

Immigration and Asylum Accreditation Scheme

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Immigration and Asylum Accreditation Scheme

1 Introduction

- 1.1 From 1st April 2005, all advisers, including volunteers, trainee solicitors and outdoor clerks, carrying out **legal aid** asylum or immigration work will have to be accredited under the new scheme. As of that date, no one will be permitted to carry out work funded by the Legal Services Commission in immigration or asylum unless they have achieved accreditation.
- 1.2 **Advisers who have in the past been exempted by OISC must now become accredited under the new scheme if they are doing LSC funded work. They must also maintain their OISC exemption.**
- 1.3 In order to be accredited, an adviser must undergo an assessment carried out by the assessment organisation appointed by the Law Society. The Law Society has appointed Central Law Training (CLT) to conduct the assessments. The assessment organisation is independent of the Law Society and the Legal Services Commission but monitored by the Law Society.

2 The Scheme

- 2.1 There are three levels of accreditation:

Level 1 – Accredited Caseworker

Level 2 – Senior Caseworker

Level 3 – Advanced Caseworker

Within the Accredited Caseworker level, there is a sub-level of Probationer. There is also a separate supervisor module that can be taken with either the Level 2 or Level 3 assessments.

- 2.2 In the document entitled “Competence Standards and Work Restrictions”¹ which the LSC sent to suppliers with immigration contracts in early April 2004, it gave guidance on the knowledge and skills that will be tested in order to achieve accreditation at each level. Further details, including information on how the assessment is to be conducted and timings of assessments, will be published by CLT shortly.
- 2.3 There will be restrictions placed on the type and level of work that Probationers and Accredited Caseworkers can do. There will be no restrictions placed on the work of Senior or Advanced Caseworkers. The work restrictions for Probationers and Accredited Caseworkers are outlined in the document “Competence Standards and Work Restrictions”.
- 2.4 The accreditation requirements and work restrictions are slightly different for those employed **at** 1st April 2004 and those first employed **after** 1st April 2005. NB Throughout this briefing, the term “employed” refers to both paid and volunteer advisers.

¹ This can be found on the LSC web site at http://www.legalservices.gov.uk/contract/final_standards.pdf

3 Getting Accredited (for those employed at 1st April 2004)

- 3.1 For those employed at 1st April 2004, the requirements are as follows:
- 3.2 Advisers must decide which is the most appropriate level of accreditation for them. They must then register their intention to apply for accreditation with the LSC. **Advisers employed at 1st April 2004 and carrying out LSC funded asylum or immigration work should do this by completing the LSC form entitled “Immigration & Asylum Accreditation Scheme Application Form” (IAAS – APP) and returning it to the LSC by 31st May 2004.** CLT will publish details of the assessments in May and advisers must notify them of the date and location of the assessment they wish to take. Assessments will commence in June.
- 3.3 Advisers wishing to become accredited at Level 1 (Accredited Caseworker) must register initially as Probationers. They may, if they wish, take the Probationer assessment to demonstrate their basic immigration and asylum knowledge. However for those employed at 1st April 2004, this assessment is optional. Within twelve months of registration as a Probationer, they must pass the Accredited Caseworker assessment. This assessment is compulsory.
- 3.4 The restrictions on the work of Probationers and Accredited Caseworkers will only apply from 1st April 2005. Therefore, if an adviser passes the Level 1 Accredited Caseworker assessment before 1st April 2005 there will in fact be no restrictions on the work they do until 1st April 2005.
- 3.5 Advisers wishing to become accredited as Senior Caseworkers must ensure they pass the Senior Caseworker assessment by 1st April 2005 if they intend to continue doing LSC funded immigration and asylum work. They must demonstrate that they have knowledge of all aspects of immigration and asylum and a detailed understanding of either asylum *or* immigration law and practice (as set out in ‘Competence Standards and Work Restrictions’).
- 3.6 **All suppliers must have at least one adviser who has demonstrated detailed knowledge of asylum.**
- 3.7 Advisers who were members of the Law Society’s Immigration Law Panel on 31st December 2003 have been passported to the Senior Caseworker level and do not need to take the Senior Caseworker assessment. However, when their panel membership expires, they must take and pass the Senior Caseworker assessment in order to continue doing LSC funded work.
- 3.8 There is no obligation for Senior Caseworkers to go on to become accredited as Advanced Caseworkers. However, Advanced Caseworkers will qualify for the enhanced remuneration rate of +5% on all their work. This enhanced rate became available on 1st April 2004. In order to be accredited as an Advanced Caseworker, an adviser must first achieve an outstanding result in their Senior Caseworker assessment and then pass the Advanced Caseworker assessment.

4 Getting Accredited (for those first employed after 1st April 2005)

- 4.1 Where a supplier recruits advisers after 1st April 2005 and those advisers have not been accredited during their previous employment, the supplier must ensure that they apply for accreditation at either level 1 or level 2.
- 4.2 Advisers must decide which is the most appropriate level of accreditation for them. As soon as possible they must register with the LSC their intention to apply for accreditation by completing form IAAS – APP. Following this, they must notify CLT of the date and location of the assessment they wish to take.
- 4.3 Advisers wishing to become accredited at Level 1 (Accredited Caseworker) must register initially as Probationers. Within three months of registration they must take the Probationer assessment to demonstrate their basic immigration and asylum knowledge. For those first employed after 1st April 2005, this assessment is compulsory. Within twelve months of registration as a Probationer, they must pass the Accredited Caseworker assessment. This assessment is compulsory.
- 4.4 Those advisers who do not pass the Accredited Caseworker assessment within twelve months will be barred from carrying out any LSC funded work. They may re-take the assessment later once they feel they have gained the necessary skills and knowledge. However, in the meantime, they will only be allowed to carry out pro bono or private work.
- 4.5 The restrictions on the work of Probationers and Accredited Caseworkers will apply immediately from 1 April 2005. Therefore, advisers first employed after 1st April 2005 must observe immediately the work limitations for Probationers and Accredited Caseworkers set down in the document entitled “Competence Standards and Work Restrictions”.
- 4.6 The procedure for becoming accredited as a Senior or Advanced Caseworker is the same as for those advisers employed at 1st April 2004 (see section 3 above).

5 Supervision

- 5.1 Anyone intending to supervise others after 1st April 2005 must become accredited by that date as either a Senior or Advanced Caseworker. They must also pass the separate supervisor module by the same date. As of 1st April 2005, the only route to becoming a supervisor will be the accreditation scheme (subject to very limited exceptions).
- 5.2 All suppliers, except agencies that have only one caseworker who is self-supervising, must have at least one supervisor who has passed the new supervision module.
- 5.3 In agencies with only one caseworker, that caseworker does not need to take the supervision module but must continue to meet the requirements in section D3.3 of the Specialist Quality Mark. They must also continue to meet the legal competence and training requirements at section D3.2 and D3.4 of the Specialist Quality Mark.
- 5.4 Advisers who were members of the Law Society’s Immigration Law Panel on 31st December 2003 will have to pass the supervision module by 1 April 2005 if they want to work as a supervisor.

6 Paying for accreditation

- 6.1 The assessment organisation will publish details of its fees for assessment shortly. Advisers will need to pay the fee in full when booking an assessment date. The LSC will make a contribution to the fees of successful applicants so long as they are employed to do LSC funded work. The level of contribution is yet to be confirmed.
- 6.2 The LSC will pay contributions to the cost of assessment of successful volunteers as long as they meet the requirements of the Specialist Quality Mark to perform LSC funded work. They will not contribute towards the cost of accreditation of agents or clerks unless they are employed under a contract of service.
- 6.3 The LSC will only contribute to the cost of assessment of successful supervisors if the individual has been approved by the LSC to act as a supervisor.
- 6.4 The LSC will not pay a contribution to the cost of any applicants who fail an assessment. However, if the adviser decides to re-take the assessment and passes, the LSC will pay a contribution towards the cost of the assessment that is successfully passed.

7 Further accreditation

- 7.1 Accredited caseworkers may apply for accreditation as Senior Caseworkers at any time if they feel they have the knowledge and skills required. They can do this by registering with the LSC and applying to the assessment organisation to take the Senior Caseworker assessment. The LSC will contribute to the cost of assessment of successful applicants.
- 7.2 Senior Caseworkers who wish to take the Supervisor assessment may do so at any time. The LSC will contribute towards the cost of assessment so long as LSC has agreed that it is necessary for the applicant to become a supervisor.

8 Re-accreditation

- 8.1 Accreditation will last for three years. At the end of three years, advisers must apply to the assessment organisation for re-accreditation. The LSC will send reminders to individuals to let them know that re-accreditation is due. The LSC will contribute to the cost of re-accreditation of successful applicants.

Getting further help

Network Contacts

<p>Development Team Manager Advice UK 12th Floor New London Bridge House 25 London Bridge St London SE1 9ST ☎ 020 7407 6622</p>	<p>Citizens Advice Myddelton House 115-123 Pentonville Road London N1 9LZ</p> <p>Bureau Management Consultancy Line ☎ 0845 120 2035</p> <p>CLS Consultancy Line ☎ 020 7833 7046/7134</p>	<p>Lynn Evans Law Centres Federation 18-19 Warren Street London W1P 5DB ☎ 020 7387 8570</p>
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Legal Services Commission Regional Office contacts

You can also contact your regional LSC office.

<p>London 29-37 Red Lion Street London WC1R 4PP</p> <p>☎ 020 7759 1500</p>	<p>North Western 2nd Floor, Elisabeth House 16 St Peter Square Manchester M2 3DA</p> <p>☎ 0161 244 5000</p>	<p>South Western 33-35 Queens Square Bristol BS1 4LU</p> <p>☎ 0117 302 3000</p>
<p>South Eastern 3rd-4th Floor Invicta House Trafalgar House Brighton BN1 4FR</p> <p>☎ 01273 878800</p>	<p>North Eastern Eagle Star House Fenkle Street Newcastle NE1 5RU</p> <p>☎ 0191 244 5800</p>	<p>East Midlands Fothergill House 16 King Street Nottingham NG1 2AS</p> <p>☎ 0115 908 4200</p>
<p>Southern 80 King's Road Reading RG1 4LT</p> <p>☎ 0118 955 8600</p>	<p>Yorkshire & Humberside City House New Station Road Leeds LS1 4JS</p> <p>☎ 0113 390 7300</p>	<p>Wales Marland House Central Square Cardiff CF1 1PF</p> <p>☎ 029 2064 7100</p>
<p>Eastern 62-68 Hills Road Cambridge CB2 1LA</p> <p>☎ 01223 417800</p>	<p>West Midlands City Centre Podium 5 Hill Street Birmingham B5 4UD</p> <p>☎ 0121 665 4700</p>	<p>Merseyside Cavern Walks 8 Mathew Street Liverpool L2 6RE</p> <p>☎ 0151 242 5200</p>

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