notification letters have signposted to individuals that they may be eligible for compensation (but I note this was not included in the CIP). While the department has indicated that grant funding was made available for civil society organisations and promoted overseas, many who responded to my engagement sessions referred to problems they or people they knew had encountered when trying to apply for status or compensation from overseas.

Overall, my assessment of the department's outreach and engagement efforts is positive, and I conclude that it has met the requirements of **Recommendation 4** in so far as keeping the schemes open. However, I am concerned by the disparity in numbers between those applying under the Windrush Scheme and those applying under the Windrush Compensation Scheme. It is possible that many of those who have secured documents have incurred no recoverable losses, but that assumption would be inconsistent with the evidence I heard when conducting my original review. Indeed, the number of those whose status has been confirmed to date (more than 14,800) closely matches the National Audit Office (NAO)'s original estimate of 15,000 for those who would be eligible for the Windrush Compensation Scheme. The department should therefore address the disparity so it can be assured that it has done all it can to identify those affected by the Windrush scandal and make restitution to them. It must also do everything possible to reach people in the Caribbean and beyond who might be entitled to similar support.

I therefore conclude that this recommendation is partially met.

Overview of the Windrush Scheme and the Windrush Compensation Scheme

In this section, I set out a summary of both schemes, including the headline findings from my review of a small sample of claims made to the Windrush Compensation Scheme. The review indicates the standard of decision making and the quality of service received by applicants to the scheme.

Windrush Scheme

The Windrush Scheme enables Commonwealth citizens, their children and some other long-term UK residents to obtain documentation confirming their status free of charge. The scheme considers whether an applicant has a right to reside in the UK and, if so, provides documentation as confirmation. Established on 16 April 2018, the help team (formerly the Windrush Taskforce) has provided over 13,300 documents to more than 12,500 individuals confirming their status or British citizenship.¹² Since April 2018, the help team has attended over 80 outreach surgeries across the UK in places such as care homes, places of worship and community centres to promote its work and encourage applications. The Windrush Scheme will remain open until at least 2023.

It is positive that the department has invested both time and resources in outreach and engagement activity for the Windrush Scheme. The number of people who have been able to gain their lawful status or British citizenship should help rebuild trust with affected communities, as well as with staff.

Windrush Compensation Scheme

The Windrush Compensation Scheme was launched on 3 April 2019.¹³ Its stated aims are to compensate those affected and their families for the losses they suffered because of the Windrush scandal, including in relation to immigration decisions, housing, employment, health and education.

Prior to its launch, the department carried out a call for evidence “to gather relevant information from those affected by difficulties in establishing their status within the immigration system”.¹⁴ There were 650 responses to the call for evidence. This was followed by the Windrush compensation consultation on the proposals for the scheme, underpinned by two principles: fairness and simplicity.¹⁵ There were 1,435 responses to the consultation, the main themes from which were:

- the timeliness of compensation payments
- the need for a flexible approach to calculating compensation
- responsibility for proving impacts associated with a lack of documentation not falling solely on claimants
- the offer of legal assistance to all claimants, enabling them to make the correct compensation claims

12 Windrush factsheet – March update – Home Office in the media (blog.gov.uk)

13 Home Secretary launches Windrush Compensation Scheme – GOV.UK (www.gov.uk)

14 The Home Office’s call for evidence was published on 10 May 2018 and closed on 8 June 2018: <https://www.gov.uk/government/consultations/windrush-compensation-call-for-evidence>

15 Windrush compensation consultation – July 2018 (publishing.service.gov.uk)

Since the scheme's launch, several reviews have been carried out which have, without exception, been critical. The department responded by making changes to improve the scheme's operational effectiveness and the service to claimants. In October 2020, it changed all categories of claims to operate on the lower civil standard of proof – that is, on the balance of probabilities.¹⁶ In December 2020, further changes were made with the aim of:

- increasing the minimum award from £250 to £10,000 for anyone showing an impact on their life under the terms of the scheme
- increasing the maximum award that an individual can receive for impact on life from £10,000 to £100,000, with options for even higher awards in exceptional circumstances
- increasing the impact on life payments at all levels
- introducing a new early payment so that as soon as impact on life is shown under the terms of the scheme, the minimum £10,000 payment is made
- revising the loss of access to employment category, including removing the 12-month cap on payments in all circumstances

On the basis of the documents I have reviewed, I can see that, following widespread feedback, the December 2020 changes were brought about quickly and as a result of the work of officials, input from ministers and the WCGWG.

In July 2021, following consultation with stakeholders, the department made changes to the application process, with the aim of making the primary claim form easier for claimants to complete and easier for caseworkers to process. The department also announced that the Windrush Compensation Scheme will remain open until at least 2023 to ensure that those who are eligible are not prevented from making a claim.

As of April 2021, the department has lowered its internal planning assumption for eligible claims to the scheme from 11,000 to between 4,000 and 6,000, which has been approved by the Permanent Secretary and acknowledged by the Home Secretary. However, concern has been raised by external stakeholders, who have asked for an explanation of why the department has reduced the number, and assurance that claims will not be affected. The NAO's original estimate was that there would be 15,000 eligible claimants. Yet the department's lower planning assumption was based on the numbers of claimants who had so far applied under the scheme and projections from current volumes, rather than seeking to understand the reasons for the disparity. The department accepted that it did not have a good understanding of the reasons for the disparity between those applying to regularise status and those applying for compensation.

It is unclear why a decision was originally not made to automatically notify those who had successfully applied for status under the Windrush Scheme that they might also be eligible for the Windrush Compensation Scheme. But I strongly recommend that the department considers retrospectively notifying those whose status has been confirmed through the scheme (then called the Taskforce) as a means of proactively raising awareness of the scheme. I understand that the department has very recently added retrospective notification to its communications campaign, which should complement its future engagement activities but does not alter the length of time between my original review and this recent decision being made.

¹⁶ The lower civil standard of proof – that is, on the balance of probabilities, means that caseworkers consider if it is 'more likely than not' that the losses and impacts being claimed have been incurred. Caseworkers no longer consider some categories such as loss of employment by using the higher criminal standard of proof i.e. 'satisfied as to be sure'.

Every month, data for the Windrush Compensation Scheme is published on GOV.UK.¹⁷ As at January 2022, a total of 3,490 claims had been received since the scheme's inception, with a decision yet to be reached on 1,835 claims. Currently, 386 claims are over 12 months old, with just under half of these (179) being over 18 months old. The cumulative amount offered in compensation is £43,286,601.16, of which £36,342,263 has been paid in respect of 960 claims. The scheme includes 1,687 referrals to the Claimants Assistance provider.¹⁸

I have also considered a small sample of compensation claims made since the December 2020 changes. The results were mixed. They showed that the changes have had a positive effect on claims in some cases, both in terms of increasing the amount of some individual compensation payments and the speed with which these were awarded. There were also examples where caseworkers had proactively increased the amount offered to claimants as a result of the December 2020 changes and had exercised their discretion appropriately.

However, issues were seen in other cases, including:

- not always signposting vulnerable claimants to other services that can offer them non-monetary support
- in some cases, sending repeated requests to claimants for information, despite the October 2020 change enabling caseworkers to apply the lower civil standard of proof
- in some cases, making preliminary payments quickly, only for claims to be subsequently delayed
- not updating claimants on the progress of their claim, sometimes with no communication over a long period of time
- a relatively high number of Tier 1 review decisions within the sample I reviewed were successfully overturned – I note the department states this proportion is not, on their own figures, reproduced across the wider number of claims, but I have not reviewed each of those files as that would have been outside my terms of reference¹⁹
- questions over the efficiency and effectiveness of quality assuring every casework decision

¹⁷ [Windrush Compensation Scheme data – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/windrush-compensation-scheme-data)

¹⁸ [Windrush Scheme: get a document showing your right to be in the UK: Windrush helpline – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/windrush-scheme-get-a-document-showing-your-right-to-be-in-the-uk)

¹⁹ The first stage of a review process for those dissatisfied with their compensation offer, conducted by dedicated staff who will not have played any role in assessing the claim prior to the review.

In addition, individuals and groups raised concerns to me about various aspects of the scheme, which related to: the complexity of the application process, the inadequacy of the length of time available to seek help from the outsourced provider, the delays in claims being processed (one person I spoke to told me they had been waiting two years for a decision), and a lack of empathy on the part of the decision makers (another person said they had applied on behalf of a deceased relative and their application had been refused). Others spoke of what they regarded as the unfairness of having to explain how they had been affected by the scandal, which they saw as unnecessary. They described the experience as being asked to relive the trauma of their experiences, which they considered was contrary to the spirit of a scheme that had been set up to provide redress to those affected. Further details are set out below.

I had the benefit of visiting members of the compensation team and seeing how they work. The team is developing its own performance management framework, which will enable it to identify potential blockages in the system and the stages at which delays occur during the application process, with a view to reducing delays and increasing efficiency and effectiveness. I was also able to see the approach adopted by some members of the team, and I met a number of dedicated members of staff.

However, concerns about the quality of casework persist, as the results of my external call for evidence and the various external reviews of the scheme indicate. Although I examined a small sample of cases, the review showed that there remain inconsistencies in the way that claims are considered and progressed, which does not improve the experience of claimants. This, in turn, can affect the public's perception of the scheme.



Views on the Windrush Compensation Scheme

People who have engaged with the scheme

“Ridiculously difficult, needlessly so. I was an early applicant, so the forms were long and hard to complete, as much emotionally as physically. I have been waiting 920 days for two claims.”

“This process is traumatic. It should be a simple admin process, and also the way they are treating people – there is still no compassion being shown. It’s very corporate.”

“Chaos is what I can say. I don’t think some of the staff from the helpline knew what the Windrush saga was about. I gave up for two years. I have just put in for a claim. I became ill. Stress was too much.”

“There didn’t seem to be a rush or sense of urgency from the people who contacted me. And I was contacted a number of times by different people and often asked for the same thing. That process seems to waste a lot of time. In the end, I kind of felt like I wasn’t believed. They sent for more and more information, I sent it. It was almost as if they ... yeah, I wasn’t believed. In the end, I said I feel like a criminal, making me feel like this didn’t happen. The information I submitted was everything they were after, but they seem to just do ‘tick, tick, tick, sorry you don’t qualify’.”

“The caseworkers had very strict criteria for the evidence they would require to satisfy each award. This information isn’t shared with us and therefore it becomes a game of back and forth, sending your caseworker any and everything you can get your hands on in the hope that something will tick the necessary box.”

“... it was not straightforward or easy to navigate because the form was very long and complicated. I was expected to produce evidence from decades ago. I had to go to a lawyer to help me fill out the paperwork.”

“I just found it very stressful, I wanted to give up so many times.”

Home Office officials

“There is now some pace in responding to compensation claims, but again it was slow to provide adequate response and funds. This was only achieved as a result of complaints, scrutiny and attendance at public accounts committees, but shouldn't have had to do this to enhance the offer and how we respond to demand.”

“While the starting points for compensation have since been revised, our approach does not scream ‘righting the wrongs’ or compassion, but ‘how little can we get away with paying out’. Forcing victims to go through a second fight for compensation after fighting for their statuses is a devastating insult.”

“Someone from the team will look at the form. If it is incomplete, they will try to establish if there is a problem ... they will try to provide as much information as possible to the customer.”

“The training is more tailored. For example, on training days, in the morning the training is written based and the evening is practical. The new recruits are clearer on what to do.”

“The scheme was vaunted as an action to right the wrongs. Very little compensation was issued until a spotlight was shone upon it. My personal opinion is that the department's response to the WLLR has been to ‘be seen’ to be doing something.”

“Positive changes have been made [to the compensation scheme] but too little, too late.”

“Righting the wrongs is working now, but initially our response was painfully slow and not well resourced.”

People who have provided support to those engaging with the scheme (including civil society organisations)

“Going through the helpline process was positive: the support and help they received has been good and we have seen some successes. However, when it comes to the compensation stage, it has been less positive: there have been delays, not proper communication with the individuals who are waiting to find out what happens. An initial letter is sent, but people can be kept waiting more than six months with no update.”

“In my opinion, in the absence of professional or legal advice, claimants are potentially vulnerable to accepting incorrect or misleading information, and/or accepting offers that do not adequately reflect impacts experienced.”

Recommendation 5

Be more proactive in identifying those affected

The Home Secretary should accept and implement the National Audit Office (NAO)'s recommendation that: "The department should be more proactive in identifying people affected and put right any detriment detected. It should consider reviewing data on other Commonwealth cases as well as Caribbean nations", or such agreed variation to the recommendation as is acceptable to the NAO. In doing this work, the department should also reassure itself that no one from the Windrush generation has been wrongly caught up in the enforcement of laws intended to apply to foreign offenders. The department should also take steps to publicly reassure the Windrush generation that this is the case.

This recommendation refers specifically to the NAO report, 'Handling of the Windrush situation' (2018).²⁰ This considered how the Home Office managed the impact of its immigration policies and in particular, "whether long-running problems with the way the Home Office handles information and immigration casework may have contributed to the situation" (page 2).

The recommendation is not only about the Windrush Scheme or Windrush Compensation Scheme but is more broadly concerned with the department's attempts to identify (by its own efforts) individuals affected as members of the Windrush generation and who have suffered detriment.

At the time of the NAO's report, the Home Office had carried out a historical cases review which had focused only on the Caribbean and no other Commonwealth nations. It had set up what became known as the Windrush Scheme to help individuals who were in the UK by 1988 obtain documentation to establish their right to reside.

As set out in my original review, the Windrush generation extended beyond those who acquired British citizenship automatically, and included those who held citizenship of the UK and Colonies (CUKC) status before 1973 and who either remained in the UK or had returned to the UK when the 1981 British Nationality Act came into force. In particular, CUKC citizens who had a right of abode in the UK became British citizens under section 11 of the British Nationality Act 1981 upon commencement of that Act. The position of their children would not necessarily, under nationality law, have been the same as their parents. Others, within my definition of the Windrush generation, who held CUKC status in 1981 but lacked the right of abode had a time-limited right to register until 1988. Others who held CUKC status in 1973 and then lost it when their country of origin attained independence, but who remained in the UK and had right of abode, had the right to register as British citizens after the 1981 Act.

It should not be assumed that all those in the Windrush generation are currently British citizens under nationality law. Nor should it be assumed that **Recommendation 5**, or the NAO's 2018 report, only required the Home Office to provide registration-based routes for those who come forward to register. The recommendation focused on the steps the Home Office should take to actively identify people affected, including those wrongly caught up in provisions for foreign national offenders – some of whom could have been British under section 11 of the British Nationality Act 1981 at the time of deportation, who could not lawfully have been subject to deportation at all. If those individuals were deported, steps should be taken to identify them abroad.

²⁰ <https://www.nao.org.uk/wp-content/uploads/2018/12/Handling-of-the-Windrush-situation-1.pdf>

Addressing detriment is not specifically a reference to financial compensation (although in some cases money compensation will address detriment). Detriment caused to an individual from the Windrush generation might indeed have financial consequences capable of compensation, or it might require more practical steps to be taken to resolve it.

The Home Office response has considered **Recommendation 5** as falling in two separate parts.

- a. The Home Secretary should accept and implement the NAO's recommendation that: "The department should be more proactive in identifying people affected and put right any detriment detected. It should consider reviewing data on other Commonwealth cases as well as Caribbean nations" or such agreed variation to the recommendation as is acceptable to the NAO.
- b. In doing this work, the department should also reassure itself that no one from the Windrush generation has been wrongly caught up in the enforcement of laws intended to apply to foreign offenders. The department should also take steps to publicly reassure the Windrush generation that this is the case.

However, the two parts of the recommendation are linked, in that the first half of part (b) arises out of part (a): the department's work in proactively identifying those affected and subject to detriment should enable them to identify whether members of the Windrush generation were wrongly caught by the foreign national offender provisions. Those individuals are less likely to apply to the Windrush Scheme (being outside the UK if deported) or the Windrush Compensation Scheme (from which they might be excluded due to the criminality provisions) but would, if British as of right and subject to deportation powers which required them not to be British nationals, have suffered detriment from unlawful decision making.

It is only possible for the department to reassure itself of the impact of its historical decision making if it has retained records which are reviewed. This recommendation does not refer to the historical cases review specifically (although the 2018 NAO report does). It is apparent from the documents I have reviewed that the data kept by the Home Office is incomplete, so it is not possible for any department to be reassured that no one had been caught up. This does not mean that it would be outside the scope of this recommendation to consider how to identify such individuals (for example, those with British nationality as of right under section 11 of the 1981 Act) who have faced deportation action prior to 2018.

It falls outside the scope of my review to assess whether the coverage of the Windrush Scheme or Windrush Compensation Scheme would catch all those affected. The department has eligibility criteria for both schemes. However, I note that these criteria are not the same as my definition of the Windrush generation (see WLLR page 24). Also, these criteria have not remained static for either scheme over time.

There is also a link between the steps which can be taken to reassure the Windrush generation and the steps taken to promote the two schemes. However, this activity needs to recognise that there is not an exact congruence between the Windrush generation and the express scope of those schemes.

Evaluating the CIP

The CIP states that:

“We interpret this [recommendation] to mean that we should ensure that anyone who is eligible for support (through the Windrush Scheme or the Windrush Compensation Scheme) is aware and knows how to access it. We need to do all we can to proactively identify people who do not have the documentation to evidence their lawful status and to promote the Compensation Scheme.

“... We will continue to carry out extensive engagement activity, based on a rigorous analysis of data. We have taken significant action to identify and reach out to people who may have been affected as set out in our response to Recommendation 4.

“We continue to work with the Windrush Cross-Government Working Group to ensure we are reaching out to a large audience, not only to those who have been impacted but friends, family and community leaders, who can help spread the message, which is why the communications campaign is so important.

“We continue to work with the National Audit Office on our approach to this recommendation.” (CIP pages 17-18)

There is also an explanation of why poor or missing data meant that the historical cases review could not identify all people affected by Windrush issues.

The CIP is therefore limited to positive reliance on the Windrush Scheme and Windrush Compensation Scheme and its outreach work through the WCGWG. In this sense, it partly meets the recommendation but cannot completely meet it.

Progress on the recommendation

The department has reported this recommendation as closed.

The work carried out to promote the Windrush Scheme and Windrush Compensation Scheme is welcome, and I have seen evidence of significant outreach and communications campaigns from August 2020. I have also seen the research carried out using Census data to identify individuals from non-Caribbean Commonwealth countries who might not be aware that they are eligible for support, and research into issues of hesitancy which informed the new campaign. I have been informed that 128 different nationalities have applied to the schemes, suggesting they are attracting applications from those whose heritage lies outside the Caribbean.

While this is positive, the measures can only assist those within the material scope of the schemes and those willing to take the first step, as both require the individual to apply. I have seen information on the retrospective notification the department has just started doing where it writes to individuals who have been granted status, so who are already on its own records, to encourage applications. This is a positive step.

I note that the department has corresponded with the NAO to ask for confirmation of its compliance with this recommendation. The NAO confirmed in October 2020 that it was content with the department’s approach, which aligned with the original intent, and that it would like to be kept up-to-date on the progress of evaluating the impact of implementing the plan which the department set out in 2020.

In relation to the second part of the recommendation, the self-assessment states: “There is no way to reassure ourselves further on this without a case-by-case examination of a bigger sample of criminal cases to get further clarity on the number of people who have appealed their deportation, on what grounds and whether they were successful.”

It goes on to say: “To understand the scale of the problem would require a manual trawl of the criminal case files. This would be a significant amount of work to dedicate to people who have committed criminal activity, it would be a time-consuming and expensive exercise ... [and] we do not expect this would find many eligible individuals.”

It concludes by confirming that the department should “... dedicate time and resources to continue with our Windrush outreach and engagement activities both in the UK and through High Commissioners overseas, to raise awareness of the Windrush schemes and encourage those who feel they were wrongly impacted to come forward”.

It therefore appears that there has been a conscious decision to focus on those who have eligibility for the Windrush Scheme and Windrush Compensation Scheme.

While I accept that the Home Office is unlikely to be able to assure itself that no one has been wrongly caught up in foreign national offender provisions, I was not provided with information on the possibility of carrying out a dip sample of deportation action cases for those removed to Commonwealth nations, where the individual might have been a British citizen or had an entitlement to British citizenship.

I therefore conclude that this recommendation is partially met.

Recommendation 6

Implement a learning plan on UK history

The Home Office should:

- a. devise, implement and review a comprehensive learning and development programme which makes sure all its existing and new staff learn about the history of the UK and its relationship with the rest of the world, including Britain's colonial history, the history of inward and outward migration and the history of black Britons. This programme should be developed in partnership with academic experts in historical migration and should include the findings of this review, and its ethnographic research, to understand the impact of the department's decisions;
- b. publish an annual return confirming how many staff, managers and senior civil servants have completed the programme.

In assessing progress on this recommendation, I would expect to see that:

- the department has implemented a comprehensive learning and development programme for existing and new staff, developed with academic experts
- the programme includes the findings of the WLLR to improve understanding of the impact of the department's decisions
- each year, the department publishes details of the training courses attended, the number of people completing them and completion dates, with ongoing support following the programme
- the department evaluates the training to make sure it is having the desired effect, and uses the feedback to improve the materials
- the department publishes (at least internally) the historical guide it outlined in the CIP, to identify the roots of the Windrush scandal

In my original report, I identified further training needs for the department's officials and decision makers on history, specifically of immigration law and how the statutes have been amended over the years, and on the scope and application of equality law, especially indirect discrimination, race, the exclusions from the Equality Act 2010 and the PSED. This is covered in Recommendations 11, 12 and 29.

Evaluating the CIP

In the CIP, the department commits to working with experts to devise and roll out a training programme for all staff by June 2021, and to publishing completion rates. In the meantime, the department has provided historical talks to staff and commissioned an historical guide to the origins of the Windrush scandal.

The plan for achieving this recommendation is adequate.

Progress on the recommendation

Despite the department's commitments to develop and distribute a comprehensive learning and development programme, the process has not been straightforward. At the time of writing, the formal programme still has not been implemented.

However, I consider that the department has produced a range of training and developmental materials and it can, with some justification, claim to have provided opportunities for its workforce to learn informally about aspects of the history of the UK, migration and the roots of my original review. The department has hosted interactive staff events aimed at raising awareness and developing knowledge. Examples include sessions by local businesses and educational organisations such as the Windrush Foundation, the West India Committee and the Home Office History Network.

I have also been impressed by the efforts of local teams across the department to fill the knowledge gap. Notable examples include the Immigration Enforcement team and the work of the Race Action Plan team, who have created opportunities for staff to listen to and learn from external speakers, including events to commemorate Windrush Day, Black History Month and South Asian Heritage Month. This work is commendable and demonstrates an appetite for learning and hearing perspectives from outside the department.

The department has launched a Windrush learning hub on its internal intranet (Horizon) for staff to access a range of resources. The hub contains a variety of learning aids covering each of the five themes in the CIP, including a page on 'building historical knowledge and awareness'. The page contains links to a selection of primarily external historical resources.

This provision is a positive step and is evidence of the department's ambition to become a learning organisation. But visits to the 'building historical knowledge and awareness' part of the site are low (there were 163 visits as of February 2022), which suggests that the department may need to be more proactive in encouraging people to use the resources. It is also disappointing to see minimal evidence of the positive internally generated content I saw during my revisit being made available on the hub, such as the immigration history guide (see **Recommendation 11**), the 'Historical roots of Windrush' report and recordings from external speakers.

The resources rely on self-directed access to the material, which means the department has no way of measuring their impact or the extent to which they are used to create bespoke learning packages for individuals, specialist teams or different grades. It is therefore essential that this informal learning provision is supplemented by a formal learning programme, of the nature envisaged in this and other recommendations (**Recommendations 11, 24 and 29**).

As a preparatory step, the department carried out a training needs analysis, canvassing all staff about their learning and development needs. Only 395 people (just over 1%) completed the survey. Nonetheless, the resulting blended learning programme, developed with academic experts in historical migration, is comprehensive. It includes Britain's colonial history, the history of inward and outward migration, black Britons and the findings of my review. At the time of my revisit in December 2021, the programme was yet to be rolled out and was only in the piloting phase. This meant that draft content in the form of online, self-directed learning was only being tested with small numbers of staff of different grades across the department.

The delay to the roll-out of the internal training appears to have arisen out of a failure to resolve the difference of opinion between those who wished to refine the quality of the training before introducing it, and others who recognised the benefits of providing it more quickly and refining it as it was rolled out. The delay means that the department has not fulfilled the recommendation. Launch of the programme is due within six months, and new and existing staff will still have to wait some time before they can benefit from the training course and learn about this important aspect of history, although informal materials are available.

The minutes from the January 2022 Windrush steering group meeting confirm that feedback from the pilot has resulted in further changes to the content of the learning provision. No date for rolling out **Recommendation 6** was agreed, other than that it was likely to be after the roll-out of **Recommendations 24** and **29**, and all were contingent on ministerial feedback. This suggests that the delays caused by refining the content in pursuit of the gold standard during the formative stages of development have been counter-productive, as the programme has been paused during the piloting stage. Again, the delay in progress will hamper the department's attempts to improve service provision and operational practice, which it accepts are essential to making the necessary improvements.

The department states it has comprehensive proposals for evaluating the programme's success and benefits, but I have not seen details of this. The priority must be to commence the roll-out of the programme without delay.

The department also commissioned an historian to produce a comprehensive 'Historical roots of the Windrush scandal' report, which could have helped staff develop their historical awareness in the absence of the training programme. I am disappointed that, despite having been signed off in March 2021, it has yet to be published internally as at February 2022.

As the formal programme has not yet gone live, it is not possible to assess its impact on existing staff. While the content of the course is both instructive and informative (and has received positive feedback from the majority of those who have taken part), the reliance on self-directed online content, rather than blended content which combines individual input with group and face-to-face interaction, could limit its effectiveness. I understand that the department is now planning to introduce a virtual **Recommendation 6** workshop in response to feedback from the pilot. Some members of staff questioned the department's decision not to make the course mandatory. In the absence of a comprehensive delivery plan for rolling out the department-wide provision, or for monitoring and publishing attendance levels, the department will continue to struggle to assure itself that this recommendation is producing the anticipated benefits that are required.

I am therefore disappointed that, despite some examples of good practice in a number of business areas, this recommendation is not met. The wider training package, which also covers **Recommendations 24** and **29**, is designed to reach all 38,000 of the department's staff, so its implementation is integral to the plans for achieving a cultural shift. I would encourage the department to proceed with the roll-out of the training plan without further delay while improving it.



Recommendation 16

Establish a repository for recommendations

The Home Office should establish a central repository for collating, sharing and overseeing responses and activity resulting from external and internal reports and recommendations and adverse case decisions. This will make sure lessons and improvements are disseminated across the organisation and inform policy making and operational practice.

In assessing progress on this recommendation, I would expect to see that:

- the department has established a central repository
- the lessons learned and improvements made are informing policy making and operational practice

Evaluating the CIP

The CIP commits to building on work that the department was doing before my review. It refers to testing and piloting software which would provide a central repository for externally and internally generated recommendations, and roll-out was due to start in late 2020. By September 2021, recommendations from key external and internal sources would be uploaded to this repository. Staff would then be able to monitor and respond to management information relating to recommendations across the Home Office.

The CIP indicates that the department also hoped to create an analytical capability to identify outputs, including lessons and themes for improvement, and to develop the means to connect outputs to Home Office boards, committees, networks and teams.

The CIP is adequate for achieving this recommendation in so far as it relates to recommendations and reports, but it omits any reference to adverse case decisions. These can be important, especially if they result in policy or legislation changes. Building and maintaining an institutional memory is also useful, as this helps avoid mistakes being repeated or missed in the future.

Progress on the recommendation

The department started the main phase of roll-out for its management of risk governance and assurance network system (MORGAN) in June 2021. In time, it will be the department's main solution for tracking recommendations, replacing current Excel and PowerPoint solutions.

All the WLLR recommendations are being managed and monitored on MORGAN. With the recommendations from other sources, there is currently a total of 192, with the possibility that thousands will need to go onto the system. The transition of active recommendations from other sources, such as second line assurance functions in borders and enforcement and customer service capabilities, was set to follow by early 2022.

Recommendations are added to the system by source, not command, so they can cut across several teams. Users (called report coordinators) can rapidly see the status of recommendations and easily access more details. They have several fields available for updating recommendations they are overseeing, but only three are mandatory. This is a decision taken to encourage use of the system and avoid it being seen as too bureaucratic.

The system has wide-ranging functionality that is not fully used, such as dashboards containing management information about progress made against recommendations. The assurance and governance unit administering the system is promoting the dashboards and encouraging report coordinators in the teams whose recommendations are in the system to use information from the dashboards in their management information packs, to maintain focus on progressing recommendations. Reviewing bodies are also being encouraged to use the system to check the recorded progress on recommendations they have issued.

The current roll-out plan was set to end in January 2022, followed by further work to embed the system after this date. Overall, it is still too early to say how MORGAN is contributing to wider changes in the department, but it is clearly beginning to be used to manage and monitor the WLLR's recommendations, which is promising.

That said, the focus on recommendations, sometimes to the exclusion of the underlying report and the reasons behind those recommendations, is likely to be unhelpful. A narrow focus on the wording of some recommendations and the department's rebadging of them under its own themes has led, in a number of areas, to aspects of those recommendations being misunderstood, which has then been repeated across policy development and implementation.

Based on the evidence provided and the live demonstration, the procurement, design and implementation of MORGAN is a sound basis for what could be an effective way for the department to log, monitor and manage recommendations and adverse findings.

There is an opportunity to maximise the benefits of MORGAN by maintaining momentum, scrutiny and oversight to ensure it is used consistently. The measure of effectiveness will be the extent to which MORGAN is the vehicle for promoting learning and improvements in policy and operational practice. Therefore, I recognise the extensive work that has been done in relation to this recommendation, and I conclude that this recommendation is met.

QUALITY ACT 1981:

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PART 2:
A more compassionate
approach (theme 2)
assessment

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BRITISH
NATIONALITY ACT
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In this part, I assess how much progress the department has made in achieving ‘a more compassionate approach’, in line with the ambition set out in its CIP. I go on to individually assess progress in implementing each of the recommendations grouped and summarised by the department under this theme, which it has characterised as:

- **Recommendation 7** – review the compliant environment
- **Recommendation 14** – set a clear purpose, mission and values statement
- **Recommendation 15** – implement a programme of major cultural change
- **Recommendation 17** – develop ethical standards and an ethical decision-making model
- **Recommendation 18** – improve guidance on the burden and standard of proof
- **Recommendation 19** – improve UK Visas and Immigration (UKVI) customer contact, service, performance and assurance

2.1 Windrush Review findings

Under this theme, my recommendations relate to:

- creating the conditions for cultural change internally (**Recommendations 14** and **15**)
- individual decision-making processes (**Recommendations 17, 18** and **19**)

In my original report, I had placed **Recommendation 7** in the category of “The department and the communities it serves, including the Windrush generation”, as it concerned the assessment of a pre-existing policy (the compliant environment, considered in my Right to Rent case study in the WLLR) that had caused many members of the Windrush generation harm and distress.

There is some linkage between the three separate areas covered by these recommendations.

- My case study on the Right to Rent provided part of the evidence for my finding that the department would need to not only change its processes, but also undergo a more fundamental cultural change at the individual decision-making level and at the level of policy development (WLLR page 145).
- In my original report I was concerned that, in developing the compliant environment measures, the department had not fully considered the impact on potentially at-risk or vulnerable groups. Although aimed at those in the UK “illegally” (WLLR pages 70 and 140), it had a devastating impact on the Windrush generation who were in the UK legally – many of whom were British citizens but did not have the documentation to prove that. I observed that the department “did not consider the interaction between the measures, Immigration Enforcement action and wider government policy ... nor did it adequately address equalities issues, including the potential for discrimination” (WLLR page 140). I found little evidence that the department was assessing the effectiveness of the compliant environment measures and whether they were achieving the policy aims.
- Those who have secured documentary evidence confirming their immigration status or British citizenship can demonstrate that status, and thereby ‘comply’ with the compliant environment. In my original review, I spoke of those from the Windrush generation who had faced difficulties obtaining the documentation or had been wrongly refused by the department, meaning they couldn’t access services that required evidence of their status, such as banks, schools, universities, DVLA for driving licenses, the NHS and pension benefits (for example, Mr B on page 26 who lost his job in 2014, then lost his home and had to access his pension early).

- At the individual case working level, and not only limited to those in the Windrush generation, I also found widespread misapplication of the burden of proof for applications. In our analysis of the 164 case files, there was “evidence that the Home Office had set the standard much higher [than the balance of probabilities], asking people for evidence for each year that they had lived in the UK ... and in some cases more than one document per year” (WLLR page 98). I found the fact that such a practice was adopted, but its origins were unknown, was “indicative of the culture of the department” (WLLR page 98).
- I also found failures to exercise available discretion. Staff made discretionary decisions by “completing a checklist rather than by assessing or evaluating an application, and the rationale for the ultimate decision was rarely recorded” (WLLR page 106).
- I noted a lack of compassion in how the department undertook some immigration casework. Examples included placing an unjustifiably excessive burden of proof on some people, which in some cases caused the loss of homes, jobs, education and recoupment of benefits. The unnecessary delays to cases, the failure to provide updates and the wrong decisions made also created anxiety for individuals. There seemed to be many underlying causes for these injustices, ranging from a lack of exercise of pre-existing discretionary powers in decision making to a lack of appropriate training and supervision, as well as a general lack of empathy for those at the receiving end of the service.
- Looking more generally at the policy level, I observed that while the department had commendable aims to protect vulnerable people and communities, it needed to be satisfied that it knew who ‘the vulnerable’ were. The department, and everyone in it, should have a strong sense of its purpose, mission and values, and I concluded that there needed to be a clearer explanation of how they translate into the everyday responsibilities of all members of staff (WLLR page 143).
- I also identified that early warnings had been missed, which could have spotted the problems encountered by members of the Windrush generation sooner. Those who worked in Home Office contact centres told me they remembered receiving calls from individuals in the Windrush generation who had been unable to secure the documentation required to avoid being caught by the compliant environment from as early as 2009 (WLLR page 37). I found that by 2015, “the department was still treating cases on an individual basis and not making links between them” (WLLR page 38).
- I identified further gaps in learning and understanding. For example, in 2015-2016, at the same time as many of the compliant environment measures were in development or had recently been passed, “there was little understanding in Her Majesty’s Passport Office about the status of Commonwealth citizens settled here pre 1.1.73” (WLLR page 38). I set out a summary of how “successive pieces of immigration legislation have created a layering effect that has shaped the complex and varied experiences of the people who the laws affect” (WLLR page 81-82), which forms the basis of my recommendation on the importance of a learning culture.

A lack of compassion in decision making at the individual and policy levels was not the only finding which provided the foundation for these recommendations. There were deeper issues which went further to the “context and culture” that the department operated in (WLLR page 71). For instance, in my summary to Part 1, in which I explained “what happened, when and to whom”, I said:

“Taken individually, it is arguable that the warning signs covered in this section might not have been enough to have identified the Windrush generation as a specific at-risk cohort. But these warning signs must be set alongside other factors, including the finding that the department had institutionally forgotten the implications of the 1971 Immigration Act. And, while the ‘group instruction’ demonstrates that there was some knowledge of the wider at-risk group, the evidence ... shows the department paid insufficient attention to the warning signs that related even to this wider group; this information was not properly considered in the policy analysis for the hostile environment.” (WLLR page 44)

In Part 2, I set out my findings on why the scandal happened. This included my finding that the history of the Windrush generation had been “institutionally forgotten”, and also that:

“... driven by strong political intent, key elements of immigration policy were developed without adequate consideration of their possible impacts ... which, combined with Home Office processes and operating culture, both heightened the risks faced by the Windrush generation and inured the department to mounting evidence of harm done.” (WLLR page 49)

The Windrush generation had not been identified as a cohort affected by the compliant environment legislation when impact assessments were carried out for the 2014 and 2016 Immigration Acts (WLLR page 80).

At the time of my report, I found some evidence of progress: a policy assurance framework, a toolkit, and the development of some senior officials and ministers’ insight. There had started to be more understanding of the benefits of providing face-to-face support and “front end service points” (WLLR page 129). However, I recommended that a more fundamental cultural change was needed, as those measures were incomplete and unlikely to have addressed the causal factors identified.

2.2 The department’s response

In the CIP (page 8), the department states that in order to be more compassionate, “we will ensure that we put people first, and that our work takes proper account of the complexity of citizens’ lives, so that we make the right decisions.” It goes on to say that: “When people interact with the department, regardless of decision outcomes, they will receive a good customer experience rooted in respect, dignity and humanity.”

It is encouraging to see the commitments made in the CIP and self-assessment to carrying out a cultural change. In many areas, there is a stated intention to go beyond the recommendations related to this theme and address issues at the policy development level and at the individual decision-making level. The department also commits to go further with the work being done by its UKVI chief caseworker unit (CCU) and its Immigration Enforcement safety valve mechanism.

Many initiatives had already been completed by the time the CIP was published, which included establishing the professionalisation hub with a remit to design training, professionalise its delivery and encourage self-directed learning among all caseworkers. It also included launching the 'Face behind the case' training package for migration and borders and other staff, as part of a wider effort to put the customer at the heart of everything the department does. The training encourages staff to give customers a named contact and regular updates throughout the immigration application process or other contact with the department. The CIP (page 21) says:

“Our ambition is to create a fundamental shift in the culture of the department to ensure that the interests of the communities and individuals we serve underpin how we work every day.”

“We need to be balanced and fair with the people we interact with and give the department a human face. We need to understand the diverse parts of our community, including the most vulnerable in society.”

This shows that the department recognises the importance of adopting a more compassionate approach. The CIP also demonstrates an understanding of how implementing the recommendations referred to under this theme will contribute to achieving the department's goal. My revisit therefore provides an ideal opportunity to see in more detail the progress that has been made and the extent to which its ambitious plans are promoting the systemic cultural shift required, now and into the future.

2.3 My expectations

Like the department, I accept that it will take time to change the culture of a large organisation so it can demonstrate that it is consistently more compassionate in its interactions with the communities it serves. Nevertheless, I would expect to see some signs of progress on all my recommendations under this theme. This would include evidence that some of the intended outcomes were already being seen – for example, in relation to the quality of casework decisions, which were beginning to change internal and external perceptions.

To assess the department's progress in developing a more compassionate approach, I have considered each of the recommendations it grouped under this theme (**Recommendations 7, 14, 15, 17, 18 and 19**). I also looked at evidence gathered from a range of other sources, including:

- one-to-one conversations with people inside and outside the department
- three internal engagement events for Home Office officials
- virtual meetings with, and in person visits to, operational and policy teams
- a workshop with civil society organisations
- an external call for evidence
- an internal call for evidence to obtain staff feedback

2.4 Progress against the theme

It is clear from the CIP that the WLLR has been instrumental in the department making changes to its approach to decision making and trying to incorporate the lessons learned by reviewing new ways of working. The work done to implement the recommendations so far is a positive sign of the department's commitment to demonstrating it is a learning organisation and embedding a more compassionate approach in the way it carries out its functions.

Examples of action taken include:

- the Home Secretary, in partnership with the Home Office Board, agreeing a new mission for the department – “A safe, fair and prosperous UK” **(Recommendation 14)**
- publishing its ethical decision-making model following several pilots and appointing a board-level ethics adviser **(Recommendation 17)**
- producing simplified rules and guidance for over 20 routes, as a precursor to updating guidance in areas including the standard and burden of proof **(Recommendation 18)**
- developing strategies setting out how it will improve the experience of those who use its UKVI and Immigration Enforcement services **(Recommendation 19)**
- using surveys and other methods to build a picture of customer behaviours and needs when accessing and using its services, then using this insight to improve its processes and services, identify risks and early warnings, and increase customer satisfaction **(Recommendation 19)**
- the CCU review of long-running, complex cases to test whether historic flaws in decision making would be handled differently now, or whether there are previous problems which have since been resolved – the review found areas for improvement in case ownership, prioritisation of cases and communication, and proposed several recommendations that are monitored by CCU account managers in their regular meetings with the teams concerned
- the development of a new vulnerability and safeguarding strategy for the whole of the Migration and Borders Group
- a new UKVI safeguarding strategy to protect vulnerable people and communities
- a refresh of Immigration Enforcement’s safeguarding strategy

There have also been specific developments in relation to individual decision making, including:

- the review of some guidance
- a UKVI Windrush case review, with the aim of testing through workshops with caseworkers examining a sample of cases whether decision making in immigration cases has changed since the publication of the WLLR report
- the Immigration Enforcement safety valve mechanism, which comprises a team of experts to provide assistance on complex issues (not just casework-related) with appropriate handling and decision making

However, progress in reviewing key policies and guidance, including evaluating the compliant environment **(Recommendation 7)**, has been slow. Positive initiatives that are crucial to enabling change, such as the ethical decision-making model **(Recommendation 17)**, are still in their infancy and have yet to take effect. As a result, I have seen limited evidence that a compassionate approach is being embedded consistently across the department. Given its central significance to the Windrush scandal and the workings of the department, the failure to complete the review of the compliant environment policy will fundamentally hamper the department’s efforts to learn lessons and move on constructively. The department should therefore be vigilant in completing these recommendations without further delay to ensure that its strong formative work is established across the whole organisation.

I also dip sampled 13 immigration case files that the department had opened since my original review to consider whether there have been any improvements in decision making (see Annex B for details of my approach).

The case file review results were mixed. They showed that, overall, the safeguards in place work well when caseworkers use them. The department processes most straightforward applications appropriately, although sometimes with delays. But in some cases, and particularly where a case is complex, many issues previously seen in immigration casework remain. These include:

- not always giving the applicant a named contact, and not always consistently communicating with them throughout the application process (especially in lengthy cases)
- not always using discretion in decision making when it is available to a decision maker
- not always escalating cases for advice or support, even though there are mechanisms in place to do so
- escalating a case with an ethical issue after a caseworker has made and communicated a decision, thereby removing the possibility for the decision to be 'right first time'
- one case in which the CCU made the 'right' decision when a caseworker escalated a case – but by then, the applicant had already been notified of an incorrect decision (and potentially experienced distress)
- only one case in the sample involving a CCU review containing evidence of learning and transferring evidence of historic errors to the early warning team

While it appears that adequate decisions have become more likely when the CCU is involved, at present this only happens in a relatively small number of cases. Until these changes are introduced more widely, many of the issues I identified with immigration casework in the WLLR are likely to remain. Although small, my case file review underscores this point and suggests there is still some inconsistency in the extent to which caseworkers follow existing guidance, and in the way they consider ethical issues, use discretion or provide the basic essentials of customer service.

These mixed findings are also borne out by results from my external call for evidence. The majority of respondents (55%) said that in their view, the department had made little or no progress on becoming fairer and more compassionate, while 34% stated that a lot or some progress has been made. Home Office staff were slightly more positive, with 40% saying they thought the department was doing well or very well in this respect (although this figure is still low), and 34% saying they thought it was not doing well or not doing well at all.

The results from my internal engagement with members of staff provided further insight. While many participants spoke with enthusiasm about local examples where individual teams had introduced initiatives aimed at improving their interaction with the public, the overall perception was that the momentum for adopting a more compassionate approach was being driven from the grassroots, rather than in a structured way across the department. This level of frontline ownership is impressive and encouraging. But, as I've noted elsewhere, the department needs to build on this enthusiasm by identifying and scaling up local good practice, as well as integrating it into existing training and development programmes, so that local contributions can be recognised, and the benefits can be experienced across the organisation.

It is never straightforward to identify precisely when a culture has changed. As I explained in the WLLR, the problems which led to the scandal were multifactorial and its solution cannot be as straightforward as identifying one initiative, survey or training course. To its credit, the CIP acknowledges that it will not be this simple.

In terms of evidence, a senior official I spoke to noted that the purpose and values are “starting to feel like a golden thread through the organisation”. But in the internal call for evidence, an official observed: “The management encouraged staff to read all the Windrush information, to do courses on customer focus and ‘Face behind the case’ ... but in practice, all our management want is productivity. Everything is centred on numbers and spreadsheets.”

Overall, the evidence for this theme shows that the department has made progress in many areas, although there is much more to do before a more compassionate approach is embedded across all parts of the department. The next phase of implementation should therefore place a greater emphasis on people and behaviours at all levels, rather than processes, to make that culture change happen.

2.5 Theme 2 recommendation assessments

Recommendation 7

Review the compliant environment

The Home Secretary should commission officials to undertake a full review and evaluation of the hostile/compliant environment policy and measures – individually and cumulatively. This should include assessing whether they are effective and proportionate in meeting their stated aim, given the risks inherent in the policy set out in this report, and its impact on British citizens and migrants with status, with reference to equality law and particularly the public sector equality duty.

This review must be carried out scrupulously, designed in partnership with external experts and published in a timely way.

In assessing progress on this recommendation, I would expect to see that:

- a full review of the hostile/compliant environment policy and measures has been completely or substantially carried out
- the review was designed in partnership with external experts

Evaluating the CIP

The response to this recommendation in the CIP is adequate in that it sets out a clear ambition to evaluate the compliant environment properly. It also explains that, as this is a complex set of policies, the department will approach the evaluation in stages and produce a range of outputs at different times.

The department had aimed to complete the ongoing Right to Rent evaluation (which an external agency is conducting) by summer 2021 and an initial analysis of data and evidence on the compliant environment measures by October 2021. The CIP states that “long-term evaluation will be ongoing, and timescales will be determined by the outcomes from the initial analysis” (page 23).

Given the central importance of the compliant environment policies to the causes of the Windrush scandal in terms of policy formulation, development and implementation, it would be reasonable to expect the CIP to convey more urgency for this recommendation, especially regarding the impact on the Windrush generation.

Progress on the recommendation

The department's self-assessment sets out a number of interim safeguards it has introduced while its review is ongoing. It has committed to publish its review once complete.

I have seen that, to date, the department has completed a detailed discovery stage under this recommendation, which consisted of looking at:

- data availability and gaps
- policy process and outcomes
- how sanctions are applied
- existing literature and international comparisons

The self-assessment states that the department has been working “assiduously”, but that the discovery phase has “revealed an extremely complex data landscape whereby some data is held by us, some is held by other parties, and some is not held by us at all (where third parties have acted but may not have data to share and are not obliged to share with us anyway)”.

That data landscape is inevitable where a policy such as the compliant environment requires third parties (for example, landlords, employers and banks) to check immigration status and to face potential penalty, criminal sanction or loss of other status, such as sponsor status, for breach. In such a scheme, where the checks on immigration status are not predominantly carried out by the department, the individual decisions taken will not fall within the department's existing data. I find this to be entirely expected.

Notwithstanding this, I am informed that the Home Office has taken various steps to engage stakeholders, its partners, and the public regularly to receive a wide range of views on the impacts of its compliant environment policies. This includes setting up a ‘no recourse to public funds’ stakeholder forum and engaging with members of the WCGWG and the Windrush Engagement Forum to gather feedback on where information about the scope of the compliant environment measures could be clearer. The department should demonstrate how the collection of this information is informing the broader review of the policy.

During my engagement events, there was an acceptance that the recommendation would take time to implement, which was echoed in the department's self-assessment. Many referred to the challenging nature of the recommendation and expressed frustration at the lack of progress.

For example, while the department has produced detailed findings of the discovery phase along with a draft evaluation plan, I have not seen evidence that the former has been published or that the latter is being implemented. The department has also yet to publish the evaluations of individual elements of the compliant environment, such as its recent evaluation of the Right to Rent policy. The self-assessment references an intention to publish this in late autumn 2021.

I also have not seen evidence of progress on designing the review in partnership with external experts. While there are proposals for a panel of outside expert research advisers, there is no evidence that this has been put in place at the time of writing. The results of the review of the compliant environment policies remain an essential element in the department's efforts to demonstrate it is learning from past experience and adopting a more compassionate approach.

This recommendation is therefore not met.

Recommendation 14

Set a clear purpose, mission and values statement

The Home Secretary should:

- a. set a clear purpose, mission and values statement which has at its heart fairness, humanity, openness, diversity and inclusion. The mission and values statement should be published and based on meaningful consultation with staff and the public, and be accompanied by a plan for ensuring they underpin everyday practice in the department. The department should set its mission and values statement in consultation with its staff, networks and other representative bodies, the public, communities and civil society, and publish it online;
- b. translate its purpose, mission and values into clear expectations for leadership behaviours at all levels, from senior officials to junior staff.
- c. It should make sure they emphasise the importance of open engagement and collaboration, as well as valuing diversity and inclusion, both externally and internally. The performance objectives of leaders at all levels should reflect these behaviours, so that they are accountable for demonstrating them every day.

In assessing progress on this recommendation, I would expect to see that:

- the Home Secretary has published a clear purpose, mission and values statement
- the statement was based on meaningful consultation with staff and the public
- the department has translated its purpose, mission and values into clear expectations of leadership behaviours

Evaluating the CIP

The CIP is adequate in relation to achieving this recommendation. It explains that the Home Office has already set a new mission and identified four core values, alongside a plan to ingrain them as part of the Home Office's culture

The CIP also includes measures for assessing how successfully it implements the recommendation by reference to staff survey questions. It is notable that the department has consulted its staff on the mission, and records that it took into account 15,000 suggestions.

Progress on the recommendation

The department has reported this recommendation as closed.

Work began with a cultural enquiry in 2020, which sought to understand how the department's current culture is experienced by staff. It identified 'unwritten rules' that govern the way people interact with others. It also found that there are contradictory messages regarding compassion for others, as the messaging from leaders was that staff wellbeing is important, while the daily experience of staff was that they are not a priority, are not valued and are not important. The enquiry highlighted the significant risk to reputation for the department if it treats customers with the same lack of care, compassion or attention.

In partnership with the Home Office Board, the Home Secretary agreed a new mission for the department: "A safe, fair and prosperous UK" (see the Home Office Outcome Delivery Plan for details of how the department intends to deliver this mission).²¹

The department has also consulted with over 3,000 staff about the changes they want to see, using the feedback to develop four values: respectful, courageous, collaborative and compassionate. In March 2021, the department published a values toolkit on its intranet. It has since developed a 'Living the values self-assessment' and agreed a vision as part of the One Home Office transformation programme.

The department has translated its purpose, mission and values into its 'leadership for all' behavioural framework, which was published on the intranet on 30 September 2021. This sets out clear expectations for leadership behaviours at all levels, from senior officials to junior staff. It emphasises the importance of open engagement and collaboration, as well as valuing diversity and inclusion, both externally and internally.

The leadership goals set out in the framework are mandatory and form part of the department's new performance management programme. For each goal, there is a clear description of the behaviours needed to achieve it, along with success criteria. However, at the time of my assessment, it was not clear how many staff had used the goals as part of their performance management development.

Overall, the department has invested a significant amount of energy and resource in implementing the letter of this recommendation, which has brought about positive changes. It is also apparent that creating the values and mission statement has gone some way to addressing the issues raised in the cultural enquiry. In my internal call for evidence, one person told me that "the ability to have challenging conversations without getting a tag of 'having a chip on my shoulder' is improving"

I therefore conclude that this recommendation is met.

21 Home Office Outcome Delivery Plan: 2021 to 2022 – GOV.UK (www.gov.uk)

Recommendation 15

Implement a programme of major cultural change

- a. The Home Office should devise a programme of major cultural change for the whole department and all staff, aimed at encouraging the workforce and networks to contribute to the values and purpose of the organisation and how it will turn them into reality. It should also assure itself as to the efficacy of its organisational design. Outputs could include independently chaired focus groups to let staff of all grades and areas of work (particularly under-represented groups) describe their lived experience, including working within the department, and suggest what needs to change in terms of the department's mission, values and culture;
- b. The Permanent Secretary and Second Permanent Secretary should lead the process, with the support of the senior leadership, who should commit to agreeing a programme with senior-level accountability, including clear actions, objectives and timescales;
- c. The workforce and staff networks should help devise the success criteria for the programme and a senior member of the leadership team should be the sponsor for the programme;
- d. The department should invest in, develop and roll out a leadership development programme for all senior, middle and frontline managers where leadership behaviours and values will be made clear.

In assessing progress on this recommendation, I would expect to see each of the elements, a, b, c, d, implemented. I acknowledge that cultural change itself is likely to take longer than two years to complete.

Evaluating the CIP

In the CIP, the department commits to delivering a fundamental culture change while also acknowledging that this will take time. However, while the CIP refers to the steps taken to implement its One Home Office transformation programme, many of the specific elements in the recommendation are not mentioned. The CIP is therefore partially adequate.

The department proposes to carry out a department-wide culture assessment, obtaining internal and external perspectives. It proposes to design a culture change programme by the end of January 2021, which was projected to roll out by the end of 2021 and support **Recommendation 14**.

Initially, the department says it will measure success through the results of the annual People Survey. It will then review the initiatives in the finalised culture change programme to find the most effective measures for holding itself to account in the long term.

Progress on the recommendation

The department has reported this recommendation as closed.

In March 2021, the Permanent Secretary formally launched the One Home Office transformation programme. Developed with the WLLR in mind, it is a well-considered programme with a clear vision. Through its four objectives – efficient, outcomes-focused, forward-looking, and diverse and progressive – it seeks to change the department at all levels.

The programme has a clear governance and reporting structure, which reflects a commitment to creating and sustaining a cultural change. It has three levels:

- organisation – with an Executive Committee responsible for overseeing and directing the programme – there is also an Executive Committee Challenge Board which effectively challenges matters put before the Executive Committee
- programme – with a Transformation Board that oversees how the department implements and runs the programme
- initiative – with various boards and forums to implement the different strands of the programme

The department launched and embedded One Home Office through a series of events for all staff in March, June and September 2021 and for the SCS in January and March 2021. Total attendance rates were 18,600 and 480 respectively, and a small proportion of attendees at the all-staff events (4%) completed a survey. The findings showed that awareness of One Home Office and why it is needed continues to grow. Enthusiasm for the programme has remained relatively consistent since its launch, with 45% of staff agreeing or strongly agreeing that they feel enthusiastic about the programme following the March event, compared to 42% of staff following the September event.

In November 2021, the department rolled out One Home Office Connect to encourage creative discussions and normalise healthy debate and challenge. The attendance figures provided by the department showed that initially, uptake of the initiative was low. But as the roll-out is relatively recent, it may take some time for the numbers to grow.

There are already some signs of a slight cultural shift. One minister described seeing more submissions that considered the impact on the person (“faces not cases”). One senior civil servant I spoke to thought that, overall, the last couple of years had seen the most significant shift in accepting that the culture needs to change and investing resources into making it happen.

But there remain different views, both inside and outside of the department. Attendees at senior and mid-grade staff engagement events believed there was an issue with staff being comfortable to challenge, particularly at lower grades. Others referred to examples where they considered the department still adopted the target-driven approach which was a feature of the approach to casework seen at the time of my original review. External organisations considered that the necessary cultural and systemic changes will not take place until attitudes shift at senior and ministerial levels.

The department has invested time, energy and senior-level support into implementing this recommendation. At the time of writing, there is evidence that things are heading in the right direction. But, in light of the above indicators, the department needs to maintain the momentum and address some of the continuing concerns expressed internally and externally, and gauge opinions regularly, if it is to achieve the desired change and address the underlying factors that I identified in my original review. Unless the department regularly evaluates progress against specific and challenging success measures, there is a risk that the programme could fade away and not have the necessary impact.

For these reasons, I conclude that this recommendation is partially met.

Recommendation 17

Develop ethical standards and an ethical decision-making model

The Home Office should develop a set of ethical standards and an ethical decision-making model, built on the Civil Service Code and principles of fairness, rigour and humanity, that BICS staff at all levels understand, and are accountable for upholding. The focus should be on getting the decision right first time. The ethical framework should be a public document and available on the department's website. A system for monitoring compliance with the ethical standard should be built into the performance development review process.

In assessing progress on this recommendation, I would expect to see that:

- the department has developed a set of ethical standards and an ethical decision-making model
- staff across the Migration and Borders Group are accountable for upholding the standards
- the ethical framework is available on the department's website
- there is a system in place for monitoring compliance with the ethical standard

Evaluating the CIP

The CIP sets out how the department will develop, roll out and publish a model for ethical decision making. This will include creating a route for escalating questions related to ethical issues, with the aim of helping staff get the decision right first time. It also explicitly links the model to the Home Office values (see **Recommendation 14**, now reported by the department as closed). The CIP commits to the creation of a Young People's Board to learn lessons from. The CIP refers to success measures (an increase in the number of cases escalated by staff and a decrease in the number of immigration cases that the tribunal and courts overturn on appeal), although it is unclear how it will support and empower decision makers to use them, or what the wider framework will be to ensure that members of staff can escalate concerns with confidence.

For these reasons, the CIP is only partially adequate.

Progress on the recommendation

The department has reported this recommendation as closed.

The department has piloted two ethical decision-making models:

- in Border Force – ‘Is It right, is it OK?’
- in the rest of what was the borders, immigration and citizenship system (BICS): 10 pilots of the reflective supervision model, which the department states is designed to reflect the wide range of decision making that takes place

It then rolled out a formal model towards the end of my revisit in January 2022. As agreed, the department has published guidance on GOV.UK. But the document is brief and lacks the context of the ‘leadership for all’ behavioural framework (**Recommendation 14**), while the ethical framework is somewhat incomplete. Longer guidance for policy officials has been available for decades on the department’s intranet for individual case decisions, but it is not always referred to.

Soon after launching the ethical decision-making model, the department appointed a board-level ethics adviser. Part of their remit is to annually report to the Executive Committee on the status of ethics in the department, including suggesting improvements. This is a positive step and shows a clear commitment from the department to embed ethical decision making into normal business. But as both the model and the appointment have only recently been announced, it is too early to measure their impact.

The department would therefore benefit from carrying out a wholesale review of how it will measure and record qualitative and quantitative changes, as well as the impact of those changes at a more granular case working level.

Feedback from those who are familiar with the ethical decision-making model varied. While some senior staff told me it had the potential to be effective, junior staff expressed concern that if they make an ethical decision, “you’ll be overruled from above because you’re not going by the correct policy”. A WCGWG member thought that “the proposal looked good but would need to be seen in practice”, while an external organisation had concerns about whether it would “create any change in the way the systems work”.

The outcomes of the pilots were also mixed, with just 21% of participants in the Border Force pilot in Manchester reporting that it had improved decision making. While the evaluation of the reflective supervision model was broadly positive, the benefits identified – such as having more time and confidence – arguably might not prevent another Windrush scandal.

As set out above, I saw one case in the dip sample which post-dated the introduction of the model, but there was no evidence of ethical issues being considered in that case.

This recommendation is therefore partially met.

Recommendation 18

Improve guidance on the burden and standard of proof

The Home Office should establish more and clearer guidance on the burden and standard of proof, particularly for the information of applicants, indicating more clearly than previously how it operates and what the practical requirements are upon them for different application routes. The decision-making framework should include at least guidelines on when the burden of proof lies on the applicant, what standard of proof applies, the parameters for using discretion and when to provide supervision or ask for a second opinion. This should produce more transparent and more consistent decision making.

In assessing progress on this recommendation, I would expect to see that:

- the department has established clearer guidance on the burden and standard of proof
- the department can demonstrate that the guidance is resulting in more transparent and consistent decision making

Evaluating the CIP

The CIP identifies the intent of this recommendation as being to ensure that the department does not impose what it calls “impossible burdens” on applicants, particularly when it already holds or can obtain relevant information, to make sure there is not a culture of disbelief (CIP page 26). This is a positive step forward.

Part of the CIP’s approach is to address this through the Simplification of the Rules Programme. It states that: “As the immigration rules are simplified for different immigration routes, clearer published guidance on the burden of proof and evidential requirements will follow.” (CIP page 26) It is unclear what will happen in the interim period before new guidance is issued.

The CIP also refers to changing the culture of decision making by providing training for decision makers so that they “feel confident and supported to use their discretion” (CIP page 26).

However, the CIP in my view conflates questions of discretion and questions of the burden of proof, which are different issues. There may be burden or standard of proof issues where a decision maker is considering an entitlement or a mandatory requirement of the immigration rules, rather than in relation to a discretion.

The plan is therefore partially adequate.

Progress on the recommendation

According to its self-assessment, the department produced simplified rules and guidance for more than 20 routes, including visits, students and work, between October and December 2020. However, it notes that plans to test the effectiveness of these changes remain under development. The self-assessment confirms that work will continue into 2022, and that simplifying family and private life and settlement rules will not be completed until autumn 2022.

The self-assessment refers to both internal and external engagement to ensure the rules are clear on the burden and standard of proof, as well as to gauge the current challenges with defining discretion and how it can be used in casework.

The department recognises that evaluating the impact of these changes will be challenging. There was a plan to start evaluating the simplification of rules in December 2021 by looking at the extent to which users' ability to navigate them has changed. But there are no specific details in the plan to evaluate whether the guidance is clearer on the burden and standard of proof or the use of discretion. At the time of writing, the department was still considering how it might best evaluate the change in guidance.

Meanwhile, we received feedback from an external event that in the case of the Windrush Compensation Scheme (where the standard of proof has been changed from 'beyond reasonable doubt' to 'on the balance of probabilities'), there is sometimes still an almost impossible evidential burden being imposed. I was told that in some cases, the department had asked people to provide information which would be impossible to obtain. Examples given were receipts from the 1980s, evidence of spending some nights at the Salvation Army in the 1990s during a period of homelessness, and evidence of unsuccessful job applications many years ago.

The potential benefits of implementing this recommendation in full are significant. Caseworkers will have a clearer understanding of the burden and standard of proof – what they should be asking people to prove, and what is sufficient to prove it – as well as when they have discretion and how to apply it more effectively and appropriately. In the absence of clarity on the current status of the department's work, it would be premature to consider that this recommendation has been met. It is certainly too early to assess whether the changes made so far are contributing to cultural or systemic change.

This recommendation is therefore partially met.

Recommendation 19

Improve UKVI customer contact, service, performance and assurance

- a. UK Visas and Immigration should ensure that where appropriate, it builds in criteria for increasing direct contact with applicants, including frequency of contact, performance standards and monitoring arrangements, revises the criteria and process for assessing cases involving vulnerable applicants, and reviews its service standards and where appropriate, provides new standards based on qualitative as well as quantitative measures. UKVI should ensure it revises its assurance strategy, disseminates the learning from recent operational assurance security unit (OASU) or internal audit reviews, identifies criteria and a commissioning model for OASU or internal audit reviews, contains clear mechanisms for reporting back casework issues to frontline staff, and criteria for supervision, including recording outcomes and learning for the wider organisation.
- b. The department should review the UK Visas and Immigration assurance strategy periodically to make sure it is operating effectively, and the reviews should consult practitioners as well as specialist staff to make sure the strategy changes if it needs to.

In assessing progress on this recommendation, I would expect to see that UKVI has met the detailed expectations I set out.

Evaluating the CIP

The CIP is adequate in relation to this recommendation. The department describes its work to meet this recommendation, which includes establishing an early warning system to flag and fix issues, and creating a centralised risk log, a monthly risk and assurance forum, and a risk management framework.

The department's next steps include developing and implementing a customer channel strategy in 2021-22 and publishing a new reporting and performance framework by March 2021. It also commits to going beyond the recommendation by publishing a vulnerability strategy for the whole of the BICS in 2021. Longer-term plans focus on creating consistency – for example, by expanding the UKVI assurance strategy across the Migration and Borders Group.

Progress on the recommendation

The department has reported this recommendation as closed.

The department has gone to great lengths to understand the public, including the people directly affected by its existing policies and attitudes. The UKVI customer insight team produces monthly reports with the results from customer surveys, along with analysis of business management information.

In addition to UKVI, Her Majesty's Passport Office produces monthly customer assurance reports, case studies, and customer insight and data packs. It also identifies the top three complaints on social media as part of a review of weekly 'external noise key trends'.

The UKVI has developed a customer and channel strategy, which aims to simplify products and services and understand customer needs. However, at the time of writing, many are pending the outcome of its £99 million bid for funding in the 2022 spending review. Some smaller projects have been completed to address short-term issues, but the funding is needed to continue the more strategic work.

Due to the complexities of obtaining approval and implementing new processes and procedures, many other important strategies were yet to be published at the time of my assessment. For example, the three-pronged UKVI assurance strategy is dated March 2021 but will not be published until early 2022.

The department also paused signing off and publishing the UKVI's safeguarding strategy while the BICS was evolving into the Migration and Borders Group. At the time of writing, this is due to be published in 2022. The same applies to the BICS vulnerability and safeguarding strategy, which the UKVI senior board signed off in July 2021.

A refresh of Immigration Enforcement's 2018 safeguarding strategy is also underway, and I am told the revised strategy will be published in 2022.

The department has made good progress on meeting my recommendation, with new vulnerability and safeguarding strategies for UKVI, Immigration Enforcement and the wider system. The amount and frequency of the reports also suggests that it is well equipped to identify emerging trends, inequalities and customer service issues.

However, the department is either still rolling out its strategies or has yet to share its plans for doing so. The target milestones and timelines are therefore unknown. In the circumstances, although this recommendation is supported by a significant amount of work, it is currently only partially met.

A photograph of two men sitting at a table, looking at documents. The man on the left is wearing a blue button-down shirt and is writing with a purple pen. The man on the right is wearing a maroon long-sleeved shirt and is also looking at the documents. The background is a blurred office or meeting room with shelves and posters.

PART 3:

Robust and inclusive
policy making (theme 3)
assessment

In this part, I assess how much progress the department has made in achieving ‘robust and inclusive policy making’, in line with the ambition set out in its CIP. I go on to individually assess progress in implementing each of the recommendations grouped and summarised by the department under this theme, which it has characterised as:

- **Recommendation 11** – improve historical understanding of immigration legislation
- **Recommendation 12** – deliver Equality Act and Human Rights Act training
- **Recommendation 13** – improve impact assessments
- **Recommendation 21** – consolidate immigration legislation
- **Recommendation 22** – (a) better spot trends and (b) improve knowledge and records management
- **Recommendation 24** – invest in training for the SCS on advising ministers
- **Recommendation 25** – improve submissions for ministers and Permanent Secretaries
- **Recommendation 26** – create a central archive to record submissions and minutes

3.1 Windrush Review findings

“Good policy advice tells ministers about the evidence and tells them about the risks. It then suggests how best to implement their ideas, taking account of both ... The onus then falls on officials to work conscientiously, within the parameters of the Civil Service Code, and in accordance with departmental responsibilities, to give effect to policy objectives. Senior officials should ensure that ministers have before them adequate and appropriate information so as to enable them to make decisions both lawfully and effectively. Especially in the context of the PSED, this may include specifically drawing their attention to a particular group who will be adversely affected by a decision.” (WLLR page 148)

From the 1960s, successive governments introduced immigration legislation and policies with the aim of restricting the eligibility of certain groups to live in the UK, culminating in the ‘hostile environment’ of the late 2000s. Amid these changes, the department lost sight of the Windrush generation.

In my original review, I highlighted the complex interplay between immigration and nationality policy and race, which makes evaluating the impact of policy critical. Within that, I included the potential for policies to disproportionately impact those from black, Asian and minority ethnic backgrounds. I raised concerns regarding the way in which those in the department, from top to bottom, understood equality law as it applies in the immigration context.

I found that many individual decision makers had little knowledge of the history of British nationality law, the history of migration or what policies there had been in the past. Furthermore, those developing policy and proposing legislation did not always actively consider these aspects and whether there were groups – in the case of the Windrush generation, specific racial groups with shared history – who would be disadvantaged by proposals (WLLR pages 142-143). As a result, after the measures were implemented,

inadequate attention was given to understanding their effect, including whether discrimination had occurred.

This problem formed the basis of several of my recommendations, not just under this theme (for example, **Recommendation 8** refers to the need to look outside the department when considering policy development). I raised the urgent need to redress the previously deficient training and recommended that when developing policy and legislation, the department should go beyond the legal minimum required under the PSED. This is because the legal minimum might not have prevented the entanglement of the Windrush generation, as it would not necessarily be spotted by an overarching consideration of ‘race’ in general terms. I was very pleased that the department accepted these recommendations which require it to go beyond the current law.

I also found that the compliant environment policies were “promoted because of a resolute conviction that [they] would be effective and should be vigorously pursued” (WLLR page 12), at the expense of heeding warnings from external stakeholders about the potential effects and failing to “join the dots” to “identify the particular circumstances of the Windrush generation and their descendants” (WLLR page 13). The materials I considered did not, in my view, show that the issues affecting the Windrush generation had been spotted. I raised concerns in my original report about what was missing from the internal analysis of the likely and potential impacts.

Overall, my recommendations aimed to ensure that when developing policy, “officials should analyse the issue, including the implications of previous legislation, seek the opinions of experts, interested groups and affected people, and identify costs, benefits and risks” (WLLR page 79). This analysis should include advice on any legal obligations and financial implications. I considered it essential that race equality impacts are at the heart of designing policy and that particular groups likely to be affected are not left out of consideration. I also emphasised the importance of understanding of the past to inform the policy of the future (see WLLR page 88 and part 1 of this progress update).

3.2 The department’s response

In the CIP (page 13), the department sets out its ambition to put in place systems that enable staff to “make, evaluate and improve evidence-based policy that is thorough, rigorous and promotes equality.” It further describes this theme by saying:

“It is about reinvigorating the policy-making process so that consideration of our equality duties and the potential impacts on our communities remains central to everything we do, and not an afterthought. In addition to the recommendations under this theme, we are developing a culture of professional curiosity, where staff across the department strive to be Whitehall-leading policy makers.” (CIP page 31)

The department views the recommendations as being broadly grouped into the impact of policies on the public, especially in equalities-related impacts, best practice in policy making, knowledge and information management, and legislation (CIP page 31).

In response to my concerns about the lack of understanding about equalities and human rights law, the department's stated aim relates to both individual decision making and policy development. It is unequivocal:

“All officials need to better understand their obligations, both legally and to their fellow citizens, with respect to the equalities and human rights consequences of their work. Our objective is for officials to consistently consider equalities from the conception to the implementation of a policy or operational process, and to monitor the impacts regularly ... It is important that the focus shifts beyond the theoretical intent of the intended outcome and towards the impact on citizens in practice.” (CIP page 33)

The department states a similar ambition to ensure that risk and unintended consequences are rigorously tested, with mitigation measures put in place where necessary. It also sets out its intentions to introduce training on regulatory impact assessments, equality impact assessments, and the history of immigration legislation, as well as working with the Law Commission to ensure the law is easier to understand.

Some steps had already taken by the time the CIP was published. These included:

- adding a mandatory equalities section to the submissions template used by policy officials when providing advice to ministers
- launching the Policy Profession policy tests
- beginning to implement a new electronic records management system to record all submissions, minutes and notes
- introducing mandatory requirements to address the PSED in all published regulatory impact assessments for legislation

The CIP acknowledges that meeting the spirit of the WLLR will require a step change in the department's approach to policy making.

3.3 My expectations

I am pleased the department has recognised that robust and inclusive policy making, promoted by candid advice that is communicated clearly to ministers so they can make informed decisions based on the best evidence, is an essential element of effective public administration.

However, effective policy making is also achieved through effective implementation. In other words, it is equally essential to implement the policy in the manner envisaged, and that this is evidenced both by individual casework decision making in accordance with policy, and by policy development so that the intention achieves the desired outcome. It is therefore important that the training for policy officials is complemented by training for operational staff, such as individual caseworkers, so they have the knowledge, guidance and support required to make effective decisions consistently. This goes further than understanding the history of immigration legislation, as set out in the CIP.

In assessing the extent to which the department is achieving its ambition, I would expect all my recommendations to be implemented. I would also expect demonstrable improvements in the way policy is developed across the organisation, particularly in relation to how potential impacts are identified, assessed and communicated to ministers, and whether individual decision makers are correctly interpreting the information presented. To do so goes beyond the minimum requirements set out in the PSED. Another important indicator is whether the actual effects of policy decisions and those enacted in legislation are identified and, if necessary, addressed at the earliest opportunity.

Therefore, I have considered progress on implementing each of the recommendations grouped by the department under this theme, **Recommendation 8** (considered in more detail in part 4), and evidence gathered through:

- one-to-one conversations with people inside and outside the department
- virtual and in-person meetings with officials and teams
- three internal engagement events for Home Office officials and one external event for people affected by the Windrush scandal (or who have engaged with the department since the WLLR)
- a workshop with civil society organisations
- an external call for evidence
- an internal call for evidence to gather staff feedback

I also looked at aspects of the policy-making process for the New Plan for Immigration, which has taken place since publication of the WLLR. At the time of writing, it is currently making its passage through Parliament and I am therefore limited in what I can report. The equality impact assessments can legitimately be considered, and therefore form part of my assessment.

3.4 Progress against the theme

The department has undertaken positive work to implement the recommendations that relate to achieving more robust and inclusive policy making. It has also accepted my recommendations which go beyond the legal minimum requirements of the PSED. One of the reasons for the Windrush events was that groups were largely forgotten as successive policies were introduced, which directly led to their detriment. I have seen that this has been specifically highlighted in both the general and the expert training slides on the PSED. The risk of reoccurrence should be addressed, and it will be for the department to work closely with the Equality and Human Rights Commission to make sure its actions mitigate future risks, particularly in relation to cumulative impacts.

The department's work to expand the simplification programme (**Recommendation 21**) is in progress and, although implementation will take time, this work has the potential to contribute to cultural and systemic changes by making the law more accessible to practitioners and the public.

The department has improved the way it uses data to anticipate, monitor and identify trends (**Recommendation 22**), primarily through the work of the early warning team and its associated working groups. More is required to make sure this work forms part of a coherent oversight framework, so that problems are resolved at the earliest opportunity.

The department is also taking positive steps to move data and information from several databases into a single digital information repository with new search tools, while updating its paper file management systems as part of its comprehensive knowledge management strategy. Linked to this work is the establishment of the 'private office hub', with the aim of establishing a clear audit trail of policy deliberations and decisions (**Recommendation 26**).

Another important tool to help officials provide candid and comprehensive advice to ministers is the new submissions template (**Recommendation 25**), launched in December 2021. While it took longer to finalise than expected, the explicit requirement for ministerial advice to demonstrate equalities impacts and the potential impact on vulnerable people provides the foundation upon which to build a more robust policy-making framework.

The department has made some good progress on re-educating its officials about the history of immigration and nationality law (**Recommendation 11**). A programme of PSED training is also well underway, which includes some information relating to Article 14 of the European Convention on Human Rights (**Recommendation 12**). In both cases, there appears to be a mixed picture in terms of how far the department can demonstrate that participants are consistently applying an

enhanced understanding of history, equality and human rights obligations to their work, be they policy makers or operational decision makers.

Another concern in the context of developing the knowledge and skills of officials is the failure of the department, so far, to roll out training for the SCS on their roles and responsibilities in relation to providing candid, comprehensive, and timely advice to ministers (**Recommendation 24**). The few SCS members who participated in the training needs analysis considered that, as a first step, it was necessary for senior decision makers to create an environment that openly encouraged robust decision making. It is unclear whether this concern has been addressed. Moreover, the fact that the training provision has yet to be finalised and rolled out is a further missed opportunity to improve, given the SCS's important role in the policy-making process.

The department continues to work at pace on highly contentious and politicised policies, so it is the responsibility of senior leaders to work at a faster pace. They must also create a culture that provides officials with the time and the permission to develop and apply their knowledge, skills, systems and processes to the way policy is designed, implemented, monitored and improved.

Finally, while my assessment of progress on **Recommendation 13** notes some positive examples of improvements in departmental impact assessments, there is still evidence of binary options often being presented to ministers, where arguably more options could have been considered. More needs to be done to ensure that roll-out continues and that knowledge gained through training is consistently applied.

Overall, the recommendations under this theme reflect a notable level of ambition by the department for policy making which would, if achieved, provide compelling evidence of both a cultural and professional shift in the organisation. However, there is limited evidence that the positive developments are being consistently translated into tangible effects across the department. The recommendations are all currently in their formative stages, with limited progress in many of the examples. In others, the plans and timescales for coordinating the policy-making framework are not yet clear. A few of the recommendations show little or no progress.

The outstanding questions are therefore:

- When will evidence of a marked improvement begin to emerge and what, if anything, is the department doing to accelerate activity?
- How will the department measure success? While an important indicator in itself, simply identifying numbers of those trained will be insufficient to achieve the benefits anticipated.
- Collectively, would these recommendations have avoided the events that led to the Windrush scandal?

These questions will have to be addressed if the department is to achieve its ambitions.

3.5 Theme 3 recommendation assessments

Recommendation 11

Improve historical understanding of immigration legislation

The department should re-educate itself fully about the current reach and effect of immigration and nationality law and take steps to maintain its institutional memory. It should do this by making sure its staff understand the history of immigration legislation and build expertise in the department, and by carrying out historical research when considering new legislation.

In assessing progress on this recommendation, I would expect to see that:

- staff understand the history of immigration legislation, including the current reach of immigration and nationality law
- the department has taken steps to maintain its institutional memory
- the department carries out historical research when considering new legislation

Evaluating the CIP

The CIP records that the department intends to build on good practice identified in my original report. It sets out the intentions for **Recommendation 11** under two headings: “Improving understanding of immigration law” and “Improving institutional memory”.

Under the first heading, the department plans to develop and roll out the nationality and immigration law history course during 2021. The CIP commits to using external experts to make sure the materials have the right content and focus.

The CIP also commits to sponsoring six policy staff to undertake a professional immigration law qualification, giving a comprehensive view of the immigration, asylum and nationality system. This is a positive step. However, it is unclear whether the qualification would include, for example, training on the amendments to the British Nationality Act 1948 as former colonies became independent.

Under the second heading, the CIP states that the department had already made progress on improving information management and retention of historical documents. It is less specific on how the department will continue efforts to maintain its institutional memory, referring to initiatives “to improve the capture and sharing of tacit knowledge” and citing a handover template as an example of this in action. There is no mention of how the department will ensure that historical research is carried out when considering new legislation.

On this basis, the CIP is partially adequate for meeting this recommendation.

Progress on the recommendation

The department has developed training covering the history of the UK's immigration and nationality system from 1960 to 2020. This was developed in-house, using “expert colleagues and training colleagues” and with input from the Equality and Human Rights Commission. The training is a virtual presentation-style session, and I was told it was intended to give a “reasonable grounding in the history of the system”, with a more detailed training guide circulated afterwards for people to refer to in their own time.

Feedback on the contents of the training and supporting guide has been largely positive, although it is unclear how the department is monitoring use of the guide and its effects on the outcomes of training for individuals, teams or the department. Initial roll-out is directed towards staff in the Migration and Borders Group, and the training also forms part of quarterly induction packs for new staff.

As of February 2022, the training had been delivered to over 2,000 people in certain areas of the department. Wider roll-out through induction sessions for caseworkers and examiners was being discussed at the time of my progress update. The department states that it plans to reconvene the working group of training professionals across the wider Migration and Borders Group and further develop roll-out plans for operational staff in 2022.

This shows some commitment from the department to broaden the training, but it has not given clear details of how it will happen. For instance, it states the training will be mandatory but, besides including it in induction sessions, there is no evidence of how the department will assure itself that all relevant officials receive the knowledge required. During my engagement event with SEO to Grade 6 staff, I was told:

“Good training and materials [are] available [but] it is voluntary. It should be compulsory.” (Home Office official)

Beyond confirming its intention that policy staff will work with professional trainers, the department has provided insufficient details of how it will evaluate the training or track improvements in staff understanding.

Overall, I commend the work of the officials designing a comprehensive training package and the progress so far on rolling this out to immigration officials. However, plans for further roll-out, monitoring and evaluation are not well defined. I have seen no evidence of an attempt to assess how much of the knowledge individuals are applying and remembering in practice following the sessions, so it is not possible to comment on whether it is contributing to cultural and systemic change.

It is similarly unclear from the evidence how the department has developed and maintained its institutional memory, as I was provided with no detailed updates on the high-level commitments in the CIP, and minimal evidence of carrying out historical research when considering new legislation.

I therefore conclude that this recommendation is partially met.

Recommendation 12

Deliver Equality Act and Human Rights Act training

The department should embark on a structured programme of training and development for all immigration and policy officials and senior civil servants in relation to the Equality Act 2010 and the department's public sector equality duty (PSED) and obligations under the Human Rights Act 1998. Every year, the department should publish details of training courses attended, and how many people have completed them.

In assessing progress on this recommendation, I would expect to see that:

- the department has already embarked on a structured programme of training and development
- the department notes that, in accepting my recommendation, it requires officials to go beyond the legal minimum requirements set out under the 2010 Act in some areas
- the department has collected and published data on participation in and completion of this training
- the department has plans to evaluate the training to ensure it is having the desired impact

Evaluating the CIP

The CIP notably goes beyond the recommendation by committing to train not just immigration officials, policy officials and senior civil servants, but all Home Office staff, with the aim of training the SCS by spring 2021. It commits to establishing a dedicated PSED team to develop and deliver training, tools and advice, and to help staff understand their obligations.

The CIP does not set out any detailed plans to comply with all of the duties in the Equality Act 2010 (such as not to discriminate in the exercise of public functions) and the Human Rights Act 1998, other than the provision of training for its officials. It does state that training on the PSED will also contain "material to increase awareness of obligations under the Human Rights Act 1998 and the prohibition against discrimination". I have been provided with those training slides.

The CIP says that it will judge success based on numbers attending the training, but this does not go far enough. Attendance is an important first step, but it would be reasonable to expect a measure based on how officials' subsequent work reflects their enhanced understanding in how they advise on the development of policy and whether information is retained following the training.

I therefore consider that the plan is partially adequate.

Progress on the recommendation

There is clear evidence of a commitment to roll out the training and support staff in understanding their equality duties. Content from the training slides expressly goes beyond the legal minimum. There is also a specific slide in both the expert and general training which highlights the WLLR findings in relation to the Windrush generation and that the effect on them was not identified when measures which would affect those people were in development. The slides briefly mention Article 14 of the European Convention on Human Rights (but not other Articles or the Human Rights Act 1998 more generally or other provisions in the Equality Act 2010) and do encourage officials to think carefully about any groups (whether they share protected characteristics or not) who might be adversely affected. The provision of this training is part of the department's two-year action plan with the Equality and Human Rights Commission, which involves regular reporting on performance against success measures. However, the department has not met the CIP milestone of training all SCS officials by spring 2021. By September 2021, only 71% had completed it.

The department told me that the training was mandatory for the SCS, but stated it was up to those who couldn't attend to arrange a 'cascaded session' delivered by their colleagues. The Equality and Human Rights Commission has reported difficulty ascertaining how many officials have been trained through these 'train the trainer' sessions. It is unclear whether attendance is considered as part of the performance management system, and there is limited evidence as to how staff feedback continues to influence the content or delivery method of the training.

While the department has not yet published data on participation in and completion of the PSED training, some of the quantitative data from participants does suggest a reduced skills gap. However, qualitative feedback surveys from officials who attended show mixed views on participants' ability to apply all elements of the PSED after the training. I have been informed by the department that the PSED team provides one-to-one support to teams carrying out equality impact assessments, however I did not see evidence of how often this offer is taken up, or how knowledge gaps highlighted in the feedback given to the department are being addressed specifically, which is a concern given that those who gave the feedback are also responsible for training colleagues.

The PSED team advises officials on their duties, including how to complete equality impact assessments. But it is up to individuals to engage with the PSED team, and it is unclear how those who are less proactive are encouraged to make use of this resource. The department has also set up a PSED steering group, led by its director-general PSED champion and comprising staff from various grades, as well as members of the PSED team.

Overall, the department has not defined adequate success measures for this recommendation. For the work to succeed, officials must fully understand the need for ministers to pay due regard to the duties set out in the Equality Act and the other provisions covered in this recommendation, and also accept that my recommendation goes beyond minimal compliance. In order to capture the spirit of my recommendation, officials at all levels would need to have the knowledge to provide ministers or other decision makers with comprehensive advice. If operational teams are to receive the training through e-learning, the department should evaluate the effectiveness of this method when considering how participants learn, retain and put the information into practice.

For the above reasons, I conclude that this recommendation is partially met.

Recommendation 13

Improve impact assessments

Ministers should ensure that all policies and proposals for legislation on immigration and nationality are subjected to rigorous impact assessments in line with Treasury guidelines. Officials should avoid putting forward options on the binary ‘do this or do nothing’ basis, but instead should consider a range of options. The assessments must always consider whether there is a risk of an adverse impact on racial groups who are legitimately in the country. And consultation on these effects should be meaningful, offering informed proposals and openly seeking advice and challenge.

In assessing progress on this recommendation, I would expect to see that all the elements identified have been addressed.

Evaluating the CIP

The CIP acknowledges the need to assess the potential impacts, risks and unintended consequences of legislation in this area generally, although it does not specify immigration and nationality legislation.

The department notes that in all of its published regulatory impact assessments for legislation, “there are now mandatory requirements to address the [PSED], to consider discrimination or unintended consequences to specific groups, and to set out mitigating actions that might prevent or minimise these”.

The department also commits to publishing them on GOV.UK to enable “parliamentary and public scrutiny and challenge of our approach” (CIP page 34).

The CIP refers to having “developed training and ... monitoring policy proposals to ensure that there is more open and meaningful consultation, and that consultation regulatory impact assessments do not present binary options”. However, no further detail is given and the plan fails to address the specific aspect of my recommendation, namely that the impact of all policies and proposals for legislation on immigration and nationality should be fully assessed, with a range of options considered.

Overall, the plan is adequate in some respects.

Progress on the recommendation

The department has reported this recommendation as closed.

In assessing this recommendation, I have considered a number of regulatory impact assessments relating to immigration and nationality legislation, which were provided to me by the department. While I have seen one example of multiple options being considered, most of these assessments do not give attention to a wider range of options.

Within the impact assessments considered, there were several examples of where the new mandatory specific impact test section, which takes account of the PSED, was included, as per the commitment in the CIP.

I also considered specific equality impact assessments, including a number provided by the department for my assessment of **Recommendation 7**. These contained a thorough assessment of the impact on people with protected characteristics, including race. While they do not appear to consider the Windrush generation specifically, there was clearly careful consideration of how to avoid a similar scenario happening again.

All of the equality impact assessments I have seen demonstrate a marked improvement when compared to those I saw in my original review, and there is evidence that they are being completed to a higher standard. For example, the assessment of the New Plan for Immigration shows consideration of the three limbs of the PSED and of potential direct or indirect discrimination. I make no comment on the policy itself or the provisions of the Bill as at the time of writing, it is currently before Parliament.

This suggests that the department is taking more significant steps to assess the impact of its policies and legislation than was previously the case.

Furthermore, impact assessment guidance is detailed and thorough. There is also evidence that comprehensive training for analysts exists and has been rolled out across the department. The ‘forward look’ tool helps the Home Office keep track of the impact assessments it has produced, and automatically generates post-implementation review dates.

Overall, progress is good, with one senior official I spoke to noting:

“[Impact assessments are] used more routinely as part of [the] design process, and there is [a] process to check people have done it. Some ... areas [are] looking at developing data sets to develop policy. Doing impact assessments is part of the process. Qualitative measures around [the] success of this training [are] hard to measure. [We] need people to understand why it is important in making design policy, rather than [a] hoop to jump through.”

If the department implements this recommendation fully, it will mark a significant change. The department should, however, be resolute in considering a range of options.

Overall, therefore, the recommendation is partially met.

Recommendation 21

Consolidate immigration legislation

Building on the Law Commission's review of the Immigration Rules, the Home Secretary should request that the Law Commission extends the remit of its simplification programme to include work to consolidate statute law. This will make sure the law is much more accessible for the public, enforcement officers, caseworkers, advisers, judges and Home Office policy makers.

In assessing progress on this recommendation, I would expect to see that:

- the department has requested an extension to the remit of the Law Commission's simplification programme
- significant progress has been made to consolidate statute law

Evaluating the CIP

In the CIP, the department explains that it was discussing how and when to consolidate immigration legislation "to make the legal system easier to navigate and understand for applicants, citizens, officials and ministers" (page 35). The CIP states that due to the complexity and extent of immigration legislation, addressing this recommendation successfully is likely to take some time.

The CIP suggests potential success measures of comprehensiveness, clarity and accessibility for the non-expert user, less litigation around interpreting the legislation, and stakeholder feedback confirming that the law is easier to understand.

The CIP states that in the meantime, the department is continuing its work by implementing recommendations in the Law Commission's 'Simplification of the Immigration Rules' report, published in January 2020 (the department published its response on 25 March 2020, before the WLLR, accepting 24 of the recommendations and partially accepting a further 17). It states that the department is simplifying supporting tools such as guidance, templates and content on GOV.UK, and working with the Simplification of the Rules Review Committee to make sure it meets its commitments.

The work of the Law Commission is limited to statute law revision, and its remit does not include simplification of Immigration Rules and guidance (which has its own process under the Immigration Act 1971). The two are not the same, and my recommendation was limited to statute law across immigration and nationality law. I recognise that this is a significant task once the Law Commission has been commissioned. However, the CIP does not indicate any timeframe and in that sense, it is only partially adequate.

I also consider it helpful that the department is planning a simplification of Immigration Rules and also of its current guidance, although that is separate from this recommendation. It will be necessary to keep the institutional memory of the previous versions, especially as they relate to people who are already in the UK and who may have made applications when the earlier rules or guidance were in place. If there are substantive changes, it will be important that those affected know how the changes affect them. If the underlying statutory source of the power changes following the Law Commission's recommendations, the Immigration Rules and guidance would then require further revision and amendment.

Progress on the recommendation

The department has made some progress with this recommendation, and civil society organisations I spoke to said that there was good engagement during the ongoing simplification work. But the department has much more work to do to implement the recommendation in full.

On 3 February 2021, (after the Home Secretary accepted my recommendation), the department asked the Law Commission to consolidate immigration statute law. The Chair of the Law Commission agreed to help, and a memorandum of understanding was signed by both parties in September 2021. The department's self-assessment states that work on the Consolidation Act is due to start in early 2022 and will take around 18 months to complete. The Law Commission confirmed that this work began at the beginning of January 2022.

From the evidence seen, the Home Office has been working closely with the Law Commission on Pre-Consolidation Bill amendments.

This shows that it is committed to implementing the recommendation correctly and fully. The department should closely monitor the estimated timescales to make sure they are sufficiently stretching, and that there are no additional delays. However, at this stage, the recommendation is not met.

Recommendation 22a

Better spot trends²²

The Home Office should invest in improving data quality, management information and performance measures which focus on results as well as throughput. Leaders in the department should promote the best use of this data and improve the capability to anticipate, monitor and identify trends, as well as collate casework data which links performance data to Parliamentary questions, complaints and other information, including feedback from external agencies, departments and the public (with the facility to escalate local issues).

Since publishing the CIP, the department has considered **Recommendation 22** in two parts. I have followed this structure for the purposes of assessing it, although the split has resulted in some overlaps, and potentially some gaps.

In assessing progress on this part of the recommendation, I would expect to see that:

- the Home Office has invested in data quality, management information and performance measures
- senior leaders promote the best use of data and improve the capability to anticipate monitor and identify trends

Evaluating the CIP

While the CIP does commit to improvement, including through better systems and by developing people, it does not commit to anything more specific than building on steps already taken before the publication of my original report, such as the creation of the CCU. The department says that cultural and behavioural changes will take three to five years to embed (CIP page 36).

The insufficient reference to how the department intends to improve data quality, management information and performance measures, or how it intends to incorporate feedback from external agencies, departments and the public, leads me to assess the CIP commitment as inadequate.

22 Following publication of the CIP, the department split Recommendation 22 into two parts. Internally, it has set these up as separate programmes of work ('better spot trends' and 'improve knowledge and records management').

Progress on the recommendation

The department has set up an early warning team to identify, collate and share early warning data. An early warning working group sits under this, primarily focused on migration and borders data. Its role is to identify areas of concern with the possibility to cause reputational, political, financial or public safety impacts to the department, its missions or capabilities.

The early warning team uses the working group's monthly meeting minutes to spot concerns, producing monthly emerging risks and issues reports for directors general in the Migration and Borders system and the Permanent Under Secretary. The team also refers individual risks and issues to the relevant oversight groups for further discussion and action. I did find evidence that following an initial investigation by the early warning working group into information gaps in the department's biometric records, the Permanent Secretary commissioned further formal advice on existing gaps and risk mitigation. There is also evidence of local early warning activity in the form of the Border Force early warning, risk and assurance forum. It is not clear, however, where these reports – and action taken in response – fit into the department's wider governance structures.

The department informed me of a department-wide consultation carried out in 2020, which led to a new model for managing early warning data, from identifying risk indicators and improving analysis of them to taking action. This was supported by a seven-point action plan for further change, to be used as the basis for improvements to early warning data capability. I was told that the intention is to build the model into the department's approval process for major projects.

A progress report in October 2021 mentioned a BICS-focused early warning data review, changes to policy and project assurance frameworks to include capturing risk indicators, and new text analytics software launched as a minimum viable product. The report added that the department still needs dedicated resources to enhance early warning and insight data products, and a programme to develop managers' skills in analysing data and managing performance and risk. I was impressed by further steps the department intends to take, including a new policy to collect data on protected characteristics, which it recognised was needed "both in terms of the Home Office meeting legal equality-related requirements, but also in terms of having the capability to look for any unintended impacts on sub-groups".

Overall, there is evidence of notable progress, especially in terms of the early warning products produced by the early warning team and the existing work of the CCU, with evidence of some action taken to resolve identified issues.

But while there is clearly a drive to improve how these insights are used, I found less evidence of senior leaders promoting the workstream, or of the additional elements identified above in relation to data and performance. Senior-level promotion of these tools would encourage officials to work differently, make best use of the data at their disposal, and collectively develop a culture of professional curiosity and problem solving.

I also note a disappointing lack of activity relating to other aspects of my recommendation, including the importance of focusing on outcomes rather than throughput, and obtaining feedback from external agencies, departments, and the public. These omissions may echo my wider findings and are cultural considerations that should be addressed.

I therefore conclude that this recommendation is partially met.

Recommendation 22b

Improve knowledge management

The Home Office should also invest in improving its knowledge management and record keeping.

In assessing progress under this part of Recommendation 22, I would expect to see that the department has invested in knowledge management and record keeping.

Evaluating the CIP

The CIP notes that the department's information is currently stored across several systems. To better manage records and locate information more easily, it has started moving staff to a single digital information repository (an electronic file management system), investing in new search tools and updating its paper file management systems. It states that this work is likely to take 18 to 24 months, and includes training in good information and records management practice, behaviours and culture.

There is a defined plan for how the department will implement the recommendation and track the success of the approach, so the CIP is adequate.

Progress on the recommendation

The department has reported this recommendation as closed.

The department has made progress with part of the recommendation. Its Knowledge Management Strategy 2021-2023 outlines what all Home Office staff should be doing to develop and embed good knowledge management, supporting the broader records and information management strategy.

The strategy sets out the role of a knowledge and information management executive group to provide governance and champion the strategy. Evidence of the group's commitment to embedding cultural change in relation to the knowledge management system has been provided.

Feedback on knowledge management sessions was generally positive, with roughly 90% of people reporting they had found them useful.

The knowledge management strategy is comprehensive and clearly sets out the department's aims and objectives for managing knowledge. I therefore conclude that this part of the recommendation seems to have been implemented.

However, it is still unclear whether implementation also extends to record keeping. For this reason, the recommendation is partially met.

Recommendation 24

Invest in training for the SCS on advising ministers

The department should invest in training for the Senior Civil Service to ensure appropriate emphasis on the roles and responsibilities of officials to provide candid, comprehensive and timely advice to ministers.

In assessing progress on this recommendation, I would expect all elements identified to be met.

Evaluating the CIP

In the CIP, the department refers to the training already available to support senior civil servants. It also confirms that it will analyse the needs of the SCS by November 2020. Based on these findings, the department commits to identifying a supplier to develop and implement “new learning material” from June 2021 (CIP page 37). It sets out how it intends to measure success and confirms that it is reviewing its approach to SCS inductions.

The response lacks detail about the content of any training. Depending on the results of the training needs analysis, it is sufficiently non-specific for the department to decide to do nothing. As such, the CIP is only partially adequate.

Progress on the recommendation

The approach taken to implementing this recommendation links closely to that for **Recommendations 6** and **29**.

The department began by carrying out an in-house training needs analysis between December 2020 and February 2021. This consisted of a survey followed by five focus groups. 14 SCS members (4.6% of the Home Office total) took part in the survey, with only 10 SCS members (3.3% of the Home Office total) attending the focus groups. The survey failed to meet the department’s desired 10% response rate, limiting the reliability of the analysis.

According to the department’s self-assessment, the training needs analysis “provided an initial assessment of the real and perceived barriers to performing the SCS role effectively, including relationships with ministers, knowledge, skills, organisational culture and behaviours”. But with so few SCS members taking part, the reliability of the insights is questionable.

The main findings were that SCS staff:

- understood their roles and responsibilities when giving advice to ministers, but felt less confident about applying knowledge in their roles
- felt under time pressure, and were not sure there was genuine challenge between ministers and officials
- wanted more opportunities to cover the foundations of advising ministers, along with behavioural skills to build personal impact, and job shadowing to learn from colleagues

The department used the findings and recommendations from the training needs analysis to create proposals for the Windrush Learn programme, which were approved by the Windrush steering group in March 2021.

The department then commissioned a consortium supplier to provide products that would:

- support the SCS in providing high-quality advice for ministers, so they can make lawful and effective decisions
- build up knowledge in critical areas, including external engagement and presenting risks and evidence
- develop and improve behavioural skills to build and maintain effective relationships with ministers

A pilot of the resulting learning provision took place in December 2021 and consisted of pre-reading on the online learning portal, followed by a facilitated online workshop. In its self-assessment, the department aims to start rolling out the formal learning and development programme from January 2022. It is concerning that it has taken over 18 months from my initial report to get to this point.

As of the end of February 2022, the programme had not yet gone live, so it is not possible to assess whether it might contribute to wider cultural and systemic change. But, without much more work, the learning content from the pilot may fail to address the issues set out in the WLLR.

My concern stems from two issues with the training needs analysis.

- Its findings were based on a very low level of SCS input, which raises the question of whether the content reflects all, or a sufficiently wide range of, SCS developmental needs. It also does not appear to adequately consider the basic foundational knowledge needed to give ministers candid, comprehensive and timely policy advice. The content seems to be mainly focused on behavioural skills, and the learning products are geared towards individual reflection and peer discussions in response to a set of questions, as opposed to developing an awareness of departmental roles and responsibilities.
- It mentioned several barriers to providing candid advice that seem to require additional action, over and above the learning provision. But there was no evidence of any engagement with ministers and political teams to understand their own roles and responsibilities, expectations and approach.

While the Windrush learning hub features links to existing Civil Service Learning offers for the SCS, the content is insufficient to address the absence of a structured and specifically targeted programme, which is required in order to satisfy the recommendation.

Overall, this is extremely disappointing.

Recommendation 24, alongside my other learning and development recommendations (**Recommendations 6, 11, and 29**), is fundamental to achieving the cultural shift the department needs, particularly as its mandatory nature makes it one of the few recommendations that should reach all members of the SCS. Therefore, this recommendation is not met.

Recommendation 25

Improve submissions for ministers and Permanent Secretaries

All policy submissions and advice to ministers should have mandatory sections on: a) risks to vulnerable individuals and groups and b) equalities, requiring officials to consider the effect of their proposals in these terms. The department should review the effectiveness of its current processes and criteria for escalating significant policy submissions for approval by the Permanent Secretary or Second Permanent Secretary. Where necessary, new processes and criteria should be established.

In assessing progress on this recommendation, I would expect to see that:

- all policy submissions and advice to ministers have the recommended mandatory sections
- the department has reviewed the effectiveness of its current processes and criteria for escalating significant policy submissions

Evaluating the CIP

While brief, the CIP is adequate for this recommendation. The department explains that it had updated its submissions template (the document officials use to provide advice to ministers and Permanent Secretaries) in August 2019, which was before my original report was published. This required officials to confirm they have completed an equality impact assessment and highlight any concerns that have come up, along with recommendations where necessary.

The department then sets out the further work underway in relation to the rest of my recommendation, which will inform an updated submissions template:

- it is consulting on the definition of ‘vulnerable people and groups’ before updating the submission template later in the year
- it is reviewing its processes and criteria for escalating major policy submissions to Permanent Secretaries for approval

To measure success, the department states that it will dip-sample submissions to make sure they have appropriately considered risks and equalities relating to vulnerable people and groups.



Progress on the recommendation

The department has reported this recommendation as closed.

The department consulted with stakeholders internally and externally to come up with a comprehensive and workable definition of risks to vulnerable people and groups. The agreed wording informed the new submissions template, which is now available on the department's intranet. There is also clear and comprehensive guidance on how to fill it in.

There is a marked improvement in the level of detail in the new template. It includes the mandatory sections referred to in my original report, along with a quality assurance section (a checklist of measures that officials are asked to consider before they can make the submission) to ensure the submission is compliant and reflects the Home Office's mission and values.

It also makes clear that anything identifying significant vulnerabilities or equalities impacts needs to be escalated (although it is unclear whether a consistent definition of 'vulnerability' is used, or whether the definition includes 'situational vulnerability', that is vulnerability which is created as a result of being affected by a policy, such as losing a job or access to services). This will make sure that qualifying submissions go to the Permanent Secretary or Second Permanent Secretary for clearance, ahead of going to ministers.

As a result of these changes, the template is no longer merely a 'tick-box' exercise, but something requiring real thought about the possible impacts on vulnerable people. One minister noted that submissions were improving and contained evidence of officials trying to challenge themselves more on the real-life outcomes.

As the new template only came into use in December 2021, it is too soon to assess its impact so far. In the long term, it could contribute to the cultural and systemic change the department needs, but the challenge will be to make sure it is used effectively as standard practice, and that it is reviewed periodically and the results of reviews are acted upon.

I therefore conclude that this recommendation is partially met.

Recommendation 26

Create a central archive to record submissions and minutes

The department should put in place processes to support the use of the electronic archive to record all departmental submissions, minutes and decisions centrally, so there is a clear audit trail of policy deliberations and decisions. The department should ensure staff are provided with guidance on the knowledge and information management principles in respect of their work with/ support for ministers. This archive should enable users to search for key terms, dates and collections on particular policy risks or issues.

In assessing progress on this recommendation, I would expect to see that:

- there is a system in place which archives all departmental submissions, responses and other matters to complete the audit trail of policy deliberations
- the department has provided staff with the necessary guidance on information management principles and how this supports their work

Evaluating the CIP

Overall, the CIP is an adequate response to this recommendation. It acknowledges the difficulties that stem from information being held in multiple locations and databases, including personal hard drives and emails. It states that around 8,000 staff now use the SharePoint document management system, with the remainder set to follow in 2022.

The department says that it is developing guidance and best practice on how to use the archive effectively. Success measures include the percentage of submissions saved to the system, and the increasing use of the system over time.

Progress on the recommendation

The Windrush steering group closed the recommendation in late 2021. The department has processes to support using the electronic archive for submissions, minutes and decisions. It has established a 'private office hub' in the electronic document records management system and has trained private office staff and hub administrators on how to use it.

There is more to do to make sure that a clear audit trail of policy deliberations and decisions exists (including those made outside the formal submissions process). The archive is not sophisticated enough to let users search for key terms, dates and collections on particular policy risks or issues.

An adoption dashboard accessed in January 2022 shows that there were just over 60,000 files saved across all private office areas on SharePoint, with around 2,500 'active' files, and evidence of numbers increasing monthly in the private office hub. It is not clear whether all policy submissions and decisions are held here.

It is too early to assess the impact of completing this recommendation. But if the system continues to be used consistently across the department, the signs are positive. I therefore conclude that this recommendation is met.



PART 4:

Openness to scrutiny
(theme 4) assessment

In this part, I assess how much progress the department has made in achieving greater ‘openness to scrutiny’, in line with the ambition set out in its CIP. I go on to individually assess progress in implementing each of the recommendations grouped and summarised by the department under this theme, which it has characterised as:

- **Recommendation 8** – improve external understanding and engagement
- **Recommendation 9** – introduce a Migrants’ Commissioner
- **Recommendation 10** – review the remit and role of the Independent Chief Inspector of Borders and Immigration (ICIBI)
- **Recommendation 20** – review the borders, immigration and citizenship system (BICS) complaints procedure
- **Recommendation 23** – revise and clarify the risk management framework

4.1 Windrush Review findings

Unlike the other themes, I begin by reviewing which recommendations the department has grouped under ‘openness to scrutiny’. I did not originally group **Recommendations 8, 9, 10, 20** and **23** together in my review as they broadly address different issues. I grouped **Recommendations 8, 9** and **10** under the heading “Engage meaningfully with stakeholders and communities” (WLLR page 16), **Recommendation 20** under “Improve operational practice, decision making and help for people at risk” (WLLR page 18), and **Recommendation 23** under “Look for risks and early warning signs” (WLLR page 18).

These recommendations span departmental decision making both at the policy development level, with the potential to affect many different people, and at the individual level, determining a person’s application, status or detention. The relevance of stakeholder engagement will differ depending on whether the issue concerns policy as a whole or an individual decision-making process. For example, it would be inappropriate for a decision maker to engage with stakeholders and communities when reviewing an individual’s immigration detention.

Recommendation 20 has the potential to span both the individual and the policy level, as making improvements to the complaints system, including by establishing an Independent Case Examiner, would help the department to address the systemic issues identified. In any complaints process, the department should always bear in mind that an individual complaint can be symptomatic of a wider systemic problem. Similarly, **Recommendation 23** specifically encouraged the department to revise and clarify its risk management framework so that any systemic problems which occur at the individual casework level can be identified, communicated and addressed at the policy level.

Recommendation 8 does not only relate to engagement or consultation with stakeholders. It is broader, and based on my findings in relation to why the Windrush scandal occurred and why good public administration should always take into account diverse views, perspectives and experiences when developing policy (the relevant passage from the WLLR is contained within the recommendation assessment below). I have made further references to what was needed, which was an improved level of understanding of different communities within the UK, and knowledge of the full diversity of those the department serves. When developing policy, the range of relevant viewpoints and evidence will not be identical in all cases but will depend on the people likely to be affected, those who have experience of the particular issue being considered, and those who have specific subject matter knowledge.

I cautioned against the risk of adopting a rigid new approach in the department's own policy, which would not result in a broadening of horizons. I considered the department's policy assurance framework in my original report (WLLR page 128). This was a "welcome addition to the policy maker's toolkit", which contained "questions [that] policy makers would be expected to think through as part of developing policy" and helpful prompts to consider equality implications of the proposal. However, it is unlikely that the policy assurance framework would have "flushed out issues concerning the Windrush generation any more than the checks and balances that existed at the time, nor would it have provided the necessary challenge to the policy intent and decisions that led to the scandal".

I also considered the BICS hub as it was at the time (WLLR page 128), which might have "led to some of the issues we identified coming to light sooner". But on its own, it was "reactive and internally focused", and "unlikely to have prevented the Windrush scandal from happening". I specifically noted improvements that would be needed in terms of data quality, analytical capacity and accountability. None of those measures met the recommendations that were grouped by the department under this theme.

When summarising the steps taken by the department at the time of my report, I noted that overall, "they do not sufficiently address the fundamental problems that exist" (WLLR page 130).

One of the problems I identified, especially while reviewing the internal development of the Right to Rent provisions for the Windrush generation, was the "unwillingness to listen to others' perspective or take on board external scrutiny" (WLLR page 112). This criticism went beyond consultation mechanisms to the heart of whether the department was willing to listen to the perspective of others, including those whose remit expressly was to provide external scrutiny, such as the ICIBI.

Therefore, I recommended how that outlook could be reversed by strengthening external scrutiny measures, such as the ICIBI (**Recommendation 10**) and the creation of a Migrants' Commissioner (**Recommendation 9**). I saw these measures as "vital to improve the accountability, effectiveness and legitimacy of the system" (WLLR page 141). In particular, the Migrants' Commissioner has the advantage of an expert subject matter remit and the ability to voice concerns to those who may not otherwise participate in official consultation channels.

My original report emphasised how crucial effective engagement is to good public administration, particularly considering the "highly politicised and complex area of public policy ... where there are strongly held opinions" (WLLR page 77). While I did find some individual examples of effective stakeholder engagement in parts of the department (for example, the Windrush volunteer programme and community engagement teams in Immigration Enforcement), I concluded that in other areas, the Home Office "did not actively listen to external voices or engage effectively with stakeholders or communities" (WLLR page 141).

Where engagement was taking place, some interested parties felt their views were largely ignored, or that the engagement was intended to provide information about pre-determined plans rather than to promote a genuine dialogue about policy design. This situation was "compounded overall by a defensive culture ... which often defends, deflects and dismisses criticism". I found this had a detrimental effect on the department's analysis of the effectiveness of its policies, "which has led to it needing to rebuild the public's trust, particularly among minority communities" (WLLR page 141). **Recommendation 8** of my review aimed to address this critical problem.

I envisaged that consultation (whether formal or informal) with interested parties would be one key part of rebuilding this trust. Although it might not always be legally required for the department to directly inform stakeholders which suggestions have been accepted or declined, there can be practical benefits in going beyond the legally required minimum standard. It is human nature that we are more likely to feel heard if true dialogue is established. People, especially those who have experienced detriment, are unlikely to have trust if they feel ignored or that an outcome has already been decided.

I also stated in relation to the Right to Rent case study:

“It does not follow that the department should act on all dissenting voices, as the review recognises that some of those voices may come from quarters whose policy aims conflict with the government policy of the day. However, if those voices are dismissed out of hand, simply because they come from those with different policy objectives, the department runs the risk of not acting on legitimate practical or legal risks that are raised. Where serious risks are raised – in this case the risk of discrimination and the risk of people who were not the target of the policy being subject to its force – the department has a responsibility to properly assess these risks alongside its own analysis, so as to be able to offer clear advice to ministers.” (WLLR page 90)

4.2 The department’s response

In the CIP (page 10), the department groups **Recommendations 8, 9, 10, 20** and **23** together under ‘openness to scrutiny’ by saying: “We will become more outward facing and we will listen to, and act on, the views of and challenges from both staff and external stakeholders”, which is later expanded upon:

“This includes greater external scrutiny of policy and processes and the ability of staff to air their views and concerns. We are taking steps to be more transparent to ensure that the department is as open as possible to all types of scrutiny, both internal and external. This requires a fundamental cultural shift in our attitude to people with different views on policy and those who make a complaint when something goes wrong, but we are committed to building an open Home Office which prioritises the insights and experiences of the communities we serve.” (CIP page 40)

These are noble aims. I am pleased the department recognises that a cultural shift is needed, and that those both inside and outside the department should be listened to at a formative stage with an open mind.

I am also pleased with the department’s recognition of the need for Home Office staff to air their own concerns, as I mentioned at the end of **Recommendation 8**. Encouraging, listening and acting in response to internal advice and challenge is fundamental to achieving a cultural shift (also see part 5).

The CIP’s characterisation of this theme has a distinctly reactive element, rather than proactive, which is not fully consistent with **Recommendation 8**. There is great value in an organisational culture that encourages active engagement and listening – including from diverse perspectives and critical voices – as a fundamental part of designing effective policy and practice in line with departmental objectives.

However, on the positive side, I have seen evidence that the department has, in some instances, been more proactive than the statement of aims might suggest. Some stakeholders have also reported positive experiences – for example, one stakeholder involved in an informal consultation on Immigration Rules and guidance simplification said:

“It works well, even as a closed group – they are running draft guidance and draft rules by a panel to understand if it works in practice and if it conflicts with rules, and that work has been positive.”

4.3 My expectations

In assessing the extent to which the department is achieving its ambition, I would expect all my recommendations under this theme to be implemented. I would also expect to find demonstrable evidence of the department becoming more outward facing, encouraging staff to raise concerns, and improving insight and scrutiny.

To assess the department’s progress on achieving openness to scrutiny, I have considered each of the recommendations it grouped under this theme (**Recommendations 8, 9, 10, 20 and 23**), as well as evidence gathered from a range of other sources including:

- one-to-one conversations with people inside and outside the department
- three internal engagement events for Home Office officials
- one external event for people affected by the Windrush scandal (or who have engaged with the department since the WLLR)
- a roundtable with civil society organisations
- an external call for evidence
- an internal call for evidence to gather staff feedback

I also considered the Home Office’s People Survey results since my original report was published.

4.4 Progress against the theme

Becoming more outward-facing

One of the metrics I referred to in my original report was whether “the range of stakeholders, including community groups, consider they have been heard” (WLLR page 142).

My own evidence-gathering activity between October and December 2021 found a mixed picture in terms of how far the department has come with achieving its wider ambition and how it is viewed externally.

From the results of my external and internal calls for evidence, there appears to be a disconnect between how the Home Office believes it interacts with stakeholders and what stakeholders (including internal staff) experience. Only 18% of external respondents and 33% of Home Office staff think the department is doing well or very well in demonstrating more openness to scrutiny. Meanwhile, 69% of external respondents and 38% of Home Office staff say the department is not doing well or not doing well at all. While I acknowledge that it can take time to alter perceptions, and there will be some whose perceptions can’t be altered, it would be reasonable by now to see greater evidence of demonstrable progress in this area.

There is also minimal evidence of rebuilding trust in practice. Organisational stakeholders who attended the workshop for civil society organisations considered that while more engagement is happening, the lack of follow-up leads them to believe that nothing is being done with the information and expertise provided. Most expressed frustration at what they described as the department's failure to inform stakeholders when it had decided not to take on board suggestions. Some recognised that the department often operated under certain constraints but thought this made it essential for them to engage in a meaningful dialogue and avoid problems arising in the future. I was told:

“We are being brought around the table, listened to, but then dismissed.”
(External stakeholder)

“It does feel like you engage and input – we are mainly small organisations – and then nothing happens, and it goes away. The courteous thing to do would be to have more responses, more actively showing what you suggested was considered.” (External stakeholder)

The responses were not universally negative. For example, one of the written responses to the call for evidence said:

“The engagement as part of this [the European Union Settlement Scheme] was really good and I did feel we were being listened to.”
(External stakeholder)

The European Union Settlement Scheme falls outside my terms of reference (even though the department positively relied on it in their self-assessment), and I have not considered the development of the scheme in detail. It is encouraging to see that some recent positive trust building has occurred. However, the evidence I have reviewed across the board shows this to be more isolated in pockets. I also received some negative feedback from those who responded to the call for evidence regarding the European Union Settlement Scheme.

Encouraging staff to air their concerns

The internal picture is less than positive. The results of the most recently published Home Office People Survey show low levels of positive responses – always below 50% – to questions about how comfortable or empowered staff are to contribute to and challenge the way things are done (the Civil Service average was 55%).

My engagement events with staff echoed similar concerns, particularly among grades AA to Grade 6.

“The feedback from across the board is [that] staff are afraid to challenge full stop, for all sorts of reasons – being blacklisted against promotion, bullying and, to be honest, just [being] petrified.”

“I think for the lower grades, it's often a belief that nothing will change if they challenge.”

“We can't be speaking to our Home Office values and at the same time function in a space where 'ignorance is bliss'. The same way in which ethnic minority colleagues don't feel empowered to challenge... but we feel the fear and do it anyway, as nothing changes if nothing changes.”

Improving external insight and scrutiny

In light of the department's limited progress in achieving openness to scrutiny, my recommendations that relate to establishing effective independent insight and scrutiny functions are all the more important for driving the required cultural and systemic changes.

The department has powers which include the right to deprive people of their liberty in certain circumstances. While there are statutory rights of appeal against some decision-making powers, there need to be transparent scrutiny mechanisms to ensure these functions are carried out with probity, proportionality, dignity and respect, with safeguards in place to support vulnerable people. Where this is not happening, the system must provide effective routes for resolving complaints and ensuring that the experiences of those affected inform system-wide improvements.

I am disappointed that, to date, limited progress has been made in respect of **Recommendations 9, 10 and 20**. While recruitment exercises for an independent reviewer of the ICIBI and an Independent Complaints Examiner were underway at the time of my revisit (**Recommendations 10 and 20**), a decision in principle on whether and how to establish a Migrants' Commissioner (**Recommendation 9**) was only made in February 2022.

This situation means that so far, the department has been unable to reap the benefits that opening itself up to wider scrutiny would bring. Since my original report was published, there have been a number of occasions where, for example, the expertise and independence of a Migrants' Commissioner could have provided an evidence-based perspective on migration policy proposals. I consider that an independent office holder would bring added benefits by helping the department to negotiate the complex migration stakeholder landscape.

It was to the department's immense credit that it accepted **Recommendation 9**. By failing to implement what would be the cornerstone of its plan for engaging effectively with the public, the department risks undermining its stated commitment to transparency and effective policy making, as well as the efforts to rebuild its reputation. It is noteworthy that some progress has recently been made in this regard, as discussed in the recommendation assessment below.

Prioritising the insights and experiences of the communities the department serves

Where there are good examples of proactive wider engagement, they generally relate to less controversial policy areas and appear to rely on the initiative of individuals or teams, with no guarantee of being rolled out more widely. This represents a missed opportunity as, arguably, the department could benefit most from considering a range of perspectives in the more contested areas of public policy. The lack of progress across each of these recommendations suggests to me that there is still, regrettably, reluctance in the department to listen to other perspectives that do not match the preferred approach or perceived policy direction. There are also more opportunities for engagement to take place during the formative stages of policy. The department therefore needs to do even more to demonstrate that it has moved away from the defensive approach which I found at the time of my initial review, and to indicate a demonstrable shift towards its ambition to become a department that "listens to, and acts on, the views and challenges of both staff and external stakeholders" (CIP page 40).

My assessment of the overarching theme does not match the department's self-assessment, which said:

"This theme focuses on the department's willingness to be open to scrutiny. It challenges the department to be a more listening organisation and to understand real-life impacts of our systems and processes. The expectation is striking the right balance between external scrutiny and policy against the requirements of the organisation. This theme is rooted in significant cultural shift and change, especially when managing complaints and other forms of criticism."

"The creation of the community and stakeholder engagement hub (part of Recommendation 8) has been a huge step forward – building on the creative and innovative work delivered by the Windrush external engagement team. The team is focused on building wider capability and capacity across the department and has already released new tools and resources for staff, as well as providing bespoke support for policy teams, including the New Plan for Immigration and on violence against women and girls."

"While there has been substantial progress [in Recommendations 8 and 20], and extensive work during a discovery phase to identify the best approach for a Migrants' Commissioner, a final decision on this has not yet been made, and nor has recruitment completed for a reviewer for role of the Independent Chief Inspector of Borders and Immigration. However, there will be progress on both these in the coming months."

Overall, I suggest that to meet the recommendations, the department should adopt the existing pockets of good practice more consistently and continue to make progress in creating a culture which encourages meaningful and ongoing engagement. At the policy level, this should include proactively seeking diverse perspectives, expertise and ideas at a formative stage, whether supportive or critical, from inside and outside the department, and consistently building those insights into policy design and operational practice. It should also proactively check whether problems identified through complaints, external scrutiny functions, reviews, appeals or judicial review challenges might be systemic and, if they are, that these are promptly and effectively addressed. It is only by doing this and measuring progress based on the experiences of stakeholders, service users and the wider public that the department will realise its ambition and truly make the required step change.

Recommendations 9, 10, 20 and 23 required the department to take clear, measurable steps which, despite those recommendations having been accepted, either have not yet happened or have been materially altered.



"The Migrants' Commissioner could still play an important role"

4.5 Theme 4 recommendation assessments

Recommendation 8

Improve external understanding and engagement

The Home Office should take steps to understand the groups and communities that its policies affect through improved engagement, social research and by involving service users in designing its services. In doing this, ministers should make clear that they expect officials to seek out a diverse range of voices and prioritise community-focused policy by engaging with communities, civil society and the public. The Windrush volunteer programme should provide a model to develop how the department engages with communities in future. The same applies to how it involves its staff in feeding back their information and knowledge from this engagement to improve policy and the service to the public.

In assessing progress on this recommendation, I would expect to see that:

- there is improved openness, proactivity and identification of problem areas
- the department has taken proactive steps to understand the groups and communities that its policies affect (which will not always be identical for all policies)
- ministers have made clear to officials that they should engage with communities, interested parties, stakeholders and the public
- the Windrush volunteer programme has been used as a model, but not the only means, of developing community engagement
- the department involves its staff by using information and knowledge from its engagement activities

- the department conducts regular stakeholder surveys to better understand how its engagement is perceived by stakeholders
- staff and stakeholders have reported an improvement in engagement

Evaluating the CIP

In the CIP, the department reports that it is “taking steps to ensure we consistently involve communities and stakeholders in policy development and service design by building the department’s skills and confidence in conducting meaningful engagement” (CIP page 41). The CIP notes that training is planned on how to conduct community engagement and identify stakeholders, and also agrees to conduct a stakeholder survey (page 41) and a dip sampling exercise (page 166).

The department makes reference to a community and stakeholder engagement hub (CIP page 41) and a “customer data and evidence database for policy makers signposting relevant information to inform decision making”. The CIP also refers to:

- engaging with Windrush volunteers (who helped promote the Windrush Compensation Scheme and shape the engagement strategy with affected communities) to understand what went well and how to build this approach into the department’s wider work
- UKVI and Her Majesty’s Passport Office incorporating feedback from service users into the design and delivery of contracts and operations
- UKVI listening to refugees through a refugee advisory group, ethnographic and qualitative research, and conversations

The department's self-assessment refers to a migration seminar series, in which academics present to decision makers research carried out on refugee women, employer sponsorship, Hong Kong visa holders, global talent visa holders and survivors of domestic violence against women.

The department also refers to a data catalogue that provides "a one-stop shop for all policy makers to consult a range of data sets and better understand stakeholder cohorts".

The department has published what it considers to be a "well received stakeholder engagement toolkit to improve skills and knowledge and give new practitioners a good foundation to ensure that external stakeholders are involved well, early and effectively". Finally, the department refers to the engagement practitioner network and a review of the Windrush volunteer programme.

The department's self-assessment places particular emphasis on the WCGWG as the vehicle to bring community organisations and government representatives together to support the Windrush generation and their families (page 71).

In September 2019, the department set up a stakeholder advisory group to consult on its communications and engagement strategy. In June 2020, this group was replaced by the WCGWG, with only one member of the original stakeholder advisory group remaining. The WCGWG consists of stakeholders and community leaders representing some of the affected communities, as well as representatives from other government departments. The group is co-chaired by Bishop Derek Webley and the Home Secretary, with a secretariat function provided by the Cabinet Office (so it is not formally part of Home Office governance arrangements). The terms of reference can be found on GOV.UK.²³

The WCGWG meets on a quarterly basis and its purpose, as stated in its terms of reference, is to:

- improve uptake of the Windrush Scheme and the Windrush Compensation Scheme through advising the Home Office on engagement and outreach, advising on the design and delivery of the Windrush Community Fund, and deciding recommendations to the Home Secretary on successful bids
- provide strategic input on the Home Office's response to the WLLR
- co-design and deliver the response to cross-cutting issues to support the Windrush generation and their descendants
- support the design and delivery of practical solutions to address the wider challenges that disproportionately affect people from black, Asian and minority ethnic backgrounds

To achieve its priorities, the WCGWG is underpinned by a series of sub-groups which focus on particular themes, such as devising the Windrush Community Fund, implementing the WLLR recommendations and informing the Migrants' Commissioner function.

At the time of writing, a couple of members of the group had resigned, which provides an opportunity to refresh the membership – for example, by including members from other areas of expertise within the Caribbean, as well as non-Caribbean countries.

The plan does not contain details of the use of social research to inform its policies.

I therefore consider that the plan is partially adequate in meeting my expectations of this recommendation.

23 Windrush Cross-Government Working Group: terms of reference June 2020 – GOV.UK (www.gov.uk)

Progress on the recommendation

There is evidence of departmental engagement with this recommendation, from junior officials to the SCS and ministers, and there are a number of initiatives that have either been completed or are in development. The CIP and self-assessment helpfully emphasise the importance of outside engagement at a sufficiently early stage, and both acknowledge that the same stakeholders will not always be relevant for every proposed policy development.

However, there seems to be an assumption that this recommendation can be met by initiatives or the creation of new resources, such as the hub or the WCGWG. While many of these initiatives could be helpful, they cannot meet the recommendation by themselves. A cultural change and alteration in the department's mindset and operational processes is required, which can only succeed if driven by strong leadership from the top down. Relevant perspectives on new policy decisions or development will vary according to the subject matter being considered, so the question of what information to gather from outside the department always needs to be approached with an open mind.

Furthermore, some of these initiatives do not greatly differ from those in place at the time of my original review. As set out above, one of my criticisms was that the initiatives were more reactive than proactive in identifying the potential for people to be adversely affected. The detrimental impact on those affected by the Windrush scandal was not identified until years after it had occurred. There should have been a fundamental shift in approach and specific, well-designed initiatives.

It is therefore disappointing to see that a means of assessing stakeholder feedback on the effectiveness of these first initiatives has not been followed up, and social research was not being extensively consulted.

I have seen in the responses to my own research that many stakeholders were pleased to be invited in, but then frustrated at the limited ongoing engagement. Some felt, legitimately in my view, that they had been treated as part of a 'tick-box' exercise.

The department has established the community and stakeholder engagement hub, alongside a toolkit to help staff engage with stakeholders. The hub's objectives are to:

- improve the quality of relationships to allow for timely engagement
- increase visibility across the department of existing engagement
- capitalise on intelligence and information already held
- facilitate access to a database to lead on engagement with stakeholder organisations and new initiatives

However, the categories of those to be consulted should not be considered closed. The department needs to ensure that the existence of the hub, rather than a wider cultural expectation of early consultation and targeted engagement with those who are likely to be most affected, does not lead to unhelpful rigidity rather than beneficial operational change.

The department has relied on existing staff to run the hub, and there are currently no success criteria or clear anticipated outcomes. While this is a positive example of involving operational staff in the design and development of tools for use by colleagues, it would also benefit from senior-level ownership to embed its objectives across the organisation and to secure long-term funding.

The customer data catalogue is in place and contains data about some groups affected by the policy area. But there is limited evidence of staff awareness on what it is or how to use it. I would expect to see more efforts to help embed this potentially useful tool, such as regular articles on the departmental intranet (Horizon).

As I identified in my original report, there can be missed opportunities if officials do not identify that a proposed measure might affect a smaller group within a large pre-defined group (for example, the Windrush generation group in the context of the Right to Rent case study). The catalogue includes some useful information but, as with any data, its limitations must be clearly understood by those using it.

Internal stakeholders took part in the first phase of a departmental survey about building better relationships with stakeholders in June 2021, with a second phase expected to be completed before April 2022. A Young People's Board is planned with monthly meetings for all four nations currently being implemented and the overall vision being achieved by the end of 2022. In my own engagement with stakeholders, I identified a disconnect between how the department thinks it is doing, and the views of stakeholders themselves. The difference is unsurprising, as several initiatives listed in the CIP and self-assessment involved no survey of stakeholders immediately following any engagement.

There is also a lack of evidence of consistent community-based engagement as part of the department's normal business activities. To date, most contact with the public seems to be through surveys, calls for evidence and working groups. There is little evidence of dip-sampling advice to ministers, feedback to improve the quality of advice, or highlighting good practice to raise standards and build expertise, as set out in the CIP.

While there is a willingness to carry out engagement activities, it seems restricted mostly to internal partners with limited involvement of the public. COVID-19 will no doubt have been a contributory factor in the department's decisions, but it would be reasonable to expect a detailed plan for public engagement when face-to-face contact can fully resume.

Benefits would include more proactive engagement throughout the policy design and implementation process. Ongoing engagement as a means of monitoring and evaluating the success of policies would show a willingness to listen, rather than seeking answers to questions already decided. This was an outcome of the survey on building better relationships with stakeholders. The department was able to identify several key themes from respondents, such as that a number of contextual factors make effective engagement difficult.

In relation to the WCGWG, I have seen examples where its input has achieved some tangible progress on several aspects of **Recommendation 8**. These include securing a substantial financial uplift to the Windrush Compensation Scheme awards, developing the Windrush Community Fund and helping the department move towards reconciliation events for those affected by the Windrush scandal (**Recommendation 3**).

There are several existing interest groups representing a broad spectrum of views from the affected communities. Reflecting them all in a single group would always be a challenge, and it is unlikely that one group alone would be capable of providing full compliance with **Recommendation 8**. The department sees the WCGWG as one of several stakeholder groups it should be interacting with to ensure that policy design and practice are based on diverse perspectives. This approach was supported by many of the external stakeholders I spoke to.

Overall, while there have been some positive signs and changes, I consider that there is more work to be done to ensure departmental culture and systems encourage and support meaningful engagement from a diverse range of perspectives. As a result, I consider this recommendation to be partially met.

Recommendation 9

Introduce a Migrants' Commissioner

The Home Secretary should introduce a Migrants' Commissioner responsible for speaking up for migrants and those affected by the system directly or indirectly. The commissioner would have a responsibility to engage with migrants and communities, and be an advocate for individuals as a means of identifying any systemic concerns, working with the government and the Independent Chief Inspector of Borders and Immigration (ICIBI) to address them.

In assessing progress on this recommendation, I would expect to see that:

- Migrants' Commissioner who impartially represents the interests of migrants and those affected by the system has been introduced, working with the government and the ICIBI
- the WCGWG has provided advice on how best to advance the recommendation

Evaluating the CIP

The CIP agrees that the Migrants' Commissioner would be a valuable role but makes no commitment to a process or timescales for implementation. It is on this basis that I have assessed the department's plan as inadequate.

The self-assessment refers to a "substantial amount of discovery work" which has been done to develop options. A sub-group of the WCGWG was appointed to advise on what the role should look like, providing a community leaders' approach on the key functions and the best model for delivery. The sub-group reported in August 2021 and recommended something substantially different from my

Recommendation 9.

Progress on the recommendation

It is apparent that, from an early stage, the department understood the role that a Migrants' Commissioner could play in helping to improve understanding of migrants and the development of policy. The department also built funding for the role into its 2021-22 central budget but in late 2020, it reframed this early work amid a shift in focus away from creating new public bodies.

The department began to explore how existing bodies could carry out the function of a commissioner. It then formed the WCGWG sub-group to develop proposals for the role of the Migrants' Commissioner, seeking permission from ministers to share potential options with the group. Instead, a direction was provided to the WCGWG that the preferred option was to create a stakeholder group aligned to the WCGWG that would act as the Migrants' Commissioner function.

I have seen that a suggestion was made to the WCGWG that it could fulfil the Migrants' Commissioner role with support from an expert panel. The group rejected this and proposed in August 2021 that the role be filled by a stakeholder group made up of migration organisations, with a publicly appointed chair. In September 2021, advice was submitted to ministers recommending that they accept the WCGWG's proposal.

I do not consider that consulting with the WCGWG on a different solution, without the earlier discovery work, was a helpful way to address this recommendation. The remit of the Migrants' Commissioner would have extended far beyond the Windrush generation. The rationale for its creation was based on the wider need to ensure that the experience of a range of different groups who come to the UK is not institutionally forgotten in the development of policies, proposals for legislation and internal case working.

Recommendation 9 was not intended to be limited in scope to the Windrush generation. It is an important opportunity for the department to:

- understand the migrant experience and use this insight to inform effective policy
- demonstrate its willingness to listen, rebuild trust and create an additional external means of holding itself publicly to account

I can only therefore conclude that at this stage, despite the initial positive work done to scope the structure and remit of the role, this recommendation has not been met. I understand that the recently approved proposal is to have a Migrants' Commissioner who, rather than acting as statutory independent commissioner, would be the chair of an existing advisory group with an extended membership to cover a wider range of interested parties. This is a welcome step forward. Although not what I envisaged, as long as the advisory group and the chair have the range of experience, expertise and resources to provide the necessary independent scrutiny, oversight and advice, it could benefit the department and the public. However, there are risks to this approach and it remains to be seen whether the spirit of the recommendation is achieved

If appointed in future, the Migrants' Commissioner could still play an important role in helping the Home Office better appreciate the impact of policies on different migrant groups. It would be a powerful indicator of the department's commitment to transparency, openness to scrutiny and to achieving the wider cultural and systemic changes that it accepts are necessary. I would urge the department to build on the work already done and implement this recommendation.

Recommendation 10

Review the remit and role of the ICIBI

The government should review the remit and role of the ICIBI, to include consideration of giving the ICIBI more powers with regard to publishing reports. Ministers should have a duty to publish clearly articulated and justified reasons when they do not agree to implement ICIBI recommendations. The ICIBI should work closely with the Migrants' Commissioner to make sure that systemic issues highlighted by the commissioner inform the inspectorate's programme of work.

In assessing progress on this recommendation, I would expect to see that:

- the review of the ICIBI is complete, with a SMART plan in place for implementing the recommendations
- ministers publicly articulate and justify the reason(s) for not implementing ICIBI recommendations, including how any risks will be mitigated
- the ICIBI is working in close collaboration with the Migrants' Commissioner

Evaluating the CIP

The CIP confirms that the department would appoint a reviewer by the end of 2020 and plan to review the ICIBI in the first quarter of 2021 to make the inspectorate more independent, effective and efficient. It is silent on the ICIBI working closely with the Migrants' Commissioner.

The CIP also suggests that the department looks at other inspectorates, how they are funded, their ways of working, and how other departmental assurance functions operate.

The CIP states:

“We will then use the findings of the review to consult on changes to the ICIBI. Where formal scrutiny is not working, we will not hesitate to make further changes.” (page 42)

“We expect to judge whether the changes to the role and remit of the ICIBI have been successful by the percentage of responses to reports completed within expected timeframes, and the number of recommendations implemented.” (page 42)

The CIP does not, in my view, adequately reflect **Recommendation 10** of the WLLR. I specified that the ICIBI was a critically important external review mechanism for the department.

In 2018, the ICIBI raised concerns about the impact of racial and other forms of discrimination by landlords in a report on the Right to Rent measures. The ICIBI recommended that the Home Office should “develop and make public plans for the monitoring and evaluation of the Right to Rent measures”, including their impact on illegal migrants, landlords, racial and other discrimination, exploitation and associated criminal activity, and homelessness (WLLR page 231).

The department's internal briefing note on 2 March 2018 stated that the BICS "thus far has gone a long way to mitigating this issue" (WLLR page 42). As recorded in my report, that confidence was misplaced. The ICIBI was an external voice who had raised a legitimate concern, which was then not adequately considered. My findings on how the department approached the ICIBI's report were one of the bases for **Recommendation 8** and **10**.

Those findings are not at all addressed by the department's commitment to review funding for other inspectorates. Nor was my recommendation aimed at persuading the government to consult on the remit of the inspector, other than in respect of potential expansion of existing powers.

I am concerned by the CIP's suggestion that the measure of success of the inspector (rather than the department) would be the number of recommendations implemented and the timescale in which they complete their reports (page 42). While these factors may improve the efficiency of the ICIBI, this assertion fails to place responsibility for improvement where it should lie – namely on the inspected body itself, rather than the inspectorate. If adopted, the suggested measures could reduce the independence and scrutiny function of the ICIBI.

Progress on the recommendation

I have been provided with evidence on the recruitment process for the independent reviewer of the ICIBI. I am informed by the department that this was initially intended to run as a short-form appointment, which can be completed under Cabinet Office guidance for a period of less than 18 months. Following assessment of the initial and then longer list of candidates, and lengthy discussions with officials, the Secretary of State decided to re-run the exercise as a full public appointment. I am informed that this process is progressing and is expected to result in an appointment in early 2022.

The aims set out in the CIP are inconsistent with aspects of **Recommendation 10**. However, I have noted that the recruitment pack for the ICIBI reviewer confirms that, among other elements, the review will look at the ICIBI's powers of publication and the working relationship with any Migrants' Commissioner.

The remit of the role therefore appears to have to been amended in accordance with the above elements. This provides some reassurance that the recommendation has been understood and will be addressed in the terms of reference for the appointment, and in the subsequent review. I also recommended several improvements to the way in which the department conducts recruitment. It is usually best practice to publicise appointments to attract the widest range of qualified candidates. While these processes inevitably take some time, I would not expect them to take two years.

This recommendation is therefore, at the time of writing, not met.

Recommendation 20

Review the borders, immigration and citizenship system (BICS) complaints procedure

The Home Secretary should commission an urgent review of the BICS complaints procedure. Options could include establishing an Independent Case Examiner as a mechanism for immigration and nationality applicants to have their complaints reviewed independently of the department.

In assessing progress on this recommendation, I would expect to see that:

- the Home Secretary has commissioned an urgent review of the BICS complaints procedure
- the department has made progress on addressing any recommendations made to improve operational practice – including consideration of an Independent Case Examiner and how the department can assess whether complaints are raising systemic issues²⁴

Evaluating the CIP

The CIP proposes creating an Independent Complaints Examiner function within the existing departmental BICS complaint system. Currently, a complainant may ask their MP to direct the complaint to the Ombudsman for consideration. When the Independent Complaints Examiner stage is introduced, an individual complainant will have the right to request review of their complaint by the Independent Complaints Examiner before asking their MP to access the Ombudsman.

The CIP also proposes that the department should work with the Government Internal Audit Agency, with customer and MP satisfaction surveys to assess progress.

I consider that the CIP is adequate and addresses this recommendation directly.

24 The department refers to this as the 'Independent Complaints Examiner' in the CIP, and has since amended the name to 'Independent Examiner of Complaints' due to similarities with another team name within the Home Office.

Progress on the recommendation

The department commissioned the Government Internal Audit Agency to undertake the review. Its report of February 2021 highlighted weaknesses, including a lack of clear governance in managing and monitoring complaints teams and a lack of customer focus in the process, from assessment and triage to acknowledgement and response. It praised the use of ‘customer champions’ to facilitate communication between customer assurance, complaints teams and individual business areas, and the use of a UKVI digital customer complaints survey. However, I continue to have concerns that the areas identified have not yet been addressed, and the Independent Complaints Examiner (ICE) has not yet been appointed.

I note that the department considered the different types of ICE models available in other government departments and decided that having their own ICE within the organisation was the best and most effective measure. I also note that the department went down the route of a full and open recruitment exercise via the Cabinet Office public appointments website, and I am informed that an Independent Complaints Examiner is expected to be appointed by spring 2022. In my view, notwithstanding the challenges presented by COVID-19 over the last two years, this could and should have been completed (in accordance with the public appointments) much sooner.

I therefore conclude that **Recommendation 20** is not met.

Recommendation 23

Revise and clarify the risk management framework

The department should revise and clarify its risk management framework, where officials and ministers consider potential risks to the public, as well as reputational and delivery risks.

In assessing progress on this recommendation, I would expect to see that the risk management framework has been revised and clarified.

Evaluating the CIP

The CIP proposes a risk management framework and a relaunch of its risk assurance forum. There has been a public consultation.

The CIP contains some adequate measures and engagement with my findings. However, it does not engage with the reasons I identified as to where opportunities were missed. There is no mention of learning from complaints, internal reviews, appeals or judicial reviews. Critical to any operational risk management framework is a means of identifying at every level whether one instance of an error, failure or detriment might be a symptom of a wider systemic problem. On this basis, I consider the CIP to be partially adequate.

Progress on the recommendation

The department has reported this recommendation as closed.

The department has implemented the recommendation by creating the enterprise risk management framework, published internally in May 2021. The framework applies to staff at all grades, gives a clear minimum standard for consistency and lets individual areas of the department decide what is proportionate in managing their own risks. There is also a department-wide interconnected system that lets teams make decisions with a full view of significant risks. The framework combines a top-down approach with knowledge and experience of people and teams to support understanding of risk. It also highlights the need for mechanisms to engage with people and communities to better understand the impact of policy and present risk management as a day-to-day leadership skill.

The evidence suggests that the department has been proactive in creating a framework following thorough consultation with staff and risk experts. The framework was launched on the intranet and with 'lunch and learn' workshops. The department has also created hints and tips documents, which have been rolled out and are now being brought together in the risk management essentials toolkit. The department also indicated that the framework is supported by activity to embed a culture of learning and improvement. It is unclear how it interrelates with the day-to-day operations in the department.

Overall, I consider that the approach taken to **Recommendation 23** shows examples of good practice for the department to follow, in terms of design and roll-out. Although the evidence suggests that the framework is not yet embedded, I have a greater degree of confidence that the department will take the necessary steps to do so, given the work it has done so far. To be fully effective, the system should also be more integrated into day-to day-activities and incorporate risks flagged during case reviews, appeals, judicial reviews and other decisions. If developed in this way, the department will have implemented both the letter and spirit of my recommendation. I therefore conclude that the recommendation is met.



PART 5:
An inclusive workforce
(theme 5) assessment

In this part, I assess how much progress the department has made in achieving ‘an inclusive workforce’, in terms of both diversity and inclusion, in line with the ambition set out in its CIP.²⁵ I go on to individually assess progress in implementing each of the recommendations grouped and summarised by the department under this theme, which it has characterised as:

- **Recommendation 27** – establish an overarching strategic race advisory board
- **Recommendation 28** – revise the department’s Inclusive by Instinct strategy
- **Recommendation 29** – review diversity and inclusion training
- **Recommendation 30** – review successful employment tribunal claims

5.1 Windrush Review findings

My original review set out the benefits of a diverse workforce and highlighted a lack of diversity at senior levels in the department. I noted that “an organisation which encourages diverse ideas and approaches is more likely to be open to learning and improvement and challenging the status quo”. I warned that when senior staff are made up of people from a narrow range of backgrounds, this can “lead to circumstances where mistakes, obvious to those with lived experience outside of that narrow range, are missed” (WLLR page 93).

I grouped **Recommendations 27, 28, 29** and **30** under the heading “Race.” I had raised concerns that:

- “an over-broad view was taken by policy officials of the scope of exceptions from the public sector equality duty when proposing the 2013 and 2015 Immigration Bills”
- “during my interviews with senior civil servants and former ministers, while some were thoughtful and reflective about the cause of the scandal, some showed ignorance and a lack of understanding ... [and] little awareness of the possibility of indirect discrimination or the way in which race, immigration and nationality intersect”
- “there does not appear to be sufficient awareness [in the department] of the potential for there to be hidden, potentially indirectly discriminatory, barriers to career progression ... [which is] surprising as the Supreme Court considered this issue in *Essop v Home Office (UK Border Agency)* [2017] UKSC 27” (WLLR page 13)

I recommended that:

“To be truly transformative, the department needs to demonstrate a genuine commitment to addressing these longstanding issues by having a coherent strategy, with clear and challenging measures for success, and clear accountabilities at a senior level. Otherwise, the department risks these actions being seen by its staff, and the public it serves, as no more than cosmetic.” (WLLR page 95)

²⁵ By ‘diversity’, I mean the extent to which the department’s workforce is representative of the population it serves. By ‘inclusion’, I mean employees’ experience of a work environment and culture that makes them feel supported, empowered, valued, respected and fairly treated.

I noted that the department had the largest ethnic minority staffing levels of any government department, yet levels of representation were disproportionately concentrated in the more junior grades. In 2018, black, Asian and minority ethnic staff made up 26.14% and 26.33% of the two most junior grades, and 7.18% of the SCS. This disparity between the top and bottom of the organisation called for careful analysis to identify what the barriers to progression were for staff from minority communities.

I also recommended that the department should consider how to get the best out of the pipeline of future talent and improve its understanding, especially at a senior level, of the nature of indirect discrimination, to ensure departmental processes do not lead to disproportionate outcomes, however unintentional (WLLR page 93). I noted the low internal take-up of diversity and inclusion training (WLLR page 94). While take-up of unconscious bias training was higher in operational areas than in policy areas, and even though completion rates had been steadily rising since 2015, the take-up rate of the highest performing area was 30%, with figures as low as 10% for equality and diversity essentials.

The department's two main plans for tackling these issues – its training programme and its diversity and inclusion strategy – had, at the time of my original review, been unsuccessful in addressing the underlying issues. Only a small minority of all staff had completed the mandatory training course, and the low completion rate among members of the SCS in particular was a cause for concern. The department's diversity and inclusion strategy did not sufficiently set out its succession plans for talented future leaders from black, Asian and minority ethnic backgrounds, or measures for increasing levels of awareness through training, and challenging bias or discrimination within the department (WLLR page 94). I also highlighted the importance of the department increasing its levels of interaction with the public and understanding the effect of its policies on different communities and groups.

I recommended that:

“Following the judgment in **Essop v Home Office (UK Border Agency)** [2017] UKSC 27 [2017] I.C.R. 640, I would hope that the department will focus on whether there are hidden barriers to progression and what can be done to ensure that careers of all of the department's civil servants can progress with equality of opportunity.” (WLLR page 95)

5.2 The department's response

In the CIP (page 11), the department states that to achieve a more inclusive workforce, it will “promote greater diversity in the department, becoming more representative of the communities we serve at all grades, nurturing talent and ensuring action is taken to offer equality of opportunity”. As well as implementing the four recommendations grouped under this theme, the department committed to driving forward the actions set out in its 2020 Race Action Plan (see the assessment of **Recommendation 27** for more detail).

The department's response recognises that a more diverse and inclusive workforce will “not only ensure greater insight into the lived experiences of the diverse UK population but will also provide more diversity of thought, including greater challenge and innovation”, in policies and daily operational practices (CIP page 45). There is express reference to the language of indirect discrimination (CIP page 46) and the importance of improving “staff understanding and appreciation of diversity and inclusion principles, and their relevance to effectively performing their duties as public servants” (CIP page 46). This aspiration and level of insight is encouraging.

My revisit was an important opportunity to look in more detail at the work the department was doing, and the perceptions and experiences of staff from across the organisation, to assess whether the high-level objectives were leading to positive changes in practice.

5.3 My expectations

I am conscious that improving workforce diversity and developing a truly inclusive organisational culture take time. However, I would expect to see all my recommendations implemented and evidence of some changes already being seen, both in terms of increases in workforce diversity at senior levels and in staff experiences.

To assess the department's progress, I have considered each of the recommendations it grouped under this theme (**Recommendations 27, 28, 29 and 30**), alongside evidence from a range of other sources including:

- internal engagement across the department at all levels, including focus groups, one-to-one conversations and an internal call for evidence
- analysis of the Home Office People Surveys from 2019, 2020 and 2021²⁶
- a Home Office survey looking into people's experiences of inclusion, conducted in 2019 and 2021
- analysis of workforce diversity data (including recruitment and promotion data)
- progress against Home Office diversity (soft) targets
- progress against the department's Race Action Plan

My recommendations were intended to be considered in the context of my original findings. I also assessed whether there was any improved understanding from staff that diversity and inclusion issues are not limited to HR matters, but are part of day-to-day decision making, policy formulation and service provision.

5.4 Progress against the theme

The CIP asserts that because of my report, the department has changed how it approaches, prioritises and addresses diversity and inclusion. Examples of steps taken include:

- undertaking a cultural enquiry in 2020, which found that overall, a "lack of inclusion" was a stronger theme than "inclusion"
- co-creating a new set of departmental values as part of the One Home Office transformation programme, with significant staff engagement and input
- introducing the Strategic Race Board, supported by the department's race action programme team, to promote a change in culture (**Recommendation 27**)
- launching a refreshed Race Action Plan in July 2020 under the leadership of the Permanent Secretary as the Civil Service Race Champion, and completing a progress update in March 2021
- reviewing the 2018 Inclusive by Instinct diversity and inclusion strategy and replacing it with a reworked five-year strategy, Roadmap to Inclusion, linked to the One Home Office transformation programme (**Recommendation 28**)
- publishing the department's workforce diversity data annually to increase transparency and to monitor progress on improving diversity
- developing a Home Office Outcome Delivery Plan for holding the department to account on how it is discharging its public-facing duties and workforce culture

26 The annual Civil Service People Survey measures engagement and how people feel about their work. See [Civil Service People Survey: 2020 results – GOV.UK \(www.gov.uk\)](https://www.gov.uk/civil-service-people-survey-2020-results) for more details.

A more diverse workforce

I welcome these steps, in particular the department's commitment to publishing its workforce diversity statistics on an annual basis, starting with 2019/20 data in February 2021.²⁷

The department is meeting its targets for representation of women, department-wide and at SCS level, and exceeding them for disabled people at SCS level. But while it is hitting the aspiration for total representation of black, Asian and minority ethnic staff, it is falling short of the 12% aspirational target for the SCS. Indeed, the data shared with me during my revisit suggests that compared with the statistics recorded in my original report, the number of black, Asian and minority ethnic staff represented at the SCS level has decreased since 2018.

In addition, according to data provided by the department, between 36% and 43% of applicants for posts on promotion (below SCS) were from black, Asian and minority ethnic backgrounds. By contrast, the proportion achieving promotion from those backgrounds was between 17% and 26%. This disparity appears to be more pronounced at senior grades, where despite around 30% of applicants for SCS posts being from black, Asian and minority ethnic backgrounds, the proportion of successful applicants from those backgrounds is very low.

The CIP states that the department has commissioned a review of its existing performance management system, aiming for a future system that is "fairer, more transparent and less subjective, in keeping with lessons learned from other government departments" (CIP page 48). The review did not consider recruitment and promotion processes, which I regard as notable omissions.

As part of my own research, I was told by a senior official in the department that "staff also stay in the Home Office for much longer on average [compared to other government departments], so we have a huge opportunity". The same individual expressed regret that black, Asian and minority ethnic staff who aspired to the SCS were leaving in numbers that were causing concern to senior managers. But I have not seen evidence of the department recognising this issue at a senior level, taking steps to address it, or sufficiently harnessing opportunities to develop and retain talent.

In particular, the creation of the Strategic Race Board – the only board of its kind in the Civil Service – has the potential to hold the department to account in the longer term. It has also been agreed that the Race Delivery Board (chaired by the Second Permanent Secretary) would be more closely aligned to the Strategic Race Board. However, without senior-level ownership of racial diversity and inclusion as a top priority, the department risks undermining the efforts it has put in place so far and losing the confidence of its staff and stakeholders.

Further action from the senior leadership could include:

- unambiguous, authentic, frequent and consistent messages to the workforce at all levels, reinforcing expectations and encouraging applications from a diverse range of candidates
- incentivising frontline and senior managers to attend training on diversity and inclusion, indirect discrimination and the PSED
- acting on results from past recruitment exercises to identify and act on reasons for attrition
- reviewing action taken to address low levels of diversity at senior levels (subject to relevant statutory provisions)

²⁷ Home Office workforce diversity statistics 2019 to 2020 – GOV.UK (www.gov.uk)

- identifying senior sponsors (in support of the department's race champion and diversity and inclusion champions) to promote activity
- encouraging senior leaders to undertake more proactive talent management, and linking this activity to performance and progression
- communicating widely and celebrating successes
- learning from other government departments or organisations

The department states that it is already doing some of the things I have suggested. It cites forward-looking plans, and positive action statements and discussions as examples of work it has done. It also points to the fact that departmental champions exist to further the department's ambitions, whereas my suggestions propose support for those champions to cement their efforts. But significant improvements have not been made. While the department has identified some limited improvements, its response appears to miss the point and is symptomatic of the issues I have raised: the expectation that a stated ambition, future plan or existing structure will be sufficient to address the immediate need for a much more dynamic approach underscores the case for the department fundamentally to gain greater insight into the issue and revise its approach to achieving a more inclusive workforce.

This is by no means an exhaustive list, but it shows some of the more proactive steps that appear to be missing from the department's activity so far. I would refer to my original report (WLLR pages 83-95) for further context.

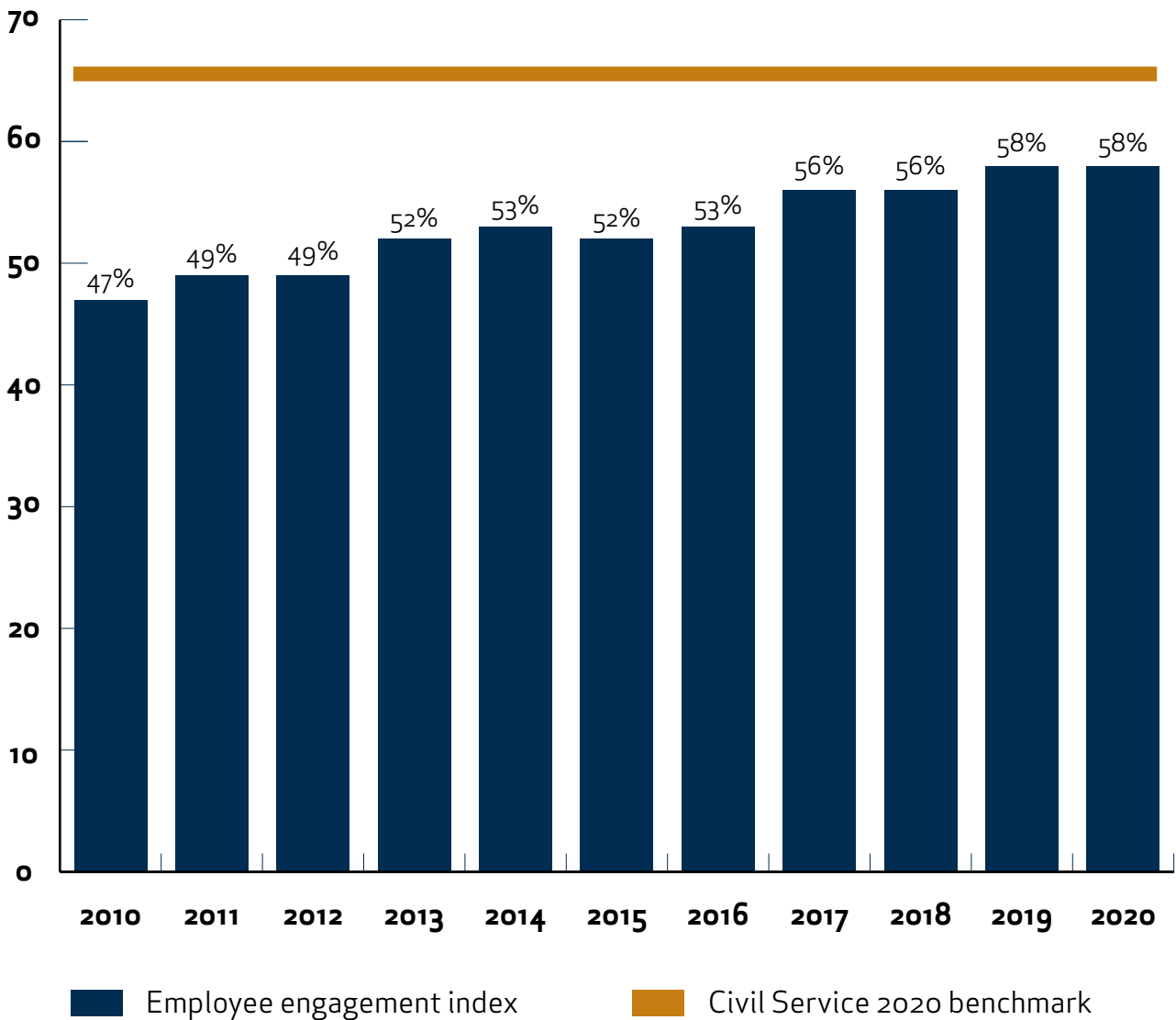
A more inclusive workforce

A more inclusive workforce, which encourages ideas and challenge from all grades, can lead to greater diversity at senior levels. This is because staff are more likely to consider that their views are valued, feel encouraged to aspire to more senior levels and be more committed to the organisation.

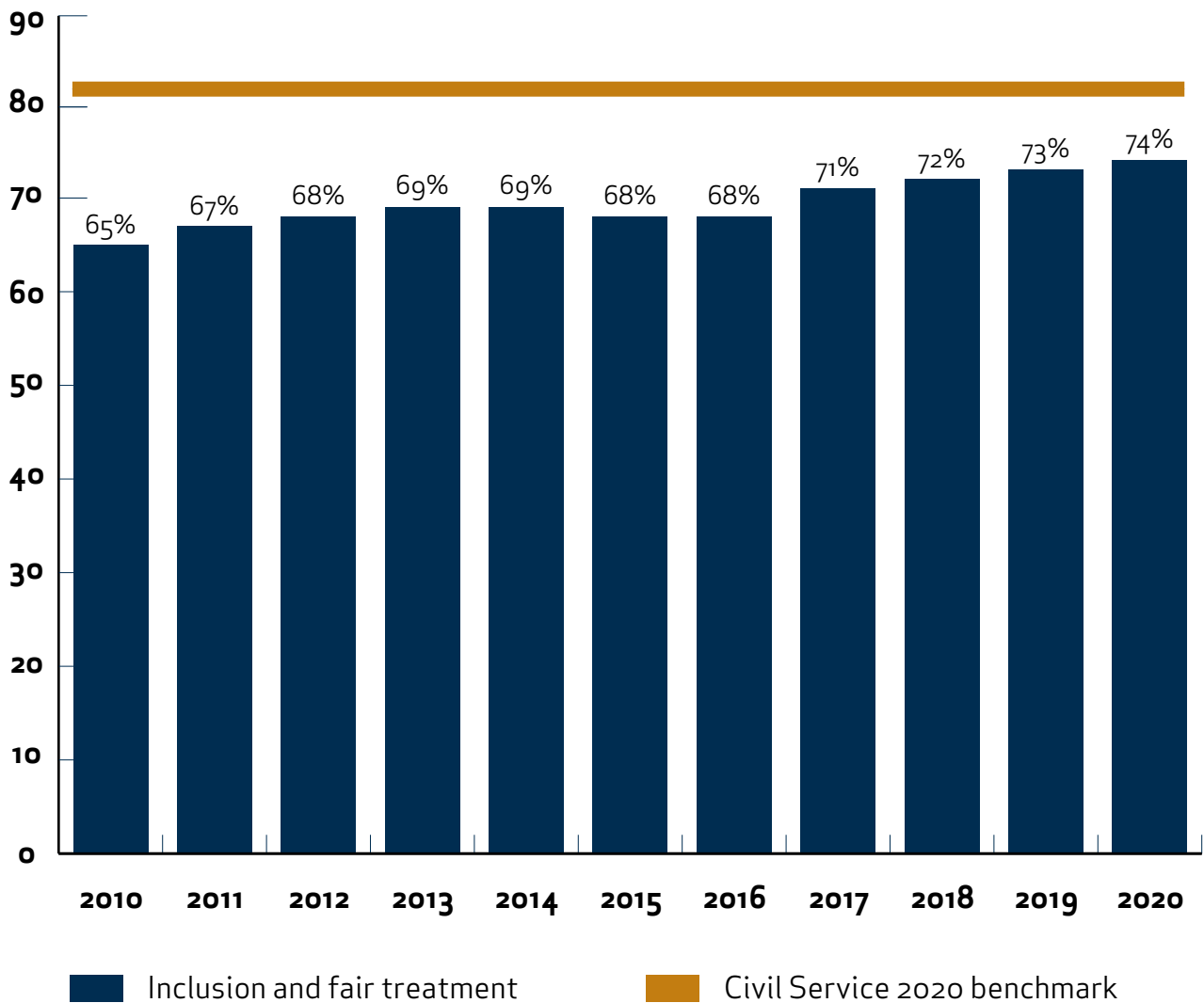
The Home Office undertook a survey looking into people's experiences of inclusion in 2019 and 2021. This was an important step, but the response rates were very low (17% in 2019 and 14% in 2021 respectively). Unless the department can improve response rates, it will be difficult to draw meaningful conclusions on the cultural change required. The low response rate itself could be an indicator of the task faced by the department.

From 28 September 2021 to 3 November 2021, staff also took part in the annual Civil Service People Survey, which is conducted across over 100 Civil Service organisations and measures how people feel about their work. While the results of this latest People Survey are not currently available, the department’s overall engagement index score has remained steady in recent years (at 58% in 2019 and 58% in 2020).²⁸ On inclusion and fairness specifically, there was a slight increase (73% in 2019 and 74% in 2020). But, despite marked improvements over the past decade, both sets of indicators remain below the Civil Service benchmark, as shown in Figures 1 and 2.

Figure 1. Home Office People Survey scores – employee engagement (2010-2020)

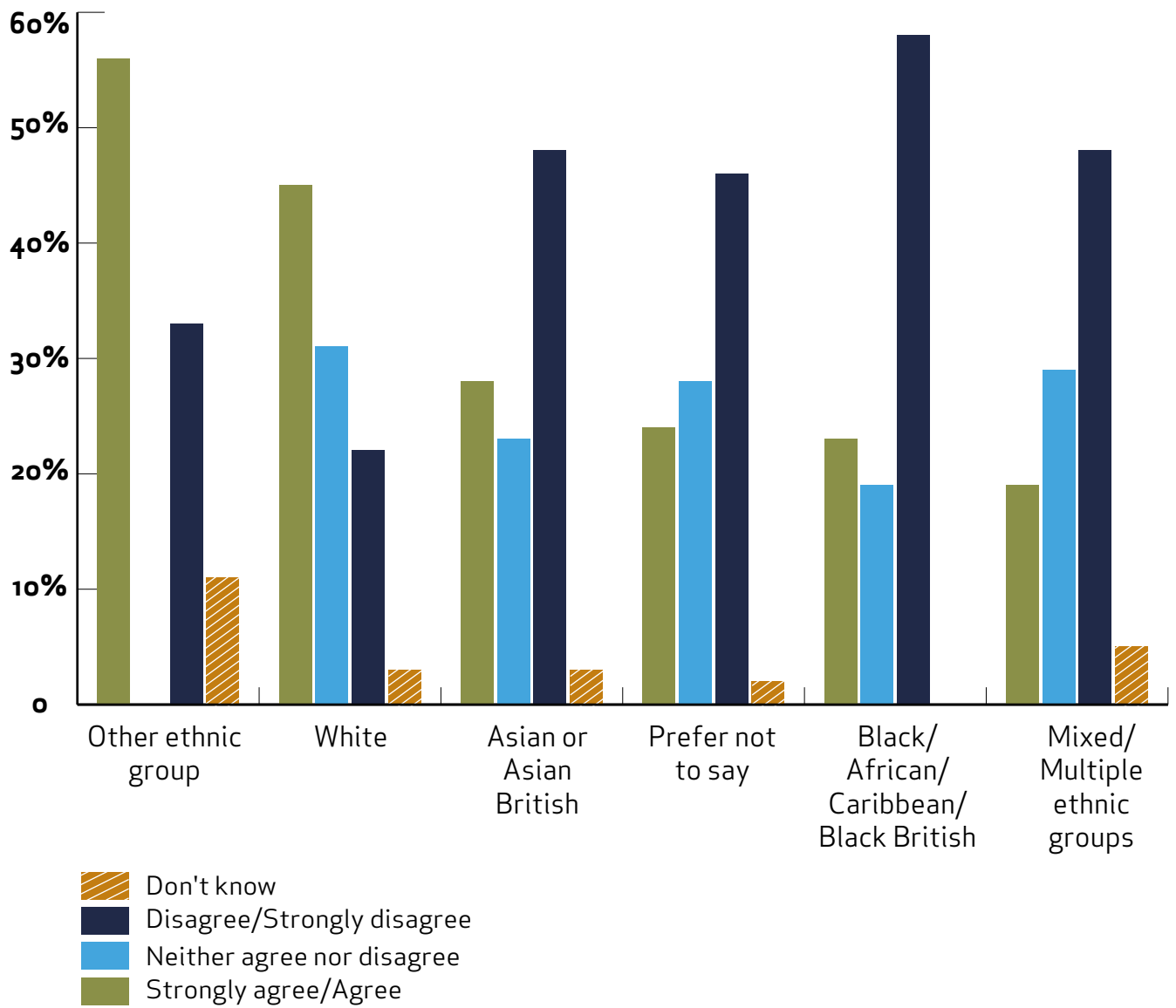


28 The Civil Service engagement index is the Civil Service People Survey’s headline measure. Employee engagement is a workplace approach designed to ensure that employees are committed to their organisation’s goals and values, motivated to contribute to organisational success, and are able to enhance their own sense of wellbeing at the same time. [Civil Service People Survey 2020 technical guide \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Figure 2. Home Office People Survey scores – inclusion and fair treatment (2010-2020)

I also heard from a range of staff at all grades across the department, as part of the evidence-gathering phase of my revisit. Of the 598 people who took part in my internal survey and responded to the statement, “the Home Office is a more inclusive place to work”, levels of agreement were significantly higher for white staff than for black, Asian and minority ethnic staff, as illustrated in Figure 3.

Figure 3. Staff feelings about inclusion



Overall, there is strong evidence of the department's commitment to developing a more inclusive workforce through sustained effort. I found a real desire for positive changes, and the department's own assurance tools show a genuine staff connection with the Home Office's values.²⁹ Staff networks also continue to actively help the department become more inclusive.

The department has taken steps to create forums, boards, strategies and action plans, in line with my recommendations. Its response to **Recommendation 30** and the practices established to learn lessons from employment tribunals is a particular strength.

However, despite the work done so far, there are still outstanding issues to address.

- There have been delays in developing and providing training to all staff. The pilot for the training course was only rolled out in late 2021. While it is too early to assess the take-up for this training, take-up for the existing training has remained low, particularly among the SCS.
- The diversity statistics for staff across the department remain largely unchanged, except for the SCS which, from the perspective of racial diversity, appears to have become less rather than more diverse.
- Despite the reference to *Essop* and the importance of proactively identifying barriers to retention and progression in my original report, the CIP and self-assessment place little emphasis on this. Reviewing the performance management system for a disproportionate negative impact on black, Asian and minority ethnic colleagues is an important step, but does not address the disparity in assessment processes for promotion to higher grades.

- The CIP refers to measuring progress against strategy objectives, which demonstrates the department's intention to be held to account. However, there is insufficient evidence of progress towards achieving specific goals or systemic changes against clear measures of success.
- The lack of progress on improving the representation of black, Asian and minority ethnic staff at senior levels (in accordance with legislative provisions) remains a real concern. The general view is that neither the understanding of race across the department nor the prevailing culture has changed since my original report was published.

If the department takes steps to address the above matters, I consider it has the potential to become beacon of good practice. But the longer the gap remains between intent and outcomes, the greater the risk that the department's existing efforts to increase diversity and inclusion may be undermined. While initiatives and notable aims can be helpful, they can also foster resentment if existing barriers to progression are not consistently sought, identified (where applicable) or addressed.

29 The Home Office's values are: respectful, courageous, collaborative and compassionate.

5.5 Theme 5 recommendation assessments

Recommendation 27

Establish an overarching strategic race advisory board

The department should establish an overarching strategic race advisory board, chaired by the Permanent Secretary, with external experts including in relation to immigration and representation from the network to inform policy making and improve organisational practice.

In assessing progress on this recommendation, I would expect to see that:

- the department has established a strategic race advisory board with good internal and external representation
- the board is demonstrably influencing policy development

Evaluating the CIP

The department commits to establishing a board that will “enable the highest level of challenge, innovation and scrutiny to ensure that we do more to embed ethnic diversity in the Home Office” (CIP page 46).

The CIP goes further than I asked, explaining the changes made to the existing board’s terms of reference and objectives so they better reflect the recommendation. It also sets out clear success measures, with the aim of convening the revised Strategic Race Board in autumn 2020.

In light of this, my assessment is that the CIP is adequate.

Progress on the recommendation

The department has reported this recommendation as closed.

Chaired by the Permanent Secretary, the Strategic Race Board was set up in March 2021, rather than by autumn 2020 as proposed in the CIP. I consider it to have a clear scope and influence. Its members, including three external experts, are committed to achieving its goals, and there are plans to recruit an additional external member and representation from the network.

The Strategic Race Board's WLLR Implementation Plan details how the department will address the themes raised in my original review, implement the plan and measure progress.

One of the Strategic Race Board's responsibilities was to deliver a refreshed Race Action Plan in July 2020. The plan has three objectives:

- increase representation of black, Asian and minority ethnic staff at all grades and in all regions – particularly the SCS
- improve the lived experience of black, Asian and minority ethnic colleagues in the Home Office
- ensure that we all understand the communities and public that we serve and work among, to improve how we deal with race issues in our policies

These objectives are accessible, but it is too early to assess whether they are being achieved. The board is establishing how it operates and I am told that members welcome the prospect of an additional external expert. While all members I spoke to told me that they recognise the potential for the board to play a valuable role in overseeing the work of the department, some consider that it would be more effective by having fewer items on the agenda, which would allow the group to spend more time considering specific topics in depth.

The Strategic Race Board represents a strong foundation on which the department can now build, but it has only been in place for a year. There are some positive examples where the board has already added value, including its input in developing the Race Action Plan. A next step would be systematising opportunities for the board to inform policy making and to help improve organisational practice. This would be supported by a delivery plan with specific milestones and measures for success. As one person I spoke to said, "the real challenge is the outcomes".

Subject to the above additional measures, however, I consider that this recommendation is met.

Recommendation 28

Revise the department's Inclusive by Instinct strategy

Subject to relevant statutory provisions, such as the s10 Constitutional Reform and Governance Act 2010, the department should revise its Inclusive by Instinct diversity and inclusion strategy to include its aspirations for senior-level black, Asian and minority ethnic representation and a detailed plan for achieving them. Action should form part of a coherent package with ambitious success measures and senior-level ownership and accountability. The department should publish comprehensive annual workforce data, so it can monitor progress.

In assessing progress on this recommendation, I would expect to see that:

- the department has thoroughly reviewed its Inclusive by Instinct diversity and inclusion strategy, and has published a revised strategy

Evaluating the CIP

In the CIP, the department acknowledges the issue of lack of representation of black, Asian and minority ethnic staff, especially at senior levels. It then:

- sets out the aim to create a new diversity and inclusion strategy with clear objectives
- details how it intends to publish workforce data
- outlines a clear plan for how the strategy is intended to work

The CIP is largely adequate in setting the conditions for achieving this recommendation, but it does not make any reference to the *Essop* case or a need to consider hidden barriers to promotion.

Progress on the recommendation

The department has reported this recommendation as closed, and I agree with regard to the plan. As workforce monitoring is an ongoing matter and requires constant analysis, it does not lend itself to the language of being ‘closed’. Less than 50% of Home Office staff were aware of the plan when my team asked, which reduces its effectiveness. I conclude that the department has implemented some aspects of this recommendation, but further detail is necessary.

On 27 September 2021, the department published its Roadmap to Inclusion internally. Developed with feedback from staff and stakeholders, the roadmap sets out a new strategy with three guiding principles: being accountable, inclusive and representative.

The Roadmap to Inclusion Delivery Plan 2021-2022 details how the department will roll out, review and update the strategy. In October 2021, the Roadmap to Inclusion Board replaced the Diversity and Inclusion Board. The terms of reference are clear and comprehensive, but it is too early to assess the impact.

By making the department accountable for increasing diversity and inclusion from within, the strategy appears to be an improvement on its predecessor. It is also fairly good at addressing what the department wants to achieve and how – aligning all actions with outcomes and allocating mostly near-term timescales. Positive evidence I gathered included the use of apprenticeships and internships to attract diverse talent, and diverse panel members for SCS recruitment.

The actions would benefit from being more specific, with measurable targets. At the time of my assessment, many actions were still either in progress or outstanding. An indicator of effectiveness would be staff’s levels of awareness of the strategy and its principal objectives. However, 46% of participants at the SEO to Grade 6 engagement event I held in November 2021 were not aware of the revised strategy. The network also commented that having a target for recruiting black, Asian and

minority ethnic staff at SCS level that is half the target of lower grades not only lacks ambition, but also sends a poor message to the workforce. Other internal stakeholders identified the need for a more ambitious strategy and a more detailed delivery plan.

In its self-assessment document, the department referred to “interventions that cross-cut different protected characteristics and diversity groups that are measurable”. Some staff praised the tools and training but, again, this strategy will only be successful when the workforce begins to see that ongoing issues with representation, progression and retention are tackled. At present, the evidence suggests that more work is required to embed the strategy and improve understanding of diversity and inclusion issues and equality law.

In the self-assessment the department also committed to go beyond race and the Equality Act’s protected characteristics in order to address what it terms ‘cumulative disadvantage’. Issues of intersectionality are important and should not be lost. However, focusing on intersectionality can dilute the emphasis on specific protected characteristics (for example, in relation to record keeping or identifying indirect discrimination). The department is meeting many of its diversity targets in relation to other protected characteristics, which is positive. While it will want to build on those successes, it should also be open to the need for a differentiated approach to the subject of ethnic diversity.

It is clear that the diversity and inclusion steering group has worked hard to develop a strategy that is intended to promote genuine systemic and cultural change. But the department will have to ensure that the strategy is complemented by acting on any barriers to progression. The closure of the recommendation should be supported by ongoing scrutiny of its effectiveness, continued monitoring and an open-mindedness to disparate impacts on racial minorities.

Subject to these safeguards, I consider that the recommendation is met.

Recommendation 29

Review diversity and inclusion training

The department should:

- a. review its diversity and inclusion and unconscious bias awareness training (over and above the mandatory Civil Service online courses) to make sure it is consistent with achieving the objectives of the Inclusive by Instinct strategy and that it is designed to develop a full understanding of diversity and inclusion principles, and the principles of good community relations and public service
- b. produce a training needs analysis and comprehensive diversity and inclusion training plan for all staff
- c. provide refresher training to keep all current and new staff up to date
- d. involve other organisations or experts in the field of diversity and inclusion in its design and delivery
- e. set and then publish standards in terms of its diversity and inclusion training aims and objectives
- f. monitor learning and development regularly to test implementation and whether it is achieving its strategic objectives
- g. carry out regular 'pulse' surveys to test the effectiveness of the implementation of these measures

In assessing progress on this recommendation, I would expect to see that:

- the department has extensively reviewed its diversity and inclusion and unconscious bias awareness training
- the department has analysed training needs and has produced a comprehensive training plan for all staff
- the department has set its diversity and inclusion training objectives
- the department regularly monitors staff's learning and development
- there has been an improvement on the numbers of staff completing training

Evaluating the CIP

The CIP sets out that the department will:

- review the diversity and inclusion training on offer
- conduct a comprehensive training needs analysis, covering a baseline knowledge of protected characteristics and other markers of identity not covered in (or limited to) the Equality Act 2010
- use external expertise, alongside the insights gathered from the training needs analysis, with a view to a training programme being available for all new and existing Home Office staff by autumn 2021
- judge overall success through completion rates and average knowledge improvement scores

The information for this recommendation is very limited. Some parts of my recommendation (namely c, e and g) are not covered at all, and there is little detail on how the department plans to implement others. As result, the CIP is only partially adequate in achieving **Recommendation 29**.

Progress on the recommendation

The department's self-assessment provides details of how it is addressing this recommendation, which includes:

- completing a training needs analysis to assess current organisational levels of maturity and capability to foster diversity and inclusion
- tasking a consortium to develop and deliver the Windrush Learn programme, making it available to all staff by January 2022 – in the meantime, the department continues to promote inclusion in the Civil Service as mandatory training

The Windrush Learn programme also aims to address **Recommendations 6** and **24** and the three recommendations are therefore being considered together. Further information on these recommendations are contained in parts 1 and 3.

Through its training needs analysis, the department found only one diversity and inclusion training course that was mandatory on Civil Service Learning, along with a mandatory programme for the SCS, 'Inclusive leadership', and two non-mandatory programmes, 'Let's talk about race sessions' and 'Race awareness'. The analysis also identified some locally developed and delivered packages within the department, such as 'Face behind the case' e-learning.

The same analysis details how the department's needs were established, including through an all-staff survey between December 2020 and February 2021. But only 198 members of staff (0.6%) completed it, which was below the 10% target. The department also held 18 virtual focus groups, with 188 voluntary participants from across all business areas. 43% said they had not received any training in the Equality Act, and some considered diversity and inclusion training as a 'tick-box' exercise.

On 15 September 2021, the department signed a contract with a consortium of external learning design, delivery and evaluation partners and academic experts to develop the Windrush Learn programme. Pilot testing of a core set of materials ran from 6 December to 13 December 2021, with the results and feedback incorporated into the training before the course was rolled out to Home Office staff in January 2022. These timelines are much later than originally stated so it is impossible to assess the impact of this specific training, which is particularly concerning given the history of low training completion rates across the department (WLLR page 94).

As the department has developed one training package covering three recommendations, it would benefit from having detailed delivery plans in respect of each recommendation. The CIP and self-assessment document have failed to clarify the position, so it is hard to gauge how far the department has moved towards meeting it.

It has taken a significant amount of time to reach the current stage of implementation, and I have not been presented with evidence that, in my view, justifies the significant delay in rolling out the training programme. What is clear is that the department could and should have made more progress. The lengthy delays led some teams to devise their own local training programmes. While this demonstrates great initiative on the part of the teams concerned, it lacks the consistency and structure which would have allowed the department to benchmark its activity, measure attendance levels and assess its overall effectiveness. This makes it difficult to gauge whether the actions taken will lead to any wider cultural and systemic change. At the time of my assessment, there was no evidence that any such change had taken place.

I therefore conclude that this recommendation is not met.

Recommendation 30

Review successful employment tribunal claims

The Home Office should regularly review all successful employment tribunal claims that relate to race discrimination, harassment or victimisation, and in particular a summary of every employment tribunal judgment finding against the Home Office of race discrimination should be emailed to all SCS within 42 days of the decision being sent by the tribunal, together with a note stating whether an appeal has been instituted. The same arrangements should be made for Employment Appeal Tribunal, High Court, Court of Appeal or Supreme Court judgments within 28 days. It should use any learning to improve staff and leadership training, and to feed back to the SCS.

In assessing progress on this recommendation, I would expect to see that:

- the department is regularly reviewing all successful employment tribunal claims relating to race discrimination, harassment or victimisation
- the same arrangements are in place for Employment Appeal Tribunal, High Court, Court of Appeal and Supreme Court judgments
- the department is using the learning to improve staff and leadership training

Evaluating the CIP

The CIP is adequate in relation to achieving this recommendation and, in some aspects, goes beyond it. For example, the department states that it has set up a reporting process to share and embed lessons learned from all discrimination, harassment or victimisation claims – not only those relating to race discrimination.

The department goes further by committing to set up an employment tribunal working group (ETWG) and to identify lessons from:

- claims that are settled early or withdrawn
- trends in mediation cases where race, discrimination, harassment or victimisation is a factor in the overall claim

The CIP does not expressly state how often the department will review claims, nor that it will email them to the SCS within the 42 days set out in the recommendation. But the department's self-assessment confirms that there has been a process in place since 1 September 2020 within these timescales, and I have received evidence that members of the SCS receive these reports.

Progress on the recommendation

The department has reported the recommendation as closed, and I agree with this assessment as far as the implementation of a process is concerned.

The department established the ETWG, a sub-group of the diversity and inclusion steering group, in response to the WLLR. The ETWG meets three times a year, with the flexibility to convene ad hoc meetings if necessary.

One of the ETWG's standing agenda items is a review of the progress against **Recommendation 30**. A process map sets out how the department plans to meet this goal, including the following measures for success:

- 100% of employment tribunal appeal outcomes circulated to the SCS within the given timescale (set at 42 days and 28 days respectively)
- a reduction in the number of discrimination claims which are lost or settled due to a high risk of loss (over a three-year period)
- 90% of SCS respondents agreeing that circulating employment tribunal outcomes has increased their awareness of factors that may lead to discrimination, harassment or victimisation claims – this will be determined by a survey

At a meeting on 28 July 2021, the ETWG reported that it had circulated 29 employment tribunal outcomes between 1 September 2020 and 18 June 2021. Almost half of these related to disability discrimination or a failure to make reasonable adjustments. The ETWG had previously reported a sharp rise in mediation requests relating to race. But since summer 2020, there has been a decrease overall, with only one mediation case citing racial discrimination.

At the same meeting, the ETWG also noted that the department loses a quarter of cases by failing to follow its own policies and procedures. Encouragingly, it also observed that examples of good practice are starting to emerge from the case findings.

In relation to the ETWG's success measures, at the time of my assessment I had only seen evidence for the third measure. In a poll at a senior leadership forum on 24 June 2021, 74% agreed or strongly agreed that receiving details of the employment tribunal outcomes has increased awareness of factors that may lead to discrimination, harassment and victimisation claims. While this falls short of the target of 90%, it does confirm increased awareness among the SCS. Some documents also suggest that the ETWG has achieved the first measure. If the ETWG can provide further evidence to confirm it has met its success measures, this should contribute materially to cultural and systemic changes.

Overall, there has been obvious commitment, activity and progress on this recommendation, with certain activity going beyond. Some evidence also suggests that the department may be collating major lessons and sharing them to support the SCS and other leaders, although it is not clear exactly how this is happening as I have not been shown all of the communications.

Finally, although the recommendation is reported as closed, I am told that work is continuing to embed the process into normal business and meet the ETWG's success measures. As a result, I assess the recommendation as not only implemented to date, but also with promising plans in place for keeping up the good work.



CONCLUSION

I am sure most people would agree that it was courageous of the Home Office to ask an external, independent adviser to carry out a review of the events leading up to what became known as the Windrush scandal, and to review its policy making, practices, operational functions and approaches to fairness and due process, whether in relation to those who are members of the organisation or those whom the department serves. I am equally sure that many aspects of my resultant report proved to be a challenging read.

If such were the case then, it has been even more courageous of the department to invite me back to review its progress, 18 months on. The issues I identified, and recommendations made, in my original report could have appeared to some to be a daunting challenge to present to the department and its staff. But such a view would fail to see the recommendations in the broader context of how organisations achieve good standards of public administration.

For the most part, the changes I proposed reflect established principles and practices for how public bodies should be undertaking their responsibilities and, as such, are not additional to day-to-day functions. Rather, they are in-built as the natural way for the organisation to run. Treating people fairly and with compassion, using insights gained through effective engagement with experts, the public and those who represent them, and being responsive to the changing needs of the citizens a department serves, as well as having a workforce which is highly trained and supported to produce the best results, and which naturally reflects the diverse range of communities it serves at all levels, are all features which high performing organisations regard as the norm.

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

It is understandable that, in an organisation as large as the Home Office, the scale of change envisaged in my report takes time. I am not surprised, nor indeed disappointed, that in a number of areas my conclusion has been that a recommendation has been ‘unmet’.

That said, there are several areas where very good progress has been made – for example: in relation to the department’s outreach programme (**Recommendation 4**), aspects of the development and roll-out of training in relation to immigration history and the PSED (**Recommendations 11 and 12**), establishing the department’s mission, purpose and values and the wider transformation programme (**Recommendations 14 and 15**), and improving aspects of operational practice (**Recommendation 17**) and the department’s approach to risk management (**Recommendations 22 and 23**). There are now also structures in place which should provide appropriate levels of oversight of the department in the future, such as the Strategic Race Board (**Recommendation 27**).

I should also say that during the course of my revisit, I have seen excellent behaviours and initiatives from members of staff and teams I have visited, such as in Her Majesty’s Passport Office, the race action programme team and Immigration Enforcement, as well as positive commitment from members of the Windrush team and the Windrush Compensation Scheme. This is to be highly commended.

CONCLUSION

However, I am conscious that, necessarily, it has not been possible for me to meet the majority of staff. Given the department's size, its senior leadership will have to make sure that measures are put in place to enable them to take all staff with them as the department embarks on the next stage of its transformation programme. To do so successfully will require not only effective systems for communication, but also consistent resources and tools, including high-quality training provision that equips the workforce to carry out its duties effectively, and in an inclusive way, within an environment which encourages learning, inclusion and diversity as business norms.

There are three areas that I regard as significant future risks:

- the first is the lack of progress in appointing a Migrants' Commissioner (**Recommendation 9**)
- linked to the first, the second is the apparent lack of progress in the way the department engages with its public at all levels, and demonstrates the highest standards of service delivery (**Recommendations 3, 4, 5 and 8**)
- the third is a lack of progress in implementing the department's formal learning and development programme (**Recommendations 6, 4 and 29**)


The first two relate to the ability of an external actor to comment on the Home Office and its impact, which would include the capacity to bring in a diversity of views and the experience of users of the system. I have, in my initial report, and indeed in this revisit, expressed the view that input into policy development and feedback on performance are critical to maintaining a strong and vibrant culture within an organisation which is committed to continuous improvement. It would be disappointing if the value I attached to both these aspects is lost, not least because of the considerable benefits I believe they can bring to the department, and the public it serves, now and in the future.

Training and development are also essential elements of an effective organisation, and so the third risk relates to the importance of ensuring that all staff have the knowledge, skills and behaviours required to implement complex policy and practice consistently which, in turn, promotes sustainable cultural changes.

If the department can maintain the momentum in taking forward the various initiatives outlined in the CIP and the insights emerging from my revisit, and work to embed them, it has the potential to be an exemplar among other government departments of effective, equitable, fair, efficient and inclusive public administration.

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

I accept that this will require significant fortitude, determination and persistence by senior leaders and ministers, but I am confident that the effort required would be more than outweighed by the gains that would be achieved.



“I believe the department is at a tipping point”

Annex A: Terms of reference

Aim

To provide an independent assessment of the Home Office's progress in implementing the 30 recommendations set out in the Windrush Lessons Learned Review (WLLR) report, published in March 2020, in accordance with the department's stated ambition (set out in its Comprehensive Improvement Plan published in September 2020) "to build a Home Office fit for the future, one that serves every corner of society"; with "a long-term focus on wholesale and lasting cultural change".

Objectives

In line with **Recommendation 2** of the WLLR report, the objective of the independent progress update is for the Independent Adviser to provide the department with a draft report by mid-February 2022 (for fact checking) and a final report by the end of March which establishes:

- i. the adequacy of the Comprehensive Improvement Plan in relation to achieving the WLLR recommendations
- ii. how well the plan has been implemented to date in relation to the recommendations of the WLLR
- iii. to what extent implementation of the plan is leading to the wider cultural and systemic change within the department that the WLLR identified as being necessary

"Recommendation 2 – The department should publish a comprehensive improvement plan within six months of this report, which takes account of all its recommendations, on the assumption that I will return to review the progress made in approximately 18 months' time."

Outcome

The Independent Adviser will provide a final report by [date TBC] addressing the aim and objectives set out above to the Home Secretary, who will publish the report on GOV.UK within 48 hours, subject to unforeseen circumstances. Publication will be synchronised with any pre-publication briefings by the department or wider government. While the conclusions of the report will be those of the Independent Adviser, the department will have had a chance to fact check the draft report and propose any factual amendments to the Independent Adviser prior to submission.

Timing

The active fieldwork will commence on 29 September 2021 (one year on from the publication of the Comprehensive Improvement Plan) and the report will be provided to the department for fact checking by mid-February to allow for any representations to be made from individuals and the department, as required, ahead of the final report being published. The aim is that the Home Secretary will publish the final report by 31 March 2022, subject to unforeseen circumstances.

Approach and conduct of the review

The Independent Adviser will independently lead the progress update and the department will provide the Independent Adviser with the necessary resourcing (including additional specialist support from GLD, communications, etc.) to carry out a robust revisit in accordance with this terms of reference. Resources in the core team undertaking the work will not be depleted during the course of the progress update and any changes to the review team will require prior agreement with the Independent Adviser.

The department will provide the Independent Adviser with a detailed self-assessment evidence document, which identifies the progress it has made, details of any gaps and the reason for those gaps, timescales for completion and whether it considers it has achieved the overall objective of the recommendation and/or theme. This document will include links to relevant evidence documents to support the department's self-assessment

The Independent Adviser and the department will agree a list of suggested current and former ministers and internal staff for the review team to interview as part of the fieldwork process – interviews will be conducted on a voluntary basis. The department will be responsible for endeavouring to accommodate these requests by providing the Independent Adviser (and the review team) with a scheduled workplan of interviews. In addition, the review team will conduct external engagement with a variety of stakeholders.

The Independent Adviser, through the review team, will be able to request access to additional policy, operations, and casework documents and any other information, subject to the requirements of the law, national security and any pre-existing constraints with information management. The principles underpinning information sharing will be established through a formal memorandum of understanding between the Independent Adviser and the Permanent Secretary which will be agreed and signed before the Independent Adviser begins work on the review.

Annex B: Revisit methodology

Introduction

This annex sets out the range of methods used to carry out the revisit, including my approach to assessing progress, in line with the terms of reference for my progress update.

The revisit team gathered and analysed a wide range of evidence from internal Home Office documents, interviews and focus groups with staff and stakeholders, and a formal call for evidence from external partners.

Evidence gathering and analysis

I used the department's self-assessment and the wider thematic ambitions set out in the CIP as a starting point for identifying what other information I needed to be able to make an independent assessment of progress.

Documentary and data analysis

A range of documentary evidence which is not publicly available was obtained through formal 'document requests' to the department between October 2021 and February 2022. In addition, targeted requests to individuals and teams within the department were made as the review progressed and gaps were identified. The documents included ministerial submissions, external and internal correspondence, departmental project plans for initiatives being implemented, and departmental HR data on workforce numbers and management information.

Publicly available sources were also searched, including reports from the ICIBI, parliamentary committee reports and departmental reports published on GOV.UK.

The revisit team worked to formal guidance to ensure a standardised approach to cataloguing the relevant documents. Every document was logged in a spreadsheet with a unique identification number and a descriptor, and reviewers captured all items of interest or relevant passages (evidential extracts) within the spreadsheet.



3,281

Number of pieces of documentary evidence received by the revisit team (including those submitted by the department)

Engagement activity

I held a virtual surgery on 29 November 2021 to hear from individuals and groups who were personally affected by the Windrush scandal, or who had engaged with the department since my WLLR report. The aim of the session was to understand whether stakeholders have been impacted, either positively or negatively, by the department's implementation of my recommendations and its CIP. In particular, I was keen to understand whether these individuals feel the department has changed the way in which it engages with the communities it aims to serve.

A virtual roundtable was also held on 6 December 2021 with representatives from civil society organisations and those that advocate on behalf of individuals, to explore their experiences of working with the department as key stakeholders.

I consulted current and former Home Office staff at all levels, as well as ministers, to understand the department's approach to effecting my recommendations and the impact on wide-scale cultural and systemic transformation. This engagement included one-to-one interviews, focus groups with relevant teams and networks, and three internal virtual surgeries with officials across all grades.

A process of extracting evidential extracts similar to that used in the document review was applied to the material collected through these various engagement activities, and the evidential extracts were fed into the assessment process.

Calls for evidence

Type of engagement	Number of engagement events	Numbers engaged
Informal conversations with staff and politicians	22	19
Informal conversations or focus groups with external agencies	19	22
Civil society organisations workshop	1	12
Staff focus groups	10	103
Staff open forums	3	Around 340
Meetings or events with individuals affected	4	11
Total	59	Around 500

The review heard from a wide range of interested parties, including legal representatives and relevant non-governmental organisations, through a formal call for evidence which invited people to give their personal or organisational views on the department's progress.

The external call for evidence ran from 21 October 2021 to 21 November 2021 and contained a mixture of both closed and open questions, with the option to respond via an online survey or a written email. Both routes provided an opportunity to submit documentary evidence.

Similarly, the internal call for evidence ran from 21 October 2021 to 21 November 2021, with both closed and open questions to be submitted via an online survey.

The responses were analysed with support from professional Government Social Research analysts from the Home Office's analysis and insight team, and the findings were fed into my assessment.

Analysis of Home Office case files

External call for evidence responses (online survey)	150
External call for evidence written submissions	21
Internal call for evidence responses (online survey)	657

Windrush Compensation Scheme

The revisit team requested 10 randomly selected case files from the Windrush Compensation Scheme to support my assessment of theme 1. The objective was to consider whether changes made to the scheme in December 2020 had resulted in a difference to outcomes for those applying, with particular reference to:

- the quality of communication with individuals
- the speed of decision making and payment
- the amount of compensation offered

Immigration case files

The revisit team requested 13 randomly selected immigration case files to support my assessment of theme 2.

The cases fell under the following categories:

- right of abode applications
- applications for indefinite leave to remain on the basis of long residency (the 10-year route)
- applications for 'no time limit'
- human rights applications for leave, or an extension of leave, on the basis of private life (applications from both UKVI and Immigration Enforcement)

For each case, I considered the nature and process of the application, the standard of casework, communication and quality assurance. My focus was on identifying anomalous examples that might suggest that the mechanisms in place are not always generating a compassionate approach. I also looked for evidence of the department learning from cases that present ethical issues or suggest systemic ones.

Assessment approach

My approach to assessing the evidence can be broken down into a series of steps.

- I assessed the adequacy of the department's CIP, at both a recommendation level and a thematic level.
- I undertook an expectations exercise to consider what would be reasonable to expect in terms of progress by this point, at both a recommendation level and a thematic level. I specifically referred to the commitments and milestones set out in the CIP.
- I assessed each recommendation by condensing, triangulating and distilling evidence from the sources outlined above.
- I considered each recommendation's contribution to achieving the five thematic ambitions set out in the CIP. I supplemented this assessment with my own evidence (such as my call for evidence and engagement activity), to measure progress in relation to the impact of activities and the scale of their contribution towards cultural and systemic change.
- I held a series of thematic workshops with my revisit team to bring all the evidence together and challenge assumptions against the terms of reference. This ensured a consistent approach to data interpretation and helped identify areas where further evidence gathering was required.
- I adopted an iterative approach to evidence gathering and assessment, which in turn led to the development of my own set of themes.

Annex C: Glossary of terms

Acronym/Abbreviation/Term	Meaning	Explanation
BAME	Black, Asian and minority ethnic	A term previously used to refer to non-white British groups, but which the government will shortly cease to use in response to the report by the Commission on Race and Ethnic Disparities. The progress report refers to 'black, Asian and minority ethnic' only retrospectively or where stated directly in a quote.
BICS	Borders, immigration and citizenship system	Overarching term for UK Visas and Immigration, Immigration Enforcement, Border Force, Her Majesty's Passport Office, and BICS Policy and International. Now evolved into Migration and Borders (see term explanation below).
British Nationality Act 1948		The British Nationality Act 1948 was an Act of the Parliament of the United Kingdom on British nationality law which defined British nationality and created the status of 'Citizen of the United Kingdom and Colonies' as the national citizenship of the United Kingdom and its colonies.
Burden of proof		The obligation to prove an assertion, which ordinarily falls on the party making the assertion.
CCU	Chief caseworker unit	A unit within the Home Office, established in June 2018 in response to the WLLR, with a focus to empower decision makers to make fair and objective decisions.
Census		An official count or survey, especially of a population. The census is a survey about all households in England and Wales.
CIP	Comprehensive Improvement Plan	The Home Office's response to the Windrush Lessons Learned Review (September 2020).
Civil servants		Career public servants who work in central government departments, agencies and non-departmental public bodies. Also referred to as 'officials'.

Acronym/ Abbreviation/Term	Meaning	Explanation
Civil society		Civil society is a term used to describe a wide range of organisations, groups and networks in society distinct from the private sector and government.
Deport		The removal of an individual whose presence is deemed 'non-conducive' to the public good or whose removal has been recommended by a sentencing judge following criminal conviction.
DVLA	Driver and Vehicle Licensing Agency	Government agency responsible for maintaining the details of drivers and vehicles in Great Britain and the United Kingdom respectively.
ECHR	European Court of Human Rights	An international court that hears claims regarding alleged breaches of the European Convention on Human Rights.
EHRC	Equality and Human Rights Commission	A statutory non-departmental public body established by the Equality Act 2006 that promotes and upholds equality and human rights ideals and laws across England, Scotland and Wales.
EIA	Equality impact assessment	A process designed to identify and mitigate any potential discrimination against disadvantaged or vulnerable people in a policy, project or scheme.
ETWG	Employment tribunal working group	The Home Office established the ETWG as a sub-group of the department's diversity and inclusion steering group, in response to the WLLR.
EUSS	European Union Settlement Scheme	The European Union Settlement Scheme is a scheme established by the Home Office (consistent with the UK/EU withdrawal agreement and with the citizens' rights agreements between the UK and the other European Economic Area (EEA) countries and Switzerland) for EEA and Swiss citizens resident in the UK at 11pm on 31 December 2020, and their family members, to apply for the UK immigration status which they require in order to remain in the UK after 30 June 2021.

Acronym/ Abbreviation/Term	Meaning	Explanation
FNO	Foreign national offender	Home Office term for a non-UK citizen convicted of a criminal offence who may be liable for deportation.
Historical Cases Review		A review of 11,800 individual case files of migrants of Caribbean Commonwealth nationality who could have been born before 1 January 1973, who have been removed and/or detained by the Home Office since 2002, which identified 164 individuals who were adversely affected.
HMPO	Her Majesty's Passport Office	A department of the Home Office responsible for the issuing of passports and civil registration services through the General Register Office.
Hostile/compliant environment		A series of policy interventions intended to make it progressively harder for irregular migrants to live, work and access services in the UK, and to emphasise individuals' responsibility to prove that they are in the UK legally. Now known as the 'compliant environment'.
IA	Independent Adviser	A non-civil servant appointed by the Home Secretary to provide independent oversight of the Windrush Lessons Learned Review. The Independent Adviser is Wendy Williams CBE.
ICIBI	Independent Chief Inspector of Borders and Immigration	The independent inspectorate for the Home Office's borders, immigration and citizenship functions.
IE	Immigration Enforcement	A Home Office directorate that is responsible for preventing abuse of, and increasing compliance with, immigration law and pursuing immigration offenders.
IEC	Independent Examiner of Complaints	A new function within the Home Office, established to provide an independent route for unresolved customer complaints. It will also identify learning from complaints and support service improvement.

Acronym/ Abbreviation/Term	Meaning	Explanation
Migration and Borders		Overarching term for the Asylum, Protection and Enforcement Directorate, Borders, Visitors and International Migration Directorate, Digitising the Border, Migration and Citizenship Directorate, Sovereign Borders, Systems Leadership, and Strategy Directorate.
MORGAN	Management of risk governance and assurance network	A Home Office system that acts as a central depository for externally and internally generated recommendations.
MP	Member of Parliament	An elected politician who sits in the House of Commons.
NAO	National Audit Office	An independent parliamentary body that scrutinises government spending.
NHS	National Health Service	Publicly funded healthcare system in the UK.
Officials		A term used to refer to civil servants, to differentiate them from ministers or special advisers (e.g. 'Home Office officials' or 'senior officials').
People Survey		The annual Civil Service People Survey looks at civil servants' attitudes to, and experience of, working in government departments.
Permanent Secretary		Commonly used term to describe the most senior civil servant in a government department. The full title is Permanent Under Secretary of State.
PSED	Public sector equality duty	A duty imposed on public authorities and those exercising public functions by section 149 of the Equality Act 2010 to have regard for the need to eliminate discrimination in the exercise of those functions, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

Acronym/ Abbreviation/Term	Meaning	Explanation
Right of abode		An individual's freedom from immigration control in a particular country. British citizens automatically have the right of abode in the UK.
Right to Rent		One of the strands of the hostile environment policy, which requires prospective tenants to demonstrate they are lawfully present in the UK and have the right or permission to enter into a tenancy in the private rental sector.
SCS	Senior Civil Service	The most senior grade within the Civil Service, making up approximately 0.8% of all civil servants.
Second Permanent Secretary		Commonly used term for the second most senior official in a department, but also holding a permanent secretary rank.
Standard of proof		The degree or level to which a party must prove its case to succeed.
Status		Refers to the permissions that an individual may or may not hold in respect of their legal immigration status, and therefore their right to remain in the UK. May also be referred to as 'leave'.
Sub judice		Meaning under judicial consideration, because a case is impending or ongoing. In Parliament, the sub judice rule prevents MPs or Lords from debating or commenting on a case which is yet to be decided.
Training needs analysis		The process in which an organisation identifies the training and development needs of their employees so that they can do their job effectively.
UKVI	UK Visas and Immigration	A Home Office directorate that is responsible for deciding applications for status from foreign nationals, including on human rights, nationality and citizenship, and asylum grounds.

Acronym/ Abbreviation/Term	Meaning	Explanation
WCGWG	Windrush Cross-Government Working Group	The Windrush Cross-Government Working Group brings together community organisations with government representatives to support the delivery of practical solutions to address challenges affecting the Windrush generation and their families.
WCS	Windrush Compensation Scheme	A scheme intended to provide financial payments to members of the Windrush generation, or their descendants, heirs or close family members, who did not have the right documentation to prove their lawful right to live in the UK and suffered losses or impacts on their life as a result.
Windrush generation		A term used for people who were invited to the UK between 1948 and 1971 from Caribbean countries. Named after the ship that the first migrants arrived on, HMT Empire Windrush, which arrived at Tilbury in Essex on 22 June 1948.
Windrush Scheme		A Home Office scheme set up to provide documentation of status and citizenship to individuals who settled in the United Kingdom before 1 January 1973 but do not have documentation to prove this.
Windrush steering group		An internal Home Office steering group tasked with ensuring the intent of the WLLR report is fully met.
Windrush Taskforce		See Windrush Help Team.
Windrush Help Team		A Home Office team set up to offer support and guidance to individuals on the Windrush Compensation Scheme, including how to apply. Originally established as the Windrush Taskforce but now known as the Windrush Help Team.



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