

# OISC Guidance On Competence

The Advice Services Alliance's response to the  
Office of the Immigration Service  
Commissioner's consultation



- 1.1 ASA welcomes the opportunity to respond to this consultation.
- 1.2 The Advice Services Alliance (ASA) was established in 1980, and is the umbrella organisation for independent advice services in the U.K. Our aims are to:
- Champion the development of high quality information, advice and legal services;
  - Ensure that people are not denied access to such services on account of lack of means, discrimination or other disadvantage;
  - Encourage co-operation between organisations providing such services;
  - Provide a forum for the discussion of issues of common interest or concern to advice organisations.
- 1.3 Full membership of ASA is open to national networks of independent advice services in the U.K. Current full members are:
- Advice UK (formerly Federation of Information and Advice Centres)
  - Age Concern England
  - Citizens Advice (formerly National Association of Citizens Advice Bureaux)
  - Citizens Advice Scotland
  - DIAL UK (the disability information and advice service)
  - Law Centres Federation
  - Scottish Association of Law Centres
  - Shelter
  - Shelter Cymru
  - Youth Access

### **Introductory comments**

- 1.4 Our members represent over 2,000 organisations providing a range of services to diverse groups and working mainly on a local level throughout the U.K.
- 1.5 Our members include many agencies that have been exempted by the OISC. We also count amongst our members a number of agencies with Legal Services Commission contracts in immigration. Advisers working in those agencies have to pass the new LSC/Law Society accreditation exam by April 2005 in order to continue doing contracted work.
- 1.6 One of ASA's main concerns is to ensure that advisers working under LSC contracts in OISC exempted agencies do not become doubly regulated. We understand that the OISC is developing a quality audit that will involve written assessments. From April 2005, advisers working under LSC contracts will have passed a written exam. It is therefore essential to ensure that accreditation can be passported between the two schemes. Updating the OISC competences provides an opportunity to align the knowledge and skills requirements of the two schemes so that passporting becomes possible. We are pleased to see that the consultation draft includes changes which address this.
- 1.7 As the OISC is aware, the advice sector is involved in a project to develop national occupational standards. Given the OISC's role as regulator of immigration advice and its work developing competences for immigration advice, it will be important for the OISC and the NOS project to work closely together in future.

## Specific comments

1.8 We have some comments on the individual changes. Where no comment is made, we approve the change.

1,25	We are not convinced that the change to “advocacy” is accurate or helpful. Advisers carrying out work at level 3 do specialist casework as well as representing before the Tribunal. Indeed, some do not represent in person but instruct counsel to do so.
2	We agree with the decision to give guidance on how supervision should work. However, we do not feel the example is realistic as the Home Office only allows one representative to attend interviews.
3, 8	We think that it is a good idea not to permit any asylum work at Level 1.
6,7	We agree that representation at bail hearings should only be permitted at Level 3.
9	It is a good idea to give examples of the work not permitted at Level 1. However, the layout/font is not clear. The current layout suggests that everything below the title “WORK NOT PERMITTED”, including the work under the headings “nationality and citizenship”, “ EU and EEA immigration law”, and “detention etc”, is not permitted.
12	We agree with the inclusion of aptitudes as well as skills and feel that the section is more clearly worded than before.