

OFFICE OF THE IMMIGRATION SERVICES COMMISSIONER

CORPORATE PLAN 2012/16 - BUSINESS PLAN 2015/16

Introduction – The OISC’s Remit

The Office of the Immigration Services Commissioner (OISC) was established by the Immigration and Asylum Act 1999, as amended, (the Act) as an independent, executive, non-departmental public Body (ENDPB). It is sponsored by the Home Office. The Immigration Services Commissioner (the 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 primary functions are: 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; and 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 decision taken to retain the OISC in its current form following the Coalition Government’s 2010 Arm’s Length Body Review and the fact that the OISC has recently been given further powers by the Immigration Act 2014 both reaffirm 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. In fulfilling those responsibilities she maintains a robust regulatory regime; operates a complaints scheme; seeks out and takes action against those operating illegally; and promotes best practice, as far as possible, within the immigration advice sector.

The OISC regulatory requirements are presently contained in the Commissioner’s *Code of Standard 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 2015 there were 3667 advisers and 1671 organisations directly regulated by the OISC. 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 note of the Home Office’s objectives in developing this Plan.

The Corporate 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. During the previous corporate planning period a significant business improvement exercise was undertaken examining the OISC’s processes with particular reference to the work of its operational teams. As a result,

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

immediately before the start of this Corporate Plan 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. The organisation's move to its new premises in Bloomsbury Street in May 2014 helped us to continue this process by rethinking, rationalising and reshaping many aspects of the Office's working practices and patterns such as how it communicates internally and externally and associated costs.

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. In line with this we operate a fair and proportionate regulatory scheme, 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 the organisation's regulatory remit and the needs of its stakeholders, the Corporate Plan 2012/15 was primarily designed to focus on improving the OISC's effectiveness. This 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. We remain convinced that this is the right direction to take 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 intensified.

In addition to our ongoing quantitative KPI measures, we have developed outcome based objectives and are collecting data to demonstrate the extent to which these are being achieved.

Why the Corporate Plan has been extended to 2015/16

The decision was taken to extend the 2012/15 Corporate Plan for a further year (until March 2016) for several reasons. In September 2015 the current Commissioner will have completed her second term in office and is required by statute to stand down. By then, if not earlier, it is expected that the results and recommendations of the Home Office's Triennial Review of the OISC will be known, and it is very likely that flowing from that will be significant work for the Office. The May 2015 General Election is also a factor as it could lead to changed Government priorities. Further, work will need to be done to prepare for the implementation of the new *Code* as well as using of the OISC provisions in the Immigration Act 2014. Both of these were projects started during this Plan but were never expected to be completed by March 2015.

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. Some of those factors are mentioned in the above paragraph. In addition to those, particular note has been taken of the following:

- Public sector finances – the OISC budget is not large, and it has been continually reduced during the period of this Plan. Indications are that public finances remain difficult.
- The regulated advice sector – the expectation is that the decrease in the number of not-for-profit organisations due to reductions in their sources of funding will continue, that the number of new advisers and organisations allowed entry into the regulatory

scheme will continue to reduce while the number staying in the scheme will be more stable than previously due in part to OISC activities to control churn.

- New methods of giving advice - technology and social media will continue to increasingly be used to give and receive immigration advice and services and in the way immigration organisations operate.
- Litigation – the OISC expects to continue to be involved in serious and complicated civil and criminal litigation (e.g. Tribunal appeals, criminal prosecutions, civil litigation and judicial reviews);
- Government immigration policy and policies, processes and procedures generally – changes specifically 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 to be ready to deal with their impact on the sector’s regulation. Further, the OISC as a public body must comply with the demands placed on such bodies by Government policies and instructions regarding processes and procedures; and
- The OISC’s place in the wider system of regulation of legal services – we are aware that we need to take notice of developments in the wider legal services regulatory sector and reflect on these in our own standards, policies and processes.

Further, as always, we expect that unanticipated events and developments will occur during the remaining lifetime of this Plan which may impact on its 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, are able sufficiently to demonstrate that they are suitably fit and competent to do so*

Ensuring that clients receive good advice and assistance from regulated OISC advisers is the primary focus of the regulatory scheme. Thus, the evidence produced by applicants – advisers and organisations – for entry into the regulatory scheme is carefully examined and evaluated, and the same is true if an adviser wishes to be authorised to work at a higher Advice Level. We require a satisfactory Criminal Disclosure and Barring Service check for each new applicant adviser, business details and financial information for any new applicant advice organisation, and, if required, the organisation’s agreement to be the subject of a pre-registration audit.

Over the past two years the OISC has increased its scrutiny of those who apply to become regulated or move to a higher Advice Level. This included the introduction in July 2013 of a new, more stringent competence testing programme. While we do not expect to make any major changes to this programme during 2015/16, it will be kept under review.

In 2014/15 we introduced a new system for monitoring the supervision arrangements of those who wish to become regulated advisers or to work at a higher Advice Level. The information this system provides will give us better information both about staff who are being supervised and how this translates to the numbers passing competence assessments.

We also introduced in 2014/15 a guidance on fitness statement 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. In conjunction with this we also introduced information and reporting requirements on owners, managers and trustees of immigration advice organisations so that their fitness to be involved in such organisations can be assured.

During 2015/16 the OISC will be focusing on:

- evaluating the implementation of the required assessment of owners, managers and trustees of immigration advice organisations;
- evaluating the implementation of our revised system of monitoring of supervision;
- subject to on-line electronic applications being introduced, assessing the success of that process including the efficiencies achieved; and
- reviewing the data obtained on 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 been focused on three main areas – audits, complaint-handling and Continuing Professional Development. Relevant to these is the need for the new *Code of Standards* to be successfully introduced. To achieve that, considerable staff resources will need to be directed towards both the preparation for the introduction of the new *Code* and its implementation on or about September 2015 both in terms of staff training and changes to documentation. This is also true to a slightly lesser extent for the revised Complaints Scheme.

Once approved, OISC regulated organisations are subject to regular audits, the frequency of which is determined according to Better Regulation Principles and by an assessment of the organisation's risk to clients and to the public. In 2014/15 we implemented a new risk assessment system that incorporated a holistic approach with the intention of enabling 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.

During 2015/16 the OISC will be focusing on:

- assessing the effectiveness of the new risk assessment system;
- preparing for the introduction of the new *Code* and Complaints Scheme and ensuring their successful implementations;
- refining the workshop programme (Aim 4) and promoting it as a tool to enhance both the fitness and competence of advisers; and
- reviewing the data obtained on 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 the first years of this Plan the OISC concentrated on implementing practices that made it more proactive and on improving the way information was gathered to identify those organisations causing the most harm in both the regulated and the unregulated spheres. The OISC during 2015/16 will continue to consider ways to collect and manage the increasing range of information it is receiving.

In 2014/15 the OISC was able to achieve more effective enforcement by being able to identify at an early investigative stage the actual or potential impact of any improper activity and then how best to deal with such activity given the OISC's resources. This resulted in the OISC often benefiting from working in partnership with other agencies or having them take over a particular investigation.

The Immigration Act 2014 implemented on 17 November 2014 has given the OISC new powers and this has required processes to be created to make best use of these powers in an effective and responsible way. 2015/16 will be the OISC's opportunity to utilise these new powers over a full business year.

During 2014/15 the OISC specifically reviewed the effectiveness of its Intelligence and Investigations team. In particular, we reviewed the aims and working practices of that team and then used that information to develop management information and key performance indicators in order that the Office could be reassured that these resources were being well targeted on those areas of greatest risk. As part of this work we took into account the activities of other enforcement organisations such as the Home Office, Police and the National Crime Agency, as well as how to better utilise the National Intelligence Model.

During 2015/16 the OISC will be focusing on:

- fully utilising the new powers given to it under the Immigration Act 2014 and ensuring that our processes and evidence are sufficiently robust to defend decisions taken using those powers;
- continuing to improve intelligence links with the Home Office and other enforcement agencies combined with the OISC improving its handling of information obtained through these links;
- evaluating initiatives started in 2014/15 including the use of the Proceeds of Crime Act, Crimestoppers and the Government Agency Intelligence Network; and
- reviewing the data obtained on relevant outcome measures.

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

The OISC's workshops and seminar programme, our published guidance notes and other adviser oriented publications have contributed to sector improvements. The OISC intends to continue these initiatives and to further develop them as well as continuing to work with the Commissioners' Adviser Panel.

During 2015/16 the OISC will be focusing on:

- introducing the new *Code of Standards* and the revised Complaints Scheme;
- developing guidance notes to accompany the new *Code*;
- considering if the *Guidance on Competence* needs to be refreshed;
- further developing and refining the OISC's workshop and seminar programme including reviewing the programme's content in light of the new *Code*; and
- continuing discussions with the Commissioners' Adviser Panel.

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 are aware of the OISC's existence and its activities. Considering the OISC's limited resources, it has always taken a targeted approach in reaching relevant audiences.

During 2015/16 the OISC will be focusing on:

- continuing to highlight the OISC's work to Ministers and MPs, Home Office and other departmental officials and other stakeholders, as relevant; and
- keeping under review and developing communication links with sector stakeholders and media outlets, particularly those aimed at immigrant communities and located in areas containing 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 their delivery of the OISC's business outcomes, but also for their own personal growth and development. Having moved to smaller premises in May 2014, the OISC is continuing to look for effective flexible ways of working.

During 2015/16 the OISC will be focusing on:

- ensuring that flexible working requests made by staff are dealt with in accordance with new legislative requirements;
- fully integrating access to, and use of, more cost effective civil service learning opportunities in particular e-learning;
- implementing the new Alpha pension scheme from April 2015 in replacement of the existing civil service pension scheme; and
- implementing and consolidating the migration away from contractual pay following approval of the OISC's 2014/15 Pay Remit.

How We Will Monitor Performance in 2015/16

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

Also, during 2015/16 we will be assessing the data to determine how well we are delivering our four outcome based objectives that were piloted in 2014/15 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 2015/16

The high level budget for 2015/16 is £3,721,321.

Annex A

KPIs for 2015/16

	Target
KPI 1: New Applications	
a) *Percentage of completed Level 1 applications decided within 4 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 successful prosecutions
KPI 7; tbc	
*KPI 8: 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 9: Internal Response Targets	
a) Percentage of undisputed invoices paid within 10 working days	70%
b) Percentage of undisputed invoices paid within 20 working days	95%
c) Percentage of undisputed invoices paid within 30 working days	100%

* KPI 1(a) – this KPI's time period has been increased to four months (three months in 2013/14). This is because consideration of new applications is impacted by the competence assessment process. That process allows candidates who fail their competence assessment on the first occasion to retake the examination which will delay consideration of their application to join the regulatory scheme.

**KPI 8 will be redundant if electronic applications are introduced.