



Memorandum of Understanding

Office of the Immigration Services Commissioner and the
Legal Ombudsman

Introduction

1. The purpose of this Memorandum of Understanding (MoU) is to set out a framework for the Office of the Immigration Services Commissioner (OISC) and the Legal Ombudsman (LeO) to work together to perform their independent roles and separate functions as set out in the Legal Services Act 2007 (the 2007 Act) and the Immigration and Asylum Act 1999 (1999 Act) respectively.
2. The purpose of this agreement is to put in place clear arrangements and practices that will foster an effective and co-operative working relationship between LeO and the OISC.
3. LeO and the OISC wish to operate in accordance with good practice and are therefore committed to cooperating and sharing knowledge and expertise to benefit consumers of legal services and immigration advisory professions.

Roles of the OISC and LeO

4. The OISC was established by the 1999 Act as amended, to ensure that those who provide immigration advice and services are fit and competent to do so. It may receive complaints about persons providing immigration advice and services irrespective of whether such persons are OISC directly regulated, regulated by one of the Designated Professional Bodies (DPBs) or unregulated. The Commissioner must report each year to the Home Secretary on the effectiveness with which the DPBs (including the Law Society of England and Wales, the General Council of the Bar of England and Wales and the Institute of Legal Executives) regulate their members in their provision of immigration advice and services.
5. LeO is administered by the Office for Legal Complaints (OLC) under the 2007 Act. The role of the OLC is to set up and administer the LeO as the ombudsman service for all parts of the legal profession. LeO is an

independent and impartial service that users of legal services can access to resolve complaints about the service provided by their lawyer or firm.

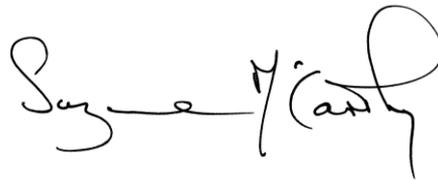
6. The statutory objective of LeO is to resolve disputes quickly and with minimum formality on the basis of what is fair and reasonable in all the circumstances. The scheme has both a statutory and the capacity for a voluntary jurisdiction.

Co-operation and information sharing

7. The OISC and LeO agree that they will:
 - a. communicate regularly to discuss matters of mutual interest;
 - b. seek to share expertise wherever appropriate; and
 - c. consult one another at an early stage on any issues which might have significant implications for the other organisation.
8. The OISC and LeO will exchange information in order to support each organisation's respective role, taking into account relevant restrictions on the disclosure of confidential or sensitive information.
9. When LeO receives a complaint about immigration advice and services provided by an OISC-regulated adviser or by a person who appears to be unregulated, it will forward the complaint to the OISC together with any supporting documents within 10 working days. The OISC will confirm receipt, and will deal with any complaints so received according to its own procedures. This will include forwarding it on to other regulatory bodies where appropriate.
10. Where an unregulated person is associated with a regulated lawyer or legal practice, then OISC will refer any complaints about the service provided to the LeO in line with the principles of entity based regulation. A person is associated with a practice if they conduct themselves in a way that might reasonably lead a consumer to believe that they were delivering services to consumers of the practice as an employee, principal, or agent of the practice.
11. When the OISC receives a complaint about an authorised person under the Legal Services Act practising in England or Wales, it will forward the complaint together with any supporting documents to LeO within ten working days. LeO will confirm receipt to the consumer, and will deal with any complaints so received according to its own procedures.
12. LeO recognises that the Approved Regulators who are also subject to the Immigration and Asylum Act 1999, will share information with the OISC as required to fulfil any regulatory requirements of that Act. LeO will not normally provide such information direct to the OISC as the Approved Regulators will be doing this. However where exceptional circumstances arise, or LeO agrees that urgent regulatory action by the OISC is needed and the information will

not reach the OISC promptly through other channels, LeO may pass information direct to the OISC.

13. If LeO receives a contact from a consumer regarding possible poor service or misconduct by a person who may be an OISC regulated adviser regarding immigration advice or services provided by a person who is, or appears to be unregulated (and not within paragraph 10), it will forward this information to the OISC within ten working days. LeO will also advise the consumer to contact the OISC if they have any further queries. For clarity, we will not report a lawyer who may also be regulated by the OISC under the provisions of this paragraph.
14. LeO and the OISC will liaise, as appropriate, to avoid unnecessary duplication of work and to promote the public interest in the handling of complaints about legal practitioners providing immigration advice and services.
15. LeO's Head of External Affairs and the OISC's Legal and DPB Team Manager will be responsible for determining and reviewing the above operational procedures and for putting in place effective working practices that meet the objectives of this agreement.
16. LeO and the OISC will monitor the operation of this MOU on an annual basis if required.



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Adam Sampson
Chief Ombudsman

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Suzanne McCarthy
Immigration Services Commissioner