

OFFICE OF THE IMMIGRATION SERVICES COMMISSIONER

CORPORATE PLAN 2009/2012 - BUSINESS PLAN 2009/10

Introduction

The Office of the Immigration Services Commissioner (OISC) was established by the Immigration and Asylum Act 1999 as an independent Non-Departmental Public Body (NDPB). Its purpose is twofold: by means of the regulatory scheme, protecting those who seek immigration advice and/or services; and assisting in the prevention of abuse of the Government's immigration system.

The OISC directly regulates the provision of immigration advice and immigration services by persons who are not regulated by one of the seven Designated Professional Bodies¹ (DPBs) or European equivalent or who have otherwise been exempted from regulation by Ministerial Order.

The Immigration Services Commissioner has regulatory, ombudsman and prosecutorial responsibilities, the latter two being closely allied to its regulatory functions. Her main roles are to operate a regulatory scheme and a complaints scheme, to prosecute those operating illegally, to monitor and report to the Home Secretary on the handling by the DPBs of complaints made against their members in respect of immigration advice or services² and to promote best practice. The OISC actively works to ensure that high standards of professionalism are maintained in the immigration advice industry. 4,199 advisers and 1,723 organisations were directly regulated by the OISC as at 1st April 2009.

In summary, the OISC's core business is to:

- Ensure that those who give immigration advice and/or services are fit and competent;
- Ensure that advisers who should be within its regulatory scheme apply to be admitted or are prosecuted;
- Promote good practice within the immigration advice sector, so far as reasonably practicable;
- Discharge the Commissioner's responsibilities in respect of the DPBs; and
- Operate as an effective, efficient and economical regulator in accordance with Better Regulation principles.

The OISC aims to regulate in a proportionate, targeted and transparent manner. Using a risk based approach, the OISC focuses its resources on those areas where persons seeking advice may be most vulnerable. In line with this, the key elements of the OISC's integrated audit process are the review of the main business systems and structures of regulated organisations, file scrutiny and the assessment of adviser competence.

¹ The seven DPBS are The Law Society of England and Wales; The Law Society of Scotland; The Faculty of Advocates; The General Council of the Bar of England and Wales; The Law Society of Northern Ireland; The General Council of the Bar of Northern Ireland; the Institute of Legal Executives

² This role will end for the Law Society of England and Wales, the General Council of the Bar of England and Wales and the Institute of Legal Executives with the implementation of the Legal Services Act 2007, which is expected to take place in 2010.

The OISC is sensitive that its work is linked to the delivery of several of the Home Office's and UK Border Agency's (UKBA) objectives. In developing this Plan the OISC has taken special note of the following:

- a) The Home Office's objectives of:
 - o Protecting the public by strengthening the UK's borders, ensure and enforce compliance with UK immigration laws; and
 - o Safeguarding people's identity and the privilege of citizenship; and
- b) The UKBA's strategic objectives of:
 - o Strengthening borders: using tougher checks abroad;
 - o Removing those whose claims for asylum fail and integrate those who need protection;
 - o Ensuring and enforcing compliance with immigration laws; and
 - o Boosting Britain's economy by bringing the right skills from around the world, and ensuring the UK is easy to visit legally.

As in previous years, it is anticipated that events and developments are likely to happen during the period of this Plan that will require OISC resources to be diverted. If so, this may very well impact on delivery of this Plan's work. Considering this and the OISC's size and budget, the organisation needs to retain a certain amount of elasticity in the delivery of its work programme.

The OISC's High-Level Strategic Aims

During 2007/08 the OISC reconsidered its high level strategic aims to ensure that they continued fully to reflect the organisation's purpose and what it wants to achieve. As a result, these aims were revised as follows:

The OISC is an independent body committed to delivering its statutory regulatory, ombudsman and prosecutorial duties. To achieve this it is committed to:

- *Working with others in ensuring the fitness and competence of the immigration advice sector in the UK;*
- *Remaining an effective and fair regulator;*
- *Maximising its performance capability;*
- *Valuing its staff;*
- *Making the best use of the finances available to it; and*
- *Making its purposes known and understood.*

This Plan has been constructed to deliver these aims.

Important Developments

Three initiatives will have a significant impact on the OISC during the period of this Plan – legislation that will follow on from the UKBA's Review of the OISC; the continuing roll-out of the Government's Points Based System by UKBA; and changes to the OISC's operating structures and processes.

a) UKBA's Review of the OISC and Subsequent Legislation

During the last quarter of 2007/08 UKBA commenced a review of the OISC in accordance with the specific recommendation for the OISC contained in the Home Office's 2007 "*Report of a Review of the Home Office's Non-Departmental Public Bodies and Agencies*". The second stage of the review was undertaken during 2008/09.

As part of that review UKBA has published a consultation paper on the future of regulation of the UK's immigration advice sector. That consultation presents three options – do nothing; consolidate the OISC's legislation, amend its functions and revenue raising powers; or bring regulation of immigration advice under the provisions of the Legal Services Act 2007. The results of that consultation will be known during the first year of this Plan. Any legislative changes required will be included in new legislation planned for introduction to Parliament in the autumn of 2009/10. It is anticipated that OISC staff will work closely with UKBA officials both during the progress of the Bill and the Act's implementation.

b) The Points Based System

From 27th November 2008 work permits ceased to be issued with the introduction of Tier 2, affecting those OISC regulated advisers who give immigration advice or services in respect of that document. The full introduction of Tier 4 is expected during Spring 2009.

Under PBS the OISC regulates those who act on behalf of sponsors. Those OISC advisers regulated at Advice Level 1, Category 2 prior to the PBS' introduction are regarded by the OISC as being fit and competent to act in that capacity. Those wishing to do such work and are not already in the OISC's regulatory scheme must apply and have their competence and fitness appropriately tested.

c) OISC Reform and Remodel Project

The OISC continues to seek to find efficiencies and savings such as making changes to the way it handles initial telephone enquiries and how it processes applications. .

During 2008/09 a business improvement review was conducted of the OISC's business processes with particular reference to the work of its operational teams. As a result, over the course of this Plan the OISC through its reform and Remodel project will be refining the processes and requirements needed for approval of new applications and continued registration applications. The tasks involved will be realigned to post specific grades. This should assist in improvements to both turnaround times and efficiencies that should lead to savings.

Plans for Delivering Efficiency Savings

The OISC's 2008/09 budget was reduced by 5% from its 2007/08 budget, £4,270,000 from £4,495,000. Its 2009/10 budget is reduced by 3% to £4,141,900.

The reduction in last year's budget required the OISC to make cuts in its expenditure on suppliers, staffing and business plan activities as well as having to absorb the already agreed pay rise for staff (calculated at 4% on the 2007/8 salary line for 9 months).

Further, the acquisition of a new database, which is necessary to improve data collation, management information and efficiencies in staff time, which we had hoped to procure during the 2008/09 business year period, was put on hold. The OISC has, however, secured sufficient capital funding from UKBA to enable a new database to be delivered during 2009/10. This programme is a necessary complement to the Reform and Remodel project.

During 2008/9 a pilot scheme for the re-direction of complaints to advisers was conducted. The results have shown the value of incorporating complaint re-direction into the OISC's complaint processes, and this will be done from 2009/10.

2008/09 Key Performance Indicators (KPIs)

The 2006/07 Business Plan introduced a set of Key Performance Indicators that helped to evaluate delivery of the OISC's primary day-to-day functions. Because we anticipate significant changes in our operations as a result of implementing the Business Improvement Project's recommendations, it has been decided that the current KPIs should continue unchanged for 2009/10 except that KPI 5's target has been increased from 70% to 75%. The KPIs will be considered and reviewed as part of the ongoing programme and it is expected that a new set of KPIs will be introduced in 2010/11.

The KPIs for 2008/09 are as follows:

KPI 1(a) – 75% of applications for continued registration to be decided within three months of receipt

KPI 1(b) – 90% of applications for continued registration to be decided within six months of receipt

KPI 2(a) – 75% of new applications to be decided within five months of receipt

KPI 2(b) – 95% of new applications to be decided within eight months of receipt

KPI 3 – at least 33% of the total of Level 2 and 3 organisations as exist as at 31st March 2008 to have been audited by 31st March 2009³

KPI 4(a) – 75% of written complaints about OISC advisers to be closed within six months of receipt

KPI 4(b) – 90% of written complaints about OISC advisers to be closed within 12 months of receipt

³ The intention is for 100% of Level 2 and 3 organisations to be audited during the OISC's three-year rolling audit programme. Up to 25% of Level 1 organisations will be audited during the same period with the precise percentage being dependent on how many organisations operating at Level 1 actually require an audit. This is consistent with the simplified application and audit process for the organisations operating at that level adopted by the OISC in 2004/05. It is not therefore possible to determine the percentage of Level 1 organisations that will require an audit over the period of this Plan.

KPI 5 – 75% of Commissioner decisions to stand following an appeal being lodged with ImSet

KPI 6 – 400 unregulated organisations to be identified during 2008/09

KPI 7 the status of 200 unregulated organisations to be resolved during 2008/09

KPI 8 – Internal Response Targets:

- 95% of applications and written complaints received to be acknowledge within 5 working days
- 95% of undisputed invoices to be paid within 30 working days of receipt
- 100% of undisputed invoices to be paid within 60 working days of receipt

PROJECTS

During the period of this Business Plan the OISC will be concentrating on two main projects – the implementation of the Reform and Remodel project and the development and installation of its new database. The former is closely linked to delivering many of the OISC’s high-level strategic aims while the latter is closely aligned to the Reform and Remodel project and will significantly contribute to its successful implementation. Both should produce efficiencies especially with respect to staff time.