



Exemption

Application Form

Office of the Immigration Services Commissioner



Organisation details

Name of organisation

Highest OISC level you wish to apply for

Main address:

Postcode:

Telephone number:

Fax number:

Email address:

Website address:

Additional contact number:

Mobile number:

Please tick the box indicating your organisation type

Company Limited by Guarantee

Unincorporated association

Trust

Charitable Incorporate Company

Other (please specify)

Please tick the box to indicate whether any of the following apply to your organisation

Registered as a charity by the Charity Commission of England and Wales

Registered as a charity by the Office of the Scottish Charities Regulator

Registered as a charity in Northern Ireland by HMRC or by the Charity Commission of Northern Ireland.

Other (please specify)

Please list the trustees of your organisation (the trustees may also be known as directors or members of the management committee)

Please continue on a separate sheet if necessary.

Organisation details (cont.)

Main point of contact (the person who will be the contact for the application and audit process, and to whom OISC information should be sent)

Please print name and position in organisation

Contact number

Contact address

(If different from main address)

How many offices does your organisation have?

Additional addresses

1. Address:	Telephone number:
	Fax number:
	Email address:
	Website address:
	Additional contact number:
	Mobile number:
	Personal <input type="checkbox"/> Commercial <input type="checkbox"/>
2. Address:	Telephone number:
	Fax number:
	Email address:
	Website address:
	Additional contact number:
	Mobile number:
	Personal <input type="checkbox"/> Commercial <input type="checkbox"/>

Please continue on a separate sheet if necessary.

Public access

If your application is approved, are details of the organisation to be added to the OISC website?

Please tick box.

Yes

No

Contact details you wish to appear on our website

Address:	Telephone number:
	Fax number:
	Email address:
	Web address:
Postcode:	Additional contact number:

Advisers' details

Please provide details of all persons who will be working as advisers, as defined by the Immigration & Asylum Act 1999, who are to be covered by this application.

Please note that each individual adviser must provide details about their knowledge, competence and access to resources, as required in the Competence Statement.

Adviser's full name	Date and place of birth	Gender	Job title
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Please attach additional sheets, if necessary.

Organisation details (cont.)

Quality Standards

Please list any quality standards that your organisation has, e.g. PQASSO or QASRO:

Community Legal Services Quality Mark

Have you been awarded the Quality Mark by the Community Legal Service at the level of General Help or above? Please tick box. Yes No

If yes, please provide details of the level, by ticking the relevant box, and date awarded:

Level

- | | |
|---|---------------|
| <input type="checkbox"/> General Help | Date awarded: |
| <input type="checkbox"/> General Help with Casework | Date awarded: |
| <input type="checkbox"/> Specialist | Date awarded: |

Please attach a copy of your Quality Mark certificate.

I have attached a copy of my Quality Mark certificate. Please tick box.

Additional information

Please state how you heard about the OISC (for internal monitoring purposes only):

Advertising and publicity

Please tick box

- OISC poster
- Other newsletter (which one?)

- OISC leaflets
- Advertisement (please provide details)

- Newspaper (which one?)

Event or presentation

- OISC (which one?)

- Other (by whom?)

Website

- OISC
- Other (please specify)

Colleague

Community group

Other (please specify)

Competence, resources and training Codes 17-23

Codes 17 to 23 set the Commissioner's standards for competent advice giving.

Code 17 says advisers must have the knowledge and competencies relevant to the level and categories in which they are applying for exemption.

Guidance on what knowledge and competence is required at the different levels and in the different categories can be found in the Commissioner's Guidance on Competence booklet enclosed with this application pack.

Each adviser who will provide immigration advice or services must complete a Competence Statement and sign the declaration. Detachable Competence Statements can be found in Section C of this pack. Please be sure that you complete the correct Competence Statement for the level at which you are applying. Please be sure you indicate clearly the categories to which you are applying.

The Competence Statement is an opportunity for an adviser to provide evidence of the knowledge, skills, training and experience they have, all of which proves that they are competent to give advice at the level and category for which they have applied. The more detail that is provided - including dates, details of courses and the types of applications the adviser has worked on and an explanation of how the adviser has reached their current position - the quicker the statement can be assessed.

If you do not submit a Competence Statement providing this information, we cannot be satisfied that you comply with Code 17.

Codes 17 to 23 state that you must have appropriate resources and information sources to support your advising.

Code 19 says that advisers must be able to show that they have relevant resources. The resources should be appropriate for the level at which you are applying. All advisers must have resources appropriate for level 1 as a minimum. We would want to see that you have access to a copy of the Immigration Rules, the Home Office's website and appropriate text books, such as JCWI Handbook - Immigration and Nationality & Refugee Law Handbook - A User's Guide. **Please list your immigration and asylum resources on the page opposite. If you do not, we cannot be satisfied that you comply with Code 19.**

Codes 17 to 23 also state that your knowledge and competence must be kept up-to-date.

Code 22 says that each adviser must have a training plan, which must be documented in writing. Each adviser's training plan should cover the next 12-month period. It should include courses they plan to attend and any other form of training they intend to undertake, e.g. shadowing more experienced advisers, etc.

Please make sure you submit a training plan with each adviser's application for exemption. If you do not, we cannot be sure you comply with Code 22.

Competence, resources and training Codes 17-23

Code 17 says that advisers must have the knowledge and competencies relevant to the level and categories in which they are applying for exemption. Please tick box.

I have enclosed a Competence Statement for each adviser applying for exemption.

Code 19 says that advisers must be able to show that they have relevant resources.

Please provide below a list of the resources you will be using to provide immigration advice and services, e.g. subscriptions to professional organisations, text books, journals, etc

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Please continue on additional sheets, if necessary.

Code 22 says that each adviser must have a training plan, which must be documented. Please tick box.

I have enclosed a copy of a training plan for each adviser in the organisation.

I have read and understood the relevant Codes for competence, resources and training and have included the information asked for in this section. I understand that if I submit my application and the above information is not supplied or does not comply with the Codes, my application may be delayed and/or refused.

Signature

Print Name

Date

Supervision - changing level of competence Codes 24-28

Code 24 says that an adviser wishing to develop their competence by working under supervision at a higher level must first submit a supervision plan to be authorised by the OISC.

When drafting a supervision plan, you must ensure that the plan complies with Codes 24 to 28. The plan must include:

Details of the person to be supervised:

- Their name;
- The areas of work in which they wish to work under supervision.

Details of the supervising adviser:

- Their name;
- Proof that they have at least two years' experience in immigration law and two years' experience of managing others;
- Proof that they have spent at least 12 hours per week on immigration casework in two of the last four years;
- Proof that they will spend at least 12 hours per week supervising the adviser.

Details of your supervisor's accessibility to the adviser; the supervisor must be co-located to the advisor:

- Ways in which the adviser contact their supervisor. For example: By telephone, fax and/or email;
- Availability of the supervisor. For example: Throughout office hours or only at certain times.

Details of allocation of cases, actual supervision and review:

- How work will be allocated to supervised advisers;
- How work in preparation will be supervised;
- How work will be checked before it goes out;
- How work will be reviewed after it is completed and how areas for improvement will be addressed;
- How the outcomes of supervision will be recorded and how the supervision will be reviewed.

If you intend having advisers working under supervision in areas of work in which they will not be exempted, Code 24 says that you must first submit a supervision plan that complies with Codes 24 to 28. If you do not do this, we cannot be satisfied you comply with Code 24.

If you do not intend to have advisers working under supervision (i.e. all advisers will only work at the level they are exempted by the Commissioner), please confirm that this is the case on the page opposite and give a brief explanation.

If you do not submit a supervision plan or do not confirm that you do not need a supervision plan, we cannot be satisfied that you comply with Code 24.

Supervision - changing level of competence Codes 24-28

Code 24 says that an adviser wishing to develop their competence by working under supervision at a higher level must first submit a supervision plan to be authorised by the OISC.

You must provide a copy of your supervision plan, if applicable. Please tick box.

- I have enclosed a copy of my plan of my supervision arrangements.
- I do not need to produce a supervision arrangements plan because...

Details

In addition to the details required by Codes 24 to 28, we suggest that you consider including the following information in your supervision plan as good practice:

- The duty to supervise staff covers not only employees, but also independent contractors engaged to carry out work on behalf of the firm, e.g. consultants, locums, advisers' clerks.
- Some organisations may have more than one supervisor. Accordingly, they need to appoint a Principal Supervisor who will be the person with overall responsibility for supervision in the firm.
- The Principal Supervisor cannot escape responsibility for work carried out by the organisation by leaving it entirely to staff, however well qualified/experienced they might be. This principle also holds true for an organisation that has only one supervisor.
- The supervisor must review a number of separate client files each month for every adviser under supervision. The OISC recommends at least three separate file reviews per adviser per month. However, this is dependent upon the type and complexity of the cases as well as the experience of the caseworker.
- File attendance notes, recording conversations with the client or with the supervisor, should be kept on file and should be completed in full. Indeed, where a supervisor has given guidance on a matter to the adviser, the adviser should record in their file notes the nature of the discussion that they have had with their supervisor. While the notes do not have to be verbatim, they must be sufficiently detailed to give an understanding of the issues.

I have read and understood the relevant Codes relating to supervision and have included a supervision plan or explained why one is not needed. I understand that if my application does not include the above information or I do not comply with the Codes, my application may be delayed and/or refused.

Signature

Print Name

Date

Client care letter Code 33

Code 33 states that advisers, having agreed to act for the client and prior to undertaking substantive work, must explain to the client in a client care letter the following:

- (a) details of the services and the individual adviser's responsibilities, as agreed with the client. These details must make clear what instructions were taken, what advice was given and what action was agreed upon with the client;
- (b) all terms and conditions of engagement, including that the OISC may examine the file;
- (c) confirmation of the costs estimated or agreed;
- (d) information regarding any additional costs likely to be incurred or for which the client may become liable (e.g. disbursements);
- (e) details of the person dealing with the case, including their location and telephone contact number;
- (f) details of the adviser's complaint handling procedures.

A copy of the client care letter must be retained in the client's file. Advisers must ensure, as far as reasonably practicable, that this copy is signed and dated by the client.

Please submit a draft client care letter that meets all the requirements of Code 33 (a) to (f). If you do not submit a draft letter or it does not meet all the requirements of Code 33, we cannot be satisfied that you will comply with that Code.

Client care letter Code 33

Code 33 says advisers, having agreed to act and prior to undertaking substantive work, must provide the client with a client care letter setting out the information specified in parts (a) to (f) of that Code.

You must supply a copy of your client care letter. Please tick box.

I have enclosed a copy of my client care letter.

I have read and understood the relevant Code relating to client care and have included the required information and draft letter. I understand that if I submit my application and the above information is not supplied or does not comply with the Code, my application may be delayed and/or refused.

Signature

Print Name

Date

Complaints Codes 48-51

Codes 48 to 51 set out the Commissioner's standards for complaint handling.

Code 48 says advisers must have a written procedure for handling complaints, including a complaints' log detailing the complaints received, resolution timescales and complaint outcomes.

Code 49 says that advisers should attempt to resolve the complaint and keep a record of any such attempts.

Code 50 says that advisers must give clients details of their complaint handling processes and that the processes must define timescales, give the name of the person responsible for handling any complaint and details of the OISC and its complaint scheme.

Code 51 says that clients must be informed that, if they do not wish to complain to the adviser, they can complain directly to the Commissioner at any time.

Please submit a complaint handling procedure that includes all of the information required by Codes 48, 50 and 51. It must be written, and it must make provision for logging the complaint and recording the outcome. It must also define the timescales involved for investigating and determining the complaint, as well as the name of the person responsible for any complaint. It must include details of the OISC's complaints scheme and be clear that the client can complain directly to the Commissioner at any time. If you do not submit a written procedure, we cannot be sure you comply with Codes 48.

In addition to the information the Code says must be included in your complaints procedure, we suggest you include the following as good practice:

- Recognition that verbal complaints should be treated as seriously as written complaints.
- Provision for acknowledging a complaint received, both verbally and in writing to the client.
- A designated staff member to handle complaints. This may not always be possible, but a named individual must take responsibility for handling the complaint and the complainant must be informed as to whom this person is.
- Provision for remedial action when a client's complaint is found to be substantiated.
- Details of how the complaint is to be resolved must be put in writing to the client.

If the situation can be resolved, it should be possible for the relationship between client and adviser to continue. If the situation cannot be resolved and the client and adviser cannot work together any more, the procedure should provide for closing the matter as quickly as possible and referring the client to another adviser.

Following the conclusion of the complaint investigation, the adviser should evaluate the problems that the complaint may have identified and look for ways to ensure that they are not repeated.

Prioritising complaint resolution is important. Complaints solved quickly and appropriately usually result in greater goodwill.

Section A

Declaration

Complaints Codes 48-51

Code 48 says that advisers must have a written procedure for handling complaints.

You must provide a copy of your complaints procedure. Please tick box.

I have enclosed a copy of my complaints procedure.

I have read and understood the relevant Codes in relation to complaints and have included the procedure. I understand that if I submit my application and the procedure is not supplied or does not comply with the Codes, my application may be delayed and/or refused.

Signature

Print Name

Date

Business management and planning Codes 52 & 53

Code 52 says that advisers must have management policies and structures in place, which are reviewed annually. They must be dated and any changes recorded.

They must be accessible to staff. They should include, where appropriate:

- (a) a statement showing how the service is organised, including the decision-making structure;
- (b) a statement showing your key objectives and what you aim to achieve within the current year and the subsequent two years;
- (c) a statement showing how financial control of the service is exercised and who is responsible for financial management;
- (d) job descriptions and person specifications for all staff, including volunteers, who provide advice;
- (e) an induction programme for all new staff, which must cover, among other matters, the client information requirements as detailed in Codes 52 and 53.

All policies and structures must reflect equality of opportunity and impartiality.

The Commissioner considers it appropriate for all organisations applying for exemption to have a statement showing how the service is organised, including the decision-making structure and a statement of how financial control of the service is exercised and who is responsible for financial management. Please submit a statement describing how your service is organised, including the decision-making structure and a financial control statement. If you do not, we cannot be sure you comply with Code 52.

Code 53 says advisers must have an annual business plan with a cash flow / funding projection.

The business plan should set out the aims and objectives of the organisation and how you plan to meet them. These should be divided into the short term, for the next year, and the long term, for the subsequent two years.

We suggest that you include in your planning a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis.

The business plan should be reviewed annually.

Please submit a business plan that sets out the aims and objectives of your organisation and how you plan to meet them. Please ensure that your business plan has a cash flow / funding projection. If you do not do this, we cannot be sure you comply with Code 53.

Business management and planning Codes 52 & 53

Code 52 says an adviser, where appropriate, must have a statement detailing how the advice service is organised, including the decision-making structure and a statement showing how financial control is exercised and who is responsible for financial control and decision-making.

The Commissioner considers it appropriate for all organisations applying for exemption to have these documents in place and they must be submitted with your application. Please tick box.

- I have enclosed a statement showing the structure of my organisation, including the decision-making structure.
- I have enclosed a statement showing how financial control is exercised, including who is responsible for financial control.

Advisers are expected to take a professional approach to their business. This means that advisers must have a business plan, which sets out the aims and objectives of the organisation and proposals as to how these will be achieved. Objectives should reflect what you hope to achieve within the current year and subsequent years. Your business plan should be reviewed annually.

Code 53 says advisers must have an annual business plan with a cash flow / funding projection.

You must enclose your business plan. Please tick box.

- I have enclosed my business plan.

I have read and understood the relevant Codes in relation to business management and planning and have included the required documents. I understand that if I submit my application and the above information is not supplied or does not comply with the Codes, my application may be delayed and/or refused.

Signature

Print Name

Date

Financial records and client money Codes 62-64

Codes 62 to 64 set standards to be met in the management of finances.

Codes 62 and 63 stipulate that clients should pay third party fees, such as Home Office application fees, direct to the third party. Where it is necessary to hold third party fees they must be held in a client account separate from your business account. Please remember that exempt organisations cannot charge for immigration advice and services. Please note that the Commissioner considers membership fees and obligatory donations to be a fee and an organisation must apply for registration if it intends to take such fees for immigration advice and services.

Code 64 says that you must have documentation to show transfers into and out of the client account, that clients must be given their account balance if they ask and that there must be a direct correlation between work done and money charged against the client account.

The OISC considers clear and comprehensive financial management to be a key indicator of an organisation's fitness. You must draft a document detailing how you will record and manage financial transactions and submit a copy with your application.

If you intend holding third party payments from clients or taking payment of fees in advance of work being done, then you must have a client account separate from your business account, and you must supply evidence of the client account with your application. If you do not intend holding client money in any circumstance, then you must explain that on the page opposite.

If you do not provide a document detailing how you will record and manage financial transactions or you do not supply evidence of having a client account, or an explanation of why you don't need one, we cannot be satisfied that you are fit to be exempted as you will not have demonstrated that you will comply with Codes 62 to 64.

In addition to the information required by Codes 62 to 64, we suggest that you consider including the following in your financial recording and management document as good practice:

- Clients must be given an official receipt for any fees they pay.
- The client must be informed of the existence and purpose of the client bank account.
- Advisers must keep their accounting records (invoices paid and all receipts, ledgers, bills, statements, cash books, etc.) for a minimum of six years.
- Accounts and records must comply with current legislation as set out in the Companies Act 1985 and annual fiscal budget where appropriate.
- The adviser should both inform the client that agreed work has been completed and that they will be using money in the client account to pay the fee for that work. Sending the client a bill or a letter stating what work has been done should satisfy this.

Financial records and client money Codes 62-64

Codes 62 to 64 say that you must manage and record all client transactions and that if you intend taking money in advance, it must be kept in a client account.

You must provide details of how you will record client payments and account transactions. Please tick box.

I have enclosed details of how I will record client payments and account transactions.

You must supply evidence of your client account or explain that you will not take client money in advance of work done, for Government application fees or for any other disbursement. Please tick box.

I have enclosed evidence of my client account.

I confirm that I will not be taking client money in advance of work done or for any disbursements.
(Please provide details)

I have read and understood the relevant Codes relating to financial records and client accounts and have included the required information and evidence. I understand that if I submit my application and the required information and evidence is not supplied or does not comply with the Codes, my application may be delayed and/or refused.

Signature

Print Name

Date

Annual accounts Code 65

Code 65 places an obligation on advisers to have annual accounts that have been audited or certified and otherwise verified and comply with relevant UK legislation.

If you are a new organisation that has not yet begun trading or is trading but has not yet reached the point where you must by law produce annual accounts, please provide us with the name and contact details of your accountant.

If you do not submit your annual accounts or, if you have not yet reached the point where you must lawfully produce accounts, you do not provide us with details of your accountant, then we cannot be satisfied of your fitness for registration or that you will comply with Code 65.

Further guidance on annual accounts is given below:

- Annual accounts for self-employed advisers or partnerships should include a profit and loss statement and a balance sheet.
- These accounts must be signed off by the adviser/owner of the business, and will mirror exactly the income and expenditure declared to Her Majesty's Revenue and Customs (HMRC) as part of the tax return.
- HMRC issues an acknowledgement of accounts received and states that tax is calculated using those accounts as a basis. The notification of tax payable to HMRC will be taken as approval of the accounts.
- Small and medium-sized limited company accounts (including limited liability partnerships formed as a company) are entitled to exemption provisions laid out in the Companies Act 1985 relating to annual financial statements and audit provisions. The Treasury reviews these thresholds annually.

Professional indemnity insurance Codes 67-69

Code 67 places an obligation on advisers to have adequate professional indemnity insurance cover in respect of any civil liability incurred in relation to their work and advice services. Codes 68 and 69 place responsibilities on advisers should their cover lapse, and advise on the implications of allowing cover to lapse.

To demonstrate that you comply with Code 67 it is not necessary at this stage for insurance cover to be activated, although no application can be approved before cover is activated. You can submit an insurance quotation to show that your insurance is ready to be activated.

If you do not supply your insurance quotation or your insurance schedule and certificate, we cannot be satisfied you will comply with Code 67.

Annual account Code 65

Code 65 says all advisers must have audited or certified and otherwise verified business accounts which must comply with current legislation.

You must submit a copy of your latest annual accounts. Please tick box.

If you are a new organisation that has not yet begun trading, or is trading but has not yet reached the point where you must lawfully produce annual accounts, please provide us with the name and contact details of your accountant.

- I have enclosed a copy of my latest annual accounts.
- I have enclosed details of my accountant.

Professional indemnity insurance Codes 67-69

Code 67 places an obligation on advisers to have adequate professional indemnity insurance cover in respect of any civil liability incurred in relation to their work and advice services.

You must provide a copy of your indemnity insurance quotation or indemnity insurance certificate and schedule. Please tick box.

- I have enclosed a copy of my professional indemnity insurance certificate and schedule with this application.
- I have enclosed a copy of a professional indemnity insurance quotation and understand that I will have to supply a certificate and schedule before my organisation is approved.

I have read and understood the relevant Codes in relation to annual accounts and professional indemnity insurance and have included the required policies and procedures with this application. I understand that if I submit my application and the above information is not supplied or does not comply with the Codes, my application may be delayed and/or refused.

Signature

Print Name

Date

Use of experts Codes 91-95

Code 91 says that advisers must have a written procedure for selecting experts, such as interpreters or doctors.

Codes 91 to 95 set standards on the use of experts, and advisers should give consideration to the following when drafting their procedure:

- Experts must be chosen using objective criteria, such as membership of a recognised accreditation body.
- An adviser must use an interpreter if there are language difficulties for their client. An adviser must explain to the interpreter their precise role and responsibilities, and, in particular, that they should act impartially, respect client confidentiality and not distort information stated by the client.
- An adviser must have regard to the fact that clients may not be best served by choosing a family member to act as the interpreter, as there may be instances where the client is required to disclose matters of a sensitive or personal nature or may require objectivity.
- An adviser must be mindful of the fact that, while clients and interpreters or country experts may share a common language, they may have significantly different cultural, political or religious beliefs.
- Advisers must be vigilant in observing any unease on the part of their client regarding the interpreter employed.

You must provide a written procedure for the use of experts. If you do not, or if the procedure does not comply with the relevant Codes, we cannot be satisfied you will comply with Code 91.

Use of experts Codes 91-95

Code 91 says advisers must have a written procedure for selecting experts, such as interpreters or doctors.

You must provide a written procedure for the use of experts. Please tick box.

I have enclosed a copy of my procedure on the use of experts.

I have read and understood the relevant Codes relating to use of experts and have included a copy of my procedure. I understand that if I submit my application and the procedure is not supplied or does not comply with the relevant Codes, my application may be delayed and/or refused.

Signature

Print Name

Date

Confidentiality procedure Code 14

Code 14 says that advisers must have a procedure in place for ensuring client confidentiality. They must keep the affairs of their clients and all information relating to their clients confidential, except where the adviser is compelled to disclose information by reason of a legal or regulatory obligation.

You should give consideration to the following principles when drafting your procedure:

- Confidentiality may be defined as ensuring that information is accessible only to those authorised to have access. Some types of communication between the client and an adviser must not be discussed or divulged to third parties.
- When considering the issue of confidentiality, advisers should also take into account privacy and the physical environment in which they are taking instructions. Their office must have a private space large enough, for example, to comfortably accommodate a client with a child in a pushchair or a person using a wheelchair, with the door closed.
- Any breach of the principles of confidentiality may lead to disciplinary action. There are, however, exceptions to this principle, such as:
 - ✓ Divulging information to relevant authorities when investigating a criminal matter in connection with a court order.
 - ✓ Giving the Commissioner information that is necessary for the discharge of her functions.
 - ✓ Giving the Immigration Services Tribunal information which is necessary for the discharge of its functions.

While you must have a procedure for ensuring client confidentiality, we are not asking that you submit a copy of your procedure with this application. We do, however, want an assurance that you will observe the fundamentals of client confidentiality set out on the page opposite. You must be able to truthfully tick the boxes on the page opposite. If you cannot do so or do not tick the boxes, we cannot be satisfied that you will ensure client confidentiality, and comply with Code 14.

Confidentiality procedure Code 14

Code 14 says that advisers must have a procedure which ensures that clients' documents and information remain confidential, unless they are compelled to disclose information by a legal obligation.

Please confirm with a tick below:

- I will not pass on client information to third parties except where I have a clear legal duty to do so.**
- I have registered with the Information Commissioner.**
- I have a designated space for private interviews.**
- I have made arrangements for the secure storage of client information.**

I have read and understood the relevant Code relating to confidentiality and can confirm that my organisation does and will continue to comply. I understand that failure to satisfy the Commissioner of compliance with the relevant Code, when requested, could affect my application or continued exemption by the Commissioner.

Signature

Print Name

Date

Signposting and referral Codes 43-47

Code 43 and 44 set standards relating to how advisers must act when they are unable to provide the service needed by the client.

Code 43 says that an adviser who, having taken on a client, finds that they cannot provide the service needed by that client because it would require them to act beyond either their authorisation or their business resources, should inform the client of this immediately in writing and, in any event, must do so within three working days, giving the reasons why they cannot continue to act. Where possible, they should also direct the client to another provider.

Code 44 says an adviser must then make a written note of the replacement adviser, if any has taken over the client's case.

Codes 45 to 47 relate to fees in referral situations.

Code 45 says a regulated person must not demand or accept from any person a fee, commission or any other compensation for referring or recommending a client.

Code 46 says a regulated person must not offer or accept an inducement for taking on a client or offer such for referring a client to another person.

Code 47 says that where a client requests that their file be transferred while they owe money to the adviser, the adviser should not seek to retain the client's file and/or documents in lieu of payment owing to them. They should instead seek civil remedies.

Please sign the declaration opposite.

Further guidance:

- It is good practice to have a procedure for referrals and signposting. Signposting means pointing an enquirer in the direction of another more suitable adviser.
- It is not good practice for advisers simply to send someone away saying they cannot help:
 - without assessing what level of service they need;
 - without finding out whether the other adviser can provide the required service.
- The Commissioner considers that a referral has taken place when the adviser passes the whole of the handling of a client's case to another person or organisation, which then takes over responsibility for it.
- This does not prevent an adviser seeking second tier advice on a particular aspect or point in a case while keeping ownership of it.

Signposting and referral Codes 43-47

Codes 43 and 44 set standards relating to how advisers must act when they are unable to provide the service needed by their client.

Codes 45 to 47 make it clear that it is not appropriate to offer or accept inducement fees in referral situations, and encourage advisers against retention of a client's documents in lieu of a fee owed.

I have read the relevant Codes relating to referrals and confirm that my organisation will comply. I understand that failure to satisfy the Commissioner of compliance with the relevant Codes could affect my application or my continued exemption by the OISC.

Signature

Print Name

Date

Management of staff Codes 56-59

Codes 56 to 59 set standards for the management of advice staff.

Code 56 states that in organisations where staff are employed to provide immigration advice and/or services, there must be adequate management and oversight of such staff, including:

- (a) the identification and nomination of a person to act as manager of immigration advice staff. Operational management arrangements, and any significant changes thereto, must be notified to the Commissioner.
- (b) provision that where there is more than one staff manager within an organisation, one person should be identified as having responsibility for overseeing supervision.

Code 57 states that in all organisations where staff are employed to provide immigration advice and/or services, there must be written procedures, statements and documents, detailing:

- (a) a system for managing and overseeing staff to ensure their continued competence and fitness, including how their work will be monitored or audited;
- (b) the respective skills, knowledge and competencies of those assisting advisers, their performance reviews and associated feedback;
- (c) how training needs are identified and training plans recorded and delivered;
- (d) the organisation's internal disciplinary procedures;
- (e) an induction plan, as detailed in Code 52 (e).

Code 58 states that advisers must maintain records that demonstrate that the processes outlined in Codes 56 and 57 are adhered to and that they must ensure the provision of competent immigration advice or services.

Code 59 states that advisers must maintain a system for the allocation of cases to staff, according to their authorised levels of competence.

We ask that you do not send in copies of your staff management documents with your application, but we may ask to see them at a later date. You must, however, sign the declaration on the opposite page.

Further guidance:

- You must review the advice given by staff members on a regular basis.
- The frequency of this review should depend on the amount of advice being provided by the organisation.
- Details of any reviews undertaken should be kept centrally and on the specific adviser's file, along with the record of any action taken. This should then feed into the review of personal performance.
- Reviews of personal performance should allow an organisation to highlight both where an adviser has done well and areas in which they need to improve. An action plan must be created to deal with the latter.
- A record of this kind of review should be kept centrally and on the individual's personal record.

Sole traders may find it useful to have an arrangement with other OISC advisers in their area to review each other's work. This is not compulsory, but represents best practice.

Management of staff Codes 56-59

Codes 56 to 59 set standards for the management of advice staff.

Code 56 states that in organisations where staff are employed to provide immigration advice and/or services, there must be adequate management and oversight of such staff.

Code 57 states that in all organisations where staff are employed to provide immigration advice and/or services, there must be written procedures, statements and documents relating to the performance of advice staff.

Code 58 states that advisers must maintain records that demonstrate that the processes outlined in Codes 56 and 57 are adhered to, and that they must ensure the provision of competent immigration advice or services.

Code 59 states that advisers must maintain a system for the allocation of cases to staff, according to their authorised levels of competence.

I have read the relevant Codes relation to management of staff and can confirm that my organisation will comply. I understand that failure to satisfy the Commissioner of compliance with the relevant Codes, when requested, could affect my application or continued exemption by the OISC.

Signature

Print Name

Date

Publicity Codes 70-78

Codes 70 to 78 set standards of behaviour for advisers in the production of publicity material.

Code 70 says that all directly regulated organisations must display their unique OISC reference number on all printed and electronic publications, including websites, advertisements, publicity material, letterheads and business cards.

Code 71 says that the OISC logo must be used in accordance with guidance contained in the adviser's approval letter.

Code 72 says that any description of the advice and services offered, as well as the qualifications and competence levels of those providing advice and services, must not be misleading. It is a criminal offence for an adviser, in their promotional material or by other means, to offer to provide immigration advice and/or services at a level or in an area for which they are not authorised by the Commissioner.

Code 73 says advisers must not criticise other advisers either directly or indirectly or make statements about success rates in their literature, website and other promotional materials.

Code 74 says all information published by an adviser, whether in printed or electronic format such as websites, must accurately reflect the adviser's authorised OISC level. The requirement to ensure that advertising and promotional material comply with the Code of Standards is the personal responsibility of the adviser, and this cannot be delegated.

Code 75 says that the name of any advice organisation must not suggest connection with, or approval by, Government.

Code 76 says that the advice organisation's name must not have the potential to confuse or mislead clients.

Code 77 says that in either instance mentioned in Codes 74 or 75, the OISC may require that the advice organisation change its name.

Code 78 says that no adviser must claim they have a qualification to which they are not entitled.

We are not asking you to submit copies of any publicity material with this application, but we may ask to see them at a later date. However, you must sign the declaration on the opposite page.

Publicity Codes 70-78

Codes 70 to 78 set standards of behaviour for advisers in the production of publicity material.

In short, they require that:

- Any advertising or publicity material must show that the advisers are exempted by the OISC;
- Material must not be misleading or make statements about success rates or other advisers;
- It is the responsibility of all exempted persons to ensure that Codes 70-78 are complied with. This responsibility cannot be delegated.

I have read the relevant Codes relating to publicity and can confirm that my organisation does and will comply. I understand that failure to satisfy the Commissioner of compliance with the relevant Codes, when requested, could affect my application or my continued exemption by the OISC.

Signature

Print Name

Date

Declaration

In making this application, I agree on behalf of the applying organisation that:

1. I have read the Commissioner's Code of Standards and agree to abide by the Commissioner's Code of Standards in full.
2. The Commissioner may undertake any necessary checks to establish our fitness, competence and compliance with the Commissioner's Codes.
3. I will notify the Commissioner if my membership of any recognised body detailed in this application form is suspended or ends for any reason.
4. I will notify the Commissioner of any changes to the organisation immediately and, where indicated in the Codes, before the changes are implemented.

Compliance with all of the Codes will be checked when the organisation is audited, including those for which documentation has not been requested at this stage.

Signed on behalf of the applicant organisation by an authorised signatory:

Signature: _____

Print full name _____

Position in organisation _____

Date: _____

Application check list

Declaration

The documents below must be submitted with your application.

1. Completed application pack (with signed declaration pages)
2. Codes and Rules assessment certification

Please tick box

Supporting evidence check list

1. Competence Statement for each adviser, with proof of identity and proof of right to work
2. List of immigration and asylum resources
3. Supervision arrangements, if applicable, or why not necessary
4. Client care letter
5. Complaints procedure
6. Training plan for each adviser
7. Statement showing the structure of the organisation
8. Statement showing how financial control is exercised
9. Business plan with cash flow / funding forecast
10. Details of recording client payments and account transactions
11. Client account details, or an explanation of their absence
12. Annual accounts or details of your accountant
13. Professional indemnity insurance quotation or certificate
14. Use of experts procedure

I have included with my application all the above documents or indicated why they are not appropriate to my organisation. I understand that if I submit my application and the above information is not supplied or I do not comply with the Codes, my application will not be passed to a caseworker for consideration and may be delayed and/or refused.

Signature

Print Name

Date

Competence Statements

- Please detach the Competence Statements found in this section.
- A Competence Statement must be completed and submitted for each adviser who wishes to provide immigration advice or services.

Please photocopy the blank statements as required.

Please ensure that each adviser indicates clearly at which level and in which categories they wish to provide immigration advice and services.

Exemption Competence Statement

All sections of this statement must be completed and the declaration signed by the adviser. Each adviser in an organisation should complete a statement.

Advisers should refer to the Commissioner's Guidance on Competence and the Commissioner's Code of Standards when completing this statement.

Full name of adviser: _____ Gender: _____

Also known as/ previously known as: _____

Date of birth: _____ Nationality: _____

Organisation's name and address: _____

Proof of identity and of right to work

If you are a British national or European Union citizen, you must provide a legible copy of your passport or European Union identity card (with photograph and expiry date) as proof of identity and right to work.

If you are neither a British national nor a European Union citizen, you must provide a legible copy of your passport or driving licence (with photograph and expiry date) as proof of identity. To prove you have the right to work in the UK, you must provide a legible copy of your stamped passport or other relevant documents.

Advisers should send copies of the above documentation directly to the OISC. Please **DO NOT** forward original documents.

Levels and categories of advice

Please tick which levels and categories of advice, as taken from our Guidance on Competence, you wish to provide.

Please note that you only need to tick the highest level for each category within which you wish to provide advice and services.

Category of advice	Level 1	Level 2	Level 3
Asylum			
Applications for entry clearance, leave to enter or leave to remain			
Nationality and citizenship under UK law			
EU and EEA immigration law			
Detention, applications for temporary admission and bail			



Exemption Competence Statement

Requirement	Please tick	Signature
I confirm that I am aware of the work permitted at all of the levels I have requested to provide immigration advice and services at, as referred to in the Commissioner's Guidance on Competence.		
I confirm that I have read and understand my obligations in relation to all of the Commissioner's Codes and Rules.		

Ref.	Requirement	Achieved
Codes 17-23	I confirm that I have the knowledge and skills at all the levels and for all the categories within which I have requested to provide immigration advice and services, as referred to in the Commissioner's Guidance on Competence.	Yes/No

Please provide information that demonstrates that you meet this requirement, e.g. experience, qualifications, training courses, etc. Please ensure that you demonstrate your experience at all levels and in all categories in which you wish to provide advice.

Exemption Competence Statement

Declaration

In the last five years have you traded under a different name or been known by a different name?	Yes/No	If yes, give details:
Have you previously been registered with the OISC?	Yes/No	If yes, give details: Organisation reference: Adviser number:
Are you subject to any restrictions on your residence in or permission to work in the United Kingdom?	Yes/No	If yes, give details:
Do you have any criminal convictions?	Yes/No	If yes, give details:
Have you ever been a barrister, solicitor, advocate or member of ILEX, or been supervised by one of the above?	Yes/No	If yes, give details:
Have you ever been subject to disciplinary action or intervention by a designated professional body, e.g. The Law Society or Bar Council or overseas body equivalent to the OISC?	Yes/No	If yes, give details:
Are you prohibited by The Law Society's Rules (or equivalent) from being employed as a solicitor's clerk?	Yes/No	If yes, give details:
Have you ever been declared bankrupt?	Yes/No	If yes, give details:
Have you ever been disqualified or banned from being a director of a company?	Yes/No	If yes, give details:
Have you ever been refused a Legal Services Commission contract or had a contract with the LSC terminated?	Yes/No	If yes, give details:
Have you ever been refused a Community Legal Services Quality Mark or had the Quality Mark terminated?	Yes/No	If yes, give details:
Have you been sued by a client or made a claim on your professional indemnity insurance in the last five years?	Yes/No	If yes, give details:
Have you ever been disqualified from acting as a charity trustee?	Yes/No	If yes, give details:

Use additional sheets as necessary.



Exemption Competence Statement

Declaration

I declare that the information I have given is true and correct to the best of my knowledge and belief.

I understand that the information given in this application form may need to be checked against the records of other agencies, including the Police, and I consent to this.

I give permission for the OISC to have access to any information held about me by The Legal Services Commission, The Law Society of England and Wales, The Law Society of Scotland, The Law Society of Northern Ireland, The Institute of Legal Executives, The General Council of the Bar, The Faculty of Advocates or The General Council of the Bar of Northern Ireland.

I undertake to notify the OISC of any material changes in the information I have given in this application.

I understand that any false statement or deliberate omission in the information I have given could result in the application being refused.

Signature: _____

Date: _____

