

WINDRUSH LESSONS LEARNED REVIEW: TERMS OF REFERENCE

Aim

1. To provide an independent assessment of the events leading up to the Windrush issues (particularly from 2008 – March 2018) and to identify the key lessons for the Home Office going forward.

Objectives

2. The objectives of the independent review, are to establish:
 - (i) What were the key legislative, policy and operational decisions which led to members of the Windrush generation becoming entangled in measures designed for illegal immigrants;
 - (ii) What other factors played a part;
 - (iii) Why these issues were not identified sooner;
 - (iv) What lessons the organisation can learn to ensure it does things differently in future;
 - (v) Whether corrective measures are now in place, and if so, an assessment of their initial impact;
 - (vi) What (if any) further recommendations should be made for the future.

Timing

3. The timescale for the review will be six to nine months from the appointment of the Independent Adviser to completion. The aim is to publish the report by 31st March 2019.

Outputs

4. The Independent Adviser will provide a full analysis of the issues and a final report that addresses the objectives at para 2, to the Home Secretary.

Approach and conduct of the review

5. The Independent Adviser will independently lead the review, with support from a small team drawn primarily from the Home Office, headed by a Home Office Director who is external to immigration. Senior level team resources will not be abstracted from the review team without the Independent Adviser's prior agreement in writing.
6. The Independent Adviser will require a small team to provide her direct support in carrying out her functions. Composition of this team will be determined by the Independent Adviser and recruitment will be supported through the Home Office team.

7. The Independent Adviser will also be supported by an Independent Advisory Group, that will be set up and led by the Independent Adviser. The composition of this advisory group will be determined by the Independent Adviser.
8. The Independent Adviser, through the review team, will be given full access to all relevant policy, operations, casework documents and information, subject to the requirements of the law (including GDPR), national security and any pre-existing constraints with information management.

ANNEX A

ROLES AND RESPONSIBILITIES

The Independent Adviser will:

1. Provide an independent assessment of the events leading up to the Windrush issues (particularly from 2008 – March 2018). This includes:
 - a. Determining and agreeing the proposed scope, terms of reference and methodology.
 - b. Setting the direction for the review for the period of its duration.
 - c. Supporting the internal review team in obtaining key documents, evidence and information that will feed into the review.
 - d. Analysing the issues and addressing the review objectives.
2. Set up an Independent Advisory Group that will be responsible for providing assurance and validation for the review. This includes:
 - a. Deciding the appropriate membership of the advisory group, taking into consideration relevant skills, expertise and experience, representations and diversity.
 - b. Setting the terms of reference for the advisory group.
 - c. Sharing, where appropriate, emerging findings with the advisory group for their consideration to further assure the quality and credibility of the review.
 - d. Ensuring that the advisory group provides scrutiny, challenge and validation for the review.
3. Lead internal and external engagements, including but not limited to:
 - a. Devising the communications and engagement strategy, with the support from the internal team and Home Office Communications Directorate.
 - b. Leading engagements with the Windrush generation.
 - c. Conducting internal interviews and / or focus groups with officials if deemed necessary.
4. Provide an independent view of the corrective measures that have been put into place by the department, including:
 - a. An assessment of the corrective measures to ensure that this cannot happen again.
 - b. Leading the Home Office's internal review team to recommend any additional corrective measures required.
5. Support the Home Secretary to publish the review and its findings, ensuring that this is done with integrity and credibility. This includes but it not limited to:

- a. Enabling the department to follow due processes in regard to Maxwellisation, defamation and GDPR, and any other HR and legal considerations.
- b. Enabling the department to fact check the report and agree factual amendments where appropriate (but the Independent Adviser's conclusions remain a matter for the Independent Adviser).
- c. Supporting the Home Secretary to discuss jointly the findings of the review with those affected by Windrush prior to publication.

Support

6. The Independent Adviser will receive adequate support and training both in preparation for, and following the announcement of the appointment, as well as in relation to matters concerning the conduct, handling and publication of the review.
7. The Independent Adviser will also receive, where possible, advance notice of all public statements, which are to be made by the department in connection with the review.