

## **ILPA response to OISC Equality Questionnaire**

### **Ease of access to OISC services**

#### **Q1a) Ease of Access to the OISC website**

The main comment to make is that all information on the website is in English. This disadvantages persons in need to immigration advice who do not speak English who are seeking to find an advisor, to obtain more information about their advisor or to make a complaint. Inability to speak English can compound the effect of problems associated with other protected characteristics such as disability and in some cases reasons associated with a protected characteristic have impeded a person's learning English rapidly or at all.

There is no page on the website on 'Accessibility' detailing how those who are using the website can adapt it for their special needs.

As we do not have technical information about the website, it is difficult for us to determine how accessible it is to those who cannot see well or who have difficulties in using a mouse. Examples of matters that should be examined (and set out on the accessibility page of the website) are:

- The extent to which the website is accessible to screen readers and is usable in most browsers
- The access keys for the website (these allow a person to navigate between pages of the website using just a keyboard.
- It should be possible to access a text only version of the site with options to change foreground and background colours.
- All images should have ALT tags providing screen reader users and those with images turned off with a description of the content of the picture.

What we are able to ascertain from looking at the website is that:

- pale grey text on the site should be changed as this is very difficult to read.
- The smallest font on the site is smaller than is desirable for those with problems with their eyesight.

The comments on accessibility apply equally to the CPD website.

#### **b) and c) Ease of access to the OISC by telephone**

The 'contact us' page on the website does not provide details of text phone and text relay services and it is unclear whether these are available. They should be.

We do not know whether those who answer the general telephone lines in the OISC are able to communicate other than in English. This is desirable and also that

they have access to Language Line or a similar telephone interpreting service when the speaker does not speak English. See answer to question 1a above.

## **2. a) Ease of access to the building**

ILPA members and staff have visited the OISC offices for meetings. The building is easy to miss, even on a repeat visit. A map of its precise location and a picture on the website would be helpful and especially to those who, because of a disability, find it difficult to wander up and down.

The relatively heavy doors may present challenges to some.

## **b) Within the OISC offices**

ILPA members and staff have visited the OISC offices for meetings.

Consideration should be given to the following if not already in place (we do not know)

- induction loops
- crystal listening devices
- a list of staff able to speak in languages other than English available to receptionists
- staff trained as lip speakers and British sign language interpreters

## **Q.3 Improvements in service provision**

Characteristics such as age or having a disability may make it more difficult to get out and about and find immigration advice and may lead to isolation such that the person is less likely to receive personal recommendations. Indeed, matters associated with all protected characteristics can have this effect to a greater or lesser extent. Such people are particularly reliant upon regulation to ensure that if they go to an advisor that advisor is competent. As ILPA has set out many times, it is vital that the OISC operate careful controls as to the competence of those it admits to the scheme before they are allowed to start giving advice. The Immigration Services Commissioner has recently written to ILPA to set out steps that have been taken to strengthen the level of scrutiny of those applying to become immigration advisors at Level 1 and this is welcome. It must be accompanied by constant vigilance, to protect clients.

An accessible complaints procedure is one part of detecting where there are problems with the quality of advice, but all too many of those with cause for complaint will not get as far as lodging a complaint. Matters associated with protected characteristics, from general discrimination to the need for assistance with daily tasks, may make a person less likely to complain. The OISC could usefully monitor matters relating to protected characteristics among those making complaints, better to identify those to appear to be underrepresented and to think about ways to protect them against bad advice.

The OISC website is confusing when it says

“What we can’t help with

...

a complaint referring to a matter that occurred more than six months ago (this is within the OISC's discretion)”

The OISC can help with such complaints; it has a discretion as to whether or not it does so. The text on the website should be rewritten to make this crystal clear. Where a person has been inhibited from coming forward to complain for reasons associated with a protected characteristic, this may be an appropriate reason for the exercise of discretion.

Those wishing to complain are asked to read the complaints scheme, and provided with an address in writing. It would be helpful to provide a telephone number and email so that those who need advice or reassurance about complaining are able to speak to someone.

As important as formal complaints procedures, if the OISC is to have information about the quality of immigration advice, the types of problems that are occurring and specific concerns, are good relationships with migrant and refugee community organisations, women's groups and to persons providing direct support to such organisations and to their members. Set piece meetings have their place, but perhaps more important is getting out and about to these organisations and to the events that they are organising to keep channels of communication open.

Many cases that are dealt with badly by one advisor will end up with someone else: a barrister or solicitor, or an OISC regulated advisor. Again, keeping the channels of communication open with the advisors whom the OISC regulates, and with members of other professions is an important part of identifying the types of problems that are occurring and specific concerns. Again set piece meetings have their place but are only part of ensuring that such relations are maintained.

As to advisors, the information on becoming an advisor on the site is primarily factual and for those who have made the decision to become an immigration advisor. Information could usefully be provided to make clear that being of a particular gender, age, race, or having a disability is not bar to becoming an immigration advisor.

The quality of regulation is also relevant to the protection of the interests of competent advisors practising in immigration. There are many examples of general sweeping criticisms of those practising in immigration being pegged to accounts of unlawful or poor practice. Public hostility toward migrants and refugees may make them reluctant to seek help and advice about their status and negative comments about advisors may exacerbate the problem. Public statements and media reports, commenting on cases of unlawful or incompetent advice not infrequently draw special attention to the advisor's race or religion even where this appears irrelevant to the account. There is a risk that this practising in immigration law more difficult from persons from an ethnic minority, whether in terms of attracting clients, or pursuing their client's case. The extent to which OISC regulation is perceived as a quality mark will determine whether it offers advisors protection from guilt by association and thus the extent to which it helps those at risk of discrimination because of protected characteristics.

Competent advisors are entitled to a regulatory framework that inspires confidence in their competence. ILPA has raised with the OISC the question of the storage of, and access to, files from organisations regulated by the OISC when such organisations close down, pointing out that current arrangements are unsatisfactory and disadvantage clients. We have contrasted the arrangements for OISC regulated

organisations with those operated by the Solicitors Regulation Authority. Recent correspondence has demonstrated that the Legal Services Commission and the OISC itself share these concerns, which need urgently to be addressed.

In accepting an organisation as part of the OISC scheme the OISC makes demands of organisational structures as well as to the competence of individual advisors. The OISC could therefore usefully direct its members to helpful publications dealing with best practice in matters of equality in running a business.

It might be helpful if the OISC promoted, on its website and in its publications, examples of OISC regulated organisations/firms who provide examples of good practice in promoting equality, for example those that have flexible working arrangements generally, or excellent maternity arrangements.

### **Additional comments**

Hard copy publications should be produced in a matt rather than glossy finish to make it easier for people with sight problems or using aids to read them and consideration should be given to producing audio versions of materials.

We have suggested that the OISC could usefully monitor matters relating to protected characteristics among those making complaints. It could also usefully conduct such monitoring better to understand the characteristics of the providers it regulates and the sort of information and support they need from the OISC. There is scope for the OISC to do joint work better to understand discrimination on the basis of protected characteristics. For example ILPA would be interested in research looking at those working as OISC regulated advisors who would be qualified and would be entitled to practise as solicitors or barristers and why they have elected to work as immigration advisors. Such information has the potential to be of use to others such as the Bar Council and the Solicitors Regulation Authority in considering their own work on equality.

ILPA 6 May 2011