

OFFICE OF THE IMMIGRATION SERVICES COMMISSIONER

CORPORATE PLAN 2013/16 - BUSINESS PLAN 2013/14

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 United Kingdom Border Agency (UKBA). 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 our 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 Commissioner has statutory regulatory, ombudsman and law enforcement responsibilities. The latter two are closely allied to, and directly supportive of, her regulatory duties. 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 Practice 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 2013 there were 3,968 advisers and 1,971 organisations directly regulated by the OISC, the great majority of which are small and medium sized BAME organisations which play an important role in their respective communities. The Commissioner also has regulatory oversight responsibilities for 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.

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

Preparing for the OISC's Future

Like other ENDPBs, the OISC was included in the Coalition Government's 2010 Arm's Length Body Review. The conclusion reached was that the OISC should remain in its current form. By taking that decision the Government confirmed the continuing importance, sensitivity and quality of the OISC's work.

This Plan continues the work started by the OISC in its Corporate Plan 2012/15. In preparing that Plan the Commissioners and OISC staff reflected on the best ways to achieve the desired outcomes considering the organisation's regulatory remit and the needs of its stakeholders. That Plan was intended to be both ambitious and challenging.

The OISC has always been 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 particular reference to the work of its operational teams. As a result, during the period 2009/11 the OISC has 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. The 2012/15 Corporate Plan was focused on improving the organisation's effectiveness, and we will continue to work towards that objective in the 2013/16 Corporate Plan. We remain convinced that this is right for, as immigration controls tighten and people become more desperate to gain entry or remain in the UK, the importance of good immigration advice will only intensify.

It is difficult to define precisely the contents of the third year (2015/16) of this Corporate Plan. We generally foresee that year as being a continuation and consolidation of the work done in the previous two years. This is because there are a number of important events and work currently being done that will no doubt influence the last year of this Plan. This includes the anticipated required Triennial review of the OISC by the government in 2014 and the Parliamentary election in 2015 and the retirement of the current Commissioner also in 2015. Further, initiatives being developed by other regulators, such as the Legal Services Board, and work we will do with them, sector players and others will no doubt be influential on our future thinking and actions.

The Landscape

In considering what is the best strategy for achieving greater effectiveness, careful consideration was given to the OISC's current and future operating environments when devising the 2012/15 Corporate Plan. Particular note was taken at that time of the following:

- Public sector finances – the OISC budget is not large, and there is no current expectation that it will increase significantly over the period of this Plan.
- The Sector – the expectation is of 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 likely increasingly to influence the means and methods of giving immigration advice and services and how immigration organisations operate.

- Litigation – based on recent experience, the OISC expects the volume of serious and complicated civil and criminal litigation with which it is involved (ranging from Tribunal appeals, criminal prosecutions, civil litigation and judicial reviews) to increase.
- Government immigration policy – changes in Government immigration policy and in the UKBA’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 is an opportunity for us to reconsider working patterns and practices.

The matters listed above still remain relevant. In addition, we hope that there will be an opportunity for changes to be made to our legislation to enhance the Commissioner’s powers. Further, as previously, we expect that unanticipated events and developments will occur which may impact on the Plan’s contents and programme.

Delivering our Work

The public interest and those we regulate are at the centre of the OISC’s work, and the aims of this Plan and the objectives for the 2013/14 business year were designed with this in mind while acknowledging the landscape described above. Over the period 2013/16 we will 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 will 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.

Our attention is currently on refocusing our activities and targets in line with the strategy described in this Plan. This requires reconsideration as to what constitutes successful outcomes for the OISC. Consequently, we are in the process of re-evaluating all of our work streams – operational and support. We expect this will lead to substantial reprioritisation and redirection of our activities with us doing more in some areas and less in others or working differently.

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. This aim builds on solid, established foundations to ensure that those wishing to give immigration advice and/or services are capable of doing so. The evidence produced by applicants –advisers and organisations – for entry into the scheme is carefully examined and evaluated; and the same is true if an adviser wishes to work at a higher Advice Level. We currently require the production of a satisfactory Criminal Records check; full, verifiable details of the applicant adviser’s training and experience; as well as requiring everyone in the scheme to have been tested on their competence. Business details including financial information must be provided, and, if required, compliance with a pre-registration audit. The work done by OISC regulated organisations is subject to regular audits.

The frequency of audit is determined according to Better Regulation Principles by an assessment of risk to clients and to the public. All regulated organisations receive a premises audit by the end of their first year in the scheme. All advisers – for profit and not-for-profit – must meet annual Continuing Professional Development (CPD) requirements. The OISC investigates complaints of allegations made by clients and others of improper behaviour relating to service or conduct, and such investigations are one of the Commissioner’s most important monitoring tools.

Based on work done in 2012/13, the OISC will be making changes in 2013/14 to how it considers applications to join the regulatory scheme and from those wishing to increase their authorisation. This will focus on the following:

- Developing definitions of the terms “fitness” and “competence”
- Increasing the checks carried out on applicant organisations and the individuals within them including Directors and Trustees
- Implementing a new competence assessment regime from April 2013 that will test both knowledge and written English skills. The assessments will only be available to those who have demonstrated a clear commitment to becoming an immigration adviser through experience, qualifications and/or training

High Level Objectives – 2013/14

- implement changes to operational approaches and activities to align them with this Aim, as appropriate
- identify outcomes that, if achieved, will demonstrate that the OISC has met this Aim
- during the year pilot new measures that will confirm what progress is being made towards achieving those outcomes

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

The OISC will be providing increased support to regulated advisers in how to deal with client dissatisfaction and formal complaints by, for example, developing a model “investigation findings” template document. Consideration will be given to authorised supervision of a prospective adviser for CPD purposes, and to exploring access to courses on business and financial management which new advisers would be expected to take within a specified period of admission to the regulatory scheme. A new OISC CPD website will be introduced in April 2013 that will provide advisers with immigration courses that can be updated quickly to reflect changes to UKBA rules and policies.

High Level Objectives – 2013/14

- Continue to review operational approaches and activities and to align them with this Aim, as appropriate
- identify outcomes that, if achieved, will demonstrate that the OISC has met this Aim
- during the year pilot new measures that will confirm what progress is being made towards achieving those outcomes

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; ensuring that it is robust and effective. The aim is two-pronged including both regulated advisers who may be falling below the required standard of competence and fitness for their Advice Level and persons or bodies operating outside of the regulatory regime and thus illegally.

During 2013/14 the OISC will begin implementing practices that will make it more proactive and focussed in gathering information to identify those organisations causing the most harm both in the regulated and the unregulated sector. As part of this we will work to increase our links with other regulatory bodies to inform our understanding of the legal advice sector. We will also begin to put in place arrangements that make it easier for those with information about suspected harmful activities to report these to the OISC.

We will use the information gathered to help us identify individual advisers and organisations that are causing serious harm to clients and to the immigration process and to identify trends in how abuse is being carried out giving us greater clarity about problem areas.

High Level Objectives – 2013/14

- implement changes to operational and support service activities in line with the strategic aim
- continue to improve intelligence links with UKBA regions that specialise in casework
- during the year pilot new measures that will demonstrate progress towards meeting this Aim

Aim Four:

Continue our efforts to spread good practice throughout the sector.

The OISC's workshops and Commissioners' programme of informal meetings with small groups of advisers, together with our rolling programme of published guidance notes and other adviser oriented publications has contributed to the OISC's delivery of sector improvements. The OISC intends to continue these initiatives into the next financial year, as well as working with the Commissioner's Adviser Panel.

High Level Objectives – 2013/14

- continue the OISC's cycle of workshop events and the Commissioners' programme of meetings with advisers
- concerning the substantive review of the *Commissioner's Code* and Rules, conduct the first consultation on the underlying principles and content of those documents and prepare, in light of responses received to that consultation, for the second consultation on the draft Codes and Rules

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.

High Level Objectives – 2013/14

- concentrate on continuing to highlight the OISC's work to Government Ministers and MPs, UKBA, officials 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

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.

High level Objectives – 2013/14

- take forward the following outcomes from the 2012 Review of Training and Development:
 - o consideration of a restructuring of the induction programme for new staff to specifically incorporate consideration of their particular training needs
 - o create greater consistency across both the Operations and Support teams by developing a better system for prioritisation of training and development; and
 - o develop a more systematic approach to staff applications permission for learning and development opportunities
- successfully relocate to suitable new accommodation by the end of September 2013
- work towards the development of an OISC specific pay remit for implementation within the period of this Corporate Plan

How We Will Monitor Performance in 2013/14

During the second year of this Plan we will be working towards finalising performance measures that will demonstrate how far we succeed in securing specific outcomes of our strategy. The intention is for all or some of those measures to be piloted in the second half of 2013/14 and be in place by the start of 2014/15. Until then we will continue using the KPIs listed in our 2012/13 Business Plan, as slightly revised. These KPIs are listed at Annex A.

Managing Risk

The OISC takes responsible risk management seriously and has in place comprehensive arrangements to achieve this. 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 in to the corporate risk register maintained by senior management and reviewed on a quarterly basis by them and the OISC's Audit Committee (composed of independent, non-executive members) respectively.

Budget 2013/14

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

	<u>2012/13</u>	<u>2013/14</u>
Pay:	£2,579,062	£2,564,411
Non-Pay:	£1,393,494	£1,383,269
Capital:	£15,000	
Total:	£3,987,556	£3,947,680

Annex A

	Target
KPI 1*: New Applications	
a) Percentage of completed Level 1 applications closed within 3 months of receipt	75.0
b) Percentage of all completed applications closed within 6 months of receipt	85.0
KPI 2*: Continued Registration	
a) Percentage of “straightforward” completed applications decided within 15 working days of receipt	90.0
b) Percentage of completed applications decided within 3 months of receipt	80.0
c) Percentage of completed applications decided within 5 months of receipt	95.0
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 6 months of receipt	75.0
b) Percentage of complaints about OISC advisers closed within 12 months of receipt	95.0
KPI 5: Appeals	
Percentage of Commissioner’s decisions to stand following an appeal lodged with the First-tier Tribunal (Immigration Services)	75.0
KPI 6: Unregulated Organisations	
Number of unregulated organisations identified in the Business Year	400
KPI 7: Unregulated Organisations	
Resolve the status of unregulated organisations	200
KPI 8: Internal Response Targets	
a) Percentage of applications acknowledged within 5 working days of receipt	95.0
b) Percentage of written complaints acknowledged within 5 working days of receipt	95.0
KPI 9: Internal Response Targets	
a) Percentage of undisputed invoices paid within 10 working days	70.0
b) Percentage of undisputed invoices paid within 20 working days	90.0
c) Percentage of undisputed invoices paid within 30 working days	100.0

***Explanatory Note**

It is expected that during the second half of 2013/14 the OISC will pilot several KPIs that are more outcome focused. However, during 2013/14 the KPIs listed above, with the exception of KPIs 1b and 2a, are not different from those used in 2012/13. The reasons for the changes being made to those specific KPIs are explained below.

- KPI 1b - Changes to the competence assessment test programme for Levels 2 and 3 advisers, which will be implemented from April 2013, will affect the process used for determining new applications. Levels 2 and 3 competence assessment tests will be

offered on a quarterly basis. Advisers applying to work at those levels will also be expected to have passed the Level 1 assessment before attempting the higher level test. This means that an adviser's application for Level 2 or 3 regulation could take as little as six weeks to process or as much as 14 or more weeks depending on when their completed application was received. Further, it is expected that additional checks will be introduced on new applications in order to provide the OISC with greater assurance of fitness and competent, and that these will also lengthen the process. Target 1b has therefore been reduced from 95% to 85%.

- KPI 2a – this KPI has been changed to make it more accurate in measuring the time it takes for the OISC to decide applications for registration where the applicant is requesting exactly what the OISC previously authorised (referred to as “repeat” or “rollover” applications). Any applicant that is asking for something other than what was previously authorised or is not straightforward because, for example, the organisation has complaints against it or we have received intelligence which will need considering before a decision can be made, will be measured by KPIs 2b or 2c. Restricting KPI 2a to “straightforward”, completed applications allows the target to be raised to 90% of such applications.