Thank you for the Committee’s report of 18 September 2019 on English language tests for overseas students.

As requested by the Committee, we are responding to the first recommendation that the Home Office should write to the Committee immediately to explain what lessons it has learnt and what specific steps it has taken to ensure that such large-scale abuse cannot happen again.

The first point I would make is that the Tier 4 student route has been completely reformed since the period when the majority of cheating in these tests occurred between 2011-2013.

As set out before the committee, this fraud did not happen in isolation and must be placed in the context of wider abuse of the student route. At the heart of the problem was private colleges offering courses as a backdoor route to work in the UK.

Since 2010, more than 1,000 of these institutions have had their sponsor licences removed and, as a result, are no longer able to sponsor international students. We have taken steps to ensure that such providers cannot gain a licence in future, and only genuine education providers can gain a Tier 4 sponsor licence and bring international students to the UK.

Each Tier 4 sponsor must maintain Educational Oversight (an independent assessment of the quality of its educational provision) and pass an annual Basic Compliance Assessment, which is a check that it is recruiting genuine students who enrol and complete their studies. We have also taken a number of steps to ensure that those granted a Tier 4 visa genuinely intend to study by increasing the English language and maintenance requirements and the need for a proven academic track record.

Taken together these actions mean that the risks of abuse in this route are significantly reduced, while still ensuring that the UK remains a highly attractive
destination for study. The success of this work can be seen by the fact that University sponsored applications have grown by 31% since March 2011 and are now at their highest recorded level (202,000). Latest Exit Checks data show that over 97% of those on student visas who were required to leave the UK did so within the terms of their visa.

It is right that individuals seeking to come to the UK to study, work and remain in the UK for long periods of time are able to demonstrate their ability to listen, speak, read and write English to a required level to support individuals’ integration into society. As such, it is a requirement of most immigration routes to evidence English language ability through English language testing provided by Secure English Language Testing (SELT) providers and for individuals to demonstrate they are proficient to the required level of each of the four components (listening, speaking, reading and writing) of the test.

In 2007, the then Border and Immigration Agency (BIA) Points Based System Operational Policy Team conducted an exercise to identify English language tests to be included in the launch of Tier 1 (highly skilled workers) route of the Points Based System the following year. This initial exercise was not run as a procurement project and there were no contractual agreements between the parties.

The principal reason for that was that there was no fiscal exchange happening between the UK Border Agency and ETS or any of the other SELT providers. It was a licence to provide a service to third parties who would themselves be paying ETS and the other SELT providers. We recognise that this model was not robust, and that a contractual model with appropriate safeguards should have been put in place at an earlier stage.

In 2011, a procurement exercise consolidated these separate arrangements into one namely Secure English Language Testing. The Home Office strengthened the SELT arrangements further in 2014 and again, from April 2015 following another procurement exercise. Under the 2015 procurement the Home Office reduced the number of providers and tests that are accepted under SELT. This has enabled us to manage the SELT providers closely and be assured of their activity under our duties and legal frameworks for managing commercial contracts.

As outlined below, the Home Office has introduced a number of safeguards under the SELT arrangements.

- Each month, SELT providers must attend performance review meetings held by the Home Office. They must also submit monthly and annual performance reports and arrange for an independent auditor to undertake and confirm specific requirements set by the Home Office are being met.

- For any Service Level Failures, the SELT provider must provide details to the Home Office. Notifications of suspected or confirmed
compromised testing require immediate notification and a written report on completion of the investigation.

- As part of the wider SELT reform, we have also taken steps to address the management of and processes within test centres, including a reduction in the number of test centres from over 1000 to less than 350, both in the UK and overseas (whilst expanding the number of countries where testing is available). This mitigates the risks of oversupply and enables the Home Office to achieve greater control to audit centres.

- Home Office approval is required before all centres become operational when they are opened and for the closure of all centres. All UK centres must be operated directly by the provider and minimal sub-contracting to third parties is allowed for overseas test centres, although test marking cannot be sub-contracted.

- The Home Office has introduced enhanced registration checks, limiting the number of documents accepted to prove a candidate’s identity required for the test.

These changes minimise the risk of such a large-scale abuse happening in the future.

In relation to our handling of the events after the discovery of the abuse in 2014, we do accept there are lessons to be learned. In hindsight, while there was obviously a need for rapid action given the scale of abuse, we acknowledge the Committee’s view that it would have been better to have had expert analysis of ETS’ voice matching processes before 2016.

As early as June 2014, a senior delegation from the Home Office visited the USA in order to obtain a thorough understanding of the processes that were being followed to generate “invalid” and “questionable” results. This did not, however, include individuals with specific expertise in voice analysis.

This was addressed, as the Committee is aware, by commissioning an independent expert report from Professor Peter French, Chairman of JP French Associates Forensic Speech Acoustics Laboratory and Professor of Forensic Speech Science at the University of York.

This report concluded that the number of false matches was likely to be very small and the processes used were more likely to give people the benefit of the doubt than to falsely flag people as having cheated.

It should be acknowledged that the courts at every level (up to the Court of Appeal) have said, even when finding against the Home Office on individual facts of a case, that the evidence the Department had was sufficient to make accusations of abuse. Individuals were able to challenge that accusation through either an appeal where available or judicial review, which many have done.
We do, however, accept that it would have been better if we had been clear, from the outset, that people could obtain the voice recordings analysed by ETS if they believed that they had been wrongly accused.

We note the report’s other recommendations and will respond to those in full in due course.

Yours sincerely,

Sir Philip Rutnam
Permanent Secretary

Shona Dunn
Second Permanent Secretary