

Office of the Immigration Services Commissioner

2020/21 Governance Framework

THE OFFICE OF THE IMMIGRATION SERVICES COMMISSIONER

1. The Office of the Immigration Services Commissioner (OISC) is an executive non-departmental public body established by the Immigration and Asylum Act 1999 (the Act) to regulate the provision of immigration advice and services throughout the UK. It is led by the Immigration Services Commissioner – a corporation sole – supported by the Deputy Commissioner.
2. The OISC seeks to protect consumers by ensuring the continuing fitness and competence of registered advisers and organisations, setting standards for registration and promoting good practice throughout the sector. In addition, it operates a scheme to receive complaints relating to immigration advice (whether or not provided by registered organisations) and it enforces the regulatory regime by identifying and, where appropriate, prosecuting individuals who are acting illegally.
3. In addition, the Immigration Services Commissioner monitors the effectiveness of regulation of the immigration advice sector by bodies in Scotland and Northern Ireland which are beyond the jurisdiction of the Legal Services Board.
4. The OISC has specific responsibility for:
 - promoting good practice, as far as reasonably practicable in the immigration advice sector;
 - admitting immigration advisers into its Regulatory Scheme (the Scheme);
 - regulating immigration advisers in accordance with the Commissioner’s Code of Standards;
 - maintaining and publishing the register of OISC regulated advisers;
 - taking law enforcement action including prosecuting those that operate illegally outside of the Scheme;
 - receiving complaints about immigration advisers irrespective of whether or not they are regulated by the OISC; and
 - monitoring the effectiveness of how the Scottish and Northern Irish Designated Professional Bodies (DPBs)¹ regulate their members in respect of immigration advice.
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5. The OISC introduced a new Strategic Performance Framework in 2018/19 with accompanying outcome based objectives. In support of its mission to protect consumers through regulating immigration advice, the organisation identified four strategic aims:
 - authorising only those demonstrably fit and competent;
 - improving the quality of immigration advice;
 - protecting people; and
 - managing our resources efficiently and effectively.

¹ The Law Society of Scotland, The Faculty of Advocates; The Law Society of Northern Ireland; The General Council of the Bar of Northern Ireland

6. The arrival of a new Commissioner in July 2019 has heralded a shift in emphasis towards ensuring that the consumer of immigration services is at the heart of OISC activity. Five strategic Business Plan objectives for 2020/21 have been redefined to reflect this vision and they are based on the following themes:
 - Promote: We will help people in need of immigration advice know who can legally give immigration advice, where they can access it, what standard that advice should be and what to do if it doesn't meet that standard.
 - Collaborate: We will work with other regulators and organisations to improve the immigration advisory system, making it work better for those who provide and those who need immigration advice, and reducing poor or illegal advice.
 - Regulate: We will support immigration advisers to become registered and formally authorise them to provide immigration advice. We will audit their activities to ensure they continue to provide a good quality service to their customers and support them to maintain their learning and skills.
 - Protect: We will work towards eliminating the number of people and organisations providing poor or illegal advice, increasing access to fair and legal advice, protecting vulnerable people from exploitation and improving trust in the immigration and asylum process.
 - Enable: We will provide a high-quality service, which is efficient and cost effective and where decisions are intelligence led, minimising the impact of regulation on those we regulate and the taxpayer.
7. The OISC works according to the standards of good corporate governance – accountability, probity, integrity and openness – and complies with the requirements of the Regulators' Code.
8. The OISC is totally grant-in-aid funded by the Home Office. As of 31 March 2020 it directly regulated 1,615 organisations and 3,167 advisers.

THE IMMIGRATION SERVICES COMMISSIONER

9. The Commissioner heads the OISC, and holds a Ministerial appointment. The current Commissioner, John Tuckett, was appointed on 8 July 2019 for a five-year term.
10. The Commissioner is a Corporation Sole, and is accountable for all actions of the organisation undertaken in his name. He is the OISC's Accounting Officer and Consolidation Officer, and is personally responsible for safeguarding the public funds for which he has charge, for ensuring propriety and regularity in the handling of those funds, and for the OISC's day-to-day operations and management. He is answerable to the Home Secretary for the OISC's activities and performance, and is accountable to Parliament through her. The Commissioner does not carry out functions on behalf of the Crown, and is not a servant of the Crown. The Commissioner's principal functions, duties and powers are listed at Annex A.
11. The Commissioner has particular responsibility for providing leadership on all matters within his statutory powers and administrative duties. This includes formulating strategy, promoting the efficient and effective use of staff and other resources, encouraging high standards of propriety and representing the OISC to the general public. The Commissioner also, as appropriate, advises the Home Office of the OISC's intentions.
12. The Commissioner, as Accounting Officer, is responsible for information security within the OISC. To assist him in fulfilling this role he is provided with independent advice on data protection matters by the Data Protection Officers (DPOs).
13. The Commissioner may delegate the day-to-day administration of his Accounting Office and Consolidation Office responsibilities to OISC employees as he thinks fit. He assigns budgetary responsibilities according to a delegation scheme, which he may amend in writing at any time (see paragraphs 39 to 45 below, and Annex C).
14. The Commissioner takes note of any directions given by, or on behalf of, the Home Secretary, and any guidance issued in accordance with the Home Office Framework Document. The Commissioner, as the OISC's Accounting Officer, complies with the requirements of "Managing Public Money" and also takes into account instructions given to him in DAO letters.
15. In 2020/21 the Commissioner will discharge his role by the following main means, either directly (in conjunction with the Deputy Commissioner, members of his Senior Management Team (SMT) and/or other members of staff), or indirectly by delegation or reference to others in accordance with the OISC's governance arrangements:
 - a. implementation of a Corporate Plan, a Business Plan and accompanying budget (the Plans);
 - b. publication of an Annual Report and Accounts for 2019/20;
 - c. general discussions of policies, processes and procedures as well as other significant issues at monthly Strategic Management Meetings (SMMs), with individual senior managers and other staff at regular intervals, as appropriate;
 - d. the regular monitoring of:
 - i. performance indicators as listed in the Plans;
 - ii. delivery of specific projects;
 - iii. financial performance;

- iv. human resource issues;
 - v. ICT issues;
 - vi. communications and stakeholder activities;
 - vii. matters concerning data protection and information security; and
 - viii. data on other activities including casework and complaints, and the number and type of prosecutions, simple cautions and warrants issued;
- e. review and updating, as necessary, of the OISC's Corporate Risk Register, including quarterly reviews with the SMT;
 - f. consideration of recommendations made by the OISC's Audit and Risk Assurance Committee;
 - g. consideration of issues relating to operational matters to ensure uniformity and consistency of approach in the application of operational policy;
 - h. oversight of the OISC's regulatory, complaints and prosecutorial functions;
 - i. oversight of the OISC's legal and DPB regulatory responsibilities;
 - j. oversight of the development of the OISC's policy function;
 - k. oversight of the OISC's information security arrangements and activities;
 - l. oversight of the OISC's communications and stakeholder activities; and
 - m. liaison both with Ministers and officials within the Home Office and elsewhere within Government.

The Deputy Commissioner

- 16. Dr Ian Leigh was appointed as Deputy Commissioner for a five-year period starting on 7 February 2011. He was subsequently reappointed for a second term ending on 6 February 2021.
- 17. The Deputy Commissioner works with the Commissioner in delivering the OISC's business targets and in ensuring the good management of the Office. During any vacancy in the office of Commissioner, or at any time when the Commissioner is unable to discharge his functions, the Deputy Commissioner may act in his place.
- 18. The Deputy Commissioner meets regularly with the Commissioner on a one-to-one basis and with other members of OISC staff as appropriate.

THE ORGANISATION

19. In 2020/21 the OISC expects to employ around 65 staff.
20. The OISC is divided into teams with respective specific responsibilities as described below. Individual responsibilities are listed at Annex B. The organisation's structure is shown in the attached chart.
21. The Senior Management Team is composed of the heads of the different activities of the organisation. It consists of:
 - Immigration Services Commissioner
 - Deputy Immigration Services Commissioner
 - Director of Operations
 - Head of Corporate Strategy and Communications
 - Head of Operational Regulation
 - Head of Intelligence and Investigations;
 - Head of Finance
 - Head of Human Resources & Corporate Support; and
 - Head of Information & Communications Technology.

a) Director of Operations

22. The Director of Operations plays a key role in developing plans for reform of the OISC's business model with particular reference to the future location, distribution and delivery of operational activity across the organisation. He currently retains line management responsibility for the Legal Team.

Legal Team

23. The Legal Team provides legal advice to the CCT about applications and complaints decisions, and to the Office generally on legal aspects of the OISC regulatory regime. It is responsible for responding both internally and externally on the OISC's legislation and policy, providing guidance to staff on developments in the immigration sector and for contributing to external consultations. Members are also the Information Officers of the OISC and are therefore responsible for responding to Freedom of Information and Subject Access Requests, including adapting procedures to take account of new legislation in this area. The team monitors and reports to the Commissioner on how the legal bodies subject to the Commissioner's oversight regulate their members in respect of immigration advice or immigration services. It also provides evidence for the Commissioner to use in his annual report to the Home Secretary regarding his responsibilities for the DPBs.
24. One member of the Legal Team acts as the OISC's Physical Security Officer responsible for monitoring the physical security measures implemented by the OISC to protect confidential information.
25. Two specific members of the Legal Team fulfil the role of OISC Data Protection Officers (DPOs). The DPOs are the first point of contact both internally and externally in respect of any matters concerning data protection. The DPOs provide independent advice to the OISC and the Commissioner on data protection matters and regularly monitor the OISC's compliance with relevant data protection legislation.

26. They regularly inform and advise the Commissioner on data protection matters whenever necessary, but as a minimum on a quarterly basis. This may be by formal meeting with minutes taken or by written report. The DPOs will report directly to the Commissioner and may discuss any data protection matters with the Commissioner in private, unless disclosure is necessary. The DPOs provide advice on data protection independently and will not be dismissed or penalised for the performance of their tasks. The OISC is required to provide the DPOs with adequate resources to enable them to meet their obligations under the General Data Protection Regulation (GDPR). The DPOs therefore have the right to request adequate resources if necessary.

b) Head of Operational Regulation

27. The Head of Operational Regulation manages the OISC's core regulatory activities, overseeing the work of three teams: the Applications & First Contact Team and two Compliance & Complaints Teams. She is responsible for ensuring compliance with the Regulator's Code, revising processes in response to changes in legislation and ensuring that the OISC's key corporate documents² remain relevant and up to date.
28. The Head of Operational Regulation meets the teams' respective managers both collectively and individually.

Applications & First Contact Team

29. This team is responsible for the following:
- answering telephone enquiries and reception;
 - handling emails sent to the 'info@oisc.gov.uk';
 - day-to-day office administration; and
 - provision of office equipment and supplies.

Regarding applications, the team is responsible for the following:

- processing and decision-making on uncomplicated and uncontroversial applications for repeat authorisations for registration, and applications for raising a regulated organisation or individual adviser's level of authority;
- processing uncomplicated and uncontroversial applications for initial entry into the Scheme from new organisations and/or new advisers;
- processing applications for registration to provide advice relating to the EU Settlement Scheme
- management of the OISC's Disclosure and Barring Service procedures; and
- administration related to Competence Assessment of new applicants.

Compliance & Complaints Teams (CCTs)

30. The CCTs have responsibility for ensuring regulated advisers are compliant with the Commissioner's Code. These teams deal with more complex applications for entry into the Scheme and continued registration. They also investigate and determine the more complicated complaints, undertake premises audits, monitor compliance with continuing professional development (CPD) requirements and deliver workshops and seminars to the regulated sector. The CCTs also contain two software developers responsible for maintaining and enhancing the OISC's case management system,

² "The Code of Standards", "Guidance on Competence" and "The Complaints Scheme"

“Themis”. The teams are managed by two Team Managers who have delegated responsibility for decisions on applications and actions to be taken against regulated organisations. Compliance with procedure is monitored through Strategic Operational Meetings, team meetings and one-to-ones.

31. The CCTs are supported by two administrative staff and an Executive Officer dealing with complaints that can be re-directed to the regulated organisation.

c) Head of Intelligence and Investigations

32. The Head of Intelligence and Investigations manages the work of these two teams. The intelligence staff are responsible for collecting and disseminating relevant intelligence within the OISC and to external parties in accordance with legal arrangements. The investigations staff have delegated authority to pursue intelligence-led enquiries and gather evidence sufficient to prosecute in accordance with the Act those advisers that give, and/or advertise that they give, immigration advice without being regulated. Compliance with procedure is monitored through operational meetings, team meetings and one-to-ones.
33. The Head of Intelligence and Investigations is assisted by a qualified solicitor whose principal role is to prepare cases for prosecution.

d) Head of Corporate Strategy and Communications

34. The Head of Corporate Strategy and Communications has three overarching areas of responsibility: developing the future vision and corporate strategy for the OISC; stakeholder engagement (including horizon scanning); and corporate communications. She is supported by a team which focusses upon business planning and in-year performance management; research and analysis to support and develop the corporate vision; and communications (coordinating website and social media activity; producing newsletters and corporate communications including the Annual Report and Accounts; and handling media interaction).

e) Corporate Services Teams

Finance Team

35. Led by the Head of Finance, this team is responsible for:
 - preparing the OISC’s annual budget;
 - monthly grant applications to the Sponsor Unit;
 - paying purchase invoices and expense claims;
 - monthly budget monitoring and full year forecasting;
 - maintaining the OISC’s accounting records;
 - preparing the OISC’s monthly management accounts and other periodic financial reporting including financial returns to the Home Office and HM Treasury;
 - producing the OISC’s annual accounts;
 - direct and indirect taxation matters;
 - overseeing internal financial control and procedures;
 - liaising with external and internal audit, and the Sponsor Unit in relation to general finance and other audit issues;

- attending meetings of the OISC Audit and Risk Assurance Committee;
- acting as OISC Procurement Officer, liaising with the Crown Commercial Service (CCS);
- asset management; and
- representing the OISC at Home Office working groups concerned with financial reporting matters and risk improvement forums.

Human Resources & Corporate Support Team

36. Led by the Head of Human Resources & Corporate Support, this team is responsible for:
- providing a comprehensive personnel service;
 - providing HR advice and information both to the OISC's SMT and to staff;
 - providing/facilitating staff training and development;
 - coordinating the investigation of complaints made by external persons about OISC staff;
 - providing support to the Commissioners and other members of the SMT in maintaining sound corporate governance of the OISC;
 - providing the secretariat for meetings of the Management Board, the Audit & Risk Assurance Committee and other corporate initiatives;
 - providing office facilities, eg cleaning, heating and maintenance via the landlord's agents; and
 - ensuring compliance with Health and Safety requirements.

Information Communications Technology (ICT) Team

37. Led by the Head of ICT, this team is responsible for:
- providing (including supporting and maintaining) the ICT infrastructure for the OISC;
 - providing and supporting internal and external facing IT and telecommunications services for the OISC, in line with its business objectives;
 - securing the OISC's ICT against external and internal threats;
 - providing IT advice and information both to the OISC's SMT and to staff; and
 - supporting and maintaining the OISC's case management system, Themis.
38. In addition, the Head of ICT takes the lead on information security matters acting as the Senior Information Risk Owner (SIRO) on an ad-hoc basis. He also, in conjunction with the Data Protection Officers, continues to ensure the OISC's compliance with the General Data Protection Regulation.

GOVERNANCE ARRANGEMENTS

Financial Delegations

39. The OISC's financial management is delivered in accordance with the Home Office Framework Document which details the relationship between the Home Office and the OISC with regard to financial responsibilities, policies and procedures, and ensures that the OISC's financial transactions are carried out in accordance with the law and government policy.
40. The Head of Finance continually monitors the OISC's financial performance against budget, and provides monthly reports to the Commissioners and to budget holders. Financial reports are provided monthly to the Home Office and quarterly to the OISC's Sponsor Unit.
41. All decisions that may commit the OISC to any significant expenditure or may significantly change the OISC's policies or practices must be noted in writing to the Commissioner and the SMT. They must be accompanied by a statement of why such decisions were taken and the alternative course(s) of action considered.
42. The Commissioner delegates to the Deputy Commissioner, and the Deputy Commissioner may delegate the management of a budget to an OISC budget holder to permit the performance of a defined range of activities. The delegation must be in writing and a new delegation letter must be issued where there is a change of budget holder and when there is an increased budget mid-year. The delegation letter must include the following information:
 - a. the amount of the budget;
 - b. the purpose(s) of each budget heading; and
 - c. individual and group responsibilities.

The Financial Delegations for 2020/21 are listed at Annex C.

43. Budget holders are permitted to sub-delegate budget management; but such sub-delegation must comply with the above requirements.
44. Budget holders must ensure that they do not exceed the expenditure limit under any single budget heading, unless this is expressly agreed in writing by the Deputy Commissioner. As an additional element of budgetary control, individual expenditure authorisation is capped at 30% of the delegated budget. The delegation of any particular budget does not result in that budget holder having total responsibility for any related policy.
45. Where there is no contractual provision or other understanding, suppliers must be paid on time, within and not exceeding 30 days of receipt of the goods or services, or the presentation of a valid invoice or similar demand for payment, whichever is later. To achieve this, budget holders are required to approve and promptly return invoices to the Finance Team, with online authorisation having been introduced in 2019/20.

Staff Briefings

46. The Commissioner and/or other members of the Senior Management Team orally brief staff at these meetings, which are held periodically throughout the year.

Strategic Management Meetings (SMMs)

47. The Deputy Commissioner and the OISC's senior managers attend the monthly SMM chaired by the Commissioner. One member of the Audit & Risk Assurance Committee is invited to attend each SMM on a rotating basis in an advisory capacity.
48. SMMs operate on a three-monthly cycle with each meeting having a specific aim and focus. Quarterly Performance Management SMMs (attended by all SMT members) provide the Commissioner with an opportunity to hold SMT members to account for the delivery of the year's Business Plan objectives, ongoing management of the organisation's corporate risks and delivery of Internal Audit recommendations. Quarterly Workshops (also attended by the full SMT) are "awayday" events where the aim is to develop thinking about the OISC of the future. Quarterly Corporate Issues/Policy SMMs are attended by four "core" SMT members (the Commissioners, Director of Operations and Head of Corporate Strategy and Communications) where advice is provided to the Commissioner on corporate policy issues.
49. The agenda, papers and minutes of SMMs are made available to staff, subject to the need for confidentiality. The SMT also meets as a team at least weekly.
50. The Commissioner may invite the DPOs to attend the SMM to report and provide advice on data protection matters. The DPOs may decline the invitation if there is a potential or actual conflict of interest.

Strategic Operational Meetings

51. These monthly meetings are chaired by the Head of Operational Regulation and are attended by the Deputy Commissioner and the four Casework Operational Team Managers (for Compliance and Complaints, AFCT and Legal). The meeting agenda covers the operational KPIs and performance, ongoing operational activities in the areas in which attendees are involved, high profile cases, the development and implementation of associated policies and discussion of relevant senior management issues. These meetings provide the Deputy Commissioner with an opportunity to examine operational performance, policies and procedures, and to initiate new or additional activities. Minutes of these meetings are prepared by the Corporate Governance Secretary and are made available to all staff.

Strategic Intelligence & Investigations Meetings

52. These monthly meetings are chaired by the Head of Intelligence and Investigations and are attended by the Deputy Commissioner and members of the Intelligence and Investigations Teams. The agenda includes the operational KPIs and high-profile cases. These meetings provide the Deputy Commissioner with an opportunity to examine operational performance, policies and procedures, and to initiate new or additional activities. Minutes of these meetings are prepared by the Corporate Governance Secretary and are made available to all staff.
53. Formal Terms of Reference for each of the above three meetings are approved annually at the January SMM.

Operational and Team Meetings

Joint Casework Team Meetings

54. These are monthly meetings attended by members of the Compliance and Complaints Teams and others, as necessary. They are chaired by a Team Manager. Agendas cover ongoing CCT activities and clarification of policy issues. Database training is sometimes provided.

Team Meetings

55. Each team meets monthly. These are opportunities for information to be cascaded to the team and for issues and concerns to be raised. The outcome of these discussions may be relevant to matters being considered at other meetings.

The Information Security Monitoring Board

56. This body has been formed to consider the security management of all forms of OISC information, written or electronic. The Board is chaired by the SIRO and membership includes the Head of Finance, Head of Human Resources & Corporate Support, Head of ICT, a representative of the Intelligence and Investigations Teams, three representatives from the Operations teams, the OISC's Information Officers, the PSO and the DPOs.
57. The Board provides the SMT with two reports a year detailing its activities: a full report that coincides with the financial year end; and a half-year update six months later. The OISC's Information Security Strategy Document (including the Corporate Policy on Information Security) is reviewed by the ISMB and considered by the SMT every three years.

Internal ad hoc working groups

58. The Commissioner may create ad hoc working groups to work on a specific initiative or issue. The respective terms of reference and programme of work for such groups, including the schedule for delivery of outcomes or recommendations, is defined, as far as possible, on their establishment. Usually such groups are advisory only, but the Commissioner can, at his discretion, specifically delegate authority to them, as appropriate.

The OISC's Audit and Risk Assurance Committee (ARAC)

59. This Committee's main aims are to support the Commissioner in ensuring the proper stewardship of the OISC's resources and assets, to oversee financial reporting, and to monitor the effectiveness of the OISC's audit arrangements (internal and external), internal controls, governance and the management of risk. It accordingly makes recommendations to the Commissioner.
60. The Committee's terms of reference, which are on the OISC's website, are reviewed annually in March. These require that the Committee be composed of at least three non-executive members. The Commissioner, Deputy Commissioner and the Head of Finance attend ARAC meetings together with representatives of the OISC's internal and external auditors. The Home Office Senior Sponsor attends at least one meeting each year. The Committee meets at least four times a year. NAO are the OISC's external auditors. The Government Internal Audit Agency provides an internal audit service for the OISC.

OISC/Home Office Liaison Meetings

61. These consist of both regular discussions between the Commissioner and the OISC's Senior Sponsor, and Quarterly Operational Liaison Meetings, the latter being attended from the OISC by senior OISC staff, as necessary. The agenda for the former consists of reviewing strategic issues and serious topical concerns. The latter's agenda covers topical operational issues as well as covering performance reviews (finance, staffing and risk management), as required by the OISC/Home Office Framework Document. OISC staff also attend various Home Office stakeholder meetings.

OISC/DPB meetings

62. The Commissioner and other OISC staff meet representatives of the various DPBs over which he retains regulatory oversight responsibility, as necessary. The Commissioner and his staff also meet representatives of those DPBs that have transferred to the Legal Services Board as necessary.

CONSULTATIVE COMMITTEES

Joint Negotiating Committee

63. This Committee's purpose is to discuss and negotiate terms and conditions of service issues for OISC staff and to discuss general issues of concern affecting staff, including consultation on policies. It meets at least quarterly or as and when required, and is chaired by the Deputy Commissioner or in his absence the vice-chair appointed by the Public and Commercial Services Union (PCS). In addition to the Deputy Commissioner and the Director of Operations, attendees include the Head of Human Resources & Corporate Support, PCS representatives, and, as appropriate, other SMT members.

Health and Safety Committee

64. The Committee's remit allows for management and staff representatives jointly to discuss health and welfare issues pertaining to the OISC. It is chaired by the Head of Human Resources & Corporate Support. It meets every three months or as and when required. Attendees include the Health and Safety Adviser, the PCS-appointed safety representative, a first aid officer and a fire warden. The Committee's discussions may feed into matters raised at other meetings in particular SMT.

ASSOCIATED ACTIVITIES

Corporate/Business Planning

65. The production of the OISC's Corporate Plan and Business Plan is an organisation-wide top-down/bottom-up process. Discussion of the Plans normally starts with an SMT meeting which produces proposals for discussion by the OISC teams. These comments are then considered by the SMT. A draft Plan for the coming business year is produced based on this dialogue, which is reviewed by the teams, whose comments are considered again by the SMT at the December SMM. Once internally approved, and before the end of the calendar year, the draft Plan – together with the OISC's proposed budget – is sent to the OISC's Sponsor Unit for Government approval.

Risk Management

66. The OISC maintains a Corporate Risk Register and supplementary Team Risk Registers. The Corporate Risk Register is reviewed on a quarterly basis by both the OISC's SMT and the Audit and Risk Assurance Committee. The identification and management of risk is also discussed at a team level every quarter and revised team risk registers are uploaded to the intranet at this time.
67. The OISC also maintains an Information Asset Register containing risks and mitigations relating to the data (including that which is personal) held by the OISC. This Register is reviewed by the Information Asset Owners and Senior Information Risk Owner on a quarterly basis.

Corporate Policies

68. The OISC maintains a suite of corporate policies, all of which are available to staff on the intranet and some of which are available to the general public on the internet. A number of these are integral to underpinning the OISC's Governance Framework including the Anti-fraud Policy (also covering theft, bribery and corruption); the Whistleblowing Policy and the Information Security Strategy and Policy.

Data Protection and Freedom of Information

69. The Home Secretary has authorised the Commissioner to act as the "qualified person" under section 36(5) (o) (iii) of the Freedom of Information Act. The OISC has a comprehensive procedure in place for dealing with both FOI and Subject Access Requests. A full description of the OISC's responsibilities and enquiry procedures is on the OISC's website. SARs and FOI requests are addressed by the Information Officers. On 25 May 2018 the legislative basis of SARs changed with implementation of the GDPR; but responsibility for this activity remains with the Legal Team.

THE COMMISSIONER'S PRINCIPAL FUNCTIONS, DUTIES AND POWERS

The Commissioner has the principal functions, duties and powers listed below.

- To promote good practice by those who provide immigration advice or immigration services.
- To prepare and issue a Commissioner's Code setting standards of conduct, which those to whom the Code applies are expected to meet.
- To establish a scheme for the investigation by him of relevant complaints made to him and to determine any such complaints.
- To ensure, as far as possible, that those who provide immigration advice or services are fit and competent to do so, act in the best interests of their clients, do not knowingly mislead any court, tribunal or adjudicator, do not abuse any procedure in connection with immigration or asylum, and do not advise any person to do something which amounts to such a abuse.
- To register qualified persons under section 84(2) of the Act and to prepare, maintain and make available a record of such persons.
- To exempt, under section 84(4)(a) of the Act and to prepare, maintain and make available a record of such persons.
- To keep under review the list of designated bodies as set out in section 86(1) of the Act and report to the Home Secretary if he considers that a professional body is failing to provide effective regulation of its members.
- To undertake enforcement action against those operating outside the regulatory scheme.
- To arrange for the publication of information about his functions.
- To send to the Home Secretary an annual report on the performance of his functions.
- To keep proper accounts and proper records in relation to the accounts, to prepare a statement of accounts in respect of each financial year, and to send a copy of the annual accounts to the Home Secretary and to the Comptroller and Auditor General and for these to be prepared in accordance with UK Generally Accepted Accounting Principles and Government Accounting.

The Commissioner also has the following power.

- To make and publish Rules regulating any aspect of the professional practice, conduct or discipline of:
 - registered persons; and
 - those employed by, or working under, the supervision of a registered person;in connection with the provision of immigration advice or services.

However, from 1 April 2016 the Commissioner's Rules were subsumed into the Code of Standards.

INDIVIDUAL OISC RESPONSIBILITIES

1. OPERATIONS TEAMS

The following tables show the lowest grades at which areas of work are carried out, and at which decisions should be made. Operational staff may also have delegated financial and budgetary authority in accordance with the Commissioner's annual written memorandum as detailed at Annex C. Comprehensive delegated authority to each individual member of staff will only be made after a member of staff has been fully trained and has demonstrated competence. Team Managers are responsible for evaluating and deciding the delegated authority in such circumstances.

The Legal Team includes responsibility for responding to FOI and DPA requests.

COMPLIANCE & COMPLAINTS TEAMS AND APPLICATIONS & FIRST CONTACT TEAM	
a) Initial Applications	
General handling of initial application (within the set criteria)	Executive Officer
Decisions to approve initial application (within the set criteria)	Executive Officer
General handling of initial application (outside the set criteria)	Caseworker
Decisions to approve initial application (outside the set criteria)	Caseworker
Decisions to refuse an initial application for registration (within set criteria)	Executive Officer
Decisions to limit/conditionally approve an initial application for registration (within set criteria)	Executive Officer
General handling of repeat authorisation (within the set criteria)	Administrative Officer
Decision to approve a repeat authorisation (within the set criteria)	Administrative Officer
Decision to cancel a registration on grounds of non-receipt of an application for continued registration	Administrative Officer
General handling of repeat authorisation (outside the set criteria)	Caseworker
Decision to approve a repeat authorisation (outside the set criteria)	Caseworker
Decision to refuse a repeat authorisation	Caseworker
Decisions to limit/conditionally approve a repeat authorisation (within set criteria)	Executive Officer

Decisions to limit/conditionally approve a repeat authorisation (outside set criteria)	Caseworker	
General handling of an application for a new adviser (within the set criteria)	Executive Officer	
Decision to approve an application for a new adviser (within the set criteria)	Executive Officer	
General handling of initial application for a new adviser (outside the set criteria)	Caseworker	
Decision to approve an application for a new adviser (outside the set criteria)	Caseworker	
Decision to refuse, limit or place a condition on the approval of a new adviser (within set criteria)	Executive Officer	
Decision to refuse, limit or place a condition on the approval of a new adviser (outside set criteria)	Caseworker	
General handling of an application to increase the level of an adviser	Executive Officer	
Decision to approve an application to increase the level of an adviser	Executive Officer	
Decision to refuse, limit or place a condition on an application to increase the level of a new adviser (within set criteria)	Executive Officer	
Decision to refuse, limit or place a condition on an application to increase the level of a new adviser (outside set criteria)	Caseworker	
Decision on competence of an adviser (within the set criteria)	Executive Officer	
Decision on competence of an adviser (outside the set criteria)	Caseworker	
Decision to cancel registration under the Act, Schedule 6, Para 4A(a) to (d)	Caseworker	
b) Decisions that carry an appeal right that are more likely to result in a full appeal hearing		
Decision to refuse an organisation registration based on fitness and competence.	Recommendation	Caseworker
	Review & authorisation:	Legal Team Caseworker CC Team Manager
Decision to refuse to re-register an individual adviser or place limitations/conditions on the individual.	Recommendation	Caseworker
	Review & authorisation:	Legal Team Caseworker CC Team Manager

Decision to limit the Level or Category of the registered organisation, or place a condition on the organisation, where the organisation has not confirmed their agreement with the action or the decision is not linked to the outcome of an assessment.	Recommendation Review & authorisation:	Caseworker Legal Team Caseworker CC Team Manager
Decision to refuse an organisation continued registration.	Recommendation Review & authorisation:	Caseworker Legal Team Caseworker CC Team Manager Deputy Commissioner
Decision to cancel registration on the basis of concerns regarding 'fitness and competence' either through compliance or complaints findings.	Recommendation Review & authorisation:	Caseworker Legal Team Caseworker CC Team Manager Deputy Commissioner
Decision to lay a charge before the first-tier tribunal in relation to a complaint determination.	Recommendation Review & authorisation:	Caseworker Legal Team Caseworker CC Team Manager Deputy Commissioner
Authority to apply to the Magistrates court for a warrant to enter a registered adviser's premises for audit purposes	Recommendation Review & authorisation:	Caseworker CC Team Manager Deputy Commissioner
Authority to apply to the First Tier Tribunal (Immigration Services) for the suspension of a registered adviser	Recommendation Review & authorisation:	Caseworker & Legal Caseworker Deputy Commissioner
c) Complaints Handling and Inspections		
General investigation of complaints against OISC advisers		Caseworker
Decision to deal with a complaint through the OISC re-direction scheme.		Complaints Executive Officer
Decision to withdraw a complaint from the re-direction scheme or to close a complaint through this scheme		Team Manager
Determination of unsubstantiated complaints		Caseworker
Determination of substantiated complaints with a sanction no more severe than recording the complaint on file		Caseworker
Determinations where it is intended to impose a sanction other than record the complaint on file (cancel registration or lay a charge)	Recommendation Review & authorisation:	Caseworker Legal Team Caseworker CC Team Manager Deputy Commissioner
Decision to initiate a Commissioner's Complaint	Recommendation Decision	Caseworker Team Manager

Decision to stop pursuing any Complaint	Recommendation Decision	Caseworker Team Manager
Decision to cancel registration due to non-compliance with the investigation under para 6(3)(a) of Schedule 5	Recommendation Decision	Caseworker Team Manager
Authority to apply to the Magistrates court for a warrant to enter a registered adviser's premises in relation to a complaint	Recommendation Review & authorisation:	Caseworker CC Team Manager Deputy Commissioner
Decision to use Consulting experts	Recommendation Decision Costs to be agreed by the Budget Holder – Head of Operational Regulation	Caseworker Team Manager

INTELLIGENCE & INVESTIGATIONS TEAM	
a) Intelligence	
Assessment of intelligence log	Intelligence Officer
Countersigning of Log	Intelligence Manager
b) Target Profiles	
Assessment of risk of individual/organisation	Intelligence Officer
Decision to create target profile	Intelligence Manager
c) Problem Profiles	
Assessment of risk of problem/issue	Intelligence Manager
Decision to commission problem profile	Senior Management Team
d) Checks	
Authority to carry out Police National Computer Checks	Intelligence Researcher
Countersigning authority to carry out Police National Computer checks	Intelligence Manager
Authority to carry out Credit Referencing checks	Intelligence Researcher
Countersigning authority to carry out Credit Referencing checks	Intelligence Manager
Authority to carry out Companies House checks	Intelligence Researcher
Authority to carry out CID/CRS checks	Intelligence Researcher
Countersigning authority to carry out CID/CRS checks	Team Manager
e) Criminal investigations and prosecutions	
Decision to investigate	Head of Intelligence & Investigations
Running of investigations	Investigator
Authority to apply to court for Power of entry	Commissioner*
Recommendation to charge/summons	Head of Intelligence & Investigations

Decision to prosecute	Director of Operations
Running of prosecutions	Investigator
LEGAL TEAM	
a) Legal	
Recommendation to contest a legal case other than provided for above	Legal Team Manager
Decision to contest a legal case other than provided for above	Legal Team Manager (for 'routine' civil cases) Contentious cases referred to Director of Operations and Commissioners as appropriate
Running of legal cases	Legal Adviser
Running of charges	Legal Adviser
Authority to use Counsel	Legal Team Manager
Responsibility for precedents, records and information dissemination to be maintained by the Legal Team.	

* In accordance with the provisions of Schedule 5 to the Act, at any time when the Commissioner is unable to discharge his functions, the Deputy Commissioner may act in his place

2. CORPORATE SUPPORT TEAMS

A. Finance Team

Delegated Authority

As agreed with the Commissioner and in accordance with the strategy set out in the OISC's Business Plan 2020/21, the Head of Finance has full decision-making authority in the areas listed below.

- Maintenance of OISC's financial and accounting records.
- Provision of internal monthly management accounts.
- Provision of financial reports to external bodies.
- Compliance with Central Government financial reporting requirements.
- Preparation of statutory annual accounts.
- Internal financial control and procedures.
- Budget monitoring.
- Direct and indirect taxation matters.
- Payroll management.
- Liaison with internal audit, external audit and sponsor unit.
- Acting as OISC Procurement Officer, liaising with and reporting to the Home Office Commercial Unit.
- Asset management.
- Representing the OISC at Home Office working groups concerned with financial reporting matters and risk improvement forums.

The Team

In addition to the Head of Finance the team includes a Finance Officer.

B. Human Resources & Corporate Support Team

Delegated Authority

The Head of Human Resources & Corporate Support has delegated financial and budgetary authority in accordance with the Commissioner's annual written memorandum to him.

As agreed with the Commissioner and in accordance with the strategy as set out in the OISC's Business Plan 2020/21, he has full decision-making authority to implement the OISC's Human Resources & Corporate Support strategy in the areas listed below:

- Recruitment/selection
 - determining the method and medium of recruitment in consultation with the OISC's Commissioners, SMT and JNC;
 - deciding when and how to recruit/select in consultation with the OISC's Commissioners, SMT and JNC.
- Training
 - responsibility for overseeing the production of the OISC's Training & Development Strategy for OISC staff, provision of training and development against budget allocation and the annual plan for the delivery and evaluation of training and development.
- Grievance, disciplinary and inefficiency procedures

- handling and advising, as necessary, on disciplinary, grievance and capability matters.
- Payroll mechanics
 - responsibility for ensuring compliance with the Service Level Agreement by the OISC's payroll providers.
- HR Policies
 - development of HR policies for consideration by the Commissioners, SMT and for consultation with the JNC.
- Investigation of complaints made by external persons about OISC staff.
- Facilities and accommodation; including procurement and liaison with suppliers and external contractors.
- Responsibility for ensuring compliance with Health and Safety requirements.

The Team

In addition to the Head of Human Resources & Corporate Support the team consists of a Human Resources & Corporate Support Team Manager and a Corporate Governance Secretary.

C. ICT Team

Delegated authority

The Head of ICT has delegated financial and budgetary authority in accordance with the annual Commissioner's written memorandum to him.

ICT

As agreed with the Commissioner and in accordance with the strategy as set out in the OISC's Business Plan 2020/21, he has full decision-making authority to develop and implement the OISC's ICT strategy in the areas listed below:

- Support and maintenance of Themis, the OISC's case management system.
- Day-to-day running of the OISC's ICT network, including website/internet/email and remote connectivity.
- Managing the change process for the ICT estate.
- Network security.
- Mobile and fixed telephony.
- ICT forward planning.

The Team

In addition to the Head of ICT the team consists of an IT Systems Manager (to whom the Head of ICT's responsibilities are delegated in his absence) and a part-time ICT Support Officer.

FINANCIAL DELEGATIONS 2020/21

	Budget (£)	£
Pay		2,783,022
Commissioners' Salaries	135,928	
Commissioners' NIC	15,534	
Commissioners' Pension Costs	3,270	
Staff Salaries	2,205,412	
Staff NIC	225,033	
Staff Pension Costs	586,790	
Audit & Risk Assurance Committee	21,600	
[10% reduction in staff costs]	-298,120	
[balancing item]	-112,425	
Estate		580,349
Rent	279,322	
Rates	143,429	
Heat, Light, Power	14,832	
Service Charges	140,766	
Maintenance	2,000	
Legal and Professional		131,000
Legal – Regulatory Matters	20,000	
Legal – Criminal Prosecutions	81,000	
Legal – Other	7,500	
Transcript	2,500	
Criminal Investigations	20,000	
ICT		83,500
Website	2,000	
IT Consumables	3,000	
IT Software	40,500	
Internet Support Costs	38,000	
Communications		21,222
Communications	21,222	
Support (see below)		215,907
Capital		5,000
Fixed Assets – Cost	5,000	
OISC Total		3,820,000
(Resource Programme Expenditure)		3,820,000

Support

<u>Human Resources</u>		48,897
Recruitment	0	
Childcare Vouchers	35	
Recognition Payments – Individual	480	
Recognition Payments – Social	1,250	
Training – Support Services	6,800	
Training – Operations	20,000	
Health and Safety	800	
Staff Welfare	5,500	
Payroll Processing Costs	8,032	
Professional Fees, Subs & Resources	6,000	
<u>Administrative Expenditure</u>		72,000
Staff Travel	25,000	
Staff Subsistence	4,000	
Stationery	4,000	
Postage	6,000	
Couriers	2,000	
Photocopying	12,000	
Telephones	7,000	
Mobile telephones	6,000	
Off-Site Storage	4,500	
Office Running Costs	1,500	
<u>Finance</u>		22,160
External Audit Fees	20,000	
Bank Charges	2,160	
<u>Professional Charges</u>		67,250
Competence Assessment	65,000	
Translations	1,500	
Use of Experts	750	
<u>Other Costs</u>		5,600
Workshops and Seminars	2,000	
Non-capital Office Equipment	1,000	
Hospitality	600	
Scanning of Documents	2,000	
OISC Refunds/Settlements	0	
Total Support		215,907



