



House of Commons  
Committee of Public Accounts

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# English language tests for overseas students

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**One Hundred and Sixteenth Report  
of Session 2017–19**

*Report, together with formal minutes  
relating to the report*

*Ordered by the House of Commons  
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### Contacts

All correspondence should be addressed to the Clerk of the Committee of Public Accounts, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 5776; the Committee’s email address is [pubacom@parliament.uk](mailto:pubacom@parliament.uk).

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## Summary

The Home Office's flawed reaction to a systemic failure by a private company has had a detrimental impact on the lives of over 50,000 overseas students the Home Office accused of cheating. Despite being aware of longstanding abuses in the Tier 4 student visa system, the Department designed an English language testing system that failed to recognise the potential incentive for sponsors and students to cheat. The Department appears to have been caught by surprise by the extent of fraud occurring in test centres. The system it designed left it with limited means to seek compensation from ETS Global BV, securing just £1.6 million in compensation for taxpayers, despite spending an estimated £21 million to respond to the cheating.

The Home Office's pace of response to the issue of cheating has either been 'full throttle' or 'too slow', with no middle ground. It has been quick to act on imperfect evidence, but slow in responding to indications that innocent people may have been caught up in its actions. The Home Office's decision to revoke the visas of thousands of individuals before properly verifying evidence provided by ETS has led to injustice and hardship for many people. The Department recognises that hundreds of students maintain their innocence but continues to suggest that there is only a small risk that people have been wrongly caught up in their actions. We are staggered that the Department thinks it is acceptable to have so little regard for the impact its actions might have on innocent people.

## Introduction

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The Home Office (the Department) designs and administers the points-based visa system which allows students from outside the European Economic Area to study in the UK. Most of these students must support their visa application by achieving a pre-determined level on a licensed and approved Secure English Language Test (SELT). The Test of English for International Communication (TOEIC), administered by the American provider ETS, was an approved SELT between 2011 and 2014. In 2014, however, a BBC Panorama investigation exposed wide-scale organised cheating on TOEIC tests, leading the Department to establish a Gold Command team in February 2014. The Department then took action against over 50,000 individuals. At least 11,356 of these people have since voluntarily left the UK, while the Department has removed or refused re-entry to the UK to at least 2,859 individuals. Hundreds, possibly thousands, continue to protest their innocence. Since April 2014, at least 12,500 appeals involving individuals matched to invalid or questionable TOEIC certificates have been heard by the courts. 40% of people making appeals to the first-tier tribunal have won their appeal. However, the Department continues to rely upon the evidence provided by ETS. To date, the Home Office has not taken any further steps to support individuals who are affected by its actions.

## Conclusions and recommendations

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1. **The Home Office's design of the Tier 4 visa system left it open to large-scale abuse.** Before 2014, the Department had been aware of issues of abuse within the Tier 4 system for some time and had already started to act on some of these abuses. In 2012 we examined the implementation of the Tier 4 visa system and recommended that the Department should identify and actively manage risks before it implements change. The Department now admits that its decision to use a licensing arrangement to support this system, where ETS Global BV provided a service directly to test-takers and not to the Department, was the "wrong model" and it did not have sufficient oversight over its licence agreement with ETS Global BV. The Department's design of the system failed to recognise the obvious incentives that sponsors and individuals would have to cheat the SELT system. Individuals taking the tests could gain the right to enter and study in the country, providing an opportunity which could then be exploited by criminal organisations. ETS estimates that up to 97% of individuals taking speaking tests conducted in the UK between 2011 and 2014 were suspected of cheating using proxies. The scale of cheating caught the Department off guard, even though it had in 2012 seen intelligence from ETS regarding possible cases of fraud on ETS tests, which had led ETS to remove licences from eight of its test centres. The Department claims that it has learned from these experiences and has improved its licencing system since the cheating claims emerged, but it is not able to identify specific improvements or what impact they had achieved.

**Recommendation:** *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.*

2. **The Home Office rushed to penalise students without establishing whether ETS was involved in fraud or if it had reliable evidence of people cheating.** In June 2014, the Department accepted ETS's analysis which identified individuals suspected of cheating within a TOEIC speaking test. Based upon this evidence, it acted swiftly against thousands of individuals by cancelling their visas, refusing pending applications or inviting them for interviews, but it did not conduct a thorough investigation of what had happened or whether the evidence ETS provided was reliable. The Department sent a team of civil servants to the United States in 2014 to gain assurances about ETS's data and its involvement in the cheating but did not ensure that the team had specific expertise or experience in linguistics or relevant technology. The Department only sought expert opinion and assurance two years after it began acting against individuals whom it suspected of cheating.

**Recommendation:** *The Home Office should, within three months of this report, write to the Committee with evidence of its assessment from 2014 that ETS were not criminally complicit.*

3. **The Home Office's commercial relationship with ETS meant it had insufficient recourse to claim compensation.** The Department estimates that it has spent £21 million in responding to the testing fraud. But it has only been able to secure compensation worth £1.6 million from ETS Global BV for its involvement in the fraud. The Department's licensing model for its Secure English Language Test providers meant it had limited capacity to seek any guarantees of compensation

from those providers in the case of any irregularities. The Department estimated that the cost of its Gold Command team response was just over £700,000, although it only tracked costs in other areas involved for a limited time and did not create new cost codes or accounting structures. The Department now recognises that it needs to improve the selection and management of its outsourcing partners. Its decision to use a licensing model was a mistake and the Department has committed to ensuring that its future agreements with private companies should include a redress mechanism in the event of contractor failure. The involvement of two overseas companies further complicated its ability to secure compensation.

**Recommendation:** *The Home Office should, within six months of this report, review its arrangement with overseas partners, including redress mechanisms in the event of contractor failure, and write to the Committee with its results.*

4. **It is entirely unacceptable that, despite now recognising that hundreds of people still maintain their innocence, the Home Office has not acted to put right the wrongs caused by its actions.** The Department has consistently argued that there was only a “very small” risk that its actions would affect innocent people and claims that it is concerned that hundreds of people continue to maintain their innocence. However, the Department has taken no action to proactively identify innocent people. Those who are affected by the Department’s action against them can go through the courts to try to demonstrate their innocence. But this can have a substantial financial and personal cost for those involved. Individuals also face several barriers in gaining access to the evidence that they need to demonstrate their innocence, such as the cost of conducting an appeal or the unavailability of their voice recordings from ETS. Many also still face difficulties finding a new sponsoring college or university even after winning their appeals. It is shameful that the Department knows it could have acted against innocent people but has not established a clear mechanism for them to raise concerns outside of the appeals process. We are encouraged that the Home Secretary has committed to looking at other options for people who feel they have been wronged to respond to accusations, and we await further statements on this subject.

**Recommendation:** *The Home Office should, within three months of this report, create and promote a fair and trustworthy means of helping all individuals who may have been wrongly accused to come forward and clear their names, including ensuring that all evidence from ETS is made available to them.*

5. **As with the Windrush scandal, the Home Office has once again not done enough to identify the innocent and potentially vulnerable people who have been affected.** During our evidence session, the Department admitted publicly for the first time that it was concerned that hundreds of innocent people continue to maintain their innocence, but it has not investigated this sufficiently. The Department has made no effort to identify individuals who have been wrongly accused. It justifies its position based on the evidence provided by ETS, the expert assurance it received in 2016 and the availability of the courts as a potential remedy. The Department relied solely upon the generic evidence provided by ETS and waited over two years to get any independent expert assurance on the methods ETS used to demonstrate cheating. The Department was willing to accept the evidence of ETS at face value, but it has not accepted additional evidence from those it has accused of cheating except

through the appeals process. It has not investigated contradictory evidence despite concerns that the National Union of Students and our sister Committee the Home Affairs Select Committee have raised and the number of appeals that individuals lodged against the Department's actions.

**Recommendation:** *The Home Office should address its lack of curiosity and establish safeguards to protect innocent people in the future, including ensuring that senior leadership do more to promote a culture of curiosity.*

# 1 The Department's oversight of the Tier 4 visa system

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1. On the basis of a report by the Comptroller and Auditor General, we took evidence from the Home Office (the Department) about English language tests for overseas students.<sup>1</sup>

2. The Department is responsible for designing and administering the points-based visa system which decides who can lawfully reside, work or study in the UK. It introduced Tier 4 of the Points Based System for student immigration in March 2009 to control the entry of students from outside the European Economic Area who come to the UK to study. Under immigration rules, most students from outside the EEA must take a licensed and approved Secure English Language Test (SELT). Higher Education institutions, such as universities, are allowed to assess applicants directly. From 2011 to 2014, ETS Global BV held a license for the administration and delivery of a Secure English Language Test called the Test of English for International Communication (TOEIC). ETS Global BV is a wholly-owned subsidiary of Educational Testing Service (ETS), a non-profit educational testing and assessment organisation whose headquarters are in the USA.<sup>2</sup>

3. In February 2014, a BBC Panorama investigation exposed organised fraud within the Tier 4 system, including evidence of cheating in two TOEIC test centres. The investigation showed proxies sitting TOEIC speaking tests and invigilators reading out multiple choice answers from reading and listening tests to candidates. ETS reviewed audio files from TOEIC speaking tests using voice recognition software and identified over 50,000 individuals who may have used proxies to take their test between 2011 and 2014. ETS declared these tests as either invalid, where human checks confirmed that the voices matched, or questionable, where some doubt remained about the match. ETS classified 33,663 tests, or 58% of all UK tests, as invalid and 22,476 tests, or 39% of all UK tests, as questionable.<sup>3</sup> ETS provided this evidence to the Department, which then started action against individuals with invalid tests. The Department cancelled the visas and refused any pending applications of individuals who ETS classified as having invalid certificates. People with questionable results were required to sit another test and attend a Home Office interview if they wished to extend their existing visas.<sup>4</sup>

## Design of the Tier 4 system

4. The Department recognised that there were “significant frailties” in the visa system that was established before 2010. In 2012, the National Audit Office estimated that a lack of controls when Tier 4 was implemented had meant that in 2009–10 between 40,000 and 50,000 individuals had come to the UK as students but with the intention of working.<sup>5</sup> The previous committee reported on these frailties in 2012 and concluded that the Department had implemented Tier 4 of the Points Based System for students without effective controls to prevent abuse. We recommended that, before new processes were

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1 C&AG's Report, [Investigation into the response to cheating in English language tests](#), Session 2017–19, HC 2144, 24 May 2019

2 C&AG's Report, paras 1.1, 1.7–1.11, Figures 1, 3

3 C&AG's Report, paras 2.1–2.2, 2.4–2.6

4 C&AG's Report, paras 3.3, 3.25–3.26

5 [Q 26](#)

rolled out, the Department should identify and actively manage risks before it implements change.<sup>6</sup> The Department accepted that the reforms to the visa system it had introduced in the previous decade left the system without sufficient checks and balances to ensure students were genuinely coming to the UK to study. It also admitted that these checks had been insufficient to determine whether the educational institutions which supported student visa applications were of a requisite quality.<sup>7</sup> The Department told us it had begun taking steps to address the frailties in the visa system, such as revoking the licences of colleges, and it claimed that this strategy was leading it towards ETS before the broadcast of the Panorama investigation. The Department revoked over 400 licences from sponsors associated with ETS between 2011 and 2014. However, it admitted that it was shocked by the scale of fraud exposed by the Panorama investigation and that its focus prior to 2014 had been on the standard of educational institutions.<sup>8</sup>

5. We heard that the Department set up a licensing agreement with SELT providers in 2007. The Department stated that it had assumed this licensing agreement did not need to conform to the same standards as a normal procurement. It explained that this was because third parties paid ETS Global BV to provide a service and not the Department. It could not explain why this assumption was made in 2007 and committed to looking into this, but admitted that the licensing system was “completely the wrong model”. The Department acknowledged that the licensing agreement left it without oversight over the integrity and standards of the visa system.<sup>9</sup> We asked whether the Department had fully considered the possibility that the design of the system provided a strong incentive for institutions and individuals to cheat in order to gain financially or in terms of their immigration status, and for criminal enterprises to exploit people’s desperation. The Department did not provide any further detail on this point.<sup>10</sup>

6. The Department explained that its actions against sponsors before 2014 did not directly relate to the validity of ETS certificates. Although it revoked 400 licences of centres specifically associated with ETS, these were for issues of general compliance. In 2012, the Department received intelligence from ETS about fraudulent behaviour in test centres, which had removed the licence to operate from eight of its test centres. Although ETS withdrew the results for 446 individuals whose tests were linked to those centres, the Department did not investigate wider cheating in ETS tests in response to this information. It could not explain why this had been the case and committed to providing further detail on the intelligence, when it was received and who acted upon it.<sup>11</sup> The Department asserted that it was now confident that the Tier 4 visa system was “broadly compliant” and that the standard of visa compliance among people coming to study in the UK was now “high to very high”.<sup>12</sup> It claimed that it had made several improvements to the Tier 4 visa system, including requiring licensees to regularly provide data to the Department and introducing stricter arrangements on how they conduct tests on the day. However, it was unable to explain what changes it had made to address issues surrounding the quality of the data that licensees provided, and the systems that SELT providers use.<sup>13</sup>

6 Committee of Public Accounts, *Immigration: The points based system - student route*, Seventh Report of Session 2012–13, HC 101, 24 August 2012

7 Q 26

8 Qq 29–31, 35

9 Qq 37–39

10 Q 32

11 Qq 35–37; Home Office letter to Committee dated 6 August 2019

12 Qq 27, 88

13 Qq 114–116

## The role of ETS

7. The Department absolved ETS of any involvement in the organised cheating by June 2014 and relied upon the evidence ETS provided.<sup>14</sup> We asked how the Department ruled out any complicity on the part of ETS. The Department explained that it did consider whether there was the potential for criminal action against ETS Global BV, but not ETS Global BV's American parent, ETS, as the two were considered separate companies. The Department told us that ETS was ultimately responsible for providing corrected results and test the validity of those results. It told us that there was a clear distinction between ETS Global BV, which was administering and providing tests in the UK, and ETS, which held the voice files needed to match the recordings taken as part of the tests and establish the scale of the problem.<sup>15</sup> The Department added that it had received legal advice which stated that it could rely upon the data provided by ETS, but it was unsure what the specific components of that advice were and committed to sending us a copy of that advice.<sup>16</sup>

8. Between February and June 2014, ETS faced a huge workload to reassess 66,000 TOEIC tests and applied three conditions to determine whether a test was invalid or questionable.<sup>17</sup> The National Audit Office found that ETS had not used its voice recognition techniques before to detect cheating in TOEIC tests. Each test was checked by two trained listeners after being tested by the voice recognition software. Nineteen staff experienced in assessing a different test, the Test of English as a foreign language (TOEFL), carried out voice biometric tests on the TOEIC sample.<sup>18</sup> The Department explained that ETS then provided corrected test results to the Department in May or June 2014. The Department started to take action against individuals who were identified as holding invalid certificates in June 2014, four months after the Panorama documentary.<sup>19</sup> The Department based this response entirely on ETS's evidence and accepted that it should have sought independent expert assurance, particularly in response to potential fraud at the scale ETS uncovered.<sup>20</sup> It acknowledged that it asked ETS to conduct its analysis quickly. The Department explained that this rapidity reflected Ministers' demands for a "speedy and robust response".<sup>21</sup>

9. The Department sent a team of civil servants to the United States in 2014 to provide assurance on the accuracy of the data provided by ETS on fraudulent tests. The National Audit Office found, however, that none of those in the delegation had expertise in linguistics or the technology or techniques being used by ETS to provide that assurance.<sup>22</sup> We asked, therefore, what the value was of sending a delegation to investigate whether criminal conspiracy had occurred if the delegation did not have the expertise needed to determine this. The Department explained that the purpose of this delegation was to investigate how ETS was analysing its data.<sup>23</sup> In 2015, the National Union of Students (NUS) raised doubts about the accuracy of the methods used by ETS. The NUS report suggested that as many as 2,000 people could have been incorrectly categorised.<sup>24</sup> However, we heard that the

14 Qq 45–46, 52–53, 64

15 Qq 47–50, 52–53

16 Qq 70–72

17 Qq 25, 47; C&AG's Report, para 2.13

18 C&AG's Report, paras 2, 2.4, 2.13

19 Qq 45–46, 48

20 Qq 57, 62, 94

21 Qq 34, 64

22 Q 54; C&AG's Report, para 2.7

23 Qq 53–54

24 C&AG's Report, para 2.8

Department waited until 2016, two years after it started taking action against individuals, before it sought independent expert assurance to support the validity of ETS's evidence. The Department accepted, though, that this independent expert assurance should have been secured earlier.<sup>25</sup>

## Compensation from ETS

10. The Department did not keep detailed records of its spending in responding to cheating, but estimated it had spent £21 million dealing with the repercussions of cheating in TOEIC by November 2017. This consisted of £9 million on immigration enforcement, £5.5 million on appeals and judicial reviews, £3 million dealing with temporary visa applications and £2 million on criminal and financial investigations. In 2018, the Department agreed a settlement of £1.6 million in compensation from ETS Global BV.<sup>26</sup> The Department could not identify how much it had spent on litigation against ETS Global BV, although it estimated that this amount was less than the £1.6m it eventually received.<sup>27</sup> The committee were concerned that this level of compensation did not reflect the level of cheating or the amount that ETS Global BV made from holding a SELT licence. The Department could not explain how much money ETS had made from holding a SELT licence, and the Department agreed that its licensing agreement provided significant value to ETS.<sup>28</sup>

11. The Department also failed to secure a larger amount of compensation as it did not adequately track the costs it incurred while tackling the fraud. The National Audit Office found that the Home Office's estimates were "extremely vulnerable" in demonstrating the costs it had incurred in responding to cheating.<sup>29</sup> Although the Department set up a Gold Command team, it had limited information on its costs, estimating this to be £700,000 based on the number of staff hours booked.<sup>30</sup> The Department explained that it made basic attempts to record the cost of its response to cheating in TOEIC, but did not set up new costs codes or a specific method of tracking this. We were concerned that tracking what the Department was spending had been an afterthought. The Department explained that it was "overwhelmingly focused" on responding to the issue, including closing bogus colleges and dealing with people who it suspected of cheating. The Department also highlighted the difficulty of establishing that its £21 million costs were causally related to the fraud.<sup>31</sup>

12. We asked whether the Department's decision to use a licence arrangement for SELT, rather than a formal contractual relationship with providers, affected the Department's ability to secure compensation. The Department acknowledged that a contract model could have provided stronger guarantees over ETS's liability to pay compensation, but it stressed that this would not automatically have been the case. The Department told us that the amount of compensation it could have secured through a contractual model would have depended on whether the contract included parent company guarantees or parent company support. It explained that the ETS Global BV's UK branch had ceased trading

25 Q 62

26 C&AG's Report, para 3.7, Figure 8

27 Qq 89, 91, 93

28 Qq 38, 73–76

29 C&AG's Report, para 3.12

30 Qq 61–62; Home Office letter to Committee dated 6 August 2019

31 Qq 80–83; Home Office letter to Committee dated 6 August 2019

at the time the Department was seeking compensation, and that its legal advice was that it could only seek compensation from ETS Global BV.<sup>32</sup> The Department was unable to explain to us what level of due diligence it had conducted before starting its legal action against ETS Global BV, but it defended taking this decision.<sup>33</sup> It asserted that it had “tried long and hard to get more but the sad fact is that the assets available were essentially only slightly more than the amount that we got”. It similarly asserted that if it had decided to go through litigation instead of settling, it was likely that it would have received less, or no, compensation, and its legal advice at the time had been to agree to the settlement.<sup>34</sup>

13. The Department recognised that its decision to use a licensing model had been a mistake and asserted that it had changed the way it approached commercial partnerships. It acknowledged that the structure of the commercial arrangements and the relationship between two separate overseas companies meant it had had no claim for compensation against the American parent company. The Department also revealed that ETS Global BV’s possession of relatively few available assets limited the level of compensation to £1.6 million, and its counsel therefore advised the Department that this settlement was the best available.<sup>35</sup> However, the Department defended its use of outsourcing contracts more generally, even though it recognised that such arrangements inherently carry some risk.<sup>36</sup> The Department asserted that it had learned from this experience, and committed to ensuring that any future agreements should anticipate litigation from the outset and ensure that overseas partners have assets that can support meaningful liabilities and penalties.<sup>37</sup>

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32 Qq 77–79

33 Qq 89, 91

34 Q 79

35 Qq 76, 79

36 Qq 132–133

37 Qq 83, 136–139

## 2 The Home Office's response

### Routes of challenge available to affected people

14. Based on the evidence the Department received from ETS, it revoked the visas of anyone with an invalid test. It also required anyone with questionable results who wished to extend their existing visa to take a new English language test and attend an interview with the Department. The National Audit Office found that at least 11,356 people linked to an invalid or questionable Test of English for International Communication (TOEIC) had left the UK by the end of March 2019. At least 7,206 people left voluntarily, and the Department removed or denied re-entry to at least 2,859 people. However, a number of people remain in the UK and continue to protest their innocence. Around 12,500 individuals matched to invalid or questionable TOEIC certificates appealed against immigration decisions between April 2014 and March 2019, and they were successful in 3,714, or 40%, of first-tier appeals. The Department appealed in the upper tribunal against three-quarters of the cases it had lost before September 2016.<sup>38</sup>

15. The Department acknowledged that hundreds of people—and possibly more—continued to protest their innocence, but said they had had a right of challenge. It recognised that there was a risk that some innocent people might have been caught up in its action but described the risk as “numerically very small”.<sup>39</sup> The Department stated that assurance from its independent expert in 2016 found no more than a 1% chance of tests being incorrectly identified as invalid. It explained that ETS used a structured process to identify possible cheats where three separate conditions, including two human assessors, had to be met before ETS would conclude an individual’s test was invalid.<sup>40</sup> However, the Department accepted it had not actively examined whether innocent people were wrongly assessed as cheats. It explained that it relied on ETS’s assessment and the expert assurance it received in 2016.<sup>41</sup> We asked the Department whether it accepted that the risk levels, and the number of people affected, might have been small, but the impact on those affected was catastrophic. The Department said that while it had recognised early on that there was a risk that some innocent individuals could have been wrongly caught up in the issue and, while this was a small risk, it still considered it as very important. The Department told us that was critical that the right remedy was in place for people to challenge immigration decisions, which they could do so through the courts. It asserted that it had repeatedly come to the conclusion that the evidence available to the Department, including ETS’s assessment of the test results was sufficient to justify the Department’s finding of deception and that the onus was on individuals to demonstrate their innocence.<sup>42</sup> The Department said that individuals therefore needed to get in touch with it to provide the evidence to demonstrate their innocence.<sup>43</sup>

16. The NAO found that not all students have been able to obtain the information they needed to demonstrate their innocence, including difficulties obtaining their personal data, such as the original recordings and other material from the day of the tests, or the

38 C&AG’s Report, paras 3.25–3.27, 3.31–3.33, Figures 10, 11

39 Qq 25, 95

40 Qq 107–108

41 Q 94; C&AG’s Report, para 2.17

42 Q 97

43 Q 129

voice clips that were used as evidence against them.<sup>44</sup> In its written evidence, Matrix Chambers claimed the Department should have done more to investigate weaknesses in the evidence rather than expecting individuals to challenge it in court.<sup>45</sup> The Department accepted that people had not always been able to obtain voice recording evidence from ETS and assured us that it had checked “very recently” to make sure that all people who request voice files now received them.<sup>46</sup>

17. We were concerned that the written evidence we received from over seventy individuals highlighted “real human concerns” including the cost of legal fees innocent people faced to clear their names.<sup>47</sup> One individual told us that they had spent £15,000 on legal fees, having already spent £45,000 on university fees. The Department acknowledged that the amount that some people found they needed to spend to make their case in the immigration system was a real concern. However, it asserted that it operated within a system established by Parliament through the Immigration Act 2014 that had made major changes to the remedies that are available to individuals in these cases.<sup>48</sup>

### The proportionality of the Department’s response

18. We asked the Department about the impact of the TOEIC scandal on Britain’s reputation internationally, particularly in combination with the Windrush scandal. The Department considered the TOEIC issue to be profoundly different from Windrush, but regret anything which damaged the UK’s reputation internationally or any innocent people being caught up in its response to cheating in English language tests. The Department told us that it had active conversations with colleagues in India and other countries, about the UK, its immigration system, and its education provision and that the system was highly regarded internationally.<sup>49</sup> It told us that it was very pleased to welcome students to the UK and that last year had seen a 10% increase in students compared to the year before; the highest number of student visas ever issued.<sup>50</sup> The Department did not accept our concerns that its actions reflected a Departmental culture which was not curious and not caring. We received written evidence that described the Department as “disinterested” and reliant on generic evidence, though the Department refuted accusations that it lacked curiosity.<sup>51</sup> The Department told us that caseworkers were allowed to take the findings of the ETS results and make decisions on individual cases. It was not an automatic process and each case had to be judged.<sup>52</sup>

19. We received written evidence from, Matrix Chambers, which told us that, in responding to cheating, “the Home Office took a knee-jerk reaction without reaction without addressing the nuances”.<sup>53</sup> The Department did not accept this characterisation, and told us that its response had been a structured process that relied on a number of sources of evidence. It said it needed to respond to a large-scale fraud and that it had

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44 C&AG’s Report, para 2.21

45 Q 107–108; [Ev ELT0085](#) Matrix Chambers submission paras 7–9

46 Qq 108, 118

47 Q 25

48 Qq 104–105

49 Qq 120–123

50 Qq 116, 122

51 Qq 98, 107–108; [Ev ELT0085](#) Matrix Chambers submission para 3b

52 Q 111

53 Q 107, [Ev ELT0085](#) Matrix Chambers submission

sufficient evidence to support its actions. The Department maintained that it needed to act quickly in response to widespread fraud, and it had prioritised the need to act against criminals, colleges and people they suspected of cheating.<sup>54</sup>

20. We asked the Department if it thought its approach of people taking the Home Office to court was a cost-effective way of dealing with individual cases. The Department said that while rights of challenge were granted by legislation it would in principle like to see the volume of appeals to be less. The Department said that the Court of Appeal had recently issued a judgement that, before the government made decisions that individuals had deceived one authority or the other, government should have put that issue to the individual and given them an opportunity to rebut or provide other evidence. The Department told us that it was trialling schemes which offered individuals the chance to directly respond to the Department's decisions or provide further evidence to demonstrate their innocence.<sup>55</sup> The Department told us it would need to consider whether such measures would be appropriate in TOEIC cases.<sup>56</sup>

21. We received written evidence from Migrant Voice which described the difficulties individuals can face in finding a new sponsor after winning their appeals.<sup>57</sup> The Department confirmed that individuals who have won appeals should not face rejections from other universities or sponsors. The Department said individuals could contact it directly if they have cleared their names but education institutions still rejected their applications based on their immigration history or immigration databases not being up to date. The Department committed to providing contact details to the Committee so people could raise their concerns via their MP.<sup>58</sup> The Department explained that the Home Secretary was actively considering whether the Government could do more to support people affected by the Department's actions.<sup>59</sup> We were encouraged by a written statement published on 23 July which said the Department was reviewing its guidance to ensure it is making the right decisions on TOEIC cases to ensure it is balancing a belief that deception was committed some years ago against other factors that would normally lead to leave being granted, especially where children are involved. The Department also committed to ensuring that there was no further action against people where there is no evidence an ETS certificate was used in an immigration application.<sup>60</sup>

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54 Qq 81, 98, 107

55 Qq 124–128

56 Q 126

57 Q 140; [Ev ELT0012](#) Migrant Voice submission para 9.1

58 Qq 140–143

59 Q 98

60 [Immigration: Written Statement](#), Sajid Javid (The Secretary of State for the Home Department), HCWS1803, 23 July 2019

## Formal minutes

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**Monday 9 September 2019**

Members present:

Meg Hillier, in the Chair

Sir Geoffrey Clifton-Brown    Nigel Mills

Caroline Flint                      Gareth Snell

Draft Report (*English language tests for overseas students*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 21 read and agreed to.

Introduction agreed to.

Conclusions and recommendations agreed to.

Summary agreed to.

*Resolved*, That the Report be the One hundred and sixteenth of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 16 October at 2:00pm]

# Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

## Wednesday 10 July 2019

**Sir Philip Rutnam**, Permanent Secretary, Home Office, **Shona Dunn**, Second Permanent Secretary, Home Office, and **Mark Thomson**, Director General UK Visas and Immigration, Home Office

[Q1-144](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

ELT numbers are generated by the evidence processing system and so may not be complete.

- 1 Aamir, Mr Muhammad ([ELT0071](#))
- 2 Ahmed, Mr Foyez ([ELT0021](#))
- 3 Ahmed, Mr M ([ELT0061](#))
- 4 Akter, Shammi Akka's ([ELT0062](#))
- 5 All Party Parliamentary Group on Toeic ([ELT0056](#))
- 6 Amin, Sheikh ([ELT0057](#))
- 7 Aryal, Mr Rabi ([ELT0024](#))
- 8 Basher, Mr Noman ([ELT0044](#))
- 9 Bhavssar, Chetan ([ELT0011](#))
- 10 Bhowmick, Mr Tuton ([ELT0075](#))
- 11 Bhuyan, Mr Md Solyaman ([ELT0033](#))
- 12 Bobby, Ms Farzana ([ELT0037](#))
- 13 Bulbul, Mr Mohammad ([ELT0084](#))
- 14 Chauhan, Sarbjeet Kaur ([ELT0003](#))
- 15 Chowdhury, Mohammad ([ELT0013](#))
- 16 Das, Dipankar ([ELT0043](#))
- 17 Das, Shikha Rani Das ([ELT0059](#))
- 18 Dey, Mr Rupok ([ELT0048](#))
- 19 English Language Test victims group ([ELT0028](#))
- 20 Gazi, Abu ([ELT0079](#))
- 21 Gorak, Mr Sandeep ([ELT0027](#))
- 22 Halder, Mr Dilip Kumar ([ELT0052](#))
- 23 Hasan, Mr MD Kamrul ([ELT0018](#))
- 24 Hoque, Mohammad Rashedul ([ELT0051](#))
- 25 Hossain, Mr Rashel ([ELT0067](#))
- 26 Hussan, Mr MD Jakir ([ELT0053](#))
- 27 Hussain, Md Mazharuddin ([ELT0017](#))
- 28 Hussain, Raja Noman ([ELT0069](#))
- 29 Hussain, Mr Syed Waqar ([ELT0080](#))
- 30 Imperium Chambers ([ELT0070](#))
- 31 Jawaid, Mr Waqas ([ELT0030](#))
- 32 Jobson, Ms Suki ([ELT0077](#))
- 33 Karim, Mr MD Wahidul ([ELT0076](#))

- 34 Khaja, Mr Mudabbir Ali ([ELT0073](#))
- 35 Khaled, Mr Abdullah Al ([ELT0010](#))
- 36 Khan, Mr Muhammad Asif ([ELT0049](#))
- 37 Khan, Mr Naveed ([ELT0041](#))
- 38 Khanzada, Kashif ([ELT0035](#))
- 39 Manjayil, Basil Pappachan ([ELT0055](#))
- 40 Matrix Chambers ([ELT0085](#))
- 41 Migrant Voice ([ELT0012](#))
- 42 Migrant Voice ([ELT0054](#))
- 43 Migrant Voice ([ELT0086](#))
- 44 Mondel, Roni ([ELT0063](#))
- 45 Mukhtar, Muhammad Zahid ([ELT0078](#))
- 46 Mustafiz, S M Imrose ([ELT0002](#))
- 47 Noor, Allah ([ELT0007](#))
- 48 Patel, Mitangi Shaileshkumar ([ELT0039](#))
- 49 Rahima, Mrs Bibi ([ELT0019](#))
- 50 Rahman, MD Khalilur Rahman ([ELT0064](#))
- 51 Rahman, Mr MD Mosiur ([ELT0025](#))
- 52 Rahman, Mr S M Ashiqur ([ELT0046](#))
- 53 Rahman, Mr Wahidur ([ELT0072](#))
- 54 Rahman, Shazidur ([ELT0066](#))
- 55 Rana, Shohel ([ELT0031](#))
- 56 Rani, Geeta ([ELT0029](#))
- 57 Rasel, Sheikh ([ELT0058](#))
- 58 Rashid, MD Abdur ([ELT0036](#))
- 59 Rizwan, Muhammad ([ELT0045](#))
- 60 Shahzad, Mr Azhar ([ELT0068](#))
- 61 Shaikh, MD Masum ([ELT0060](#))
- 62 Shamim, MD Saydur Rahman ([ELT0022](#))
- 63 Singh, Mr Sarbjeet ([ELT0008](#))
- 64 Sohag, Mr Abu Naim MD Sajjad Karim ([ELT0083](#))
- 65 Tabassum, Mr Ahmer Mujtaba ([ELT0026](#))
- 66 Tarek, Mr Abdullah Al ([ELT0082](#))
- 67 Uddin, Jalal ([ELT0032](#))
- 68 Waqas, Mr Ahmed ([ELT0081](#))
- 69 Westgate Solicitors ([ELT0014](#))
- 70 Wright, Mr Robert ([ELT0001](#))
- 71 Yaqoob, Asim ([ELT0006](#))

20 English language tests for overseas students

72 Yasin, A ([ELT0038](#))

73 Zakria, Muhammad ([ELT0040](#))

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2017–19

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| First Report       | Tackling online VAT fraud and error                              | HC 312<br>(Cm 9549)              |
| Second Report      | Brexit and the future of Customs                                 | HC 401<br>(Cm 9565)              |
| Third Report       | Hinkley Point C  | HC 393<br>(Cm 9565)              |
| Fourth Report      | Clinical correspondence handling at NHS Shared Business Services | HC 396<br>(Cm 9575)              |
| Fifth Report       | Managing the costs of clinical negligence in hospital trusts     | HC 397<br>(Cm 9575)              |
| Sixth Report       | The growing threat of online fraud                               | HC 399<br>(Cm 9575)              |
| Seventh Report     | Brexit and the UK border   | HC 558<br>(Cm 9575)              |
| Eighth Report      | Mental health in prisons   | HC 400<br>(Cm 9575)<br>(Cm 9596) |
| Ninth Report       | Sheffield to Rotherham tram-trains                               | HC 453<br>(Cm 9575)              |
| Tenth Report       | High Speed 2 Annual Report and Accounts                          | HC 454<br>(Cm 9575)              |
| Eleventh Report    | Homeless households  | HC 462<br>(Cm 9575)<br>(Cm 9618) |
| Twelfth Report     | HMRC's Performance in 2016–17                                    | HC 456<br>(Cm 9596)              |
| Thirteenth Report  | NHS continuing healthcare funding                                | HC 455<br>(Cm 9596)              |
| Fourteenth Report  | Delivering Carrier Strike  | HC 394<br>(Cm 9596)              |
| Fifteenth Report   | Offender-monitoring tags   | HC 458<br>(Cm 9596)              |
| Sixteenth Report   | Government borrowing and the Whole of Government Accounts        | HC 463<br>(Cm 9596)              |
| Seventeenth Report | Retaining and developing the teaching workforce                  | HC 460<br>(Cm 9596)              |

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| Eighteenth Report     | Exiting the European Union  | HC 467<br>(Cm 9596) |
| Nineteenth Report     | Excess Votes 2016–17  | HC 806<br>(Cm 9596) |
| Twentieth Report      | Update on the Thameslink Programme  | HC 466<br>(Cm 9618) |
| Twenty-First Report   | The Nuclear Decommissioning Authority’s Magnox  | HC 461<br>(Cm 9618) |
| Twenty-Second Report  | The monitoring, inspection and funding of Learndirect Ltd.  | HC 875<br>(Cm 9618) |
| Twenty-Third Report   | Alternative Higher Education Providers  | HC 736<br>(Cm 9618) |
| Twenty-Fourth Report  | Care Quality Commission: regulating health and social care  | HC 468<br>(Cm 9618) |
| Twenty-Fifth Report   | The sale of the Green Investment Bank   | HC 468<br>(Cm 9618) |
| Twenty-Sixth Report   | Governance and departmental oversight of the Greater Cambridge Greater Peterborough Local Enterprise Partnership            | HC 896<br>(Cm 9618) |
| Twenty-Seventh Report | Government contracts for Community Rehabilitation Companies   | HC 897<br>(Cm 9618) |
| Twenty-Eighth Report  | Ministry of Defence: Acquisition and support of defence equipment   | HC 724<br>(Cm 9618) |
| Twenty-Ninth Report   | Sustainability and transformation in the NHS  | HC 793<br>(Cm 9618) |
| Thirtieth Report      | Academy schools’ finances   | HC 760<br>(Cm 9618) |
| Thirty-First Report   | The future of the National Lottery  | HC 898<br>(Cm 9643) |
| Thirty-Second Report  | Cyber-attack on the NHS   | HC 787<br>(Cm 9643) |
| Thirty-Third Report   | Research and Development funding across government  | HC 668<br>(Cm 9643) |
| Thirty-Fourth Report  | Exiting the European Union: The Department for Business, Energy and Industrial Strategy                                     | HC 687<br>(Cm 9643) |
| Thirty-Fifth Report   | Rail franchising in the UK  | HC 689<br>(Cm 9643) |
| Thirty-Sixth Report   | Reducing modern slavery   | HC 886<br>(Cm 9643) |
| Thirty-Seventh Report | Exiting the European Union: The Department for Environment, Food & Rural Affairs and the Department for International Trade | HC 699<br>(Cm 9643) |
| Thirty-Eighth Report  | The adult social care workforce in England  | HC 690<br>(Cm 9667) |
| Thirty-Ninth Report   | The Defence Equipment Plan 2017–2027  | HC 880<br>(Cm 9667) |

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| Fortieth Report      | Renewable Heat Incentive in Great Britain                            | HC 696<br>(Cm 9667)     |
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| Forty-Second Report  | Modernising the Disclosure and Barring Service                       | HC 695<br>(Cm 9667)     |
| Forty-Third Report   | Clinical correspondence handling in the NHS                          | HC 929<br><br>(Cm 9702) |
| Forty-Fourth Report  | Reducing emergency admissions  | HC 795<br>(Cm 9702)     |
| Forty-Fifth Report   | The higher education market  | HC 693<br>(Cm 9702)     |
| Forty-Sixth Report   | Private Finance Initiatives  | HC 894<br><br>(Cm 9702) |
| Forty-Seventh Report | Delivering STEM skills for the economy                               | HC 691<br>(Cm 9702)     |
| Forty-Eighth Report  | Exiting the EU: The financial settlement                             | HC 973<br>(Cm 9702)     |
| Forty-Ninth Report   | Progress in tackling online VAT fraud                                | HC 1304<br>(Cm 9702)    |
| Fiftieth Report      | Financial sustainability of local authorities                        | HC 970<br>(Cm 9702)     |
| Fifty-First Report   | BBC commercial activities  | HC 670<br>(Cm 9702)     |
| Fifty-Second Report  | Converting schools to academies                                      | HC 697<br>(Cm 9702)     |
| Fifty-Third Report   | Ministry of Defence's contract with Annington Property Limited       | HC 974<br>(Cm 9702)     |
| Fifty-Fourth Report  | Visit to Washington DC   | HC 1404<br>(Cm 9702)    |
| Fifty-Fifth Report   | Employment and Support Allowance                                     | HC 975<br>(Cm 9702)     |
| Fifty-Sixth Report   | Transforming courts and tribunals                                    | HC 976<br>(Cm 9702)     |
| Fifty-Seventh Report | Supporting Primary Care Services: NHS England's contract with Capita | HC 698<br>(Cm 9702)     |
| Fifty-Eighth Report  | Strategic Suppliers  | HC 1031<br>(Cm 9702)    |
| Fifty-Ninth Report   | Skill shortages in the Armed Forces                                  | HC 1027<br>(9740)       |
| Sixtieth Report      | Ofsted's inspection of schools                                       | HC1029<br>(Cm 9740)     |
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| Sixty-Ninth Report     | Sale of student loans  | HC 1527<br>(Cp 56)   |
| Seventieth Report      | Department for Transport's implementation of Brexit                              | HC 1657<br>(Cp 56)   |
| Seventy-First Report   | Department for Health and Social Care accounts                                   | HC 1515<br>(Cp 56)   |
| Seventy-Second Report  | Mental health services for children and young people                             | HC 1593<br>(Cp 79)   |
| Seventy-Third Report   | Academy accounts and performance   | HC 1597<br>(Cp 79)   |
| Seventy-Fourth Report  | Whole of Government accounts   | HC 464<br>(Cp 79)    |
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| Seventy-Sixth Report   | Local Government Spending  | HC 1775<br>(Cp 79)   |
| Seventy-Seventh Report | Defence Equipment Plan 2018–28   | HC 1519<br>(Cp 79)   |
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| Eighty-Second Report   | Windrush generation and the Home Office  | HC 1518<br>(Cp 113)  |
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| Eighty-Seventh Report         | Renewing the EastEnders set  | HC 1737<br>(Cp 113) |
| Eighty-Eighth Report          | Transforming children's services   | HC 1741<br>(Cp 113) |
| Eighty-Ninth Report           | Public cost of decommissioning oil and gas infrastructure                | HC 1742<br>(Cp 113) |
| Ninetieth Report              | BBC and personal service companies                                       | HC 1522<br>(Cp 113) |
| Ninety-First Report           | NHS financial sustainability: progress review                            | HC 1743<br>(Cp 113) |
| Ninety-Second Report          | Crossrail: progress review   | HC 2004<br>(Cp 113) |
| Ninety-Third Report           | Disclosure and Barring Service: progress review                          | HC 2006             |
| Ninety-Fourth Report          | Transforming rehabilitation: progress review                             | HC 1747             |
| Ninety-Fifth Report           | Accessing public services through the Government's Verify digital system | HC 1748             |
| Ninety-Sixth Report           | Adult health screening   | HC 1746             |
| Ninety-Seventh Report         | Local Government Governance and Accountability                           | HC 2077             |
| Ninety-Eighth Report          | The apprenticeships programme: progress review                           | HC 1749             |
| Ninety-Ninth Report           | Cyber security in the UK   | HC 1745             |
| One-Hundredth Report          | NHS waiting times for elective and cancer treatment                      | HC 1750             |
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| One Hundred and Second Report | Military Homes   | HC 2136             |
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| One Hundred and Fourth Report | Transport infrastructure in the South West                               | HC 1753             |
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| One Hundred and Thirteenth Report | Network Rail's sale of railway arches                                 | HC 2230 |
| One Hundred and Fourteenth Report | Help to Buy: Equity loan scheme: progress review                      | HC 2046 |
| One Hundred and Fifteenth Report  | Penalty charge notices in healthcare                                  | HC 2038 |
| First Special Report              | Chair of the Public Accounts Committee's Second Annual Report         | HC 347  |
| Second Special Report             | Third Annual Report of the Chair of the Committee of Public Accounts  | HC 1399 |
| Third Special Report              | Fourth Annual Report of the Chair of the Committee of Public Accounts | HC 2370 |