



Home Office

Audit and Compliance.

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Audit and Compliance

The session will cover the following.

- Building good quality student files.
- When and why would we undertake an audit?
- What happens on an audit?
- Post audit outcomes.

Student files – What are the building blocks of the perfect Tier 4 file?

- Whether paper or electronic, or a combination of both, all the files share the same building blocks.
- The files may look very different from one institution to another but all share the same DNA so should contain the same, mandatory data.



Student files – Sponsor Guidance

- What is in the Sponsor Guidance?
- Appendix D details the list of documents we expect –
 - Copy of student's passport – bio page and all pages with immigration endorsement
 - Copy of Biometric Residence Permit
 - Attendance records
 - Contact details
 - ATAS (where appropriate)
 - How recruited?
- Recruitment information is the final thing mentioned in Appendix D but it is what we would expect to see a file built around.



Student files – recruitment processes.

“Copies (or originals where possible) of any evidence assessed by you as part of the process of making an offer to the migrant. For example copies of references, examination certificates etc”



Audit and compliance.

Triggers:

- Intelligence and trends from the overseas entry clearance network
- UK intelligence and refusal trends
- Audit failure by other regulatory authorities

Pre-visit consideration and research.

The compliance officer should engage in a discussion, or have done research prior to the visit, to find out what your institution 'looks like'.

Do you have faculties or schools who are not on your main IT system(s) used for recruiting and monitoring students?

Where and how can those records be accessed?

Are the correct staff going to be available during the visit? This should be arranged when we let you know we intend to visit.

Our staff would want to meet any staff you think appropriate - but can the Director of International Students operate and demonstrate the IT system?



Attendance Monitoring

- Our attendance monitoring policy did not intend and does not require sponsors to create separate monitoring systems for international students
- You should not need to introduce separate contact points outside of timetabled lectures, seminars, tutorials etc to be able to monitor student attendance effectively.
- We deliberately do not prescribe a particular attendance monitoring or record-keeping system due to the number and diverse range of education providers licensed under Tier 4.

Attendance Monitoring

Our compliance visits will focus on three main questions when considering attendance monitoring arrangements:

- Is the individual continuing to study at your institution?**
- Do you have a robust attendance monitoring policy and process in place?**
- Are you following this attendance monitoring process in practice?**

Monitoring systems

Institution A

Use electronic attendance monitoring and 6 ID check points during the year to monitor their sponsored students.

They have a bar code scanner in place and student ID cards are scanned at the start of each class.

This system is linked to an internal system for monitoring purposes.

If a student goes missing during class then it is up to the lecturer to inform the International Office.

A narrative of any contact with the student is retained i.e. phone, e-mail, text, letter.

Electronic attendance monitoring is costly, can still be subject to misuse, is not the only method of compliance monitoring and is not necessarily a substitute for good record keeping.

Here are some other methods from sponsors maintaining Highly Trusted Status

Monitoring systems Institution B

Expected contacts are any timetabled contacts (i.e. lectures, tutorials, lab time).

Class lists to establish if there are any non-attendees.

Initially, any patterns of absence are monitored by the individual faculty.

If the faculty is unable to resolve the issue it is referred to the International Office.

They also have an engagement scheme whereby any attendance at the library, International Office or entrance via a barrier system is recorded.



Monitoring systems Institution C

The sponsor sets up 10 expected interactions for the academic year (these expected interactions can be any form of contact with the institution including email contact or a meeting with the International Office).

These interactions are recorded on an electronic database.

If the student misses 4 expected interactions then action was taken by the international office.

If the missed interactions are during the academic year a meeting is arranged and a verbal warning is issued.

If the missed interaction is near the end of the year then an email warning is issued.

If there is further non attendance a final warning is issued.



Student files – valid leave to remain

Students with outstanding visa applications or appeals.

We expect to see an audit trail actively chasing up the student to check on progress.



Non-Compliance

- If anything comes to light which demonstrates a sponsor is not complying with their duties, we will take action against them. Such action could include;
- Suspension of the licence
- Revocation of the licence
- Reducing the number of CAS you may assign



Audit Process Map



Decision to suspend a sponsor licence

- If a decision to suspend a sponsor licence is made, we will write to you setting out our findings and offering you an opportunity to respond.
- We will set out our evidence and detail what part of the sponsor guidance you have failed to adhere to, for example;
 - *You did not inform the UK Border Agency via the Sponsor Management System (SMS) that 74 sponsored students assigned Confirmation of Acceptance for Studies (CAS) did not enrol on their courses. Enclosed at Appendix A is a list of the 74 students. This contravenes Paragraph 509 of the Tier 4 Sponsor Guidance which says:*
- *You must tell us if a student you have assigned a CAS to does not enrol on their course within the enrolment period. You must report this no later than 10 working days after the enrolment period has ended.*



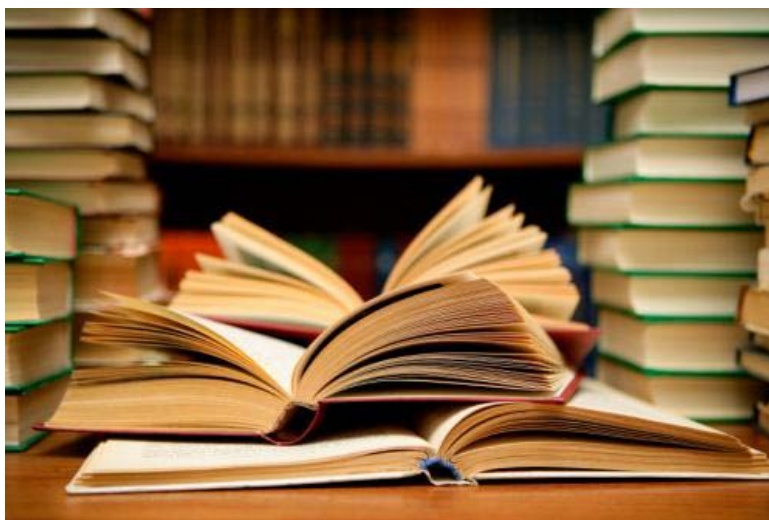
Suspended sponsors

- Suspension affects the Tier 4 Sponsor in the following ways:
 - You do not appear on the Tier 4 Register
 - You cannot assign any CAS
- Suspension effects sponsored students in the following ways:
 - If the student holds valid leave, they can continue studying
 - Any outstanding applications for leave are put on hold pending the outcome of the suspension
 - Any students already granted entry clearance will be allowed to commence study
 - Any outstanding applications for entry clearance are put on hold



Representation period

- You have 28 days in which to respond to our concerns. We expect you to address each and every issue we have set out in our suspension letter. You should submit evidence to support your response.
- We may visit you to assess your current compliance, particularly if you claim to have improved processes since the suspension took place.
- We will then make a final decision regarding your licence, taking into account the original reasons for suspension, your representations and any findings from a follow up visit.



Revoked sponsors

- If your sponsor licence is revoked:
 - You will be permanently removed from the sponsor register
 - Any outstanding leave or entry clearance applications will be refused. The student must either make new Tier 4 application with a new Tier 4 sponsor, apply for permission to stay in a different category, or leave the UK.
- If the student has existing leave:
 - we will curtail their permission to stay; and
 - Give the student up to 60 days to find a new sponsor or regularise their stay; or
 - Immediately curtail them if we think the student was involved in the reasons why the Tier 4 sponsor's licence was withdrawn.



Reinstatement

- If we reinstate your licence after suspension;
- You will be put back on the sponsor register at the rating you were prior to suspension
- Any outstanding applications for leave and entry clearance will be processed

