

OFFICE OF THE IMMIGRATION SERVICES COMMISSIONER

CORPORATE PLAN 2012/15 - BUSINESS PLAN 2014/15

Introduction – The OISC’s Remit

The Office of the Immigration Services Commissioner (OISC) was established by the Immigration and Asylum Act 1999 (the Act) as an independent, Executive, Non-Departmental Public Body (ENDPB). It is sponsored by the Home Office. The Immigration Services Commissioner and the Deputy Commissioner are both appointed by the Home Secretary, and through her are accountable to Parliament.

Consumers of immigration advice and services are often among the most vulnerable – and often disadvantaged - members of society. The OISC has two primary functions. First, protecting those who seek, or may seek, immigration advice and/or services by ensuring that those who are allowed entry into, and to remain in, the regulatory scheme are fit and competent to operate at their OISC authorised Advice Level. Second, working with other law enforcement organisations to identify, deter and, as necessary, take action against those who seek to operate illegally. The OISC therefore performs an important role in maintaining continued confidence in the UK’s immigration advice sector for users, the Government, the judiciary and the public generally. The results of the decision taken to retain the OISC in its current form following the Coalition Government’s 2010 Arm’s Length Body Review reaffirmed the Government’s view of the continuing importance, sensitivity and quality of the OISC’s work

The Commissioner has statutory regulatory, complaint handling and law enforcement responsibilities. The latter two are closely allied to, and directly supportive of, the first. Her main roles are: to maintain a robust regulatory regime; to operate a complaints scheme; to seek out and take action against those operating illegally; and to promote best practice, as far as possible, within the immigration advice sector.

The OISC regulatory requirements are contained in the Commissioner’s *Code of Standards and Rules*. The OISC assists the public by providing information including a list of regulated advisers to help them make informed decisions. As of 1 April 2014 3,968 advisers and 1,971 organisations were directly regulated by the OISC, the great majority of which are small and medium sized BAME organisations that play an important role in their respective communities. The Commissioner also has regulatory oversight responsibilities of those who are regulated by the Designated Professional Bodies in Scotland and Northern Ireland¹.

The OISC takes a proportionate, risk-based, targeted and transparent approach to its regulatory activities, focusing its finite resources on those areas where clients are at greatest risk.

While the OISC operates independently of government, the OISC has taken special note of the Home Office’s objectives in developing this Plan.

The Third Year of Our Three Year Plan

The OISC is mindful that it is public taxpayers’ money that funds its work, and it has continually sought to find efficiencies and make savings. A significant business improvement exercise was undertaken in 2008/09 examining the OISC’s processes with

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

particular reference to the work of its operational teams. As a result, during the period 2009/11 the OISC extensively refined its casework and complaint processes and structures. That exercise helped the OISC deliver much greater efficiencies in the way it works and, in so doing, allowed it to maintain the quality of its work while coping with increased budgetary pressures.

We strive to continue to improve the efficiency and effectiveness of the OISC's regulatory activities in accordance with our statutory remit in order to provide excellent value for money regulation. In line with this, we continue to operate a fair and proportionate regulatory scheme for the UK's immigration advice and services sector, maintain appropriate corporate governance and reporting systems and ensure that the OISC remains financially viable and compliant with government and legal requirements.

Having reflected on what were the best ways to achieve the desired outcomes considering the organisation's regulatory remit and the needs of its stakeholders, this Corporate Plan was primarily designed to focus on improving the organisation's effectiveness. We remain convinced that this is right because, as immigration controls tighten and people become more desperate to gain entry or remain in the UK, the importance of good immigration advice has only intensified. Under this year's Business Plan we will complete the ambitious and challenging work started in 2012/13. This has involved a re-evaluation of all of our work streams – operational and support - leading to a substantial re-prioritisation and redirection of our activities with us doing more in some areas and less in others or working differently.

In addition, 2014/15 is likely to see two significant developments that are fundamental to the OISC's operations. First, we anticipate that the Immigration Bill introduced in Parliament in October 2013 will be implemented during the period of this Business Plan. If given Royal Assent, that Bill will enhance the Commissioner's powers. Second, the OISC will have moved to new accommodation, providing the opportunity to rationalise and reshape many aspects of the way the Office conducts its day-to-day business and associated costs. Both of these changes will require dedicated resources to implement. Together they will assist and confirm the OISC as an efficient and effective regulator.

The Landscape

In designing the best strategy for achieving greater effectiveness, careful consideration has been given to the OISC's current and future operating environment. Particular note has been taken of the following:

- Public sector finances – the OISC budget is not large, and it has decreased over the period of this Plan.
- The Sector – the expectation is that there will be a continual decrease in the number of not-for-profit organisations due to reductions in their sources of funding.
- New methods of giving advice - technology and social media are an increasing influence on the means and methods of giving and receiving immigration advice and services and how immigration organisations operate.
- Litigation – the OISC expects to continue to be involved in serious and complicated civil and criminal litigation (ranging from Tribunal appeals, criminal prosecutions, civil litigation and judicial reviews).
- Government immigration policy – changes in Government immigration policy and in the Home Office's operations and policies affect the OISC, and we need to be able to respond rapidly to such developments in order to be ready for their impact on the sector and thus its regulation.
- OISC's operational logistics – the expiry of the lease on our current offices in September 2013 and a move to new premises in 2014 gives us an opportunity to reconsider working patterns and practices.

- Communication with stakeholders – We will need to ensure that all essential facilities remain accessible once the OISC’s website is absorbed into GOV.UK.

Further, as previously, we expect that unanticipated events and developments will occur which may impact on this Plan’s contents and programme.

Business Plan Aims

Aim One: *Place greater emphasis on ensuring that those who wish to enter the OISC scheme, or are regulated and wish to move to a higher OISC Advice Level, being able sufficiently to demonstrate that they are suitably fit and competent.*

Ensuring that clients receive good advice and assistance from regulated OISC advisers is the primary focus of the regulatory scheme. The evidence produced by applicants – advisers and organisations – for entry into the scheme is carefully examined and evaluated by the OISC, and the same is true if an adviser wishes to be authorised to work at a higher OISC Advice Level.

Over the past two years the OISC has been increasing its scrutiny of those who apply to become regulated or move to a higher Advice level. We have introduced a new, more stringent competence testing scheme and have provided candidates with detailed syllabuses to help them prepare themselves. We have also provided a comprehensive exam resource document which is updated quarterly that candidates can study and use in their exam.

In 2014/15 we will be considering introducing new, robust supervision arrangements to ensure that those who wish to become regulated advisers or who wish to work at a higher advice level are able to gain the necessary experience before applying and that those responsible for providing such supervision do so effectively while continuing fully to protect clients.

We require a satisfactory Criminal Disclosure and Barring Service check for each new applicant adviser; business details for the new advice organisation including financial information; and, if required, compliance with a pre-registration audit. We are also considering introducing a “guidance on fitness” that articulates the standard of fitness the OISC expects of organisations, its advisers and those in key, non-advisory roles such as owners, managers and trustees.

The OISC will be completing the work started in the previous two years and this year will be focusing on:

- continuing to implement changes to operational approaches and activities to align them with this Aim, as appropriate, and evaluating them against the objective;
- assessing the appropriateness of the new competence assessment regime introduced in 2013;
- refining the workshop programme (Aim 4) and promoting it as a tool to enhance both the fitness and competence of advisers; and
- piloting relevant outcome measures.

Aim Two: *Require regulated advisers and their organisations to assume greater responsibility for ensuring their own continued fitness and competence*

Our work on this objective has focused on three main areas – audits, complaint-handling and Continuous Professional Development (CPD).

Once approved, OISC regulated organisations are subject to regular audits the frequency of which is determined according to Better Regulation Principles by an assessment of risk to

clients and to the public. In 2014/15 we will be implementing a new risk-based process that takes a holistic approach to identifying those we audit. This will enable the OISC to better focus its resources on those organisations, advisers and key non-advisory staff that are potentially causing harm to their clients and/or the immigration system.

To assist clients and advise organisations the OISC has published on its website information on how best to raise any dissatisfaction with the advice or service they have received. We are also providing regulated advisers with information on how to prevent client dissatisfaction and, as necessary, to resolve internally complaints made by clients. During 2014/15 we will be encouraging advisers and their organisations to make full use of this information.

All regulated advisers must fulfil and record their annual CPD requirements. The new OISC CPD website introduced in 2013/14 contained improvements to assist advisers in recording their CPD. In 2014/15 we will continue to ensure that the immigration courses placed on our website are updated quickly and accurately reflect changes to Home Office rules and policies.

The OISC will be completing the work started in the previous two years and in 2014/15 will be focusing on:

- continuing to review operational approaches and activities and to align them with this Aim, as appropriate;
- refining the workshop programme (Aim 4) and promoting it as a tool to enhance both the fitness and competence of advisers; and
- piloting relevant outcome measures.

Aim Three: *Identify and take enforcement action against persons and organisations acting improperly focusing particularly on those that may be causing the most harm or posing the greatest threat to consumers; and, wherever possible, doing so by taking a collaborative, multi-disciplinary approach both internally and externally.*

This aim is focused on improving the OISC's enforcement regime by ensuring that it remains robust and effective. The aim covers two areas - regulated advisers who may be falling below the required standard and persons or bodies operating outside of the regulatory regime and thus illegally.

During 2013/14 the OISC concentrated on implementing practices that have made it more proactive and has focused on improving the way information is gathered to identify those organisations causing the most harm in both the regulated and the unregulated spheres. The OISC will continue during the final year of this Corporate Plan to consider ways to collect and manage such information.

In 2014/15 the OISC will also be looking to achieve more effective enforcement by identifying at an early investigative stage the actual or potential impact of any improper activity and how best to deal with that activity given the OISC's resources. This may result in the OISC deciding to work in partnership with other agencies or asking them to take a particular investigation forward.

Should the Immigration Bill receive Royal Assent, the OISC will be establishing processes to make best use of its new powers effectively and responsibly.

The OISC will be completing the work started in the previous two years and in 2014/15 will be focusing on:

- implementing changes to operational and support service activities in line with the strategic aim;
- continuing to improve intelligence links with the Home Office and other enforcement agencies; and
- piloting relevant outcome measures.

Further, during 2014/15 the OISC will be re-considering the effectiveness of its Intelligence and Investigations team in the way it executes its responsibilities of countering the provision of illegal immigration advice.

Building on the work done in this area during the first two years of this Corporate Plan, during 2014/15 we will be adding a new project to:

- Review the aims and working practices of the Intelligence and Investigation team;
- Identify what the OISC considers to be successful outcomes for the I&I team and identify how these are achieved;
- Use this information to produce management information and key performance indicators that will provide OISC management with assurance that the office's investigative and intelligence resources are effectively targeted on the areas of greatest risk; and
- Identify consequential changes to our working practices to support and maximise the opportunities for improved working and delivery.

As part of this work we will be taking into account the tasking and co-ordination activities of other enforcement organisations such as the Home Office, Police and the National Crime Agency, as well as how we might better utilise the National Intelligence Model.

Aim Four: *Continue our efforts to spread good practice throughout the sector.*

The OISC's workshops and our published guidance notes and other adviser oriented publications have contributed to sector improvements. The OISC intends to continue these initiatives in the next financial year and to further develop these tools. We will also continue working with the Commissioners' Adviser Panel.

During 2014/15 the OISC will be focusing on:

- further developing and refining the OISC's workshop programme
- continuing discussions with the Commissioners' Adviser Panel;
- conducting the second consultation on the *Commissioner's Code of Standards and Commissioner's Rules*;
- considering holding stakeholder events specifically on the second consultation; and
- developing guidance notes to accompany the principle-based aspects of the new *Code* when implemented.

Aim Five: *Seek to raise further the OISC's profile and influence.*

It is important that those who may need immigration advice or services, those who wish to complain about the advice or services they have received, those who may be considering working in the immigration advice sector and those involved in the wider immigration environment know about the OISC's existence and what it does and is doing. Considering the OISC's limited resources, it has always taken a targeted approach to reaching relevant audiences.

During 2014/15 the OISC will focus on:

- concentrating on continuing to highlight the OISC's work to Government Ministers and MPs, Home Office officials and those of other departments and other stakeholders, as relevant
- keep under review and develop communication links with sector stakeholders and media outlets, particularly those aimed at immigrant communities and locations with high immigrant populations.

Aim Six: *Maintain motivated and dedicated staff equipped to do the job.*

The OISC will continue to provide suitable accommodation for staff and invest in their learning and development with a view to assisting them not only in the delivery of business outcomes, but also for their own personal growth and development. The OISC will provide ICT solutions that allow staff to continue to operate effectively and efficiently after the office move. The move to smaller premises will necessitate a change in working patterns and a move towards a more paperless environment through the expected increased use of document scanning and electronic documents.

During 2014/15 the OISC will focus on:

- ensuring a smooth transition to the new premises with minimal impact on the business;
- providing ICT that supports OISC staff in more flexible ways of working; and
- producing and submitting an OISC specific pay remit for implementation which migrates from contractual pay to a defined pay system.

How We Will Monitor Performance in 2014/15

We will be using the Key Performance Measures at Annex A to track our level of performance.

Also, during 2014/15 we will begin piloting four outcome based objectives being:

- Only those applicants who demonstrate that they are fit and competent will be authorised to practice under the OISC regulatory scheme;
- OISC regulated organisations and advisers comply with the Rules and Code of Standards for the benefit of clients and other stakeholders;
- The OISC takes action to counter the provision of illegal immigration advice; and
- The OISC remains a fit for purpose public service regulator.

Managing Risk

The OISC takes responsible risk management seriously and has in place comprehensive arrangements to achieve this both in terms of strategic and operational risks. All OISC staff have responsibility for the identification, monitoring and mitigation of risks to the OISC's work programme. Each team within the organisation maintains a detailed register of risks associated with its day-to-day operations, ensuring that everyone is familiar with the OISC's appetite for risk and the part they play in its control. The risks identified at team level feed into the Corporate Risk Register maintained by senior management and reviewed on a

quarterly basis by that group and the OISC's Audit and Risk Assurance Committee (composed of independent, non-executive members) respectively.

Budget 2013/14

The high level budget for 2012/13 is given below:

	<u>2013/14</u>	<u>2014/15</u>
Pay:	£2,564,411	£2,646,879
Non-Pay:	£1,383,269	£ 968,259
Total:	£3,947,680	£3,615,138

Annex A

KPIs for 2014/15

	Target
KPI 1: New Applications	
a) Percentage of completed Level 1 applications decided within 3 months of receipt	75%
b) Percentage of all completed applications decided within 6 months of receipt	85%
KPI 2: Continued Registration	
a) Percentage of "straightforward" completed applications decided within 15 working days of receipt	95%
b) Percentage of all completed applications decided within 3 months of receipt	90%
c) Percentage of all completed applications decided within 5 months of receipt	95%
KPI 3: Audits	
Number of audits to be undertaken in the Business Year	350
KPI 4: Complaints	
a) Percentage of complaints about OISC advisers closed within 5 months of receipt	75%
b) Percentage of complaints about OISC advisers closed within 10 months of receipt	95%
KPI 5: Appeals	
Percentage of Commissioner's decisions to stand following an appeal lodged with the First-tier Tribunal (Immigration Services)	75%
KPI 6: Prosecutions	
The OISC will be responsible for a minimum of 25 successful prosecutions of Section 91 or Section 92B of the Immigration and Asylum Act 1999	25
KPI 7: Internal Response Targets	
a) Percentage of applications acknowledged within 5 working days of receipt	95%
b) Percentage of written complaints acknowledged within 5 working days of receipt	95%
KPI 8: Internal Response Targets	
a) Percentage of undisputed invoices paid within 10 working days	70%
b) Percentage of undisputed invoices paid within 20 working days	90%
c) Percentage of undisputed invoices paid within 30 working days	100%