

Framework Document for the Office of the Immigration Services Commissioner (OISC)

This framework document has been drawn up by the Home Office in consultation with the OISC. This document sets out the broad framework within which the OISC will operate. The document does not convey any legal powers or responsibilities. It is signed and dated by the Home Office and the OISC. Copies of the document are made available to members of the public on the OISC website.

This document must be reviewed and agreed within two months of:

- A new Commissioner appointment;
- A new senior sponsor being appointed;
- A significant change in policy.

Signed: Steve Newby

Signed: Ian Leigh

Date: 14 February 2017

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(On behalf of the department)

(On behalf of the OISC)

1. Purpose of the OISC

1.1 The OISC is an executive non-departmental public body established by the Immigration and Asylum Act 1999 to regulate the provision of immigration advice and services throughout the UK. It is led by the Immigration Services Commissioner – a corporation sole – supported by the Deputy Commissioner.

1.2 The OISC seeks to protect consumers by ensuring the continuing fitness and competence of registered advisers and organisations, setting standards for registration and promoting good practice throughout the sector. In addition, it operates a scheme to receive complaints relating to immigration advice (whether or not provided by registered organisations) and it enforces the regulatory regime by identifying and, where appropriate, prosecuting individuals who are acting illegally.

1.3 In addition, the Immigration Services Commissioner monitors the effectiveness of regulation of the immigration advice sector by bodies in Scotland and Northern Ireland which are beyond the jurisdiction of the Legal Services Board.

Governance and accountability

2. OISC's legal origins of powers and duties

2.1 The OISC's powers and duties stem from Part V and Schedules 5 and 6 of the Immigration and Asylum Act 1999 (as amended).

3. Overall aims

3.1 Parliament has determined that the OISC's aim should be to provide an effective system of regulation of those who provide immigration advice and/or immigration services within the UK in a manner which promotes good practice by those who provide such services and/or advice. It is also charged with investigating illegal activity and enforcing the legislative framework.

4. Independence

4.1 The OISC is classified as an Executive NDPB and operates at arms length from the Home Office. The OISC is operationally independent, with the ability to set KPIs, employ its own staff, determine applications for registration and make decisions concerning how and when to use the Commissioner's power to investigate complaints and to prosecute those acting illegally.

5. Ministerial responsibility

5.1 The Minister of State responsible for Immigration will account for business in Parliament.

5.2 The relevant Minister has power of direction over the OISC and may discharge this via an annual letter of direction. In the event of substantial changes in policy or the operating environment of the OISC this power can be used in year.

6. Sponsor department's accounting officer's specific accountabilities and responsibilities as Principal Accounting Officer (PAO)

6.1 The Principal Accounting Officer (PAO) of the Home Office has designated the Commissioner as the OISC's accounting officer. (The respective responsibilities of the PAO and accounting officers for ALBs are set out in Chapter 3 of *Managing Public Money* which is sent separately to the accounting officer on appointment.)

6.2 The PAO is accountable to Parliament for the issue of any grant-in-aid to the OISC. They are also responsible for advising the responsible Minister:

- On an appropriate framework of objectives and targets for the OISC informed by the Home Office's strategic aims.

- On an appropriate budget for the OISC set within the wider financial restrictions and spending priorities within the Home Office.
- How well the OISC is delivering its strategic aims and whether it represents value for money.

6.3 The PAO is also responsible for ensuring arrangements are in place in order to ensure ministerial priorities are carried through into the OISC, influencing their matching of resources to priorities where needed. This will include:

- Arrangements are in place to monitor the OISC activities on a continuous basis.
- Significant problems in the OISC are addressed, intervening when it is judged necessary.
- Risks to both the Home Office's and the OISC's respective objectives and activities are periodically assessed.
- The OISC is informed of relevant changes in government policy in a timely manner

7. Responsibilities of the Senior Sponsor

7.1 In its relationship with the OISC the Home Office will be represented at senior level within International and Immigration Policy Group. The senior sponsor will:

- Act as the contact for all official level contact between the OISC and the Home Office at senior management level.
- Support the Principal Accounting Officer in the discharge of their responsibilities.
- Hold regular meetings with the Commissioners to discuss performance against objectives and corporate measures including financial outturn.
- Ensure that performance data sufficient to provide a view of the health of the operation of the OISC is collected and where necessary integrated into Home Office corporate performance systems.
- Conduct an annual appraisal of the Commissioner's performance.

8. Responsibilities of the Sponsor Team

8.1 The sponsor team in Immigration Programme and Strategy Unit, part of the International and Immigration Policy Group, is the primary contact for the OISC. They are the main source of advice to the responsible Minister on the

discharge of their responsibilities in relation to the OISC. The sponsor team also support the Home Office's Principal Accounting Office and the Senior Sponsor in their responsibilities towards the OISC. They will:

- Provide advice to the Principal Accounting Officer and the Senior Sponsor to enable them to discharge their functions.
- Where appropriate, discharge responsibilities on behalf of the Principal Accounting Officer and Senior Sponsor.
- Where appropriate, seek OISC input to the development and revision of Home Office policies as they relate to matters relevant to immigration advisers.

9. Responsibilities of the Commissioner as Accounting Officer

General

9.1 The Commissioner as Accounting Officer is personally responsible for safeguarding the public funds for which they have charge; for ensuring propriety and regularity in the handling of those public funds; and for the day-to-day operations and management of the OISC. In addition, they should ensure that the OISC as a whole is run on the basis of the standards, in terms of governance, decision-making and financial management, that are set out in Box 3.1 to *Managing Public Money* and the code of corporate governance.

Responsibilities for accounting to Parliament

9.2 The accountabilities include:

- Signing the accounts and ensuring that proper records are kept relating to the accounts and that the accounts are properly prepared and presented in accordance with any directions issued by the Secretary of State.
- Signing a Statement of Accounting Officer's responsibilities for inclusion in the annual report and accounts.
- Signing the Governance Statement for inclusion in the annual report and accounts.
- Ensuring that effective procedures for handling complaints about the OISC are maintained and made widely known within the OISC.
- Acting in accordance with the terms of the Treasury document, *Managing Public Money*, and other instructions and guidance issued from time to time by the Home Office, the Treasury and the Cabinet Office.
- Giving evidence, normally with the PAO of the Home Office, when summoned before the PAC on the OISC's stewardship of public funds.

Responsibilities to the Home Office

9.3 Particular responsibilities to the Home Office include:

- Establishing, in agreement with the Home Office, the OISC's corporate and business plans taking account of the Government's wider strategic aims.
- Informing the Home Office of progress in helping to achieve the Home Office's policy objectives and in demonstrating how resources are being used to achieve those objectives.
- Ensuring that timely forecasts and monitoring information on performance and finance are provided to the Home Office; that the Home Office is notified promptly if over or under spends are likely and that corrective action is being taken; and that any significant problems, whether financial or otherwise and whether detected by internal audit or by other means, are notified to the department in a timely fashion.

10. The Commissioner

10.1 The Commissioner is accountable to the responsible Minister. The Commissioner is responsible for ensuring that policies and actions pay due regard to government policies and that their Office's affairs are conducted with probity. Where appropriate, these policies and actions should be clearly communicated and disseminated throughout the OISC.

10.2 In addition, the Commissioner has the following leadership responsibilities:

- Formulating strategy.
- Ensuring that proper account of guidance provided by the responsible Minister or the department is taken when reaching decisions.
- Promoting the efficient and effective use of staff and other resources.
- Delivering high standards of regularity and propriety.
- Representing the views and activities of the OISC to the organisation's stakeholders including the general public.

10.3 The Commissioner will also aim to ensure that the OISC's policies and actions are consistent with their statutory responsibilities as a regulator, and that the OISC's affairs are conducted with probity. The Commissioner is responsible for ensuring that the OISC fulfils the aims and objectives approved by Home Office Ministers and for promoting the efficient and effective use of staff and other resources. To this end, and in pursuit of their wider corporate responsibilities, the Commissioner shall:

- Establish and take forward the strategic aims and objectives of the OISC as agreed by Home Office Ministers;

- Ensure that the responsible Minister is kept informed (either directly or via the sponsor team) of any changes which are likely to impact on the strategic direction of the OISC or on the attainability of its targets, and determine the steps needed to deal with such changes;
- Ensure that any statutory or administrative requirements for the use of public funds are complied with; that the OISC operates within the limits of its statutory authority and any delegated authority agreed with the sponsor team and in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, they take into account guidance issued by the sponsor team;
- Ensure that the sponsor team receives regular financial information concerning the management of the OISC; is informed in a timely manner about any concerns about its activities; and provides positive assurance to the department that appropriate action has been taken or will be taken on such concerns;
- Demonstrate high standards of corporate governance at all times, including by using the OISC's Audit and Risk Assurance Committee to help address key financial and other risks.

10.4 The sponsor team working with the Commissioner will assist in ensuring that the Commissioner together with the Deputy Commissioner and members of the OISC's Senior Management Team receive appropriate training (including in partnership with the sponsor team) on financial management and reporting requirements. Regard must be had to the pressures the cost of that training may make on the OISC's budget.

11. Annual report and accounts

11.1 The OISC must publish an annual report of its activities together with its audited accounts after the end of each financial year. The OISC shall provide the Home Office with its finalised (audited) accounts, and complete the relevant interim and final consolidation packs within the department's timetable.

11.2 The annual report must comply with the Treasury's Financial Reporting Manual (FReM).

11.3 The report and accounts shall be laid in Parliament and made available on the OISC's website (www.oisc.homeoffice.gov.uk) in accordance with the guidance in the FReM. A draft of the report should be submitted to the sponsor team and comments received on the same timescale as the document is considered by the Audit and Risk Assurance Committee. The annual report and accounts should be prepared in accordance with the relevant statutes and specific accounts direction issued by the department as well as the FReM.

12 Internal audit

12.1 The Commissioner shall:

- Ensure that the OISC has established and maintained arrangements for internal audit in accordance with the Treasury's Public Sector Internal Audit Standards
- Appoint an Audit and Risk Assurance Committee to assist the Commissioner as the OISC's Accounting Officer in discharging relevant responsibilities. This committee must be composed entirely of external non-executives, in accordance with the Cabinet Office's *Guidance on Code of Practice for Public Bodies* and the *Audit Committee Handbook*;
- Forward the Commissioner's Head of Internal Audit's opinion on risk management, control and governance as soon as possible to the Home Office;
- Notify any significant changes to the OISC's internal audit arrangements to the sponsor team and keep records of, and prepare and forward to the Home Office, an annual report on fraud and theft suffered by the OISC. The OISC must notify the sponsor team of any unusual or major incidents as soon as possible and notify any changes to internal audit's terms of reference, the Audit and Risk Assurance Committee's terms of reference or their Office's Anti-Fraud Policy.

13 External audit

13.1 The Comptroller & Auditor General (C&AG) audits and reports upon the financial statements contained in the OISC's Annual Report and Accounts prior to them being laid before Parliament.

13.2 The C&AG:

- Will consult the Home Office and the OISC on whom – the NAO or a commercial auditor – shall undertake the audit(s) on their behalf, though the final decision rests with the C&AG.
- Has a statutory right of access to relevant documents, including by virtue of section 25(8) of the Government Resources and Accounts Act 2000, those held by another party in receipt of payments or grants from the OISC.
- Will share with the Home Office information identified during the audit process and audit report (together with any other outputs) at the end of the audit, and, in particular, on issues impacting on the Home Office's responsibilities in relation to financial systems within the OISC.
- Will, where asked, provide departments and other relevant bodies with Regulatory Compliance Reports and other similar reports which

departments may request at the commencement of the audit and which are compatible with the independent auditor's role.

13.3 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the OISC has used its resources in discharging its functions. For the purpose of these examinations, the C&AG has statutory access to documents as provided for under section 8 of the National Audit Act 1983. In addition, the OISC shall provide, in conditions to grants and contracts, for the C&AG to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations; and shall use all reasonable endeavours to secure access for the C&AG to any other documents required by C&AG which are held by other bodies.

Right of access

13.4 The Home Office shall have a right of access to all records related to the finance and governance of the OISC as required to discharge the obligations of the Home Secretary and Departmental Accounting Officer in relation to their oversight of the governance of the OISC.

Management and financial responsibilities

14. Managing Public Money and other government-wide corporate guidance and instructions

14.1 Unless agreed by the department and, as necessary, HM Treasury, the OISC shall follow the principles, rules, guidance and advice in *Managing Public Money*, referring any difficulties or potential bids for exceptions to the sponsor team in the Home Office in the first instance.

14.2 Once the budget has been approved by the Home Office and subject to any restrictions imposed, the Commissioner shall have authority to incur expenditure approved in the budget without further reference to the sponsor team on the following conditions:

- The Commissioner shall comply with the delegations set, and the classification of expenditure shall not be altered without the prior agreement of the sponsor team.
- The OISC shall comply with *Managing Public Money* regarding novel, contentious or repercussive proposals.
- The OISC shall conform with all Home Office and Government-wide spending controls.
- Inclusion of any planned and approved expenditure in the budget shall not remove the need to seek formal Home Office approval where any proposed expenditure is outside the delegated limits or is for new schemes not previously agreed.

- The OISC shall provide the Home Office with such information about the OISC's activities, performance of individual projects or other expenditure as the sponsor team may reasonably require.

15. Corporate governance

15.1 The Commissioner and Deputy Commissioner are appointed for respective periods of 5 years in accordance with the requirements set out in the Immigration and Asylum Act 1999 and are eligible for reappointment at the end of their term of office. Such appointments will comply with the Code of Practice of the Office of the Commissioner on Public Appointments.

16. Risk management

16.1 There must be systems in place to ensure that the risks that the OISC faces are dealt with in an appropriate manner. In accordance with relevant aspects of best practice in corporate governance, the Commissioner will develop a risk management strategy, in accordance with Treasury guidance. The Commissioner should adopt and implement policies and practices to safeguard the OISC against fraud and theft, in line with Treasury guidance. The Commissioner should also take all reasonable steps to appraise the financial standing of any firm or other body with which the OISC intends to enter into a contract or give grant-in-aid.

17. Corporate and business plans

17.1 By 31 December the Commissioner shall submit annually to the Home Office a draft of the Corporate Plan covering three years ahead. Prior to that, the Commissioner shall agree with the department the issues to be addressed in the Plan and the timetable for its preparation. The Plan shall reflect:

- The Commissioner's statutory duties and priorities, as agreed with Ministers.
- The OISC's key objectives and associated key performance targets and financial plans for the three forward years, and its strategy for achieving those objectives.
- Plans to deliver agreed efficiency savings.
- Key risks threatening delivery of objectives.

17.2 The first year of the Corporate Plan, amplified as necessary, shall form the Business Plan. The Business Plan shall be updated as necessary to include changes to key targets and milestones for the year immediately ahead, and shall be linked to budgeting information so that resources allocated to achieve specific objectives can readily be identified by the Home Office. Subject to any commercial considerations, the Corporate and Business Plans should be published on the OISC's website and separately made available to OISC staff.

17.3 The following key matters should be included in the Plans:

- Key objectives and associated key performance targets for the first year, and the strategy for achieving those objectives.
- An assessment of the risk factors that may significantly affect the execution of the Plan, but that cannot be accurately forecast.
- Other matters as agreed between the Home Office and the Commissioner.

18. Budgeting procedures

18.1 Prior to the beginning of each financial year, in the light of decisions reached in agreeing the corporate plan, the Senior Sponsor will send to the OISC:

- A formal statement of the annual budgetary provision allocated by the Home Office in the light of competing priorities across the department and of any forecast income approved by the Home Office.
- A statement of any planned change in policies affecting the OISC.
- Any significant financial decisions not covered by formal delegation must be agreed by the responsible Minister.

19. Grant-in-aid and any ring-fenced grants

19.1 Any grant-in-aid provided by the department for the year in question will be voted in the department's Supply Estimate and be subject to Parliamentary control.

19.2 The OISC will set out the request for funding for the forthcoming financial year by 31 December of the current year. The requested level of funding will be referenced against the level of grant-in-aid given for the current year, and the request will include reasons for the level required for the forthcoming year. The reasons for the requested level of funding will refer to the Corporate and Business Plans, and will have regard to the level of regulatory activity being undertaken by the OISC.

19.3 The grant-in-aid will normally be paid in monthly instalments on the basis of written applications showing evidence of need. The OISC will comply with the general principle that there is no payment in advance of need. Cash balances accumulated during the course of the year from grant-in-aid or other Exchequer funds shall be kept at the minimum level consistent with the efficient operation of the OISC (normally the equivalent of one months GIA funding). Grant-in-aid not drawn down by the end of the financial year shall lapse. Subject to approval by Parliament of the relevant Estimates provision, where grant-in-aid is delayed to avoid excess cash balances at the year-end, the Home Office will make available in the next financial year any such grant-in-aid that is required to meet any liabilities at the year end, such as creditors.

19.4 In the event that the Home Office provides the OISC with separate grants for specific (ring-fenced) purposes, it will issue the grant as, and when, the OISC needs it on the basis of a written request. The OISC will provide evidence that the grant was used for the purposes authorised by the Home Office. The OISC shall not have uncommitted grant funds in hand, nor carry grant funds over to another financial year.

19.5 The Commissioner may retain any gifts, bequests or similar donations. These shall be treated as receipts. Donated assets do not attract a cost of capital charge, and a release from the donated assets reserve should offset depreciation in the operating cost statement. Before proceeding in this way the Commissioner shall consider if there are any associated costs in doing so or any conflicts of interest arising. The Commissioner must keep a written record of any such gifts, bequests and donations and of their estimated value and whether they are disposed of or retained.

Fines, taxes and other receipts

19.6 Most fines and most taxes (including some levies and some licences) are not negative public expenditure and do not provide additional DEL spending power. Such receipts shall be surrendered to the Home Office.

Unforecast changes in in-year income

19.7 If the OISC's income realised or expected to be realised in-year is less than estimated, the Commissioner shall inform the sponsor team at the earliest opportunity. Unless agreed with the Home Office, the Commissioner should explore options to reduce its gross expenditure so that the authorised provision is not exceeded.

19.8 If the OISC's income realised or expected to be realised in the year is more than estimated, the Commissioner may apply to the Home Office to retain the excess income for specified additional expenditure within the current financial year without an offsetting reduction to grant-in-aid. The Home Office shall consider such applications taking account of competing demands for resources. If an application is refused, any grant-in-aid shall be commensurately reduced or the excess receipts shall be required to be surrendered to the Exchequer via the Home Office.

Disposal of assets

19.9 The OISC may dispose of assets which are surplus to their requirements and shall be sold in accordance with Managing Public Money and FReM. The OISC may retain receipts derived from the sale of assets provided that:

- The Home Office and the Treasury are content for the OISC to retain these receipts.
- They are used to finance other capital spending.
- The Home Office receives prior notification of individual sales and is satisfied that total sales will not exceed 3% of the OISC's grant-in-aid.

19.10 If, notwithstanding the above, the OISC disposes of assets which have been purchased, improved or developed with Exchequer funds and the receipts exceed the delegated limit, or where the disposal has unusual features of which Parliament should be aware, Parliamentary approval shall be secured for the receipts to be reinvested. The receipts shall therefore be surrendered to the Home Office, which shall then submit an Estimate seeking approval for the receipts to be appropriated in aid by the Home Office and for a corresponding increase in the OISC's grant-in-aid. If the proposed new investment exceeds the Commissioner's relevant delegated authority the Home Office's approval will be needed. If the proposed new investment is novel or contentious the Treasury's approval will also be needed.

Borrowing and reserves

19.11 The OISC shall not borrow money unless authorised to do so (whether generally or specifically) by the Home Secretary. No grant-in-aid shall be paid into any reserve held by the OISC. Funds in any reserve may be a factor for consideration when grant-in-aid is determined.

20. Fees and Charges

20.1 In general the fees or charges for any services supplied by the OISC shall be determined in accordance with the *Treasury's Fees and Charges Guide*. Where there are specific legislative requirements, e.g. FOI, the OISC shall comply with the relevant Statute.

20.2 Subject to the *Fees and Charges Guide* the OISC should seek to maximise receipts from non-Exchequer sources where this is proportionate and consistent with the OISC's statutory functions and in line with the OISC's Corporate Plan as agreed with the Home Office.

20.3 The OISC and the Home Office shall review annually the appropriate level of fees payable by applicants seeking registration or continued registration, taking into account such information about costs, forecast demand levels and other matters as may be relevant.

20.4 All receipts (e.g. from fees and charges, interest and court costs) should be passed to the Home Office at such times and in such a manner as the Home Secretary may require. Where the collection of such income by the OISC has resulted in a charge being paid by the OISC (e.g. bank charges connected to electronic credit card payments), the money passed to the Home Office can be the net amount after such charges have been deducted by the OISC therefore ensuring that there is a cost neutral effect on the OISC in collecting such payments.

20.5 The OISC may reimburse an applicant up to a sum equal to the registration application fee paid, provided the Commissioner is satisfied that either the application has been made in error, that the OISC has in some material respect mishandled the application, or that a refund is justified on medical or compassionate grounds. In those cases where the OISC has mishandled an application, payment shall be made by the OISC from

allocated grant-in-aid. In the event of an applicant being reimbursed due to error or on medical or compassionate grounds, payment shall be made from fee receipts held by the OISC but not yet transferred to the Home Office. The OISC shall on request provide the Home Office with a list of all such payments made, detailing the name and address of each recipient and the sum paid in each case.

21. Reporting performance to the department

21.1 The OISC shall operate management, information and accounting systems that enable the Commissioner to review in a timely and effective manner the OISC's financial and non-financial performance against the budgets and targets set out in the Corporate and Business Plans. The Commissioner shall inform the Home Office of any significant changes that make achievement of the objectives more or less difficult and/or lead to a significant change in risk exposure. This includes risks to achieving objectives, public protection, reputation and finance. The OISC shall report financial and non-financial performance, and the achievement of key objectives on a monthly basis. The OISC's performance shall be formally reviewed quarterly by the sponsor team.

21.2 The responsible Minister will meet the Commissioner at least once a year, to discuss the OISC's performance, its risks, its current and future activities and any policy developments relevant to those activities. Should the OISC's performance fall significantly below the levels agreed in the business plan the responsible Minister may impose sanctions fitting the circumstances. These may include but are not limited to a removal of delegated freedoms or a reduction in budget or any combination of sanctions felt necessary to get performance back to the agreed levels.

21.3 The responsible Minister can request and receive specific performance data where they have reasonable grounds to be concerned about performance in that area.

Providing monitoring information to the department

21.4 Arrangements must be made with the sponsor team to monitor each of the following areas in order to allow them to provide an annual report to the departmental board.

- Performance
- Strategic clarity
- Efficiency
- Capabilities
- Risk

21.5 As a minimum, the OISC shall provide the Home Office with information monthly that will enable the department satisfactorily to monitor:

- The OISC's cash management;
- Its draw-down of grant-in-aid;
- Other data required for the Online System for Central Accounting and Reporting (OSCAR).

21.6 The OISC shall also provide details of cheques (dates remitted, source of income and amounts) each time they are remitted to the Home Office, with details copied to the sponsor team.

ALB/Department working level liaison arrangements

21.7 Officials of the sponsor team in the Home Office will liaise regularly with the Commissioner, the Deputy Commissioner and the OISC staff to review the OISC's financial performance against plans, achievement against targets and expenditure against its DEL and AME allocations. The sponsor team will also take the opportunity to explain wider policy developments that might have an impact on the Commissioner and the OISC.

22. Delegated authorities

22.1 The OISC's delegated authorities are set out in Appendix 1. The OISC shall obtain approval from the Senior Sponsor before:

- Entering into any undertaking to incur any expenditure that falls outside the delegations or which is not provided for in the Commissioner's annual budget as approved by the department.
- Incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant future cost implications.
- Making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by the Home Office.
- Making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required.
- Carrying out policies that go against the principles, rules, guidance and advice in Managing Public Money.

23. The OISC staff

23.1 Within the arrangements approved by the responsible Minister and the Treasury the Commissioner will have responsibility for the recruitment, retention and motivation of their staff. The broad responsibilities the Commissioner has towards OISC staff are to ensure that:

- The rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued; appointment and advancement is

based on merit: there is no discrimination on grounds of gender, marital status, sexual orientation, race, colour, ethnic or national origin, religion, disability, or age.

- The level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness.
- The performance of OISC staff at all levels is satisfactorily appraised and the OISC's performance measurement systems are reviewed from time to time.
- Staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve the Commissioner's objectives.
- Proper consultation with staff takes place on key issues affecting them.
- Adequate grievance and disciplinary procedures are in place.
- Whistle-blowing procedures consistent with the Public Interest Disclosure Act are in place.
- A code of conduct for staff is in place based on the Cabinet Office's Model Code for Staff of Executive Non-departmental Public Bodies.

Staff costs

23.2 Subject to its delegated authorities, the Commissioner shall ensure that the creation of any additional posts does not incur forward commitments that will exceed the OISC's ability to pay for them.

23.3 The Home Office may direct the OISC to join Home Office and/or government shared services (such as for finance and IT) to make the best use of resources, following discussion of the consequences and any cost changes being reflected in the financial allocation made to the OISC. These would be within a defined framework according to arrangements agreed between the OISC and the Home Office.

Pay and conditions of service

23.4 The Home Office should have regard to the Cabinet Office Guide to Public Bodies that provides guidance on staff issues in public bodies. OISC staff are subject to levels of remuneration and terms and conditions of service (including pensions) within the general pay structure approved by the Home Office and the Treasury.

23.5 The OISC shall operate a pay scheme that shall form part of the general pay structure approved by the Home Office and the Treasury. The OISC will submit a pay remit to the Home Office on an annual basis to determine the pay envelope for the next financial year. The OISC shall comply with the EU Directive on contract workers – the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations.

Pensions, redundancy and compensation

23.6 The OISC's staff shall normally be eligible for a pension provided through the Civil Service pension arrangements. Staff may opt out of the occupational pension scheme provided by the Commissioner, but that employers' contribution will be limited to the National Insurance rebate level.

23.7 Any proposal for the OISC to move from the existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of the Home Office. Proposals on severance must comply with the rules in chapter 4 of *Managing Public Money*.

24. Arrangements in the event that the OISC is wound up

24.1 The sponsor department shall put in place arrangements to ensure the orderly winding up of the OISC. In particular it should ensure that the assets and liabilities of the OISC are passed to any successor organisation and accounted for properly. (In the event that there is no successor organisation, the assets and liabilities should revert to the sponsor department.) To this end, the department shall:

- Ensure that procedures are in place in the OISC to gain independent assurance on key transactions, financial commitments, cash flows and other information needed to handle the wind-up effectively and to maintain the momentum of work inherited by any residuary body.
- Specify the basis for the valuation and accounting treatment of the OISC's assets and liabilities.
- Ensure that arrangements are in place to prepare closing accounts and pass to the C&AG for external audit, and that, for non-Crown bodies including the OISC funds are in place to pay for such audits. It shall be for the C&AG to lay the final accounts in Parliament, together with his report on the accounts.
- Arrange for the most appropriate person to sign the closing accounts. In the event that another ALB takes on the role, responsibilities, assets and liabilities, the succeeding ALB AO should sign the closing accounts. In the event that the department inherits the role, responsibilities, assets and liabilities, the sponsor department's AO should sign.

24.2 The OISC shall provide the department with full details of all agreements where the OISC or its successors have a right to share in the financial gains of developers. It should also pass to the department details of any other forms of claw-back due to the OISC.