



Office of the Immigration Services Commissioner

Consultation to amend the Code of Standards and Commissioner's Rules

Response form to initial consultation on
proposed amendments

INITIAL CONSULTATION: THE COMMISSIONER'S CODE OF STANDARDS AND RULES

Name:											
In what capacity are you responding?	Personal / Organisation										
Organisation's name: <i>(if relevant)</i>											
OISC Number: <i>(if relevant)</i>	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										
Contact details: Address Postcode											
Telephone number											
Fax number											
E-mail address											
Privacy	It will be assumed that all respondents are content to be identified in the consultation report and to have their response published. Please specify in your response if you would prefer not to be identified or not to have your response published, all or in part.										

Section A

What approach should the OISC take in writing the new *Code* and *Rules*?

- A1. Do you think the next version of the *Code* and *Rules* should generally take a principle-based or prescriptive approach? Please explain which of these approaches you favour giving your reasons.
- A2. Please explain what approach (principle-based or prescriptive) you think the Commissioner should take with respect to the following Codes:
- a) Codes 19, 21 to 23
 - b) Codes 27, 28, 29, 30, 33, 48, 64 and 86
 - c) Codes 52 to 59, 81 to 86 and 91 to 95
- A3. Please explain if you think there are any specific Codes or Rules where a principle-based or prescriptive approach would be particularly appropriate.

Section B

Should the *Code* and *Rules* be consolidated into one document?

- B1. Please explain if you think that the *Code* and *Rules* should be consolidated into one document or if they should remain as two separate documents.

- B2. Please explain what Rule(s), if any, you feel should remain identified as specific rule(s) if the two documents were consolidated. In considering your answer you may wish to take into account the contents of paragraph 37 of the consultation document.

Section C

Possible subjects for inclusion in the new *Code*

- a) New legal entity
- C1. Do you agree that a Code should be introduced that requires regulated organisations which wish to change their legal status before doing so to submit an Application for Regulation of a New Legal Entity?
- b) Immigration advice and services provided via the internet
- C2. Do you agree that it is necessary for the *Code* to include specific regulation on the matters mentioned at paragraph 41 of the consultation document in respect of organisations which work via the internet?
- C3. In addition to the matters mentioned at paragraph 41 of the consultation document, are there any other matters that you think the Commissioner should include in the *Code* with respect to the provision of immigration advice or services via the internet?

C4. If specific codes were introduced, do you think that these should be more principle-based or prescriptive?

c) Outsourcing work

C5. Do you think that organisations should be allowed to outsource their work to other regulated organisations?

C6. If you think that the outsourcing of work should be allowed between organisations, all or in part, please explain what restrictions or controls, if any, you think should be imposed.

d) Organisation or individual adviser

C7. The Commissioner proposes that references to “adviser” in the *Code* should be replaced with the word “organisation” except where the obligation is clearly an individual one. Do you agree with the proposal?

e) Identifying the actions of specific advisers

- C8. Do you agree with the proposal contained in paragraph 47 of the consultation document which states that organisations should be required to ensure that the individual within their organisation who actually undertakes a specific piece of work is clearly identified on any material contained in the client's file and specifically in any communication sent to the client or to a third party?

f) Client notification of and approval of payment

- C9. Do you agree with the proposal contained in paragraph 49 of the consultation document that a code should be introduced that prohibits payments being taken from a client account or from a client's credit/debit card without the client having been given at least five clear working days' notification of the intention to do so and to have authorised the payment?

g) Other suggestions for inclusion in the new Code

- C10. Please make any suggestions for other matters which you think should be considered for inclusion in the new *Code*.

Consultation information:

CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the OISC or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these regimes are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the OISC.

The OISC will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

GOVERNMENT'S CODE OF PRACTICE ON CONSULTATION

This Consultation follows the Code of Practice on Consultation – the criteria for which are set out below:

Criterion 1 – When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 – Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 – Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 – Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 – The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 – Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 – Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at:

<http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>

How to Respond

Online - You can complete an online response form by clicking on the link below:

<http://www.surveymonkey.com/s/CodeofStandardsonlineResponseForm>

By email or post - You can download a copy of the response form by clicking on the link below:

[Consultation response form](#) (Word format)

[Consultation response form](#) (PDF format)

Please send your completed response forms no later than **30/08/13** to one of the following addresses:

Electronic: consult@oisc.gov.uk

By post: Sharon Harris
Code of Standards Consultation
Office of the Immigration Services Commissioner
5th Floor, Counting House
53 Tooley Street
London
SE1 2QN

If for any reason you are dissatisfied with the consultation process, please contact:

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