

Windrush Compensation Scheme

Call to Evidence

Response from Thompsons Solicitors

June 2018

Thompsons Solicitors is a national law firm which has been representing victims since our foundation in 1921. Every year the firm secures hundreds of millions of pounds in damages.

Thompsons is committed to only representing victims and has a reputation for fighting harder than others, to secure the highest possible compensation settlement for the party at fault.

Thompsons is responding to this call for evidence based on our extensive experience helping to shape, and representing victims through, various compensation schemes over the last 30 years, including the Industrial Deafness Compensation Scheme, the Miners Compensation Scheme (otherwise known as the Chronic Obstructive Pulmonary Disease Scheme), the Vibration White Finger Compensation Scheme, and the Pleural Plaques Compensation Scheme. Thompsons also, when involved in mass litigation in post-apartheid South Africa, worked on behalf of black asbestos miners, which led to the establishment of a fund of circa £40 million for the miners and their families.

It is essential that, when considering how the Windrush Compensation Scheme should operate, the Home Office and the named Independent Person, Martin Forde QC, should learn from the strengths and weaknesses of previous compensation schemes.

We highlight the following points in particular but would be pleased to go into further detail, including giving appropriate access to case files if that would be helpful:

1. It is essential that individuals affected have independent, professional legal representation.
2. There should be a limit put on the number of firms of solicitors involved.
3. There is a strong risk that Claims Management Firms seek to move into any compensation scheme in order to 'harvest' claimants whose information they then sell onto law firms. This practise must be discouraged as it leads to a commoditisation of both the scheme and the victims.
4. If legal costs are to be fixed, then they should be fixed at a level that enables law firms to properly represent their clients - without cutting corners. Fixing costs too low would incentivise less reputable firms and disincentivise the involvement of more reputable ones. This would be to the detriment of claimants. Setting an appropriate level for costs requires early conversations with legal representative bodies, such as the Law Society, as well as with firms of solicitors which are experienced in mass compensation claims.
5. By way of example, the Miners Compensation Scheme saw hundreds of firms move in on an opportunity to 'farm' clients; too many had limited experience or interest in the

specific field. This was evidenced by the range of average compensation secured by firms. Thompsons secured the highest average compensation for its clients, of over £15k. Other reputable firms secured similar, albeit lower, average damages. However some firms managed to only secure in the region of £4-5k for their clients. This can only be explained by those firms doing too little work and not seeking to maximise compensation in the best interests of their clients. It was also facilitated by a lack of transparency in the scheme which meant that claimants did not know the true value of their injuries and so were not aware if they were being poorly represented.

6. We encourage the Windrush Compensation Scheme to think about implementing a mechanism to encourage an appropriate level of transparency, so that claimants have a rough idea of what level of compensation might be expected.

7. It is important to stress that the Windrush Compensation Scheme is not an immigration issue. It is a scheme for people who have being wronged by the state and are seeking damages for that wrong. Immigration law firms do not, therefore, have relevant expertise when making judgments about compensation and acting on behalf of clients to secure the highest possible level of compensation. Instead, the scheme requires the involvement of legal professionals who are expert in compensation claims and specifically mass compensation schemes.

For further information please contact:

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