



Welcome to the spring edition of the OISCNews



This edition of our newsletter concentrates on Consumer Satisfaction. This is in recognition of developments in the wider legal advice sector. We have in the recent past quoted from the Competition and Markets Authority's 2016 Report on legal advice. The CMA's recommendations were designed to make sure that consumers can be confident about the price and service they can expect when they hire a lawyer. While there were recommendations on pricing and transparency, we at the OISC have chosen to concentrate, in the first instance, on the consumer and how best to satisfy them. We strongly believe that Consumer Satisfaction is important because it puts the client at the very heart of the service they receive. Further, it provides business owners with a measure that they can use to manage and improve their businesses. To

this end we have developed a seminar on Consumer Satisfaction, the first of which was delivered in February.

Recognising that we want to reach as many people as possible with our seminars, we have expanded on this and are now able to deliver a webinar on Consumer Satisfaction. We hope that this is just the first of such seminars and we will deliver more in the coming months. The seminar and webinar are reflected in this newsletter.

The newsletter also highlights our 2016-17 Annual Report and Accounts which was laid in Parliament on 25 January 2018. It will hardly surprise you to know that we are currently working on our 2017-18 Annual Report!

We have undertaken a Thematic Review on Supervision, the findings of which are noted here, including news of the next review. There is also an announcement on the Law Society's Immigration and Asylum Accreditation Scheme (IAAS) in relation to our regulation.

There is an update on GDPR and the changes that will soon apply to us all!

I hope that you enjoy this newsletter and take on board that Consumer Satisfaction is an area that we all must address.

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April 2018

“We firmly advocate transparency in all dealings between clients and their adviser. With the development of this seminar we hope to encourage high standards in client care and improved consumer satisfaction.”



Consumer Satisfaction

In our last newsletter we told you that for 2018 we were developing a new seminar for advisers on **Consumer Satisfaction**. We said that this was likely to be piloted in February before rolling out more widely in the new business year.

On 23 February we ran our pilot **Consumer Satisfaction Seminar**. It looked at the information advisers make available to potential clients. We also examined how organisations can meet the expectations they set. Attention to consumer satisfaction will result in happy and hopefully repeat clients and the organisations' reputation enhanced!

There were 23 attendees and the feedback was positive and encouraging.

The development of this seminar is in line with impending changes in the legal advice sector that sprang from the 2016 Competition and Markets Authority's Report on the legal services market in England and Wales.

The report itself focused on market transparency and structural reform; stating *“It is essential to overcome these twin challenges for the consumers of legal advice in general and those of immigration advice in particular. A sizable proportion of immigration and asylum clients are vulnerable, because of a possible lack of English or [knowledge of] the legal system or because of their personal history.”*

The CMA asked regulators to introduce enhanced standards; including requiring lawyers to publish prices on their website so that pricing is transparent.

A reasoned, open approach to clients can only help. We believe that our principle-based approach to regulation will encourage

competition and innovation. During the 2016/17 business year, we found that at 65% of premises audits advisers were in breach of the Codes that relate to diligence in client care. Further, 95% of complaint determinations found this to be a failing in the organisation being complained about. We firmly advocate transparency in all dealings between clients and their adviser. With the development of this seminar we hope to encourage high standards in client care and improved consumer satisfaction.

We are currently considering our workshop programme for 2018/19 and will provide details in our next newsletter.



April 2018

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Webinars

It has long been our ambition to reproduce our workshops and seminars on line. The practical consideration is that since we initiated the workshop programme our reach has been limited. This is for a number of reasons not least of which is capacity (generally a maximum of 30 can attend). While hundreds of advisers have been able to attend our workshops and seminars, we recognise that many have not had the opportunity to do so. Hence, we have wanted to improve availability, especially in our world of remote access and digital devices.



We have now published the first of these webinars, which focuses on Consumer Satisfaction on our website. The slides have been published online with a voiceover. This will be a useful tool for those unable to attend the seminar or just want a refresher. While the presentation is not as detailed or interactive as the seminar it will give you more than a flavour of the content and give a clear sight of what the OISC expects, and what you can do to help your own organisations.

The **Consumer Satisfaction Webinar** can be found [here](#).

An overview of the seminar is on the next page.

Depending on the take up and feedback we receive from this pilot, we are looking at continuing to roll out further webinars on other topics over 2018/19.

VPRS and VCRS

Request to Change Humanitarian Protection Status to Refugee Status Form.

Refugees resettled under the Vulnerable Persons Resettlement Scheme (VPRS) and the Vulnerable Children’s Resettlement Scheme (VCRS) to the UK who have been granted Humanitarian Protection are currently able to request to change their status to Refugee Status.

On 23 March 2018 we issued a position statement that clarifies the OISC’s position about who can provide immigration advice and services in respect of the VPRS and VCRS Form. A link to the statement can be found [here](#).



April 2018

“The advice here and in the seminar is not radical, just good business sense in a highly competitive market.

.....Carefully review your marketing - can you meet the expectations you set?”



Consumer Satisfaction — An Overview

This article gives a précis of what we are trying to achieve with our new seminar and webinar. We want advisers to thrive while building their knowledge and experience and as a result you can create an environment where there is a ready supply of good quality immigration advisers available for those who need it.

The Client Journey

The client journey starts with your marketing information. Is it up-to-date, clear and factual in terms of who you are and what you do? Do you display the OISC logo and your registration number?

In our April 2017 newsletter we stated *“Several organisations did not make use of displaying visual cues for the public to identify them as an OISC regulated organisation. They did not display either the OISC logo and or their unique registration number..... Having these identifiable badges of regulation raises awareness about regulation and increases client confidence, not just in the individual adviser, but also the sector.”*

It must be remembered that your client’s initial expectations will be set according to your marketing material, their initial contact with you and then later from your client care letter.

Indicators of Consumer Satisfaction

- Reliability - performance as promised
- Responsiveness -promptness on issues raised
- Access -ease of contact and approachability
- Communication -pro-actively keeping the client informed
- Security – feelings of confidence in choosing you
- Competency and Credibility -expectations of knowledge and honesty

- Knowing the Customer - unique needs of each customer
- Tangibles - physical appearance of office, equipment and personnel
- Courtesy - politeness and respect

Do you meet these indicators? How easy is it for your clients to approach you? Are they able to contact you?

It is important that you show due respect, politeness and courtesy to all - clearly being polite and respectful to your clients is paramount. No matter how needy your client might be or how emotionally or unreasonably they may act, you are the professional and should maintain a professional demeanour at all times.

Evaluate, Improve and Innovate

We urge you to think about the qualities that lead to good client care and high rates of customer satisfaction. Keep these in mind as you evaluate yourself. Consider if you are meeting or even exceeding your clients’ expectations. If you are not, then ask yourself where improvements can be made.

The advice here and in the seminar is not radical, just good business sense in a highly competitive market. You could consider evaluating how your business does in terms of customer satisfaction. Carefully review your marketing - can you meet the expectations you set?

Be aware of what others in the field, including solicitors and barristers, are doing to empower clients to make good choices in their legal provider. Encourage compliance with the Code of Standards within your organisation especially those which support client care and consumer satisfaction. Ask yourself what more can you do to ensure that the good choice of their immigration advice provider is and remains you!

April 2018

“We asked organisations to identify any benefits that supervision had brought to their organisation as well as letting us know about any difficulties they had encountered.”



Thematic Review—Supervision

Following last year’s survey of registered organisations’ websites, we have concluded another thematic review, this time focusing on supervision. We first introduced a formal

supervision procedure in 2014, primarily as a way of helping individuals to gain experience working at Levels 1 – 3 prior to applying for registration. The idea of the review was to ensure that those organisations approved for supervision were working in the right way.

The review involved 56 supervisors working at 26 organisations:-

- 64% of the organisations were fee charging, with 36% from the non fee-charging sector.
- 54% of the organisations were supervising staff working at Level 1, 29% at Level 2 and 17% at Level 3

All organisations were asked to provide their supervision log books, as well as completing a survey and giving feedback on their experiences. We asked organisations to identify any benefits that supervision had brought to their organisation as well as letting us know about any difficulties they had encountered. These submissions were assessed by each organisation’s OISC caseworker.

Supervisors’ Feedback

We received positive and encouraging feedback from the majority of supervisors. They believed that their organisation benefitted from having individuals working under supervision. These benefits included an increased ability to meet their client and organisation’s needs, as well as the opportunity to better plan their organisation’s development.

Areas for Improvement

Although our caseworkers felt that the information they received showed generally very positive results, they did identify some areas where improvements could be made:

- In 17%, the supervisor did not provide sufficient constructive feedback to their supervisee regarding their competence; neither did they identify learning and development opportunities.
- In 34%, our caseworkers were unable to tell how often supervisors met with their supervisees.
- In 19%, no assessment could be made as to the quality of the supervision process due to a lack of detail recorded.

If you are currently supervising individuals in your organisation, or considering applying for supervision, it is worth making sure your supervision plan does not fall into one of these areas. This will ensure that supervision works as well as possible for you, the person being supervised and your clients.

April 2018

*“Organisations
will be chosen
at random and
informed by
email at the start
of the review
what
information you
will need to send
in to the OISC.”*



Supervision continued & The Next Review (CPD)

FINDINGS:

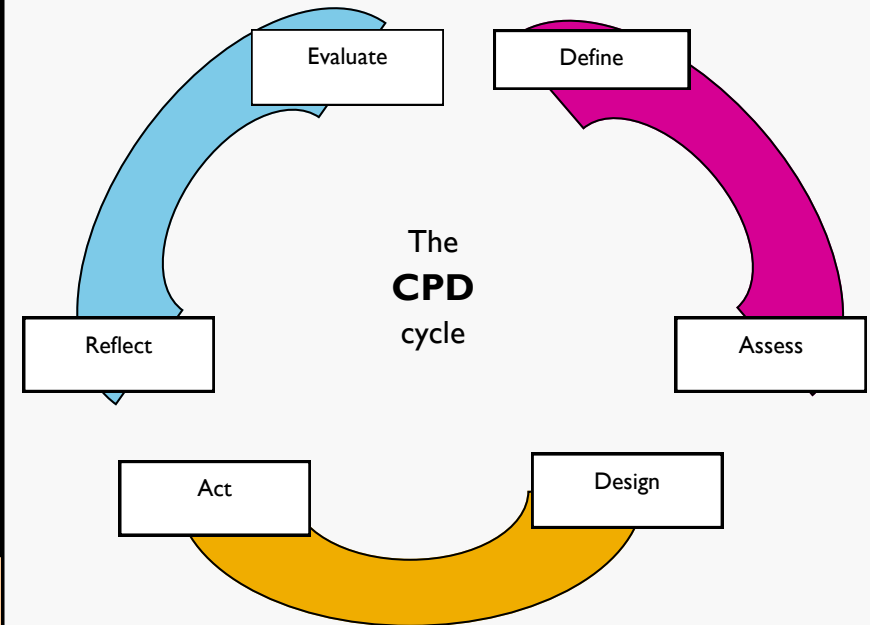
Caseworkers' review of the information showed the following:

- 94% of the organisations surveyed provided supervision log books.
- 91% of those being supervised were working at the correct level.
- 81% of the log books examined reflected the agreed supervision plan.
- 80% of those supervised either passed their competence assessment or left the organisation before sitting the assessment.
- 81% of the plans were considered to be compliant with the supervision arrangements. Where adjustments were needed, caseworkers have gone back to the organisations to discuss this with them.

The OISC's View

Our view is that the supervision process is working well and is of benefit to both the fee charging and non-fee charging sector. We hope in future that more non-fee charging organisations will consider using the supervision process to meet their organisation's needs. Supervision is ideal for these types of organisations. It allows individuals to practice in a regulated and accountable structure without having to go through the formal registration process before they are ready. They can start as soon as the supervision plan is approved. You can supervise more than one person at a time and the process of approval is usually quick. Some large non-fee charging organisations are already enjoying the benefits that supervision can bring; maybe it could work for you?

If you are considering supervising staff, please be aware that supervision **must** be approved by the OISC before it can start. More information and guidance on the supervision scheme has been produced in our [Guidance note on Supervision.pdf](#)



The Future:

The next area the OISC will be conducting a thematic review on is Continuing Professional Development (CPD). This will take place during the summer. The review will look at how organisations and advisers are meeting the requirements of the revised CPD scheme, introduced on 1 April 2017. Organisations will be chosen at random and informed by email at the start of the review what information you will need to send in to the OISC. Further guidance on the revised requirements for CPD can be found in our [CPD Guidelines for OISC Regulated Advisers.pdf](#)

April 2018

“the number of complaints that the OISC was able to re-direct to the organisation to resolve increased to 47.”



2016/17 in figures



The OISC’s Annual Report and Accounts for 2016/17 was laid before Parliament on 25 January 2018. The

Report confirmed that as of 31 March 2017 there was a slight increase in the number of new applications to join the regulatory scheme.

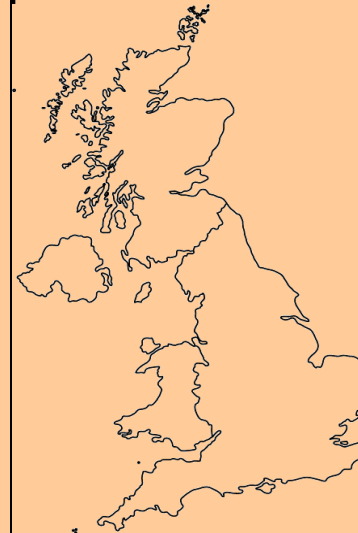
There was a decrease in the numbers leaving the scheme of both authorised advisers and

registered organisations over the previous year. It is also worth noting that 99% of continued registration applications were successful.

If you wish to see the entire Report, click on this link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/677182/OISCAnnualReportAccounts2016.pdf

Our outcome measures reports show that at audit diligence in client care remains the most common area in which advisers are found not to be fully compliant with the Code of Standards. This is one of the reasons that we have developed the Consumer Satisfaction seminar and webinar. 63% of organisations that were audited were found to be in breach of requirements in this area. Deficiency in record-keeping also continues to be an area of concern with 53% of all organisations audited found to be deficient.

2016/17 saw a significant reduction in the number of complaints about registered organisations: 166 compared with 225 during 2015/16. Further, the number of complaints that the OISC was able to re-direct to the organisation to resolve increased to 47 and 37 of those were successfully resolved by the organisation.



1,587 Registered Organisations

3,417 Authorised Advisers

Number of OISC Regulated Advisers and Organisations as of 31

Re-direction of Complaints

Complaint re-direction was introduced in 2009. as a way to encourage advisers to take greater responsibility for dealing

| Year | % successfully re-directed |
|---------|----------------------------|
| 2016/17 | 19.37 |
| 2015/16 | 16.82 |
| 2014/15 | 12.65 |
| 2013/14 | 17.42 |
| 2012/13 | 15.92 |

with complaints and improving consumer satisfaction. The re-direction process is in line with our wider focus on principle-based regulation. The re-direction route gives advisers a greater opportunity to show that they can deal effectively and responsibly with a complaint about them. It also increases the possibility of an early resolution, which is an advantage for all.

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“..you can expect changes to our guidance notes, application forms and privacy notices in the coming weeks. We are also reviewing our procedures to ensure timely compliance with the exercise of your subject access rights.”



Data Protection

The OISC is making rapid progress in preparing for General Data

Protection Regulation (GDPR).

In our August 2017 newsletter we discussed the GDPR requirements and referred you to the Information Commissioner's website <https://ico.org.uk/> for further information.

We at the OISC have reviewed and amended existing policies and procedures and we are currently amending them where necessary, to ensure that we are compliant.

As we fall under the auspices of the Home Office, we are working closely with other Arm's Length Bodies to ensure an aligned and consistent approach in our preparation.

As our implementation plan is rolled out, you can expect changes to our guidance notes, application forms and privacy notices in the coming weeks.

We are also reviewing our procedures to ensure timely compliance with the exercise of your subject access rights.

We have received various queries from advisers regarding our preparation for GDPR, including requests for copies of our internal policies and procedures.

OISC is conscious that there seems to be some confusion, with advisers believing that their preparation for GDPR involves



ensuring that the OISC is also compliant with GDPR.

Our starting point is that the role of overseeing compliance is for the Information Commissioner's Office (ICO). However, it may help if we also clarify the OISC's role, in terms of regulation and data protection.

The OISC decides the *purpose and means* for processing the personal data provided by applicants and authorised advisers (and registered firms). This means we are “data controllers” in our own right, with advisers as “data subjects”. The position was the same under the Data Protection Act 1998, and it will not change under the GDPR.

As a regulator, we have a legal obligation to ensure that advisers are “fit and competent” to provide immigration advice and/or services. To fulfil our regulatory functions, we require you to provide us with the necessary data. This is explained in our application forms and guidance, which are all published online.

In terms of compliance, advisers can also rely on the OISC's privacy notices, on the OISC website. Please be aware that, as we prepare for GDPR being applied from 25 May 2018, the current OISC privacy notice will be subject to change.

It is therefore not necessary for the OISC to publish its internal policies and procedures in order to demonstrate compliance with GDPR.

However, please rest assured that the OISC takes its data protection responsibilities and obligations very seriously.

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“Authorisation is granted to advisers working at specified registered organisations. This authorisation is not transferrable between organisations, but an organisation may outsource its work.”

We strive to ensure that the technical and organisational measures integrated into our systems provide high standards of information security.

SUMMARY:

- **You are still a “data subject” (for the purposes of being regulated)** – nothing has changed here. The GDPR makes our responsibilities clearer and it reinforces your rights in this capacity.
- **You still have “subject access rights”** – from 25 May 2018 these will be under articles 12 – 22 of the GDPR.
- **The evidence of OISC’s compliance with GDPR will be in our updated privacy notices, application forms and guidance documents**
- **Your data is still being held securely, as it was under the Data Protection Act 1998** – we’ve reviewed our ‘security and organisational measures’, as the new law requires us to. We’re also reviewing data security requirements with all our suppliers.

Everyone who holds data is overseen by the ICO when it comes to compliance with data protection. We’re all being held accountable!

The following are among some of the queries that have been raised with us since our last newsletter. If you have a question, please contact us.

Another organisation sent me a form of authority (FoA) requesting a former client’s file. However it was signed by the client over 3 months ago. Do we have to request a new FoA? How recent does this FoA need to be?

The Code of Standards does not give timescales, however best practice dictates that the letter of authority be as recent as possible. Three months is at the outer limit of what is acceptable. It may be appropriate, depending on the circumstances, for the new representatives to obtain a more recently dated letter of authority or for the adviser to contact their former client to confirm the details of the letter of authority. Advisers must ensure that **Codes 27 and 41** are fully complied with.

Can I take on outsourced or consultancy work for other firms?

The Code of Standards and Guidance on Competence do not prevent outsourced or consultancy work, **however**, there are restrictions. Authorisation is granted to advisers working at specified registered organisations. This authorisation is not transferrable between organisations, but an organisation may outsource its work (**Codes 38 and 39**).

- The outsourcing organisation may, with their client’s written consent, outsource a particular aspect of the client’s case.



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“The adviser should not be drafting the grounds.

..... It is not in the client’s best interests

for anyone but the person with the right to litigate (i.e. the barrister) to do this.”

- The instructing organisation continues to retain responsibility and overall control of the client’s case including the quality of the outsourced work done.

The outsourced work must be within the instructing organisation’s Level and Categories, for example X Ltd, registered at Level 2, cannot outsource work concerning an appeal to Y Ltd, a Level 3 organisation. In these circumstances, X Ltd must refer the matter to a suitably qualified Level 3 adviser.

In any event, advisers must consider whether referral would be more appropriate than outsourcing. Also see the [Practice Note on Signposting and Referrals.pdf](#)

You are reminded that you must not tout (e.g. cold call) for the business of providing immigration advice or immigration services (**Code 74**).

When completing a JR application, where should we put our name as the instructing firm?

Full guidance on completing judicial review application forms has been issued by HMCTS [here](#)

In relation to OISC authorised JRCM advisers. The left hand boxes should be completed with the OISC adviser’s name address and other details. Advisers **must not** tamper with the solicitor

boxes under **Applicant’s or Applicant’s solicitors’ address to which documents should be sent.**

Rather in the address box they must make it clear they are OISC registered, and state their OISC registration number.

At the end of the judicial review application, counsel should sign, showing that they have authority to litigate.

Is the OISC happy for us to draft the grounds, then counsel to check, complete the claim form and lodge?

Grounds

The adviser should not be drafting the grounds. This is reserved work under the Legal Services Act 2007. It is not in the client’s best interests for anyone but the person with the right to litigate (i.e. the barrister) to do this. The OISC authorised adviser should be giving thorough instructions to counsel for them to draft the grounds themselves. The adviser must not charge clients for drafting the litigation as they will be paying for the barrister to do the same thing.



The image shows a 'Judicial Review Claim Form' from the Upper Tribunal Immigration and Asylum Chamber. It includes a 'Seal' and a 'SECTION 1: Details of the applicant(s) and respondent(s)' section with fields for name, address, telephone, and fax.

REQUEST AN OISC SPEAKER FOR YOUR EVENT

Immigration advice organisations are invited to contact the OISC if they have an interest in receiving input or representation from the OISC at one of their future events.

Advisers organisations should email Sharon.harris@oisc.gov.uk in the first instance to register an interest. Advisers will subsequently be contacted to discuss possible options.

April 2018

“... the content of the IAAS assessments changed in recent years. The areas of knowledge now assessed by the IAAS scheme no longer reflect the OISC syllabus forour ‘Immigration’ category at any Level.”



OISC and the IAAS

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e have recently changed our operating policy in relation to assessing the competence of applicant advisers. Previously applicant advisers seeking authorisation from the Commissioner, who had the Law Society’s Immigration and Asylum Accreditation Scheme (IAAS) endorsement, were not normally required to take equivalent OISC assessments. However, the content of the IAAS assessments has greatly changed in recent times. The areas of knowledge now assessed by the IAAS scheme no longer reflect the OISC syllabus for applicants who apply for authorisation in our ‘Immigration’ category at any Level. As such applicants who wish to apply for authorisation in ‘Immigration’ will now need to take OISC assessments even if they have IAAS accreditation.

The note aside has been added to our website. It explains in more detail where the two assessments cross over and what exemptions this may still provide.

ANNOUNCEMENT

Prospective advisers who are seeking authorisation only in the category of Asylum and Protection and have successfully completed the Law Society IAAS examinations and gained IAAS accreditation, are not required to sit the corresponding Level OISC competence assessment. These include:

- IAAS level 1 accredited caseworker > OISC Level 2 assessment (Asylum and Protection)
- IAAS level 2 senior caseworker > OISC Level 3 assessment (Asylum and Protection)
- IAAS level 2 supervisor > OISC Level 3 assessment (Asylum and Protection)

For OISC exemption at Level 2, the minimum requirement is IAAS accredited caseworker. For Level 3, it is IAAS senior caseworker or supervisor.

The relevant certificate must be enclosed with your application for regulation. Please ensure that one certificate for each accredited adviser is submitted. For example, if only one applicant has IAAS accreditation, the others need to sit OISC assessment.

Further exemptions from assessments may be given to organisations who have IAAS accreditation at accredited or senior caseworkers level, or supervisor level, who provide immigration advice and services which are entirely limited to work that falls within scope for Legal Aid (for example Domestic Violence and Immigration Bail applications). Such exemptions will be decided on a case by case basis.

OISC News is published by the Office of the Immigration Services Commissioner.

For general queries telephone our helpline on **0345 000 0046**

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