Academic Language & Literacy: who says what goes?

A critical analysis of policy concerning the English language standards required of international students on entry to UK Higher Education

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I am greatly indebted to my supervisor, Professor David Hyatt, for his faith, guidance, encouragement and patience.

In memoriam

This work is dedicated to the memory of four very special people
who I dearly wish had been here to read it:

Noreen Nash

Ken Pringle

Julie Rochelle Gibbs

Lesley Simpson

Abstract

This thesis is a critical analysis of policy relating to the English language standards required of international students who are entering, or preparing to enter, degree level programmes in the UK Higher Education sector. The study draws upon my professional context of managing a large university English language teaching centre. Wider implications for the sector are identified.

A diachronic approach is taken, broadly aligned with the time span of the UK Government's Points Based System (PBS) of visa and immigration regulation from its proposal in 2005 to its replacement in 2020.

The methodology employed in the study is critical policy analysis, drawing on Ball's (1993) policy lenses: policy as discourse, policy effects and policy as text. The study utilises Hyatt's (2013b) Critical Higher Education Policy Discourse Analysis (CHEPDA) framework as the principal methodological procedure to analyse policy texts and their contexts. There are three components to the study:

- **Academic Language & Literacy (AL&L)** - the identification and analysis of the concept of AL&L builds on literature in the field, leading to a proposed conceptualisation of the compound term. This is presented as conceptual context for the subsequent analysis of policy on language standards.

- **Who says what goes?** - the analysis draws on three interrelated policy areas which are described as constituting a *policy chain*: 'The Regulatory Environment', 'Language Standards and Assessments' and 'Institutional Policies and Standards'. The study examines and assesses explicit and perceived justifications for policy, as well as the stipulations of standards.

- **So what (now)?** - the discussion of the broad themes which emerge from the analysis of the policy texts considers whether and how the policies and the justifications for them may be subject to challenge or resistance. The discussion includes consideration of the impact on the UK HE sector of the Covid-19 pandemic, which began towards the end of the research period.

Key findings of the study include the use of policy levers within the HE environment to pursue immigration policy drivers which have no direct connection to the HE context. The influence of the marketisation of Higher Education is found throughout the policy chain, affecting the stipulation, setting and implementation of language standards. The implications of the study's theoretical and practical findings for my professional field and for the wider UK HE sector are considered as part of the discussion.

This work is limited to the consideration of English language standards which apply to students on entry to HE, though the conceptualisation of AL&L is intended to be applicable in the field more widely and could also apply to other languages.

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Declaration

I, the author, confirm that the Thesis is my own work. I am aware of the University's Guidance on the Use of Unfair Means (*www.sheffield.ac.uk/ssid/unfair-means*). This work has not previously been presented for an award at this, or any other, university.

Richard Simpson 18/08/2022

List of Acronyms

AL&L	Academic Language & Literacy
APA	American Psychological Association
CAS	Certificate of Acceptance for Studies
CDA	Critical Discourse Analysis
CDPF	Critical Discourse Problematization Framework
CEFR	Common European Framework of Reference
CHEPDA	Critical Higher Education Policy Discourse Analysis
CPDA	Critical Policy Discourse Analysis
CSI	Contemporary Socio-political Individuals
BIS	Department for Business Innovation and Skills
DET	Duolingo English Test
DfE	Department for Education
EAP	English for Academic Purposes
EdD	Education Doctorate
EGAP	English for General Academic Purposes
ELQ	Entry Language Qualification
ELTC	English Language Teaching Centre
ESAP	English for Specific Academic Purposes
ESP	English for Specific Purposes
ETS	English Testing Service
EU	European Union
HAC	Home Affairs Committee
HE	Higher Education
HEI	Higher Education Institution
HEP	Higher Education Providers
HERA	Higher Education and Research Act 2017
HESA	Higher Education Statistics Agency
IELTS	International English Language Testing System
IPC	International Pathway College
IPS	International Passenger Survey
ISC	Immediate Socio-political Context
JEAP	Journal of English for Academic Purposes
LE	Linguistic Ethnography
MAC	Migration Advisory Committee
MSC	Medium term socio-political context
NLS	New Literacy Studies

NQF	National Qualifications Framework
OED	Oxford English Dictionary
OfS	Office for Students
OULC	Oxford University Language Centre
PBS	Points Based System of visa regulations
PELA	Post Enrolment Language Assessment
PIM	Professional Interest Meeting
QAA	Quality Assurance Agency
RPC	Regulatory Policy Committee
RQ	Research Question
RQF	Regulated Qualifications Framework
RRC	Reducing Regulation Committee
SELT	Secure English Language Test
SFL	Systemic Functional Linguistics
SMS	Sponsor Management System
SpLD	Specific Learning Differences
THE	Times Higher Education
TOEFL	Test of English as a Foreign Language
TOEIC	Test of English for International Communication
UKBA	UK Border Agency
UKCISA	UK Council for International Student Affairs
UKVI	UK Visa and Immigration Service
UUK	Universities UK
WP	Widening Participation
WPR	What's the Problem Represented to be?

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Part 1: Academic Language and Literacy

1 Introduction

This study is focussed on analysis of policy relating to the English language standards required of international students who are entering, or preparing to enter, degree level programmes in the UK Higher Education sector. The study draws upon my professional context of managing a large university English language teaching centre.

This thesis is presented as the final part of the Doctor of Education programme (EdD), which is described as a professional doctorate. I am a staff candidate, studying on a part-time basis within my own institution.

My professional position is Director of the English Language Teaching Centre (ELTC) within a large Higher Education Institution (HEI) in the UK. My institution has a large population of international students, many of whom study at ELTC before and/or during their degree programmes.

Some detail of my personal position, and how it has impacted on the study's research questions and methodology is presented in section 2.1 below. The field in which the ELTC operates will be considered in detail as part of the professional context for the research described in section 2.2.

This introductory chapter will first present a justification for the research. It will then provide an outline of the thesis, including the structure and content of the thesis chapters, and some commentary on the style and voice employed.

1.1 Justification for the research

The professional context described above is one which is common across the UK HE sector. International student numbers within UK HE have grown significantly over the last decade. The Higher Education Statistics Agency (HESA) figures for the academic year 2018/19 show an increase of 58% in non-UK students compared with 2008/09 (HESA, 2010, 2020), with a total of 485,645 (EU and non-EU combined). The associated language testing and preparatory English language teaching operations have also grown substantially (Hamid, 2016).

Murray (2016b) comments on this increase in international students thus:

> [It is] an undeniable fact (no doubt unpalatable to many) that international students, and the considerable fees they bring with them, are today something of a 'cash-cow' for universities – and indeed for the local economies … in which they operate
>
> (2016b, p. 14)

Murray's statement illustrates a view of international students which I encounter frequently in my professional context. Murray describes the potential for conflict between the need to recruit sufficient international students to balance the institutional books and the ethical requirement that students should not be recruited to courses if they "lack the requisite English" (2016b, p. 17).

A different view of international students is offered by Lomer (2016). Drawing on analysis of government policy on international students, Lomer identifies different motivations for the recruitment of those students into UK HE. She describes a variety of ways in which international students are represented discursively in policy, positively and negatively. A fundamental argument that Lomer makes is that:

> international students are 'othered', defined by their difference, by the adjective 'international' which says they deviate from the presumed norm of 'home' students. Even narratives which seek to value this difference entrench and replicate it by the discursive reinforcement of accepted social categorisations.
>
> (Lomer, 2016, p. 165)

A number of terms used to identify – or "other" – students are considered problematic, including *non-native* and *mother-tongue*. Rampton proposes *expert* in place of *native* as this "shifts the emphasis from '*who you are*' to '*what you know*'" (1990, p. 99). He proposes *language loyalty* or *language allegiance* to capture the value language can have "as a symbol of social group identification" (1990, p. 99). However, as Lomer points out, it is not always possible to avoid using terms which are in current use in the field: "There is no way out of the discourse, no way to stand outside it" (2016, p. 165).

This study includes analysis of recent legislation which includes a definition of the term *international student* (United Kingdom, 2017a) Within the UK HE context the terms *home* and *international* are used to identify domicile rather than nationality. The legislation and its implications for students are considered as part of the analysis (section 5.1).

Acknowledging Lomer's concerns about the very use of the term, this study will focus largely on international students, as defined by the legislation, being the large majority of the students who participate in the programmes offered by my centre and in my professional context.

Whilst Murray's portrait of international students appears to be a clear example of the 'othering' to which Lomer objects, their works both express concern that those students are treated unjustly by the system in which we operate. This study shares that concern and examines their treatment from a critical policy analysis perspective. The analysis is focussed on the policies and consequent practices which impose English language standards on international students who are entering, or preparing to enter, degree level study in Higher Education (HE) in the UK.

Lomer argues that the *othering* of international students is counter to ethical pedagogy. Her thesis concludes with a stipulation of obligation:

> It is the ethical responsibility for those of us who participate in international higher education to critically examine how … policy represents students, and if necessary, to resist and disrupt it.
>
> <div align="right">(Lomer, 2016, p. 168)</div>

The justification for this research is derived from a similar sense of ethical responsibility. Having worked with such students for more than a quarter of a century, I am motivated to focus on this aspect of the field in depth. The analysis will present new knowledge of the policy and practice under examination and will propose arguments for challenging or resisting the unjust treatment which arises from them.

1.2 The title of the thesis

The title **"Academic Language and Literacy: who says what goes?"** bears some explanation as it references roots and influences which may not be immediately obvious.

The term Academic Language & Literacy (AL&L) has been adapted from the title of the EdD pathway (Literacy and Language in Education) which I followed in the first stage of the programme. The pathway was mostly focussed on literacy and language practices in school and community settings, but I was interested to investigate applying concepts from that work in my professional context within HE.

The teaching and learning which takes place in my professional context is, in very broad terms, focussed on the development of students' language and literacy; in most circumstances the focus is on *academic* language & literacy. The term AL&L therefore describes the overarching context of the study. In developing AL&L as a concept I have adopted Halliday's notion of *language as a social semiotic* (Halliday, 1978) and Street's *ideological model* of literacy (Street, 1984). A detailed conceptualisation of AL&L is developed in chapter 3.

Asking *Who says?* in the thesis title indicates the intention to question and investigate the power relations inherent in the discourse under examination. The examination of *what goes?* will focus not only on the detail of that which is authorised but also on the justification made for the authorisation.

1.3 Outline of the thesis

The chapters of the thesis are grouped into three sections: The first two sections 'Academic language and literacy' and 'Who says what goes?' reflect the title of the thesis. These sections combine to address the first two of the study's research questions:

RQ1- How are the policies which impose language standards on international students entering UK HE justified in policy documents and related texts?

RQ2: How are the language standards which policy requires of international students entering UK HE realised in practice?

The third section, 'So what (now)?', features discussion of the findings of the analysis and addresses the third of the study's research questions:

RQ3: What grounds are there for RESISTING THE STANDARD?

This RQ refers to the 2015 international literacy conference RESISTING THE STANDARD: LANGUAGE, LITERACY AND POWER which inspired this study. The conference is discussed further in section 2.3 below.

The thesis does not follow a traditional Literature Review – Methods – Analysis – Discussion structure (Newby, 2014). Instead, *literature work* (Kamler & Thomson, 2006) is used as a technique for weaving together reflections on the theoretical, contextual and methodological approaches being employed and the analysis of the texts which are identified as the data. The majority of the literature work is located in the first four chapters.

To complete the outline of the thesis there follows a brief description of each of the sections and the chapters within them.

Academic Language & Literacy

This section of the thesis provides a detailed portrait of the conceptual and contextual framework in which the study is situated. A conceptualisation of AL&L is developed, the professional context is described and the methodology of the study is outlined. The chapters in this section are:

2. Background and Positionality. This chapter describes the background to the study, the professional context in which the research is located and a description of my researcher positionality.

3. Conceptualising AL&L. This chapter develops a detailed the conceptualisation of the compound term Academic Language & Literacy.

4. Methodology, Procedures and Texts. The principal methodology applied in the study is critical policy analysis, drawing on Ball's (1993) policy lenses and the CHEPDA framework (Hyatt, 2013b). The key texts to be analysed are identified and data handling methods are described.

Who says what goes?

In this section a series of policy documents and texts are scrutinised using analytical tools drawn primarily from the CHEPDA framework (Hyatt, 2013b). The timeline of the policies under

consideration broadly aligns with the time span of the UK Government's Points Based System (PBS) of visa and immigration regulation from its proposal in 2005 to its replacement in 2020.

The analysis is divided into three chapters:

5. <u>The Regulatory Environment.</u> Government regulatory policy documents, including policy proposals, policy texts and policy guidance, are analysed. The justification for the policy is examined.

6. <u>Language Standards and Assessments.</u> Policy texts regarding standards required of international students are examined. Standards which apply to home students are considered for comparison.

7. <u>Institutional Policies and Standards.</u> Institutional texts which demonstrate policy in practice are considered.

So what (now)?

This section draws together the themes which have been examined across the previous chapters.

The inclusion of '(now)' references the fact that there has been a major shift in the socio-political context during the study period, the Covid-19 pandemic.

8. <u>Discussion</u>. Arguments for 'resisting the standard' are presented. The implications of the policy analysis for practitioners in the professional field and the wider context of UK HE are discussed.

9. <u>Conclusion</u>. The work concludes with a review and evaluation of the study and its main findings and contributions. Potential areas for further study are identified.

1.4   Ethical considerations

Although this project has changed somewhat in nature since it was originally proposed and approved, those changes have not altered its status regarding ethical approval. Had the research been undertaken with live participants, using observations or interviews, ethical approval would have been required. The fact that the analysis is focussed on publicly available texts means that there is no issue of confidentiality or data protection. Some reference is made in the discussion chapter to an informal network of peers in similar positions to my own, including reports of malpractice, but the institutions and the individuals are not identified or identifiable.

Sikes instructs that

> Researchers must do all that they can to think through eventualities and possibilities and feel confident that insofar as they are able, they have taken all possible precautions to avoid harming and doing wrong to anyone touched by their research.

<div align="right">(2004, p. 32)</div>

I am confident that this research complies with Sikes' instruction. In addition, the argument justifying the research (section 1.1) is underpinned by a statement of ethical responsibility.

1.5   Voice, style and audience

As well as being unconventional in organisation, the thesis may be considered by some as unusual in its style and substance.

Voice

As there is significant use of personal reflection included within the thesis, *I* will be used relatively frequently. There are also occasions when *we* is used within the text. *We* is not used in the *inclusive we* sense to signify the speaker/listener or the writer/reader as a bound unit (Mulderrig, 2012) such as in the common phrase "we can see that ...". When *we* is used in this work it is to refer to a plural group of which I am a member (such as the department/university where I work) and the identity of that group should be entirely clear from the context.

Style

An "author-date referencing system is recommended" by the School of Education and the TUOS APA REFERENCING GUIDE (The University of Sheffield, 2019) gives the University's position on any matters which may not be entirely clear in the original document, THE PUBLICATION MANUAL OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION (APA) 6th Edition (APA 2010).

The library web page that makes this recommendation also notes that, being American, APA is not particularly helpful in recommending how documents from the UK government should be referenced. Following guidance from colleagues in my institution's School of Law, Acts are referenced as being authored by United Kingdom or by the devolved government to which the Act applies. The Higher Education and Research Act is cited as United Kingdom because aspects of the Act apply throughout the UK. The provisions within the Act for the creation of the Office for Students (OfS) apply to English HE only.

In the course of the thesis, individuals who are considered to be *contemporary socio-political individuals* (Hyatt, 2005b, p. 522) are referred to using their given name as well as their surname (see section 4.2). This identifies them as significant actors in the field and distinguishes them from authors cited in the text (though certain eminent scholars fit both categories).

As the thesis includes substantial amounts of textual analysis, I have chosen to use block quotations for some passages which have fewer than the 40 words described in the APA guidance. I have chosen to us SMALL CAPS as a device to indicate the title of a publication when that title is being used in full in the text. I have followed the APA guidance of *italics* to introduce a technical or key term (APA, 2010).

1.6   Summary of chapter 1

This introductory chapter has presented an outline of the thesis, including the justification and motivation for the research, its context and background and an overview of the chapters that follow. Some brief notes on voice and style have been included.

2   Background and Positionality

Wellington, Bathmaker, Hunt, McCulloch, & Sikes (2005) argue that it is not possible to remove the researcher from the research and recommend a 'personal life history' framework to help the researcher consider influences that have shaped their positionality (2005, p. 7). I have followed their advice and created a personal cameo, included as Appendix 1. The cameo, which describes both the personal journey and the doctoral journey, illuminates my *position*, my *professional context* and my *positionality*.

This chapter begins with a description of my position within my institution. A brief overview of the range of programmes and services offered by my centre and the teaching ethos we have developed is relevant to my positioning as a *researching professional* (Wellington et al., 2005). This positioning has inevitably influenced my methodological choices, my research questions and my interpretation of the data.

The second section of the chapter is a portrait of the professional context of the research. It gives an overview of some common programme types in order to give a picture of the pedagogic and organisational context in which those programmes are delivered. This account is based on experience within my current, former and cognate institutions. In addition, insights gained from conferences, workshops, professional networks, blogs and publications contribute to the portrait.

The third section of the chapter describes my positionality as a researcher, including a description of my ontological and epistemological stance. Appendix 1 also gives some additional background on the doctoral journey which contributed to my positionality as a researcher.

2.1   My position

The university where I work and study is a member of the "research-intensive" Russell Group (2022). My institution has a large population (>7,000 in 2019) of international students particularly, in recent years, studying on postgraduate taught courses. A majority of those students enter the institution via a preparatory programme of study, some or all of which is taught by the staff of the ELTC. The size and scale of the operation I lead is notable, with over 100 full-time equivalent English language teachers employed year-round and a further 100+ recruited to teach on short programmes in the summer. This aspect of the professional field is described further in 2.2.1 below.

Within UK HE, my professional context is commonly described as *English for Academic Purposes* (EAP). This term is somewhat problematic as it can be used to describe the sector in broad terms

but it is also used to describe a specific pedagogical approach (Alexander, Argent, & Spencer, 2008; Ding, 2015; Hyland, 2018; Hyland & Shaw, 2016). In this chapter the term is used in the broadly descriptive sense.

As long ago as 2004, Turner highlighted the economic contribution of international students to UK HE:

> The financial viability of British universities is increasingly dependent on their marketability to what are known as 'overseas' or 'international' students. This categorisation has its primary significance in relation to fee status. 'Overseas' students' fees are considerably higher than 'home' and European Union students.
>
> (2004, p. 96)

Turner's identification of the financial importance of EAP to British universities is similar to Murray's (2016b) subsequent "cash-cow" portrayal of international students (see 1.1). To give an indication of the subsequent growth in the market since 2004, my own centre now employs over 100 teachers; in 2004 the number was 16 (see also 1.1),

It is certainly the case that my department would not be the size it is if it were not for the income generated by the courses we offer; it is also the case that the scale of provision for degree students would be less substantial if we did not have posts funded from the income we generate. The commercialised and marketised nature of my position and my professional context will be relevant throughout this thesis.

ELTC has one of the largest year-round operations of its kind in the country. To describe my department as an EAP centre would not capture the breadth of courses and services that ELTC provides. We have teachers who are engaged with many approaches to language teaching (see 2.2 below for explanations of ELT, EAP, ESP, ESAP, EGAP). We also provide teacher training programmes, online teacher development, tutorial support to students with Specific Learning Differences (SpLD), Doctoral Development modules and a variety of one-to-one advisory services. We are registered as an examination centre for IELTS, Cambridge and other commercial language tests. We teach *home* and *international* students at all degree levels in all faculties and we contribute to staff development initiatives across the university. Probably the most unusual element in our portfolio is our collaboration with our institution's International Pathway College (IPC – see 2.2.3), where we teach the English modules of the International Foundation and Pre-Masters programmes. Whilst many universities have an IPC run by a private sector partner, the relationship my department has with ours is rare, if not unique.

The range of courses and services and the number of teachers employed at the centre means we do not identify exclusively with any one pedagogic approach (see also 3.2 below) within the broad field

of English language teaching. However, we do have our own internal *learning & teaching ethos* (see Appendix 2) based in turn on our institution's broad professional and academic framework.

Wellington et al. describe professional doctorate students as 'researching professionals' as opposed to 'professional researchers', which might apply more to PhD students and academics (2005, p. 3). I would describe myself, based on my work background, as a teacher-cum-manager(-cum-researcher). Although familiar with academia, I am, personally, relatively new to research.

Undertaking the EdD programme has undoubtedly influenced my professional practice and my views on the professional context. For example, the reading and research I undertook for one of the early assignments was influential in my decision to implement a change in assessment strategies in our preparatory programmes. The direct influence of the EdD studies on my professional context is mirrored in the influence of my professional experience on my studies. As I am engaged in studying aspects of the field in which I work, my experience, or my 'insider' view, cannot be ignored and will be embraced.

Two related components of the programme were particularly influential and inspirational. The EdD programme offered participants a range of pathways relating to professional contexts or fields of interest. Participating in *Literacy and Language in Education* pathway seminars sparked my interest in the use of the compound noun, (though my review of literature in the field has found *Language and Literacy* to be much more commonly used). I was interested to explore how the term might be usefully applied in my professional context. The term is investigated thoroughly in chapter 3.

The second major inspiration was the 2015 international literacy conference, hosted by the School of Education, entitled RESISTING THE STANDARD: LANGUAGE, LITERACY AND POWER. The key note address to the conference, subsequently published (Rampton, 2015), presented something of a challenge to the conference by asking whether

> in talking of 'resistance to the standard', are we simply closing the barn door after the horse has bolted?
>
> (2015, p. 2)

Drawing on Coupland (2010) and drawing on Foucault's notion of *governmentality* (2015, p. 12), Rampton questioned the "continuing hegemony of Standard English" (2015, p. 3). I was inspired to explore these themes in my own professional context, not least because I believe the influence of Standard English remains strong in my field and in academia.

I was also inspired by the LANGUAGE AS TALISMAN project (Pahl et al., 2013) and related studies (Hyatt, Escott, & Bone, 2022; Snell & Cushing, 2022). Hyatt and Bone (2022) challenged OFSTED Inspectors' negative comments on children's use of their native dialect and accent in a local (South Yorkshire)

school. Snell (2013) did similar work in the north-east of England in response to a perception that, "deficit views of non-standard English are regaining currency in educational discourse" (Snell, 2013, p. 110).

These studies suggested the possibility of 'resisting the standard' within my own professional context. Positioned at the nexus between professional practice and research, I was inspired to investigate the possibility of resistance to an area of professional concern – the treatment of international students on entry to UK HE (see 1.1 above).

The area of concern is a specific part of the much broader field; the following section describes the professional context in which my research interests developed.

2.2 Professional Context

Within the UK HE sector there is a common division between the pre-university *pre-sessional* preparatory work and the on-going *in-sessional* development opportunities which are offered to students after their studies begin (Simpson, 2014, 2015c). The key focus of this research is specifically on the English language standards required of students on entry to UK HE. Consequently, pre-sessional provision is more directly relevant to the study than in-sessional provision and will require more extensive consideration. This is not to say that in-sessional provision is irrelevant; the need for and nature of in-sessional provision is closely related to the AL&L repertoire of students who do gain entry. An overview of in-sessional programme types will, therefore, also be included.

The extent to which the provision is generic *English for General Academic Purposes* (EGAP) or discipline specific *English for Specific Academic Purposes* (ESAP) (Blue, 1988; Hyland & Shaw, 2016) is a key consideration in course development. Wingate (2015) describes the EGAP/ESAP distinction as "rather absurd" (2015, p. 40), rejecting what she sees as the theory underlying the concept of EGAP. Those issues are considered in section 3.4 below but, absurd or not, the distinction remains common in UK EAP.

My portrait of the sector will examine the pre-sessional/in-sessional distinction as well as the relatively new area in which that distinction breaks down: the IPC provision of access to HE for international students by private providers. In addition, I will sketch two further aspects of EAP provision: the locus and the professional standing of EAP. This is relevant to the study as EAP professionals are key actors in the field and maty contribute to the "who says" of the title. The consideration of the professional context will also briefly consider the impact of the Covid-19 pandemic on the sector.

2.2.1 Pre-sessional provision

The most common language qualification used by overseas students to gain entry into a UK HEI is the *International English Language Testing System* (IELTS) (Green, 2005; Hyatt, 2013a; IELTS, 2013). With significant growth in the number of overseas students coming to UK universities (Hyland, 2018; Sweeney, 2012), the industry supporting IELTS preparation has grown considerably (Hamid, 2016). It is not surprising then that many students and some teachers have come to equate the (Academic) IELTS with Academic English and, by association, with EAP. Furthermore, staff with admission tutor roles within HEI have become somewhat familiar with IELTS scores; some imagine the scores to be a hard, objective measure of ability rather than the rather less reliable approximation that many who work more closely with the test takers believe them to be (Hyatt, 2013a). However, the field of EAP is very much more diverse and complex than preparation for the IELTS exam.

Pre-sessional provision is provided, usually at considerable cost, to students who have not yet met the English language proficiency standard required to join their degree course (Turner, 2004). Most candidates need to successfully complete their pre-sessional course in order to secure progression to their studies. In some UK HEI this is via an external examination such as IELTS; in many there is an internal examination which approximates the IELTS proficiency level required; in others there is an assessment of activities modelled on academic assignments. With much resting on the outcome of the pre-sessional, these assessments are often described as *high-stakes* (Hyatt, 2013a; Hyland, 2009). HEI are allowed to make their own assessment of English language proficiency for students who are entering degree programmes directly. On entry to a pre-sessional programme, students are subject to Home Office immigration regulations which impose language qualification standards. These regulations and standards are the focus of analysis in chapters 5 - 7.

Our local context is such that we offer full-time pre-sessional courses to prospective University entrants for very large numbers of overseas students (in summer 2019, n>2,500). Although substantial, the permanent teaching staff is not large enough to provide for this number of students and a major recruitment of temporary teachers is necessary. The same is true at very many other UK HEIs; even if they do not all operate such large programmes, most recruit additional teachers for their pre-sessional programmes. As a result, the recruitment exercise is often competitive, with teachers looking around for the best packages and institutions offering incentives such as free temporary accommodation. This is a substantive example of the commercialised and marketised context in which UK HEIs are currently operating (Ding & Bruce, 2017).

Turner suggests that the short-term nature of summer work means that

opportunities for building links with the receiving departments, and a greater understanding of the tasks, theories, and discourses that pre-sessional students will be going on to work with, is lost.

(2004, p. 98)

In our context, given the scale of the operation described above, such liaison with departments would not be feasible for individual teachers. This collaboration is part of the wider professional responsibilities of the open-ended staff within the centre. This leads to the curriculum of the pre-sessional being regularly reviewed and updated. The collaboration and the understanding gained also inform our in-sessional work. I suggest this is a positive example of the development of "EAP as a discipline" (Turner, 2004).

The marketised context includes the necessity to strike a balance between meeting the demand for places from students (to assist the institution's recruitment/income targets) and maintaining the quality standards demanded by the home institution and by any external validating bodies. In our context, the validating bodies are the British Council's Accreditation Scheme (Accreditation UK) and the BALEAP[1] Accreditation Scheme. (British Council accredit an organisation's provision holistically and BALEAP accredit individual programmes.) Other institutions in the sector are situated within academic departments and have internal and external validation (e.g. The Quality Assurance Agency for Higher Education (QAA)). Both British Council and BALEAP have published qualification standards for teachers working on EAP programmes but neither have a requirement for specific experience or training in EAP.

The degree to which pre-sessional provision is EGAP rather than ESAP varies from programme to programme and institution to institution. Preparation of ESAP courses either requires teachers with a strong knowledge of the disciplinary discourse in the destination department or a strong collaboration between the EAP providers and the academics in the department. Programmes may have a stronger focus on ensuring that the students pass the assessment of language proficiency and therefore focus more strongly on the general (EGAP) or may place more value on the preparedness for future studies and concentrate on ESAP. This aspect of the field is considered in detail in chapter 7.

A major complicating factor is the student visa regulatory framework, which requires institutions to affirm that all candidates have achieved a specific language proficiency level on entry to degree-level study. The proficiency scale required is the Common European Framework of Reference (CEFR) published by the Council of Europe (COE) (COE, 2001). Simpson (2015a) highlighted a perverse

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[1] The *British Association of Lecturers in English for Academic Purposes* changed its name to BALEAP in 2010. The majority of the teachers in BALEAP accredited organisations are not actually lecturers and the organisation is now international, not just British. (BALEAP, 2020a)

contradiction in the Home Office policy regarding pre-sessional students and visa regulations. Whilst that specific issue has been conceded and improved by the Home Office, there continues to be a very highly regulated application process which severely hampers many genuine students. Although a concession in the visa regulations allows HEI to make their own assessment of CEFR B2 for direct entry candidates, students entering via a pre-sessional are required to demonstrate CEFR B2 with a Secure English Language Test (SELT). This theme will be examined in detail in chapters 5 and 6.

Most UK HEIs offer some route into their programmes as an alternative to direct entry. This may be via an in-house programme or a pathway which is outsourced to a private provider. Some institutions (including my own) offer some pre-sessional courses for candidates who have already achieved the language standard required for direct entry but who choose to attend a short preparatory course to acclimatise and settle into their new environment. Increasingly, such provision is provided or supplemented via online learning opportunities. As there is less imperative to focus on language proficiency, such programmes may tend more towards the ESAP end of the continuum.

2.2.2   In-sessional provision

Most UK HEI offer some level of continuing language and literacy development for students after they begin their degree studies. Within my own institution there has been a move away from the more generic provision – EFL and EGAP – towards a greater level of ESAP. Noting again that there is a wide range of types of provision found in UK HEI, I will briefly sketch a generalised picture of in-sessional provision.

Wingate (2015) presents an extensive CASE FOR INCLUSIVE PRACTICE which challenges common denunciations of (falling) standards in HE. The "discourse of deficiency and remediation" (2015, p. 1) is frequently reduced to a focus on structural issues of grammar and vocabulary rather than an understanding that the expansion of student numbers and the increased diversity of the student population mean there is an increased need for support for students. Many similar arguments have been proposed (Feak, 2016; Hyland, 2015; Lillis & Tuck, 2016; Pennycook, 1999) particularly noting that the deficit models tend to focus mostly or entirely on certain sub-groups, including non-native speakers of English.

The survey of provision in Wingate's (2015) study is based on 31 UK HEI. The survey was conducted by searching the websites of the chosen HEI and Wingate is careful to note (2015, p. 46) that those searches may not have returned a complete picture of the provision available within those institutions. Although much of the provision available through my own centre is mentioned on our web pages, there is a considerable amount of material which is not generally discoverable or public facing. The most common reason for this might be that some provision in available via the

University's Virtual Learning Environment (VLE) which has restricted access due to copyright and software licence restrictions.

Wingate (2015, p. 60) presents a useful table (reproduced in Appendix 3) showing a variety of types of academic literacy provision, organised to show increasing degrees of discipline specificity. The weakest integration in the table is characterised as extra-curricular, remedial teaching of general or pseudo-academic materials focussed on grammar/lexis by EAP teachers situated outside of the students' department, with which there is no collaboration (2015, p. 60 Table 4.1, column 1). At the other extreme there is timetabled, fully inclusive, credit-bearing teaching of subject-specific literacy conventions, genres and language provided with collaboration between EAP and subject specialists (2015, p. 60 Table 4.1, column 4). There is no doubt that Wingate is proposing the latter as the preferable model.

At a BALEAP professional interest meeting (PIM) at the LSE in 2016, Wingate gave the plenary speech on "Embedding academic literacy instruction in the curriculum: The role of EAP specialists" (Wingate, 2016). The presentation covered the key arguments from Wingate's (2015) book and included the table of types of academic literacy provision. Feedback from the audience suggested that within that professional grouping there was already a significant move towards the integrated approach.

The credit-bearing nature of Wingate's preferred, integrated provision means it is more likely to be described and available to students from within the department's module and/or programme structure. In my department's provision of embedded EAP the content description would not be easily accessible to browsers from outside the departments involved, and less so for an external visitor. This might go some way to explaining why Wingate's survey found 28 out of 31 HEI offering generic content whilst the BALEAP audience indicated considerably more discipline-specific provision.

This brief sketch of in-sessional provision has only touched on the macro level variety of provision offered within UK HEI. The sketch has made mention of where and by whom the provision is offered. I will give more attention to these aspects in 2.2.4 below. The next section will sketch the relatively new private sector pathway provision.

2.2.3   Pathway provision

Matthews (2014) gives an overview of the growth of for-profit pathway providers operating in the UK HE sector. He points to the growth in international student numbers from 2005 onwards and the related growth in the number of UK HEI entering pathway partnerships. The term *International Pathway College* (IPC) (Smith, 2014) is used to describe an institution established as a collaboration

between an HEI and a private sector pathway provider. Smith states that between 2005 and 2014 the number of UK IPCs grew from three to more than forty (2014, p. 9).

Ball (2007) notes that "major UK management services companies and accountancy and consulting firms are now or have attempted to become involved in the [Education Services Industry] ESI" (2007, p. 61). According to a briefing document published by management consultants CIL Consultants, five providers account for more than 50% of the pathway sector in the UK (CIL Management Consultants, 2018, p. 8). The five providers, Cambridge Education Group, INTO, Kaplan International, Navitas, and Study Group, have over 60 IPCs between them. The briefing paper suggests there is still space in the market for expansion.

The programmes offered by pathway providers include preparatory courses (Pre-Undergraduate and Pre-Masters courses) and International Year One courses. The key difference between the pathway preparatory courses and EAP pre-sessional courses is that the former address an "academic gap" as well as any "language gap" (Smith, 2014). International Year One courses cover the syllabus of the first year of a degree programme at the same time as raising the students' English to the required entry level, preparing them for progression to Year 2 of the HEI's degree programme (CIL Management Consultants, 2018).

At undergraduate level, the academic gap may be due to the fact that the education system in the prospective student's home country is perceived as not achieving the same academic level as the UK system. China, the country of origin of the majority of UK pathway students, generally has 12 years of compulsory schooling, compared with 13 years in the UK. Pathway providers claim that they address this gap:

> In essence, there continues to be a substantial mismatch in the schooling that is provided by the education systems of the c140 countries that we recruit students from, and the entry requirements to top universities in the UK.
>
> Managing Director UK & Europe, Study Group
>
> (CIL Management Consultants, 2018, p. 4)

At postgraduate level, the academic gap is not as easily explained. The academic entry requirement for a master's degree in UK HE is usually completion of an undergraduate degree. There may be a stipulation as to the classification or grade point average required. In addition, some HEI take into consideration the institution which awarded the undergraduate degree. Within the institutions sampled (see chapter 7) there were several references to "approved" or "recognised" universities, without any detail as to which these might be. Some institutions refer to classifications such as the Chinese government's university development schemes: Double First Class University Project, Project 985 or Project 211 (Wu, 2020).

Matthews (2014) raises the question as to whether the pressure to perform financially is compatible with the responsibility for progressing students to university. As well as receiving income from teaching the pathway students, the providers may receive a percentage of the fees their recruits pay to the university for their degree programmes. The pathway providers have very large marketing power in many of the countries from which students come to study. Their reach is far greater than an individual university could afford alone. The pathway providers have very large networks of agents in many of the countries they operate in and those agents receive commission for recruiting students (Hulme, Thomson, Hulme, & Doughty, 2014).

According to the business-to-business company International Consultants for Education and Fairs (ICEF), the benchmark for commission paid by universities to recruitment agencies is 10% of a student's first year fees; commission on shorter courses, such as pre-sessionals, varies between 15% and 25% of fees (ICEF, 2019, p. 8). The rates that pathway providers pay to their agents is not easily accessible in the public domain. However, personal communications from associates working in two of the larger UK pathway providers suggest rates of 15% are common in the sector, supplemented by bonuses for achieving volume targets and a range of other incentives. Despite their collaboration in lobbying for the sector, the pathway providers are in direct commercial competition and consequently they seek to match each other in their offerings to students and incentives to agents.

Incentives mentioned by one of the associates in the field (anonymous, personal communication, January 2020) include lavish hospitality and the gift of equipment such as laptops, iPads and mobile telephones to "assist agents in productivity". In making this confidential disclosure the informant was clear that if some of these practices took place within the UK they would be illegal under the Bribery Act 2010 (United Kingdom, 2010).

My insider view allows an example of inappropriate (mis-)selling of a pre-Masters course, albeit some time ago. The potential student was a Japanese MSc candidate who had already completed a Masters course at a prestigious Japanese university, had an offer for an MSc conditional only on English and had an IELTS score just half a band below the standard required by the local department. Had this candidate applied directly they would have been offered a six- or ten-week pre-sessional course as described in the previous section. The pathway provider's agent sold them a one-year pre-Masters course, at a cost of £14,000, despite there being no academic gap and a minimal language gap.

The agent who sold the course and the IPC which accepted the student must have been aware of the fact that the student could have achieved entry to their degree programme via a much shorter and cheaper programme. The individual student was reported to be angry on discovering this, so it was

not a case of the student having made an informed choice. This is an example of the potential conflict of interest which Matthews (2014) suggests the for-profit operators face.

Pathway provision will be considered further in the analysis of policy in chapters 5 - 7.

2.2.4   The locus of and standing of EAP

Wingate's (2015) typology, framed around level of integration, includes an examination of the location of the provision. In a plenary for a BALEAP PIM (hosted by my department), David Hyatt (2015) focussed on the location of the department geographically and within the institutional structure, arguing that both were evidence of the marginalisation of EAP.

In the following BALEAP PIM at the LSE I offered something of a rejoinder to Hyatt's perceptions of our marginalisation (Simpson, 2016). The thrust of my argument at the event was that EAP units which are not located within any one department or faculty may have better control of the resources available for the provision of EAP across their institution. They may, in fact, be less marginalised than those units which are within departments but are seen as inferior to their academic colleagues. As noted in the proceedings of that event, in my department "we enjoy greater freedom and financial independence outside the academic structure than our counterparts in modern language teaching do within their school" (2016, p. 117).

Ding and Bruce (2017) present a thorough overview of the EAP profession with a particular perspective on practitioners who, their subtitle suggests, are "operating on the edge of Academia". An early consideration is whether EAP within universities is a support service, similar to housing or counselling, or an academic field in its own right. The position they take is "that EAP is a research-informed *academic field of study*" (2017, p. 4 orginal emphasis). They also highlight the position of EAP within the marketised and massified UK HE context and the way in which this can affect the EAP practitioner:

> ... the institutional view of EAP also influences the practitioner's own identity and agency within their own field as well as within the university. Where institutions take a 'support service' view of EAP, practitioners are largely positioned as general or support staff within the university, useful because they enable the university to generate fee income from international students, but not essentially belonging to the knowledge-building, knowledge-communicating body of academic staff of the university.
>
> (Ding & Bruce, 2017, p. 199)

Although I have a degree of sympathy with this view, it does appear to be somewhat overgeneralised. I have made a strong argument for the reinvestment of income raised from pre-sessional activity into the funding of continuing in-sessional provision (Simpson, 2016). It seems highly unlikely that the number of teaching staff required to deliver effective EAP provision of the model preferred by Wingate above could be realised with the professional model Ding & Bruce would prefer.

Within my department there are currently over 100 EAP tutors, all of whom are on open-ended contracts. Approximately one third of our work is in-sessional provision, one third is teaching at the IPC and the other third is on longer term pre-sessionals, visiting student programmes, teacher training programmes, community work and developmental work. There is no doubt that EAP is a valid field of academic study, but it is doubtful that 120 academic posts would ever be dedicated to that field. (My university's School of English Language & Literature has approximately forty academic posts, including professorial level).

The standing of EAP staff within their institution is relevant to the "who says" of the thesis title. Those colleagues who do have academic standing are more likely to be heard within their institution than those who have a service or support role. The discussion of standards at institutional level (in chapter 7) also links to the "what goes" question in the thesis title. The influence of EAP staff on this question will come into focus there.

2.2.5   The Covid-19 pandemic

This study, part-time in nature, has been substantially interrupted on three separate occasions. The first interruption was not related to the context of the study. The Covid-19 pandemic, which caused the subsequent interruptions, has directly influenced the context.

The pandemic struck the UK in March 2020, as this research project was coming towards its deadline. Pressures of work dealing with the direct impact of the pandemic meant that it was necessary for the research project to be temporarily suspended on two further occasions, significantly delaying progress and necessitating some rewriting.

The reliance of institutions on international student fee income was thrown into sharp focus when the pandemic broke. In particular, institutions with large populations of international students faced the prospect of a very large hole in their balance sheet. The first priority for institutions was to enable as many current students as possible to complete their current academic year (or their programme, for most PGT students). This was important because students who withdrew could be entitled to refunds and students who deferred would take up places and thus reduce capacity for new students in the following year. Both of these scenarios would have a significant financial impact. In mitigation, most UK HEI and their IPC rapidly moved their teaching and assessments online.

Although recruitment patterns vary across institutions, my own institution's experience is not uncommon. When the pandemic broke, most academic offers for the following September had already been made. International applicants often receive offers with language conditions; many take IELTS (or similar) multiple times, hoping to achieve the required standard and thus to avoid the expense of a pre-sessional programme. With IELTS and other test centres closed due to the

pandemic, many applicants were unable to make a further attempt to meet their conditions. As a result, pre-sessional programmes also moved to online delivery and uptake by candidates was similar to previous years.

With two pre-sessional cycles having taken place with restrictions due to covid-19, it seems likely that some online provision will continue even when the pandemic is eventually over. The temporary impact of the pandemic on the regulatory environment and on assessments will be addressed further in chapter 6.

2.3 Positionality

The understanding of the term *positionality* in this study is drawn from Sikes (2004): "Researcher positionality" is summarised as

- ontological assumptions concerning the nature of social reality,
- epistemological assumptions concerning the bases of knowledge
- assumptions concerning human nature and agency

(Sikes, 2004, p. 19).

My positionality shifted considerably over the course of the first stage of the doctoral journey (see Appendix 1). I initially viewed ethnographic research projects (Pahl et al., 2013; Rampton, 2006) with a degree of (subsequently dispelled) scepticism. It is possible that this was due in part to my tendency to look for proof of concepts or grand truths on which to base an argument for a course of action. It is also likely that I brought with me positivist notions of objectivity, carried forward from a traditional grammar school education. Whatever the roots of this inclination, that positivist ontological heritage was at odds with my personal and professional world view and, particularly, my view of language.

Rampton (2006) describes his ontological position as broadly constructionist in nature but specifically acknowledges "phenomena and processes" which exist or operate beyond the immediate context of the discourse (2006, p. 390). Thus, Rampton's work is positioned around and focused on social constructs without excluding the possibility of an external, real world. I concur with this ontological position and adopt this in my own work.

My epistemological stance is interpretivist; the methodological approach (chapter 4) I use in my analysis is based on Critical Discourse Analysis (CDA). Fairclough (1992a, p. 72) identifies interpretivist analysis as one of the three key traditions within CDA (together with linguistic analysis and macrosociological analysis).

The third element in Sikes' summary of positionality refers to *agency*. I agree with Sikes' middle ground suggestion that "[s]ome things are done voluntarily and others because … we have no choice"

(Sikes, 2004, p. 23). This is aspect is relevant as the study will examine how policies impact on students' agency.

Van Dijk (2006) argues that ideologies are socially shared belief systems which "may ... function to legitimate domination, but also to articulate resistance in relationships of power" (2006, p. 117). Building on this view of ideologies, and in their consideration the ontology of language, Hall and Cunningham (2020) argue that language is

> part of the content of the two overarching power-related ideologies of *elitism,* which seeks to reinforce hegemonic power, and *egalitarianism,* which seeks to (re)distribute this power more equally
>
> (2020, p. 3)

My ontological position regarding language recognises these power-related ideologies and I personally identify with the egalitarian belief system.

My positionality has directly influenced the design and scope of my research. The conceptualisation of AL&L in the following chapter is developed from a consideration of underlying concepts drawn from the literature. The position I have taken aligns with the arguments which challenge traditional, institutional and conservative views of language, literacy and education. My subsequent critical analysis of discourse is interpretivist and therefore there is a strong focus on seeking to identify the justifications underlying or inherent in the discourse.

Presenting my work in progress to my peers, early in the study period, I was fortunate to receive some penetrating questions on the nature of my study. One such question was: "*Is this actually a philosophical enquiry?*". Although I do not consider myself to be engaging in the field of philosophy *per se*, philosophical considerations necessarily influence my positionality and my interaction with methodological considerations. The development of those philosophical considerations is described further in the section on theoretical underpinnings (section 3.1 below).

2.4 Summary of chapter 2

This chapter has provided insight into my professional positioning within my institution and within my professional context in UK HE. My position as a researching professional has influenced the focus of my research, bringing together concerns from my work environment with concepts and challenges from the EdD programme pathway (Literacy and Language Education).

Three broad areas of the professional context have been outlined: pre-sessional, in-sessional, and private pathway provision. Of these, pre-sessional and pathway provision are particularly relevant to the consideration of language standards required of international students on entry to HE.

The intellectual pathway which led to the positionality of the study, rooted in the EdD programme pathway, has been described. A broader picture of the personal journey which led to the positionality is included in Appendix 1.

.

3   Conceptualising AL&L

The primary purpose of this chapter is to establish a conceptualisation of *Academic Language & Literacy* (AL&L), which has been identified as key to the context of the research: The decision to focus on AL&L is consciously made, building from the named route on the EdD pathway.

The research does not begin by adopting the stance of a particular school or paradigm such as, for example, Academic Literacies (Ac Lits) (Lea, 2004; Lillis & Scott, 2007; Lillis & Tuck, 2016), English for Academic Purposes (EAP) (Hyland, 2018; Hyland & Shaw, 2016; Swales, 1990; Wingate & Tribble, 2012) or English as a Lingua Franca (ELF) (Jenkins, Baker, & Dewey, 2018; Jenkins & Leung, 2019; Tribble, 2017), though these paradigms will be considered (section3.4) in light of the conceptualisation of AL&L. Instead, the study starts with an examination of ontological and epistemological assumptions about the nature of both language and literacy, leading to a conceptualisation of the compound term *language and literacy*, following Pahl (2014). In turn, this leads to the conceptualisation of AL&L. As described in 1.2 above, the development of students' AL&L may be seen as the key focus of the learning and teaching which takes place across the range of activities within my professional context.

In establishing the conceptualisation of AL&L it will be necessary to consider the constituent components and to build a coherent description. Researching literature in the field highlights the fact that the underlying compound term *language and literacy* is frequently used but rarely defined or conceptualised. A conceptualisation of the compound term is proposed, building from recent and previous literature on literacy.

It will be important to avoid imposing my understanding or definition of AL&L on the writings of others; the conceptualisation will be useful when reflecting on activities within the field and will stand as context for the consideration of policy relating to language standards which will be investigated in chapters 5 to 7 and the broader discussion in chapter 8.

The starting point in establishing my working conceptualisation will be an outline of some theoretical underpinnings relating to concepts of language and building on the positionality described (2.3 above). This is followed by a review of the literature regarding *literacy* as a fundamental concept. I will problematise the common practice of using *language and literacy* as a compound term but will establish a justification for the compound as an umbrella term. I will then consider the application of language and literacy to my professional field of language teaching within UK HE.

3.1 Theoretical underpinnings

The (re)consideration of my own positionality (see previous chapter) opens a daunting field of academic debate, going to the heart of ontological questions which underlie the social sciences.

3.1.1 Ontological considerations

It is appropriate to consider how the wider context relates to this study in particular. Hammersley (2007) highlights the contrast between realist and constructionist approaches to social enquiry. He summarises the task facing each approach:

> From a realist point of view, the focus of social inquiry is on objects (including people) in the social world that are taken to exist and have characteristics independently of our accounts of them, and the aim is to explain their behaviour in terms of causal relations
> …
> For constructionists, rather than social phenomena being treated as objects that exist in the world awaiting explanation, they are now seen as part of a world that is constituted through sense-making practices, of one kind or another. And the task of social inquiry becomes to study those sense-making practices.
>
> (2007, p. 691)

Hammersley describes this division in the context of a review of linguistic ethnography but points out that it is long-standing in mainstream ethnography and in social science more generally.

In order to move beyond the binary ontological impasse that Hammersley proposes, I will make reference to three influential thinkers: Bakhtin, Wittgenstein and Foucault. The concepts on which I will draw are contributory to my positionality (see 2.3) and to the methodology I will employ in the research (chapter 4).

Two concepts from the work of Bakhtin – *dialogism* and *heteroglossia* – contribute to the view of language which is adopted in this study and help to move beyond Hammersley's impasse. Dialogism describes the relationship of any utterance or discourse item with other items which precede it, coincide with it or follow it. For Bakhtin, all language is related dialogically. Shepherd points to the contrast with monologism, which he considers to be a negative concept in "its misrecognition of itself as independent and unquestionably authoritative" (2013, para. 1). The concept of dialogism is important to the current study because texts which make statements regarding acceptable academic discourse may take such an authoritative (monologistic) stance.

Holquist (1990)describes Bakhtin's dialogism as a "pragmatically oriented theory of knowledge … one of several modern epistemologies that seek to grasp human behaviour through the use humans make of language" (1990, p. 15). Holquist describes how Bakhtin's dialogism rejects "dialectical either/or" questions of primacy because they exclude the possibility of "both/and" as an option

(1990, p. 41). A dialogic approach therefore rejects the binary realist vs constructionist choice which Hammersley proposes.

The term heteroglossia is first found in the English translation of Bakhtin's ([1935] 1981) essay DISCOURSE IN THE NOVEL. This translation refers to *raznorečie* twice in the same paragraph, firstly as "the social diversity of speech types [raznorečie]" and then with reference to "compositional unities with whose help heteroglossia [raznorečie] can enter the novel" (1981, p. 263). Although Bakhtin is concerned here with literary analysis, later in the essay he considers the concept of a unitary language and "socio-ideological" status of languages and dialects. In the analysis of stipulatory texts, the context of discourse will be seen to be of central importance; the concepts of heteroglossia and a dialogic view of language will therefore also be important in the study.

Bakhtin's dialogic approach is helpful in moving beyond the binary choice Hammersley proposes. In his later essay on THE PROBLEM OF SPEECH GENRES, Bakhtin states that language "is realized in the form of individual concrete utterances (oral and written) by participants in the various areas of human activity". Specific spheres of language use develop "relatively stable types of … utterances. These we may call speech genres" " (Bakhtin, 1986, p. 60 [1952] original emphasis). In the conceptualisation of Language & Literacy (3.3 below) this socially constructed view of speech genres is adopted.

Tsoukas (2000), working in the field of Organization Theory, describes the realist vs constructionist question as "an unhelpful question which can only arise within the context of a representational notion of knowledge" (2000, p. 531). He refers to (but does not actually reference) Dewey and Wittgenstein:

> We have learned from Dewy and Wittgenstein not only what questions to ask but, more crucially, what questions we should not ask. One of the questions we should *not* be asking is whether our social investigations get to the truth of the matter; whether or not they capture what is 'really going on out there'. Such questions are unhelpful, largely because they are undecidable: we lack the conceptual resources to answer them.
> (Tsoukas, 2000, p. 531 original emphasis).

Shotter and Tsoukas (2011) build an argument against representationalism, drawing heavily on (later) Wittgensteinian philosophy. They argue that Wittgenstein's philosophy is not about theories which can explain the hidden nature of the world but rather it is about "alerting us to what in fact is occurring in our involvements with each other, and with our surroundings" (Shotter & Tsoukas, 2011, p. 321). In making this distinction they give attention to background events that Wittgenstein's philosophy brings into focus. In his later major work, PHILOSOPHICAL INVESTIGATIONS, Wittgenstein puts language at the very centre of his philosophy: "Philosophy may in no way interfere with the actual use of language; it can in the end only describe it" (Wittgenstein, 2009, p. 49 [1957, §124]). In this

regard the philosophical underpinning ties to the concept of language being adopted in the study, providing further support for the treatment of language as a social construct.

A number of similarities between Wittgenstein and Foucault have been noted, (Marshall, 2001; Olssen, 2017). Wittgenstein describes philosophy in terms of language-games, the rules of which are determined in their very execution: "You must look at the practice of language, then you will see it." (Wittgenstein, 1974 §501). Foucault's interest is on discourse as an expression of power relations. Particularly relevant to the current study is Foucault's comment on discourse in education:

> Every educational system is a political means of maintaining or of modifying the appropriation of discourse, with the knowledge and the powers it carries with it.
> (Foucault, 1972a, p. 227).

In asking the question, **"Who says what goes?"** in the context of academic discourse I will be examining such power relations. This questioning aligns with the critical examination of policy proposed by Lomer (2016), described in chapter 1.

3.1.2   Etic and Emic standpoints

Pike (1954, 2001) created the terms *etic* and *emic* by removing the initial syllable *phon* from *phonetics* and *phonemics*. A crucial distinction between phonetics and phonemics is that phonetics relates to all languages and phonemics is always concerned with one particular language. By removing the reference to sound, Pike created etic and emic approaches or "standpoints" for the observation of human behaviour. The etic approach is "primarily concerned with generalized statements" which relate to all languages or cultures, while the emic approach is "valid for only one language (or culture) at a time" (Pike, 1954).

Pike argues that when etic and emic viewpoints coincide the "result is a kind of 'tri-dimensional understanding' of human behaviour instead of a 'flat' emic one" (Pike, 1954, p. 41).

Lea & Street's much-quoted work STUDENT WRITING IN HIGHER EDUCATION: AN ACADEMIC LITERACIES APPROACH provides a particular perspective on the emic viewpoint. Reporting on field work at two universities they note:

> As researchers we were able to benefit from our own situated knowledge of the institutional settings within which we were researching. Adopting an ethnographic style approach to the research, within settings of which we already had prior knowledge, enabled us to move away from the focus on transcribed interview material to a more eclectic approach, merging the importance of understanding both texts and practices in the light of staff and student interpretations of university writing.
> (Lea & Street, 1998, p. 160)

In their study, Lea & Street were researching within an environment with which they were intimately familiar. As a result, they brought their own insider knowledge of the context to their study.

In this study, following Lea & Street, my direct experience of the field will be described as the "insider perspective." This is distinct from an *emic* perspective which is taken to signify the perspective of *policy actors* within the field.

This section has examined theoretical underpinnings which relate to the positionality of the study. The view of language as a social construct is fundamental to the conceptualisation of AL&L. The following section continues by examining concepts of literacy which contribute to that conceptualisation.

3.2 Concepts of literacy

This section will begin with a survey of concepts of literacy before focussing on the compound *language and literacy*. As the later policy analysis will compare HE entry standards for home students with those for international students, some reference to literacy models in schools is included.

3.2.1 A traditional view of literacy

Barton ([1994] 2007) suggests that it may be impossible to define *literacy* precisely. His historical survey of dictionaries found the terms *illiterate* and *literate*, meaning uneducated/educated, much earlier than *literacy*, which first appeared in 1924. At that time the definition of *literate* was expanded to include "the ability to read and write". Since then, that has become the primary definition, with *educated* as secondary (2007, p. 18).

Carter (1995) identified the most popular and conventional definition of literacy as "a set of skills consisting almost exclusively of the ability to read and write" (1995, p. 98). The validity of this definition was challenged by a new approach, examined in the following section.

3.2.2 New Literacy Studies

Gee (1990) gave the name New Literacy Studies (NLS) to an emerging field which rejected "the traditional view of literacy as the ability to read and write" (1990, p. 49) in favour of approaches which recognise literacy as constituted by embedded sociocultural practices.

The work which named the NLS has been revised several times. I will draw on the latest edition and some of Gee's other more recent reflections (Gee, 2000, 2015a, 2015b) for an overview. Gee notes that "from the outset work in the NLS melded the study of culture, discourse, language, literacy and often history and politics" (2015b, p. 38). Gee focuses on three foundational ethnographic studies which strongly influenced the field: Scollon and Scollon (1981), Heath (1983) and Street (1984). These are particularly relevant to the conceptualisation of AL&L and will be considered briefly.

Scollon and Scollon (1981) conducted ethnographic research among Athabaskan communities in Alaska and North Canada. They argue that discourse patterns can be seen as expressions of identity – individual and cultural; changes in discourse patterns (for example due to acquiring a new literacy) may, therefore, cause or necessitate a change in identity (Gee, 2015b, pp. 38–39). In an earlier, related paper Scollon and Scollon argued that characteristics attributed to literacy are in fact characteristics of one type of literacy, which they called "essayist literacy":

> As the work of the past decade shows, we need to think of at least several kinds of literacy. Much of what is attributed to literacy might be more narrowly restricted to what we would call essayist literacy and that this is just one of many literacies ... Essayist literacy is largely taught and learned through the formal process of schooling.
> (Scollon & Scollon, 1980, p. 26).

The Scollons' concept of essayist literacy will be considered further in the discussion of AL&L (3.4 below). The plurality of literacies which the Scollons describe is a key feature of the New Literacy Studies view.

Heath's (1983) ethnographic research was conducted with two communities: the white, working-class Roadville and the black, working-class Trackton, located in the Piedmont Carolinas (1983, p. 28). Heath's work includes a focus on the importance of *literacy events* which are embedded in cultural contexts. In order to acquire discourse practices, individuals (non-mainstream children in Heath's study) need to be "socialized" into those practices.

Heath continued to work with the communities from her study for thirty years. In her later work (Heath, 2012) she reported some grandchildren of her original subjects experienced difficulties when they went into higher education:

> Aside from their unfamiliarity with the terms of academic discourse, students from Roadville and Trackton lacked the oral-language fluency in ways of talking they needed to support reading and writing in higher education.
> (2012, p. 99)

Those students had not been exposed to, or socialised into, the discourse practices of essayist literacy. Heath's focus on socialisation and on literacy events are both key characteristics of the NLS approach.

Street's (1984) LITERACY IN THEORY AND PRACTICE is widely cited as one of the ground-breaking works in the field. Street drew the distinction between the *autonomous* and the *ideological* models of literacy. The autonomous view is of literacy as something fixed and cognitive which, autonomously, can influence an individual's practices, such as their ability to read a text. The ideological model, on the other hand, would also pay attention to social factors which might influence or account for that ability. The ideological view allows for the possibility of challenging the deficit model attitudes which

can flow from the autonomous model. Street's work is considered further in section 3.4 below as his subsequent work touches directly and frequently on notions of academic language and literacy.

Gee (2000) describes the NLS as part of the *social turn* away from a cognitive conception of literacy toward socially situated models. Gee is very frank about his political aspirations for the social turn and the related movements, including NLS, which he had hoped would "unmask the workings of hierarchy, power and social injustice … in opposition to the fetishist profit motives of capitalism" (2000, p. 184). He discusses in some depth how what he calls *new capitalism* accepted and even promoted aspects of the social turn movements which he had hoped would be a challenge to *old capitalism*. He describes how

> within a community of practice all members pick up a variety of tacit and taken-for-granted values, norms, cultural models and narratives as part of their socialisation into the practice and their ongoing immersion in the practice.
>
> (Gee, 2000, p. 186)

The socialisation process which Gee describes has much in common with models of academic socialisation which will be considered further in section 3.4.3. Gee's own definition of literacy, and how it contributes to this conceptualisation, will be examined in section 3.3 below. Before that it is also important to touch on *new literacies*, as these also contribute the conceptualisation of AL&L.

Gee explains the grammatical parsing of New Literacy Studies (NLS) as "studying literacy in a new way"; he contrasts this with the more recent New Literacies Studies (no acronym) which "is about studying new types of literacy beyond print literacy" (2015b, p. 44). The following section will consider some of the new types of literacy.

3.2.3   New Literacies

New literacies are relevant to the conceptualisation of AL&L because they can be part of the academic context in which students study. One of the most obvious examples of new literacies is that of Digital Literacies, an area which has seen substantial growth in recent years. This particular area was considered in detail in a previous assignment contributing to this EdD, which presented an argument for the inclusion of Digital Literacies in the EAP curriculum (Simpson, 2014 excerpt in Appendix 4). Simpson and Obdalova (2014) argue that there are many ways in which digital literacies "constitute new practices rather than new instances of established practices" (2014, p. 110) (Crystal, 2011; Davies, 2012).

Dudeney, Hockly and Pegrum (2013) offer a straightforward definition of digital literacies:

> Digital Literacies: the individual and social skills needed to effectively interpret, manage, share and create meaning in the growing range of digital communication channels
>
> (2013, p. 2)

This definition, stripping away the qualification/exemplification/context is simple: (digital) literacy = individual and social skills relating to meaning/communication. In this definition the plurality comes from the plural skills and communication channels. The *digital* is the context in which the skills and communication channels are located or situated (Barton & Hamilton, 2000). There is no explicit mention of language in this definition, which highlights the point that multimodal meaning making (Bhatt & De Roock, 2013; Kress, 2000; Lankshear & Knobel, 2012), can operate without necessarily using language.

Kress, a member of the group which proposed a PEDAGOGY OF MULTILITERACIES (New London Group, 2000) observes that:

> a linguistic theory cannot provide a full account of what literacy does or is … language and literacy now have to be seen as partial bearers of meaning only
>
> (Kress, 2003, p. 35)

This view is supported by Taylor who notes that Halliday's identification of language as a social semiotic (Halliday, 1978) encouraged the investigation of other social semiotic modes (R. Taylor, 2014, p. 403); she notes that in multimodal communications language may often be the dominant mode but that it can also be subsidiary to a more dominant mode or can be entirely absent (2014, p. 418).

The possibility of language being entirely absent from communication might appear to be problematic in the current context of building a conceptualisation of language and literacy. Whilst there are undoubtedly multimodal practices which feature meaning-making practices other than language, it seems likely that such instances would occur occasionally and within a wider context which would include language, particularly in this study's professional context.

3.2.4   Summary of concepts of literacy

The concepts reviewed in this section go beyond the view that literacy equates to the ability to read and write, as traditionally promoted in the school education system. The cognitive-based view of literacy has been challenged, with social practice-based views leading to plurality of literacies or of literacy practices within social contexts. The move away from the cognitive towards the social coincides with an ideological or political dimension, though this is not necessarily foregrounded in all of the literature. Furthermore, new technologies and other new areas of practice are seen to generate new literacies. Some new literacies, particularly multimodal literacies, do not necessarily involve language at all, though in such instances a different mode of meaning-making would be present.

The theoretical underpinnings described in section 3.1 clarified that language is considered to be a social construct and that the context within which it is situated is key. This section has reviewed literature pertaining to concepts of literacy and has, similarly, identified the importance of literacy practices within a social context. In addition to these commonalities, language is a prerequisite for most concepts of literacy and most concepts of literacy involve some language practice or practices.

The next section of this chapter will investigate the combination of the two terms into the compound noun *language and literacy*.

3.3   Language & Literacy

This section begins by problematising the frequent use of *language and literacy* as a compound noun. A review of literature finds some inconsistencies in the use of the term and a lack of definition or explanation. Key concepts which help demystify the potential confusion are identified and a working conceptualisation is developed.

3.3.1   Language and Literacy as a compound noun

The title of Stubbs' (1980) work, LANGUAGE AND LITERACY: THE SOCIOLINGUISTICS OF READING AND WRITING might be taken as a broad indication of his use of the compound term, though there is no specific examination of the term and the early chapters focus on *reading and literacy*. There are three chapters devoted to spelling and another on orthography. There is also much focus on "explanations of reading failure" (Stubbs, 1980, p. 137). Although the work is described as a useful introduction (Loritz, 1980), it does not assist in understanding the compound. A number of key works in the NLS domain also use the term *language and literacy* frequently.

The compound noun features in the title of Maybin's LANGUAGE AND LITERACY IN SOCIAL PRACTICE (Maybin, 1994). Although the introduction states that the works collected in the volume "reflect an important shift over recent years in the field of language and literacy studies" (1994, p. ix) there is no discussion of the compound term in the introduction or in any of the collected papers.

Gee's latest edition of SOCIAL LINGUISTICS AND LITERACIES: IDEOLOGY IN DISCOURSES opens with a similar assertion:

> Social and cultural approaches to language and literacy have made great progress since the first (1990), second (1996), third (2007) and fourth (2011) editions of this book.
> (Gee, 2015a, p. 2)

Although many key terms are analysed or deconstructed in Gee's work, the compound term language and literacy is not.

The first sentence of the cover page of Rowsell and Pahl's (2015) collection introduces the collection thus:

> *The Routledge Handbook of Literacy Studies* offers a comprehensive view of the field of **language and literacy** studies.
>
> (Rowsell & Pahl, 2015, p. i, italics original, bold face added)

The statement clearly indicates that **language and literacy studies** is a singular field. In the same cover note the work is described as "an essential reference for those … working in the fields of applied linguistics and language and literacy" (2015 i) which reinforces the identification of *language and literacy* as a single field. The mini biographies of the contributors show that six of them have *language and literacy* in their job title, in the name of their department/research group or their declared research interests. It appears that the compound term is commonly used. Despite this, the term does not appear in the volume's index and is present in just one (the first) of the 43 chapter titles, (Bloome & Green, 2015).

This is not an exercise in pedantry. The point of this survey is to support the contention that the term *language and literacy* (or less frequently *literacy and language*) is commonly used as a compound term, rather than as a coincidence of two items. Whilst no definitions or explanations of the compound have been found, some helpful insight has been identified. This is described in the next section.

3.3.2 Two turns in the study of literacy

Bloome and Green's contribution to the handbook is entitled THE SOCIAL AND LINGUISTIC TURNS IN STUDYING **LANGUAGE AND LITERACY** (2015, p. 19 emphasis added). The introduction to their chapter describes two important *turns:*

> Shifts in the fundamental framing of intellectual inquiry can alter both the conduct of scholarship and the practice of everyday life (cf., Kuhn 1962). Here, we consider the implications of two such shifts in the study of literacy. The first is the social turn in **the study of language and literacy** … and the second is the application of the linguistic turn in the social sciences … to the **study of language and literacy**
>
> (Bloome & Green, 2015, p. 19 emphasis added)

The sections which follow the chapter's introduction have subtitles which are subtly but significantly different from their description in the introduction. The first is subtitled THE SOCIAL TURN IN THE **STUDY OF LITERACY** (2015, p. 19 emphasis added) and the second is **THE LINGUISTIC TURN IN THE STUDY OF LITERACY** (2015, p. 21 emphasis added). There is no explanation of the change from *study of language and literacy* to *study of literacy*. It is noteworthy that the compound *language and literacy* is not used again by Bloome and Green (2015), except in the titles of other works which are recommended as further.

The two turns which Bloome and Green describe are key to formulating an understanding of how the compound noun *language and literacy* is valid and helpful to the wider field of literacy studies.

The social turn has already been touched upon (section 3.2 above), particularly regarding the work of Street (1984) and Gee (2000). Bloome and Green's summary is a helpful touchstone:

> The social turn in the study of literacy is a shift from a view of autonomous skills and of written language as a tool that influences (or determines) what people do, how they think, and who they are (literate or illiterate) to a view of written language as actions that people take with others and in relation to others as they make and remake the events, structures, institutions, and interpretive frameworks of their lives.
>
> (2015, p. 22)

The 'linguistic turn' has also been touched upon in the discussion of theoretical underpinnings and concepts of language (section 3.1 above). The view of language as socially constructed rather than monologistic aligns with the view of literacy as ideological rather than autonomous.

If it is accepted that both *language* and *literacy* are socially constructed, rather than external or autonomous, then the interrelation of the two becomes central. Literacy practices involve some instantiation of language use (or another mode of meaning-making); any use of language is potentially a literacy event within its immediate social context. Bloome and Green cite Agar's argument "that language and culture are conceptually inseparable" and point to his proposition of an alternative term, *languaculture* (Agar, 2008; Bloome & Green, 2015, p. 22)*. There is no proposition here to create a new term to describe the compound *language and literacy,* but the notion of interrelation and interdependence of terms is supported by this view.

Regarding the frequent use of *language and literacy* as a compound noun, Pahl suggested a "Bakhtinian view" would be helpful (K. Pahl, personal communication, April 2014). This points to a dialogic relationship between the two elements of the compound noun and supports the idea of the interrelation of the elements being essential. On this basis a working conceptualisation is proposed in the following section.

3.3.3   The conceptualisation of Language & Literacy

The positionality outlined for this study clearly aligns with the conception of *language and literacy* as interrelated and interdependent elements which combine to contribute to literacy events and literacy practices within socially constructed contexts. The compound term is, therefore, considered helpful. The conceptualisation for the remainder of this study will be:

> Language and literacy: the combination of socially constructed linguistic and communicative practices available to a user in a specific context

The conceptualisation draws on key elements of the literature considered in this chapter (Barton, 2007; Gee, 2015a; Heath, 1983; Scollon & Scollon, 1980; Street, 1984). It remains to be clarified why the compound term is needed at all: why not just use *literacy*?

Gee's (2015a) concept of Discourse (with a capital 'D') is helpful in supporting the use of the compound. Gee suggests that (almost) all people develop their *primary Discourse* early in life:

> Our primary Discourse gives us our initial and often enduring sense of self and sets the foundations of our culturally specific vernacular language (our 'everyday language'), the language in which we speak and act as 'everyday' (non-specialised) people, and our culturally specific vernacular identity.
>
> (2015a, p. 174)

For Gee, subsequent Discourses that we acquire are *secondary Discourses*. Acquiring a secondary Discourse involves much more than learning ways of using language. Gee actually defines *literacy* as "fluent control or mastery of a secondary Discourse" (2015a, p. 197). His description of what this involves shows how language is just one part:

> Being in a Discourse is being able to engage in a particular sort of 'dance' with words, deeds, values, feelings, other people, objects, tools, technologies, places and times so as to get recognised as a distinctive sort of *who* doing a distinctive sort of *what*. Being able to understand a Discourse is being able to recognise such 'dances'.
>
> (2015a, p. 172)

In my professional context, it would be difficult to describe to some (senior) colleagues that our endeavours consist in a form of dance. However, the idea that language is one constituent of a greater whole is congruent with the conceptualisation of *language & literacy*. The conceptualisation embraces the socially situated nature of literacy practices and acknowledges that this implies a plurality of literacies, dependent on the specific context. The following section will build upon this conceptualisation of *language and literacy* as a compound term.

3.4 Academic Language & Literacy *(*AL&L)

This section completes the conceptualisation of the compound term *Academic Language & Literacy* (AL&L).

The compatibility of the conceptualisation is then considered in the context of key approaches found within my professional context in UK HE: Standard English (SE), Academic Literacies (Ac Lits), English for Academic Purposes (EAP) and English as a Lingua Franca (ELF). I will also address the decision regarding the use of "literacy or literacies?".

3.4.1   The conceptualisation of Academic Language & Literacy (AL&L)

The qualifier *academic* in the compound AL&L is applied to the *specific context* within the compound *language and literacy* elaborated in the section 3.3.3. The conceptualisation of AL&L is, therefore:

> ***Academic Language & Literacy*: the combination of socially constructed linguistic and communicative practices available to a user in a specific academic context**

Whenever the abbreviation AL&L is used, including any instances above, it refers directly and specifically to this conceptualisation.

Identifying *academic* as the qualifier of the context is significant; the conceptualisation does not represent the coincidence or combination of a monolithic *academic language* with an autonomous *academic literacy* (Gee, 2015a; Maybin, 1994; Scollon & Scollon, 1980; Street, 1984). Rather, AL&L is an academic variety of *language and literacy*; other varieties (e.g. professional language and literacy) are also possible,

In proposing this conceptualisation, I must acknowledge the influence of a colleague who suggested a refinement of one of the many *specific purpose* approaches. Guillen Solano (2016) suggested that rather than *English for Academic Purposes (EAP) or English for Specific Academic Purposes (ESAP),* we might consider *English for Specific Academic Contexts (ESAC)*. The conceptualisation of AL&L, developed from the theoretical bases described above, has arrived at a similar conclusion that the academic context is the site where language and literacy practices are employed.

The conceptualisation of AL&L is consistent with the ontological and epistemological positions outlined in the introduction to this study and is founded on the theoretical base described in this chapter. It remains to describe how this may be elaborated within my professional context for the purposes of this research.

3.4.2   AL&L and Standard English

Carter describes Standard English as

> that variety of English which is usually used in print and is normally taught in schools and to non-native speakers using the language … It is also the variety which is normally spoken by educated people …It is used extensively in education … and professional life.
>
> (1995, p. 145)

Most universities have a general requirement that new undergraduates, for all subjects, have passed the General Certificate of Secondary Education (GCSE) in English, or equivalent. The Department for Education guidance for teachers of the National Curriculum (DfE, 2014b) stipulates that

> Pupils should be taught to control their speaking and writing consciously, understand why sentences are constructed as they are and to use Standard English

<div align="right">DfE (2014a, p. 5)</div>

Standard English is defined in the GLOSSARY FOR THE PROGRAMMES OF STUDY FOR ENGLISH (NON-STATUTORY) (DFE, 2013). The glossary gives its definition of Standard English within a table of terms, guidance and examples, reproduced in Appendix 6.

The attempt to define Standard English is incomplete and unsatisfactory. The assertion is made that:

> Standard English can be recognised by the use of **a very small range of forms** such as *those books*, *I did it* and *I wasn't doing anything* (rather than their non-Standard equivalents)

<div align="right">(DfE, 2013, p. 15, emphases added).</div>

As a definition this is unsatisfactory as it is self-referential, essentially defining "Standard" as *not* "non-Standard". The assertion would, perhaps, make some sense if the "non-Standard equivalents" were given. It seems likely that these would be *them books, I done it, I wasn't doing nothing.* However, even if this assumption is correct, the guidance is more example than definition.

The idea that a definition of Standard English is possible suggests that the National Curriculum position on language is founded on the monolithic view of language and the autonomous view of literacy (described in section 3.2 above) (Pennycook, 2008; Scollon & Scollon, 1980). As such, the Standard English view is not compatible with my conceptualisation of AL&L. Further examples of GCSE standards will be considered in 6.3.2 below.

3.4.3   AL&L and Academic Literacies

Lea and Street (1998) proposed the *academic literacies* model, building on the earlier work in NLS (Barton, 2007; Street, 1984) (described in 3.2.2 above). In their research, Lea and Street identified two models which they found less than satisfactory: the *study skills* model and the *academic socialisation* model. They did not reject these completely but proposed that study skills are subsumed within socialisation and that socialisation is just one component of their academic literacies approach:

> An academic literacies approach views the institutions in which academic practices take place as constituted in, and as sites of, discourse and power. It sees the literacy demands of the curriculum as involving a variety of communicative practices, including genres, fields and disciplines.

<div align="right">(1998, p. 159)</div>

Lea and Street (1998) mention their research was undertaken at one *traditional* and one *new* university in the south-east of England. They do not mention specifically whether any of the students

they interviewed were international students or non-native speakers of English, but there are several references to A-levels, which tends to indicate home students. Much of the subsequent literature relating to academic literacy/ies, including that pertaining to EAP, refers to the Lea and Street (1998) article. Indeed, seventeen years later Street (2015) noted that their article was one of the most cited from the STUDIES IN HIGHER EDUCATION journal. (A Web of Science search confirms the article to be the second most cited from all volumes of that journal.)

Clearly founded on the work Lea and Street (1998), the academic literacies approach grew notably as the number of students accessing higher education (home and international) expanded from the late 1980s onwards. Lillis and Scott (2007) present a case for academic literacies research as "a field of enquiry with a specific epistemological and ideological stance towards the study of academic communication" (2007, p. 5). The epistemology is described as "a critical ethnographic gaze" and the ideological stance as "transformative" (2007, pp. 10–12). Whilst Lillis and Scott's case is primarily concerned with academic literacies research, they note that this is situated at the "at the juncture of theory and application" (2007, p. 6).

The students who academic literacies practitioners often work with tend to fit the "non-traditional" profile described by Gimenez and Thomas:

> they are from social groups which have historically been largely absent from higher education: students from working class backgrounds, older than 18 when starting university, some with learning difficulties, and as a group representing a variety of cultural and linguistic backgrounds
>
> (Gimenez & Thomas, 2015, p. 29)

Bowstead has made a link between international students and the deficit model that academic literacies research has been fighting against for more than two decades. She argues that

> Academic Literacies research has done much over the past 20 years to challenge this deficit model, yet, in my experience at least, the way the attributes and educational experiences of "international" students are conceptualized and described still very often perpetuate the perception that they are somehow "lacking" or "less."
>
> (Bowstead, 2015, p. 307)

The deficit model which Bowstead highlights may be seen as arising from the autonomous model of literacy and/or an institutional acceptance of a monolithic view of language and an essayist literacy (Scollon & Scollon, 1980) (see 3.2.2 above).

I propose that AL&L is broadly compatible with the Academic Literacies approach, sharing many of the influences. Both draw on the NLS studies which challenge the autonomous model of literacy and both view language as a socially situated practice.

The following section will examine the compatibility of AL&L with EAP.

3.4.4   AL&L and EAP

EAP is often used as a general description of my professional field but is also used to describe a particular pedagogical approach to language teaching. In this section the latter is described.

An important observation on EAP is that it is one manifestation of English for Specific Purposes (ESP), similar to English for Science or English for English for Business. EAP inherited both strengths and weaknesses from the parent discipline (Hyland & Hamp-Lyons, 2002). Strengths included

> "strong interdisciplinary research … [and] commitments to linguistic analysis, to contextual relevance, and to the classroom replication of community-specific communicative events."

Weaknesses included

> "a tendency to work for rather than with subject specialists, a vulnerability to claims that it ignores students' cultures, and a reluctance to critically engage with the values of institutional goals and practices"
>
> (Hyland & Hamp-Lyons, 2002, p. 3).

Canagarajah (2002) points to EAP practitioners' tendency towards a pragmatic approach, helping students to master discourse rather than a critical approach which can challenge the underlying values. Similarly, Benesch argues that Critical EAP includes consideration of the socio-political context of the learning environment and a potential challenge to normative stipulations (2009, p. 81).

Harwood and Hadley (2004) suggest a combination of views to create a *Critical Pragmatic* approach*:*

> Critical Pragmatic EAP attempts to reconcile these seemingly irreconcilable approaches. On the one hand, it acknowledges that students should be exposed to dominant discourse norms, in line with Pragmatic EAP; while on the other hand, like Critical EAP, it stresses that students have choices and should be free to adopt or subvert the dominant practices as they wish.
>
> (Harwood & Hadley, 2004, p. 357)

Hyland (2018) endorses the Critical Pragmatic approach, pointing out that "learning about genres that have accumulated cultural capital does not rule out critical analysis but provides an essential foundation for it" (2018, p. 396).

The critical dimension to EAP and the move towards specificity are factors which suggest the conceptualisation of AL&L is compatible with the EAP approach. The criticality aligns with the ideological model underlying NLS; the specificity aligns with the importance of context in the conceptualisation of AL&L.

3.4.5   AL&L and English as a Lingua Franca

Jenkins' (2006) overview of perspectives on World Englishes and English as a Lingua Franca (ELF) resulted an exchanges of opinions (Jenkins, 2007a; Prodromou, 2007) which continued into both authors' subsequent publications (Jenkins, 2007b; Prodromou, 2010). The exchange clearly indicates a range of attitudes which suggest ELF is a strongly contested field. Pennycook suggests

> [t]he crucial question is not one of pluralisation – English or Englishes – but rather what language ideologies underlie the visions of plurality. To argue for a monolithic version of English is clearly both an empirical and a political absurdity
>
> (Pennycook, 2008, p. 30.8)

In order for the conceptualisation of AL&L to be compatible with learning and teaching in an ELF context it seems necessary to accept Pennycook's rejection of the possibility of a monolithic English as a Lingua Franca. This area will come into focus again in the consideration of language standards in chapter 6.

3.4.6   Literacy or literacies?

The final consideration regarding AL&L in the professional context relates to the decision to use *literacy* rather than *literacies* in my conceptualisation.

My conceptualisation of AL&L is reliant on the notion of different types of literacy (Gee, 2015a; Heath, 1983; Scollon & Scollon, 1980). However, the conceptualisation builds on the compound term frequently found in the literature. AL&L proposes that the interrelated and interdependent concepts *language* and *literacy* are combined in a dialogic relationship and related to a specific, academic context. Whilst it is possible that more than one literacy type or literacy event may be involved in a particular context, it seems unnecessary to introduce plurality to one half of the dialogic relationship.

3.5   Summary of chapter 3

This chapter has proposed a conceptualisation of *Academic Language & Literacy*, building on literature work from the field of literacy and particularly. New Literacy Studies. The resulting concept will form an important reference point in the context of the remainder of the study.

Following major trends in the field, the ideological, social practice view of literacy is considered to be more appropriate than the cognitive or autonomous view. The tendency for *language and literacy* to be used seemingly interchangeably with *literacy* has been problematised. A working conceptualisation for the compound term has been proposed with reference to the specific professional context of this study.

I have also considered three key approaches, specifically Academic Literacies, EAP and ELF, within the professional context. I have argued that the conceptualisation of AL&L which I have proposed is compatible with these three approaches:

Academic Language & Literacy: the combination of socially constructed linguistic and communicative practices available to a user in a specific academic context.

I see the advantages of having established my own conceptualisation as:

- Consistency with the positionality of the study
- Compatibility with the key pedagogic approaches identified in the professional field
- Potential for the conceptualisation to be used more widely in the field

To reiterate, development of AL&L is the focus of the learning and teaching which occurs across the range of activities in my professional context. The analysis of policy in chapters 5 to 7 will be undertaken in relation to that context.

4 Methodology, Procedures and Texts

In order to avoid confusion between *methodology* and *method*, the contributors to DOING

EDUCATIONAL RESEARCH (Opie, 2004) prefer the term *procedure* rather than method. Sikes argues

that

> being able to address, discuss and offer a rationale for both methodology and
> procedure, is a necessary and crucial part of the research process – and should
> constitute a significant and substantial section of any research report, paper or
> dissertation
>
> <div align="right">(2004, p. 15)</div>

Sikes notes that the term *methodology* is also commonly used to describe overarching approaches

to research such as *Case Study* or *Action Research*, though she prefers *methodological approach*

for this purpose (p.16).

The methodology of any study is influenced by the researcher's positionality (Sikes, 2004). To recap

my positionality, described in chapter 2, my ontological orientation is identified as constructionist

and the epistemological stance as interpretive. It is acknowledged that my own opinions and value

judgements cannot be entirely excluded from the work, but reflexivity, i.e. reflection on the research

process, attempts to achieve an ethical and well-balanced approach (Sikes, 2004, p. 30; Wellington

et al., 2005).

This chapter describes in detail the methodological choices made in the design of this research and

the procedures which are used to conduct it. The research consists of critical policy analysis

achieved via interpretive examination of policy documents and related texts.

4.1 Critical Policy Analysis

In addressing the question "What is policy?" Ball (1993) describes three different lenses – 'policy as

discourse', 'policy effects' and 'policy as text'. Each of these lenses will be used in the analysis of

policy in this study. Each of the three analysis chapters will adopt one of the lenses. This means that

the three chapters have different procedures but a common methodological approach.

Chapter 5 employs Ball's 'policy as discourse' lens (1993, p. 14), This draws substantially on Foucault

(1972b, 1977), including the latter's assertion that discourses are "practices that systematically form

the objects of which they speak" (1972b, p. 54).[2]

---

[2] Bacchi (2000) identifies this definition as coming from Foucault's (1977) DISCIPLINE AND PUNISH though Ball (1990, 1993) ascribes it to THE ARCHAEOLOGY OF KNOWLEDGE, which he cites as being published by Tavistock in 1977. In Ball (2015) the publication date is cited as 1974. The Tavistock catalogue date was 1972.

Revisiting his own article 21 years after it was first published, Ball (2015) is frank in acknowledging that

> ... across the now huge body of policy research ... there is a lot more text work than discourse work; that is, a lot more focus on what is written and said, rather than how those statements are formed and made possible.
>
> (2015, p. 311)

The 'policy as discourse' lens is applied in chapter 5 where the analysis is primarily focussed on the points-based system (PBS) of visa regulations, the regulatory regime imposed by the Home Office. An argument is presented that the discourse surrounding student visa policy, particularly the PBS, introduced the hostile regime which requires HEI to implement surveillance and monitoring of their own students. This analysis links strongly to the motivation for the study described in section 1.1 above.

The analysis in chapter 5 draws principally on Hyatt's (2013b) CHEPDA framework, described in detail in section 4.2 below.

Chapter 6 employs Ball's 'policy effects' lens (1993, p. 15), In his reflective article, Ball points to

> ways in which policies both change what we do (with implications for equity and social justice) and what we are (with implications for subjectivity)
>
> (2015, p. 311)

This lens will be adopted in chapter 6 where the analysis examines the impact of the regulatory environment policy (chapter 5) on the language standards and assessments in practice, A thick description of the diachronic context is presented, drawing on approaches related to the CHEPDA framework (Hyatt, 2005b, 2013b; Savski, 2019; Van Leeuwen & Wodak, 1999). Some policy changes which arose as a result of the PBS regulations are also analysed using CHEPDA analytical resources.

Chapter 7 employs Ball's 'policy as text' lens (1993, p. 11). From this I have drawn on the assertion that despite being subject to change, revision and reinterpretation,

> policies **are** textual interventions into practice ... Policies pose problems to their subjects. Problems that must be solved in context"
>
> (1993, p. 12 original emphasis).

This lens will be used in examining policy in practice. A survey of language policies and related preparatory programmes is presented to illustrate aspects of professional practice. Links to the AL&L (chapter 3), to the regulatory regime (chapter 5), and to standards and assessments (chapter 6) are made. The study is inspired by the situated problem of how certain students are treated (see 1.1) and the analysis will seek to trace back any sources of the problem in policy texts.

Ball's policy lenses are the unifying methodological thread running through the three analysis chapters. In addition to these lenses, the *policy trajectory* approach (Bowe, Ball, & Gold, [1992] 2017) will be utilised, particularly in chapter 5. This approach is examined in section 4.4 below.

The methodological approach is informed by theoretical foundations underlying Critical Discourse Analysis (CDA) and draws on a number of approaches which are related to CDA[3]. An early methodological choice was that of choosing *critical* discourse analysis rather than simply *discourse analysis*. Rogers, Malancharuvil-Berkes, Mosley, Hui & O'Garro Joseph (2005) identify three disciplinary roots of CDA: discourse studies, feminist post-structuralism and critical linguistics. They describe the focus of CDA as "how language as a cultural tool mediates relationships of power and privilege in social interactions, institutions, and bodies of knowledge" (2005, p. 367).

Bloor (2007) also points out the interdisciplinary nature of CDA and notes the variety of approaches in the field, but she identifies a key commonality:

> Central to CDA is the understanding that discourse is an integral aspect of power and control. Power is held by both institutions and individuals in contemporary society ... **a commitment to 'social equality, fairness and justice'** is itself a challenge to those who are responsible for maintaining the inequalities, unfairness and injustice in contemporary society
>
> (2007, p. 4, emphasis added)

The ontological stance expressed in 2.3, acknowledging my egalitarian ideology, aligns with the commitment Bloor identifies.

The principal procedure employed to conduct the research is the application of Hyatt's (2013b) CHEPDA framework. This framework incorporates Hyatt's "framework for the analysis of temporal context" (2005b, p. 515) which, in turn draws upon The Discourse-Historical Approach (Wodak, 2001). Two new procedures have emerged during the period of this research: the Critical Discourse Problematization Framework (CDPF) (Van Aswegen, Hyatt, & Goodley, 2019) and the Critical Policy Discourse Analysis (CPDA) (Montessori, Farrelly, & Mulderrig, 2019). These approaches will be discussed to show that they are compatible with each other and appropriate to the research questions of the study.

4.2 The Critical Higher Education Policy Discourse Analysis Framework

The CHEPDA framework consists of two broad elements: *contextualisation of policy* and *deconstructing policy* (Hyatt, 2013b, p. 51). The contextualisation element tends to refer to the policy

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[3] Rogers et al. (2005, p. 367) note that Gee associates CDA in capitals particularly with the work of Fairclough (Fairclough, 1992b, 1995) and his followers. In this work the abbreviation CDA is not intended to identify a specific allegiance or grouping.

text as a whole whereas the deconstruction element applies top the linguistic realisation of policy within the document. Each of these elements is further sub-divided into several components (see Table 3: The CHEPDA Framework 'on a page' below).

The framework is a set of analytical resources which "invites users to take those aspects of the frame which are useful, but not be constrained by it." (Hyatt, 2013c, p. 837); this clarifies that it is not expected that all of the components will be utilised in any one research project or analysis. Furthermore, it confirms that my supplementing of the CHEPDA framework (with aspects of CPDA and CDPF) in the study is acceptable.

The analytical resources within the CHEPDA framework are not intended to be applied to a given text. The analytic process involves a close reading of the text under consideration, seeking to identify or 'notice' (see 4.6 below) instances where a particular discursive method within the text matches a component of the framework. For example, Hyatt describes *mythopoesis* as:

> legitimation through narratives … exemplified by moral or cautionary tales, advising us as to the positive/negative outcomes of particular courses of action.
>
> (2013b, p. 55)

If a policy text contains one or more "moral or cautionary tales" then this will be identified as mythopoesis by the analysis. If there are no such tales in the text then it is (highly) unlikely that mythopoesis will be identified by the policy analysis.

4.2.1   Contextualisation of policy

The contextualisation element of the CHEPDA framework is particularly suitable for the analysis which contributes to addressing the first RQ:

RQ1- How are the policies which impose language standards on international students entering UK HE justified in policy documents and related texts?

The contextualisation element is divided into 3 parts. The first part is based on Hyatt's (2005b) temporal framework which, in turn, draws on Wodak's discourse-historical approach (Wodak, 2001). This is relevant for the examination of 'policy as discourse' (Ball, 1993), allowing a diachronic perspective (Hyatt, 2013b).

The second part examines *drivers* and *levers*; (Hyatt, 2013b; Shires, 2003; Steer et al., 2007) with drivers being expressions of policy aims and levers being methods for achieving them.

The third part of the contextualisation element draws on the different types of *warrant* proposed by Cochran-Smith and Fries (2001). The identification of warrant claimed or implied in policy

statements is used extensively in this study to examine and assess the justification of policies. This aligns with the interpretivist epistemological stance of my positionality (see 2.3).

The following sections will describe the various aspects of contextualisation.

Temporal Context

 The first part of the contextualisation element of the CHEPDA framework (Hyatt, 2013b) draws on Hyatt's previous 'framework for the analysis of temporal context' (2005a, p. 521); a key purpose of the temporal framework is to provide both synchronic and diachronic context. The four components contained in Hyatt's temporal framework are summarised in Table 1.

 To illustrate the components of the temporal framework I will give examples of each, relating to the temporal context of the current thesis.

Table 1 - Hyatt's Framework for the Analysis of Temporal Context	
Framework component	Example
Immediate Socio-political Context	Notable events, such as "what is in the news" at the key point in time
Medium-Term Socio-political Context	Examples include political, social and cultural eras, such as "Thatcherism" and "punk rock"
Contemporary Socio-political Individuals, Organizations and Structures	"provide contextualizing detail on the influence of actors and agents on the representation of the text, and the impact of these individuals on the discourse"
Epoch	"what counts as knowledge or truth in a particular era"
	Adapted from Hyatt (2005, pp. 521–522)

The immediate socio-political context (ISC) at the outset of the research phase of this study can be seen in two major events. In October 2016, the UK government announced its intention to trigger Article 50 of the Treaty of Lisbon (European Union, 2008) in order to begin the withdrawal of the United Kingdom from the European Union (EU), the process commonly known as *Brexit*. The following month, Donald Trump was elected to the office of President of the United States. These events are notable enough to provide readers with a reference to the synchronic context at the start of the study.

The Brexit process and the Trump presidency are examples of what Hyatt calls medium-term socio-political context (MSC) (2005, p. 521). These longer-term periods give an idea of the diachronic context; both examples will be seen to be relevant to the broad themes discussed in the project.

Hyatt notes that *contemporary socio-political individuals* (CSI) are not necessarily participants or actors in the discourse under consideration, but they are closely associated with the context, either ISC or MSC. As mentioned in the introduction (section 1.5), significant actors in the field, are referred to in the thesis using their given name as well as their surname.

Whilst most studies will have relevant ISC and MSC, it is less usual for there to be a shift in what Hyatt (2005b) describes as the *epoch*. The covid-19 pandemic began in early 2020, as this research project was nearing completion. The global impact of the pandemic has been so great it may be argued that a new epoch has begun. Some of the consequences of the pandemic will be discussed in chapter 8 and discussion of the epoch will follow.

When policy texts are analysed in chapters 5 - 7 there will be an attempt to identify the ISC and/or the MSC and these will also be referred to in the subsequent discussion chapter.

Policy Drivers and Levers

Hyatt identifies policy *drivers* as "expressions of the intended aims or goals of a policy" (2013b, p. 838) and notes that such expressions may be found in a variety of texts. In terms of education policy, these may include government *white papers*, which precede legislation, as well as the *bills* which become *Acts* once passed by Parliament. Lane (2015) identifies white papers as a rich source of text describing policy drivers. When Acts are published, they often contain Explanatory Notes which may also contain expressions of policy goals. (The texts which will be analysed in this research are outlined in section 4.5 below)

Hyatt notes that some analyses

> will seek to uncover policy effects and move beyond the policy text itself ... The
> acknowledgement of policy as a process ... will require some analysts to follow a policy-
> trajectory approach
>
> (2005b, p. 49)

This study will include a policy trajectory approach (Ball, 1993; Bowe et al., 2017; Rizvi & Lingard, 2010) and will include an examination of policy effects in the practical domain.

Hyatt describes "engagement with drivers and levers/instruments [as] central to understanding the evolution of a policy" (2005b, p. 50). Steer et al. identify policy *levers* as "the wide array of functional mechanisms through which government and its agencies seek to implement policies" (Steer et al., 2007, p. 177). They note the political nature of drivers and levers; these rarely exist in isolation and may interact with unexpected or unintended consequences. A simple example of a policy driver examined in the thesis is the government's declared intention to reduce net migration (5.1.3); it will be argued that the PBS was used as policy lever to help achieve that aim.

Warrant

The third part of contextualisation draws on the different types of *warrant* proposed by Cochran-Smith and Fries (2001). The establishment of warrant tends to be at the macro level, relating to the justification for a policy initiative or a course of action.

Three types of warrant are described: the *evidentiary warrant*, the *accountability warrant* and the *political warrant*. Cochran-Smith and Fries show that competing sides in a policy debate can use the same types of justification (warrants) for the diametrically opposed positions they maintain and the courses of action they support. They argue that these warrants "are used to add up to 'common sense' about what should be done" (2001, p. 4). The warrant can thus be seen as linking to the policy driver and the policy lever.

The analysis of policy will examine and may challenge the argument or justification behind "common sense" positions and will suggest which of Cochran-Smith and Fries "warrants" might be in evidence. To assist in this, Table 2 summarises the three types of warrant; Table 3 attempts to capture the elements and components of the CHEPDA framework on a single page.

Table 2: - Cochran-Smith and Fries' *Warrants*	
Warrant	**Description**
Evidentiary	"justifications and grounds … based 'entirely' (or at least purported to rest entirely) on empirical data, evidence, and facts" (p.5)
Accountability	"a set of 'reasonable grounds' for action based on outcomes, results, and outputs" (p.7)
Political	"Justification … in terms of service to the citizenry and of larger conceptions about the purposes of schools and schooling" (p.10)
	(Cochran-Smith & Fries, 2001, pp. 5–10)

The following section will describe the second element of the CHEPDA framework,

4.2.2   Deconstructing policy

The *deconstruction* element of the CHEPDA framework (Hyatt, 2013b) includes a range of components based on Fairclough's (1995, 2003, 2015) work on CDA as well as Hyatt's earlier works (2005a, 2013c). This section will briefly describe these components, most of which are identified within the texts analysed in chapters 5 - 7.

The CHEPDA framework draws on Fairclough's (2003) description of *modes of legitimation*: authorisation, rationalisation, evaluation and mythopoesis. Fairclough (2003, p. 98) ascribes those modes to Van Leeuwen, though the reference is to an undated, unavailable paper. He also points to

Table 3: The CHEPDA Framework 'on a page'		
Contextualisation		
Temporal context　　　　　(Hyatt, 2005b; Wodak, 2001)		
	Immediate socio-political context (ISC)	
	Medium-term socio-political context (MSC)	
	Contemporary socio-political individuals, organizations and structures	
	Epoch	
Policy Drivers & Levers　　　(Shires, 2003; Steer et al., 2007)		
	Drivers	
	Levers	
Warrant　　　　　　　　(Cochran-Smith & Fries, 2001)		
	Evidentiary warrant	
	Accountability warrant	
	Political warrant	
Deconstruction		
Modes of Legitimation　　　(Fairclough, 2003; Hyatt, 2013b; Van Leeuwen, 2007)		
	Authorisation	
	Rationalisation	
	Moral evaluation	
	Mythopoesis	
CDA Techniques		
	Interdiscursivity & Intertextuality	
	Evaluation/Appraisal	
	Presupposition/Implication	
	Lexico-Grammatical Construction	
		Based on (Hyatt, 2013b, 2013c)

Van Leeuwen and Wodak's (1999) paper which includes description of the four modes of legitimation. A later paper (Van Leeuwen, 2007) also covers these modes in detail.

Hyatt points to the similarity of warrant and legitimation:

> Legitimation … is the process by which policies are justified to their audience by attachment to dominant norms and values, and so are closely linked with the preceding modes of warrant.
>
> (2013b, p. 840).

Whilst warrants and modes of legitimation may be similar in this regard, it is helpful to consider how they differ. In my application of these terms I have considered their respective positioning within the CHEPDA framework. W*arrants* are located in the contextualisation section; I see them as relating to the wider or macro description or justification of the text. The *modes of legitimation* are located within the deconstruction section of the framework. In seeking to identify legitimation within my analysis of a text, I tend to be looking at closer detail, often at sentence or even at word level. As Hyatt points out, the strategies of legitimation are often implicit in a text and a combination of strategies may be combined to effect the author's purpose (2013b, p. 53).

The individual modes of legitimation are expanded upon when they are encountered within the textual analysis. My approach to the reading of texts is examined further in 4.4 below.

Fairclough distinguishes the two related concepts *intertextuality* and *interdiscursivity*:

> Intertextuality has been extended to include 'interdiscursivity': the former refers to the occurrence and combination of concrete actual texts in the texts we are analysing; the latter refers to the occurrence and combination of … discourses, genres and styles.
> (Fairclough, 2015, p. 38)

My first engagement with CDA was an assignment in the first stage of the EdD programme. In that work I pointed to interdiscursivity in the use of discourse relating to crime and corruption in the context of immigration regulations. This theme will be revisited in the analysis below; Appendix 4 includes an extract from that previous work (Simpson, 2015a).

Other resources from the deconstruction element of the CHEPDA framework (Hyatt, 2013b) include: *presupposition/implication*, which "help to represent constructions as convincing realities"; a variety of techniques of *evaluation/appraisal* are also presented as "appearing as … descriptive statements when they are judgements representing specific value positions" (2013b, pp. 54–55).

A mechanism which is not explicitly included in the CHEPDA but which Hyatt and Meraud observe when employing the framework, is

> CDA's acknowledgement that what is backgrounded through exclusion from the text can often be as significant as that which is foregrounded through inclusion
> (Hyatt & Meraud, 2015, p. 228)

This observation is made whilst they are analysing the mode of legitimation in the text under their consideration. I suggest that the mechanism of inclusion/exclusion would be a useful addition to the CHEPDA framework. 'Silences' in policy texts are also addressed by Bacchi (2009). Her approach is considered in 4.3.1 below.

The deconstruction element of the framework includes examination of how "use of pronouns, voice and tense can also act as part of the lexico-grammatical construction of a 'reality'" (Hyatt, 2013b, p. 842). This part of the framework draws on Hyatt's earlier CRITICAL LITERACY FRAME (Hyatt, 2005a). The following section will consider related approaches which are also drawn upon in the research.

4.3 Additional analytic approaches

The approaches described in this section either draw directly on the CHEPDA framework (Hyatt, 2013b) or have procedures in common with it.

4.3.1   Critical Discourse Problematization Framework (CDPF)

The Critical Discourse Problematization Framework (CDPF) (Van Aswegen et al., 2019) is used in two ways to supplement the CHEPDA. Firstly, a technique from CDPF is identified to address the perceived gap in the CHEPDA (described in 4.2.2) regarding the treatment of the mechanism of inclusion/exclusion. Secondly, as the approach to using 'thick description' (Geertz, 1973) described by Van Aswegen et al. (2019) will be utilised, the literature they draw upon is briefly reviewed.

The CPDF draws directly on the CHEPDA framework (Hyatt, 2013b) and also on Bacchi's (2009) "What's the problem represented to be?" framework (WPR). Bacchi's proposal is that policies do not address external problems. Instead, the 'problems' are internal to the policy representation:

> By their nature, policies make changes, implying that something needs to change. Hence, there are implied 'problems'
>
> (Bacchi, 2009, p. x)

WPR seeks to expose the problems which are implicit in a policy via a series of questions; the CDPF draws on the CHEPDA framework (Hyatt, 2013b) techniques to address these questions. The titular question, 'What is the problem represented to be?' is addressed in the CDPF by identifying the *warrant* which is inherent in the problematisation. The WPR uses the term "reading off" to describe the identification of the implied problem. In addition, there is a focus on the 'silences':

> it is critically important to interrogate the **problem representations** that lodge within public policies in order to see what they include and *what they leave out*
>
> (Bacchi, 2009, p. xii, bold face original, italics added)

The procedure of seeking to read off implied problems and the identification of silences will be employed in conjunction with the CHEPDA techniques. This addresses the perceived gap identified in the CHEPDA framework regarding inclusion/exclusion.

Introducing the CDPF, Van Aswegen et al. (2019) state that their paper

> provides a thick description (Geertz, 1973) of the processes involved in the application of these tools in a critical policy analysis project

Geertz notes he borrowed the term 'thick' description from Ryle (cited in Geertz, 1973, p. 6). The borrowed example focusses on the difference between a boy winking and a boy with a twitch. Both boys contract and reopen their eyelids (a thin description) but one is an involuntary act and the other is conspiratorial communication (Geertz, 1973, p. 6) The example is developed to offer a variety of possible contexts, interpretations and perspectives. The emic perspective of the actor - the boy in the example - contributes to the contextualisation.

Although the CDPF paper, (Van Aswegen et al., 2019) draws on Yanow (2015), I have found Schwartz-Shea's (2015) chapter, (from the same collection) helpful in illuminating how Geertz's term is commonly used in more recent (interpretive) literature:

> "thick description" … has come to refer to the presence in the research narrative of sufficient descriptive detail—of an event, setting, person, or interaction—to capture context-specific nuances of meaning such that the researcher's interpretation is supported by "thickly descriptive" evidentiary data.
>
> (Schwartz-Shea, 2015, p. 132)

The ethnographic origin of the term suggests that the researcher has first-hand experience of the site but this is not necessarily the case, as will be seen in the following section.

4.3.2   Critical Policy Discourse Analysis (CPDA)

Montessori, Farrelly, & Mulderrig's (2019) approach: CRITICAL POLICY DISCOURSE ANALYSIS, is described as a "theoretical and methodological synergy" arising from the integration of CDA and Critical Policy Studies (2019, p. 1). The CPDA acknowledges Hyatt's (2013b) CHEPDA framework and has several antecedents in common with it (Fairclough, 1995; Halliday, 2009; Van Leeuwen, 2007; Wodak, 2001). Ten studies are presented which employ CPDA, one of which (Savski, 2019) is particularly relevant to this study.

Savski proposes the value of HISTORICAL ETHNOGRAPHY OF POLICY DISCOURSE as a contribution to CPDA. This draws on three dimensions: Discursive, Ethnographic and Historiographic (2019, p. 194). The discursive dimension has much in common with CDA and the CHEPDA framework (Hyatt, 2013b).

Savski refers to Wodak's distinction between *front-stage* and *back-stage* policy actions (Wodak, cited in Savski, 2019, p. 208). Front-stage actions are intended to be accessible to the public, whereas back-stage actions are deliberately kept out of the public eye and are, therefore, more difficult for researchers to access. In an ethnographic study the researcher may gain access to back-stage actions by being 'in the field', by interacting with or interviewing policy actors. In a historic ethnography such access may be limited or impossible to achieve.

> conducting a true ethnography of policy can become impossible ... In such cases, adopting a historiographic perspective can enable the researcher to develop a narrative describing the trajectory of a particular policy

<div align="right">(Savski, 2019, p. 201)</div>

Savski argues that the historiographic dimension and an awareness of the status of the texts under examination

> allow for the possibility of constructing a 'thick' description featuring both ... etic and emic perspectives

<div align="right">(2019, p. 208)</div>

(Taking Savski to be the researcher in his scenario) although he is not present in the field and does not have access to the emic perspective of the policy actors, he argues that establishing a diachronic perspective of the texts under examination can contribute to a 'thick' description.

4.4   The policy trajectory approach

The previous sections have described a range of procedures which can be used in the policy analysis, This section will describe the broad rationale which underlies the choice of procedure made at different points in the following chapters. The rationale is based on the *policy trajectory approach* described by Bowe et al. (2017).

 It is important to note that the *trajectory* in Bowe et al.'s (2017) 'policy trajectory', is not a straight line or path as in the common sense of 'the trajectory or flight of an object'. Rather, the trajectory consists of three contexts which are interrelated but have "no simple one direction of flow between them" (Ball, 1993, p. 16). The three contexts are: c*ontext of influence; context of policy text production; context of practice.* Figure 1 reproduces Bowe et al.'s illustration of the relationship between the three contexts.

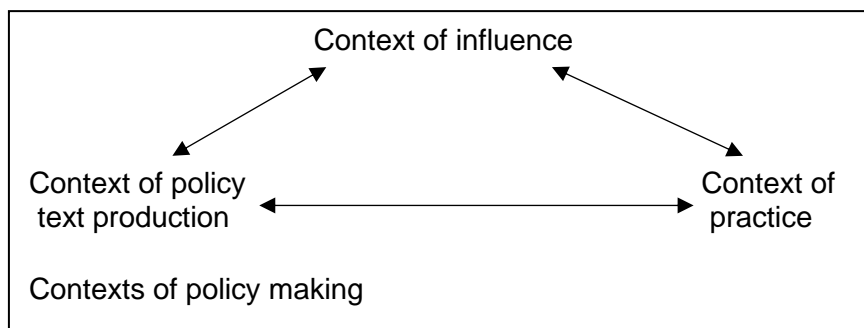In the analysis chapters (5 -7), different aspects of the CHEPDA and associated frameworks will be

Figure 1: Bowe, Ball & Gold's (1992) Contexts of policy making

utilised. The selection of procedures is influenced by the policy context under consideration. The

policy contexts consist of "a number of arenas of action, some public, some private" (Bowe et al., 2017, p. 19)

RQ1 seeks to identify how policies are justified in policy texts. Where a statement of policy justification, explicit or implicit, is found in a policy text, the *warrant* for the policy (Cochran-Smith & Fries, 2001) may be identified (see 4.2.1 above). This occurs frequently within the *context of policy text production*, as the published justification is likely to be a result of that production (Bowe et al., 2017, p. 20). Policy justifications may also point to policy drivers and levers (see 4.2.1 above).

In other contexts of the policy trajectory, different approaches may be more suitable. In the *context of influence* diverse actors seek to shape or influence the policy outcomes. Examples of public arenas of action might be submitting evidence to a consultation or inquiry, participating in policy debates, or public lobbying; Whilst the motivations of some such contributions are explicit in their aims, others are implicit; the deconstruction element of the CHEPDA may be employed to identify modes of legitimation or other discursive techniques (see 4.2.2 above) within such texts.

In addition,

> private arenas of influence are based upon social networks in and around the political parties, in and around Government and in and around the legislative process.
> (Bowe et al., 2017, p. 20)

These private arenas are where the *back-stage* policy actions occur (see 4.3.2).

The *context of practice* is described by Bowe et al, as "the arena … to which policy refers, to which it is addressed" (2017, p. 21). The interpretation, implementation and the contestation of policy (Rizvi & Kemmis, 1987) in the field result in further evolution of the policy, generating further contexts of influence and production. Analysis of the context of practice may be realised by consideration of ISC and MSC from the CHEPDA framework and 'thick description" (Montessori et al., 2019; Savski, 2019) of those contexts. Ball's (1993) 'policy as text' lens may be used to make the connection between a policy and its enactment in practice.

This identification of procedures of analysis with each of the policy trajectory contexts is indicative but is not intended to suggest an exclusive association. Figure 1 above illustrates how the contexts are interrelated in a bi-directional manner; this indicates that various procedures may be used in different policy contexts.

4.5   Texts and readings

This section will identify the key texts which have been selected for analysis in this research. These texts are the focus of the study's first two research questions:

RQ1- How are the policies which impose language standards on international students entering UK HE justified in policy documents and related texts?

RQ2: How are the language standards which policy requires of international students entering UK HE realised in practice?

These RQs are addressed in the second section of the thesis, 'Who says what goes?'. This consists of three inter-related chapters: the regulatory environment; language standards and assessments; institutional policies and standards. The interrelated policies analysed in these chapters constitute the *policy chain*.
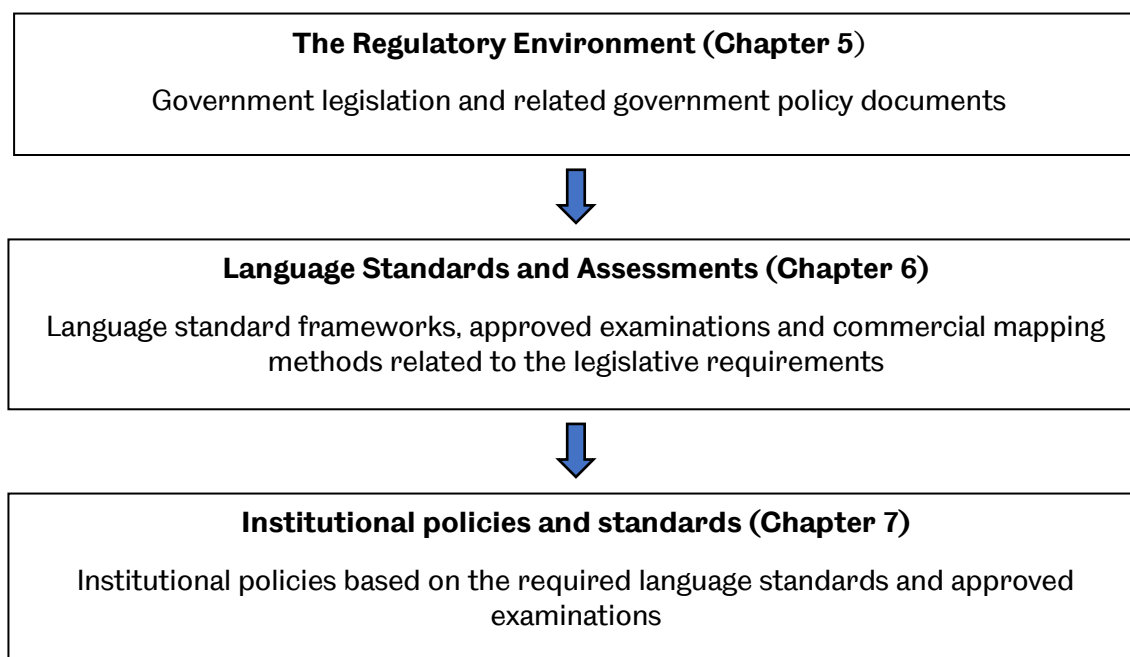

The Regulatory Environment (Chapter 5)

Government legislation and related government policy documents

↓

Language Standards and Assessments (Chapter 6)

Language standard frameworks, approved examinations and commercial mapping methods related to the legislative requirements

↓

Institutional policies and standards (Chapter 7)

Institutional policies based on the required language standards and approved examinations

---

Figure 2: Relation of chapters and texts

The three chapters are sequenced to reflect the relationship between the policy texts under consideration (see Figure 2).

Some essential information regarding the legislative procedures which apply to policy implementation is introduced in the following section. Next, there is a description of the selected texts for each of the analysis chapters. Finally, there is a description of the data handling methods used in collecting, storing and processing the selected texts.

4.5.1   Legislative procedures regarding policy

This section will briefly describe the legislative procedures which apply to policy implementation and change, particularly regarding *secondary legislation*.

Chapter 5 includes a policy analysis of the regulations which impact on international students entering UK HE, particularly the PBS. The PBS regulations were brought into law by way of changes to the existing immigration rules. The Immigration Act 1971 (United Kingdom, 1971) allows the Home

Office to introduce changes to the immigration rules without amending the Act itself. The Secretary of State for the Home Department (commonly known as the Home Secretary) can lay a *Statement of Changes in Immigration Rules* before Parliament; the rules become legally binding immediately but they can be rejected ("disapproved") by either of the Houses of Parliament within 40 days, a procedure known as "annulment by negative resolution" (UK Parliament, 2020). This procedure is an example of secondary legislation; the Statement of Changes is a statutory instrument.

When new regulations are introduced by primary or secondary legislation an *impact assessment* (Department for Business Innovation and Skills, 2011) is required by the Reducing Regulation Committee (RRC) before the legislation is approved to proceed to Parliament. Although the impact assessments are publicly available via the government web pages, they are not promoted or advertised beyond Parliament. Impact assessments include policy objectives, data, costings and references in more detail than the policy papers which are written for a public audience. Impact assessments do not amount to the back-stage data described by Wodak (2009) and Savski (2019) (4.3.2) but they do provide substantial contextual information. The impact assessment might be considered to constitute the evidence which would inform and influence parliamentarians when considering an annulment by negative resolution.

The Regulatory Policy Committee (RPC) is an independent body with the remit to assess "the quality of evidence and analysis" used to inform regulatory proposals" (RPC, 2020). Established in 2009, the RPC evaluations were initially classified as *Red*, A*mber* or *Green*, (the classification Amber was subsequently removed), with Red being considered 'Not fit for purpose'. A Red rating would normally prevent the (primary or secondary) legislation being presented to parliament. Should legislation be presented despite a Red rating, the RPC O*pinion* of the impact assessment would, according to stated procedure, be published online (Regulatory Policy Committee, 2011c). Policy Impact Assessments and the RPC ratings will come under consideration in section 5.1.

4.5.2   Texts analysed in chapter 5 - The Regulatory Environment

The Regulatory Environment analysis considers the policy trajectory of the PBS from its initial proposal in 2005 to its withdrawal in 2020. The trajectory is divided into 4 key stages, each stage being a significant change to the policy (see 5.1 below).

At each key stage there is consideration of the policy trajectory contexts described in section 4.4 above. The types of texts in each of these three contexts include:

Policy influence: Consultation documents (white and green papers)

Committee/inquiry reports and minutes

Oral and written evidence to inquiries

Parliamentary debates

Policy texts: Bills and Acts of Parliament

Statutory instruments (including Statements of Changes in Immigration Rules)

Approved English Language Tests

Policy statements, ministerial statements

Policy impact assessments

Policy practice: Sponsor guidance

Explanatory notes

Guidance for students

Language frameworks

Exam mapping documents

Language standards are not specified within the legal texts (the Act of Parliament orits Explanatory Notes.) Rather, the PBS regulations are described for students and for institutions in a series of guidance documents; the analysis will include a diachronic perspective of the changes to policy in various versions of the guidance documents.

In addition to the PBS policy trajectory, the analysis in chapter 5 includes consideration of the HIGHER EDUCATION AND RESEARCH ACT 2017 (United Kingdom, 2017) (HERA) which came into force early in the current research period. The key documents are:

- SUCCESS AS A KNOWLEDGE ECONOMY: TEACHING EXCELLENCE, SOCIAL MOBILITY AND STUDENT CHOICE (Department for Business Innovation & Skills, 2016) (white paper)
- HIGHER EDUCATION AND RESEARCH ACT 2017 (United Kingdom, 2017)
- SECURING STUDENT SUCCESS: REGULATORY FRAMEWORK FOR HIGHER EDUCATION IN ENGLAND (OfS, 2018)
- OFS ADVICE AND GUIDANCE WEB PAGES (OfS, 2019)

4.5.3   Texts analysed in chapter 6 - Language Standards and Assessments

Chapter 6 considers the CEFR standards which are stipulated in the policy texts examined in chapter 5. The CEFR framework describes proficiency levels (standards) but these are demonstrated via approved language tests. The mappings of commercial language tests to the required CEFR standards are examined. Principal texts, which stipulate standards are:

- Common European Framework Of Reference For Languages : Learning , Teaching , Assessment (CEFR) (COE, 2001)
- UKBA's Approved English Language Tests (UK Border Agency, 2013)

- CEFR Companion Volume (COE, 2018)

Texts which map "approved language tests" to the CEFR These are:

- Guide for educational institutions, governments, professional bodies and commercial organisations (IELTS, 2013)
- TOEFL iBT Research Report Linking English-Language Test Scores onto the Common European Framework of Reference (Tannenbaum & Wylie, 2008).
- Linking TOEFL iBT scores to IELTS scores: A research report. (ETS, 2010).
- IELTS, Cambridge ESOL examinations and the CEFR (L.Taylor, 2004).

In addition to considering the CEFR, which applies directly or indirectly to international students, there is a consideration of, and comparison with, the standards which apply to home students. The texts considered are:

- National Curriculum in England: English programmes of study (DfE, 2014b)
- Glossary for the programmes of study for English (non-statutory) (DFE, 2013)

4.5.4   Texts analysed in chapter 7 - **Institutional Policies and Standards**

The final section of policy analysis applies Ball's (1993) "policy as text" lens to focus on the pragmatic and practical instantiations of policy as demonstrated at institutional level. A survey of the entry qualifications required by a sample of UK HEP is presented, together with an examination of the programmes offered as an alternative to those qualifications. Some examples of institutional stipulations on standards are also presented and discussed.

The principal texts for this chapter are:

- Guide for educational institutions, governments, professional bodies and commercial organisations (IELTS, 2013)
- Selected institutional web pages regarding entry requirements
- Selected institutional web pages regarding pre-sessional programmes

4.6   Data collection and handling

This section will briefly describe the methods used in collecting, storing and processing the data found in the selected texts.

I chose not to use CAQDAS software (Friese, 2016; MacMillan & Koenig, 2004) (such as NVivo, promoted on the EdD programme) for data analysis as I did not have a large corpus of texts or transcribed data to manage. The doctoral journey described in Appendix 1 sheds some further light on this decision.

The adoption of the CHEPDA framework as a key methodological approach helped with the design of the data collection as the elements described in section 4.2 above defined the focus for my close reading of the selected texts. My approach was similar to the CAQDAS technique: "Notice – Code -

Think" (Friese, 2016) but I relied on my familiar software utilities for recording what I noticed. (Although I have referred to some CAQDAS terminology I have come across in my reading, I am not formally using it.)

As the study was motivated by an interest in examining a specific policy arena, it was relatively straightforward to identify a starting point. Furthermore, some aspects of the PBS system had been in focus for a previous assignment and my professional context required me to be aware of the regular changes to the policy regime under which my department is obliged to operate.

In terms of locating and collecting texts, the principal method used has been searching of electronic databases and search engines, including the university's library catalogue and online databases. These include Web of Science (citation indexes) (Clarivate, 2021), Lexis Library (legal research database) and Nexis (regional, national and global news archives) (LexisNexis, 2021b, 2021a). I have avoided secondary referencing, preferring to access the original text whenever possible. The text of Angoff (1971) was obtained via a British Library off print.

I have also made extensive use of UK GOVERNMENT WEB ARCHIVE (The National Archives, 2020) and WAYBACK MACHINE (Internet Archive, 2021).to search for webpages which are no longer available or to find older versions of pages which had been updated with new material.

In terms of storing texts I have used the free software Mendeley Desktop (Mendeley Ltd, 2021). This allows pdf files to be catalogued together with bibliographic and referencing data. It is possible to annotate the saved files and it also possible to search within the collected corpus.

Managing multiple versions of documents with the same title, year and author was challenging. I adopted the method of using square brackets to note a version number or date within the title in Mendeley, for example, TIER 4 OF THE POINTS BASED SYSTEM – SPONSOR GUIDANCE [APRIL 2010]. This annotation carries through into my references and is consistent with APA guidance (American Psychological Association, 2010).

4.7   Summary of chapter 4

This chapter has described the methodology and the procedures which will be used in the textual analysis of policy documents relating to the field of enquiry.

The methodology has been identified as constructionist in its ontology and interpretive in its epistemic stance. Ball's proposal that modernist and post-modernist approaches are not mutually exclusive has been adopted and the analysis will use his three policy lenses: policy as discourse, policy effects and policy as text (Ball, 1993, 2015). A diachronic perspective will be taken, describing

the policy trajectory of the regulatory environment; inclusion of ISC and MSC contribute to the creation of a thick description of the field.

The procedures are selected from the CHEPDA framework (Hyatt, 2013b) and related texts (CPDA and CDPF) with critical policy analysis as the underlying methodological approach.

As many of the texts under examination relate to regulatory policy, some legislative procedures which apply to policy implementation and change have been described. The organising principle for selection of texts has been described, relative to the key stages of policy changes and Bowe et al.'s (2017)"Contexts of policy making" . The texts which will be analysed in the following chapters have been outlined and are included in Appendix 5. Data handling methods used in collecting, storing and processing the selected texts have been outlined.

Part 2: Who says what goes?

5   The Regulatory Environment

The examination of the regulatory environment contributes to answering the "*Who says*" of the study's title. It will be seen that the regulatory environment which applies to international students' access to UK HE is a hostile one, both for students and for institutions.

The writing of this thesis began as the White Paper (BIS, 2016) which brought the HERA (United Kingdom, 2017a) into being was completing its passage through Parliament. HERA links directly to the OfS Regulatory Framework (OfS, 2018) which, in turn, connects tangentially to the regulations surrounding student visas, under the purview of the Home Office.

This chapter addresses the first of this study's research questions:

> **RQ1: How are the policies which impose language standards on international students entering UK HE justified in policy documents and related texts?**

The main focus of this chapter is the diachronic analysis of the policy trajectory (Ball, 1993; Bowe et al., 2017; Hyatt, 2013b; Wodak, 2001) of the Points Based System (PBS) of visa regulations from the initial consultation in 2005 through to their eventual replacement in 2020. The policy drivers in HERA, the OfS Regulatory Framework (OfS, 2018) and some regulatory changes related to the Covid-19 pandemic are also considered.

The analysis of the PBS policy trajectory in section 5.1 will employ the 'policy as discourse' lens (Ball, 1993), as discussed in section 4.1 above. The PBS regulations and guidance introduced and developed *discursively* an entirely new regime, with its own vocabulary and meanings. The creation of the new system of surveillance and monitoring of students aligns with Ball's description of Foucault's notion of *governmentality*: "a discursive field within which the exercise of power is 'rationalised'" (Ball, 2013, p. 121).

The provisions of HERA and the OfS framework will be examined in section 5.2 below, continuing the chronological approach. More recent policy developments to be considered are:

- Office for Students regulation (2017, minority Conservative administration)
- The ending of PBS (2020, Conservative administration)
- Covid-19 regulations (2020, Conservative administration)

These will be considered in 5.3 and 5.4, maintain the diachronic approach.

Given its currency as the studies began, it is appropriate to mention here a key policy driver from HERA which indexes the MSC of the whole period under consideration: the marketisation of UK HE (Ball, 2007, 2012, 2017; Shattock, 2008)

The "Explanatory Notes" published together with HERA make clear the government's desire to increase competition within the Higher Education sector by encouraging "new providers":

> Other providers offering accredited higher education courses can apply to join the register on a voluntary basis in return for compliance with the student complaints scheme of the Office of the Independent Adjudicator for Higher Education (OIA) but will not receive access to OfS funding and/or student support.
>
> (United Kingdom, 2017b, p. 9).

Among the "other providers" are the private sector pathway providers (see section 2.2.3 above) who have joined the sector relatively recently. Their presence accounts for the use of the term "Higher Education Provider" (HEP) rather than the previously used term Higher Education Institution (HEI). Opening the register to new providers may be considered a policy lever implemented to help achieve the policy driver which is a desire for (yet) greater marketisation of the HE sector. The MSC of marketisation will be relevant throughout the policy analysis which follows.

Also important to the contextualisation of the analysis is the definition of the term *international student* in legislation. HERA defines a student whose fees are subject to a mandatory limit as a *"qualifying person"*. A qualifying person is defined as "not an international student" (United Kingdom, 2017, secs. 10.4–5).

The definition of an international student refers in turn to the EDUCATION (FEES AND AWARDS) ACT 1983 (United Kingdom, 1983a). The wording which relates to the charging of fees in the Act is somewhat oblique:

> The Secretary of State may ... make regulations requiring or authorising the charging of fees which are higher in the case of *students not having such connection* with the United Kingdom or any part of it as may be specified in the regulations *than in the case of students having such a connection.*
>
> (United Kingdom, 1983a, sec. 1.1 emphasis added)

The regulations are set by the Secretary of State and are laid before Parliament in a statutory instrument (UK Parliament, 2020). The regulations which were set at the time of the 1983 Act coming into force defined the "students not having such connection" in terms of *residence* rather than *nationality*. A person who was "ordinarily resident" (except for study purposes) in the UK for 3 years prior to starting a course had a "relevant connection" and therefore would not be charged higher fees. Other groups, including students from the European Union, would have been subject to

higher fees but were excluded by exception (United Kingdom, 1983b, pp. 3064–3065). Subsequent changes to the regulations are made via a statutory instrument, an example of secondary legislation (see 4.5.1).

This definition of international students, based on the legislation, might be considered a "thin" description (see 4.3.1) (Geertz, 1973; Savski, 2019). Nonetheless, the legal status is important in understanding the context of the visa policies which define the treatment of such students.

The analysis of the PBS policy trajectory will seek to provide a thick description of that context.

5.1   A policy trajectory analysis of the PBS visa regulations

This section will examine the policy trajectory of the PBS visa regulations from the initial proposal in 2005 until their eventual replacement in 2020. There have been very many changes to the PBS policy and it will not be possible to examine them all. The analysis will focus on key reforms and revisions introduced by the four different government administrations which have been in power over the period under consideration. The key stages which contribute to the policy trajectory are identified as:

- The introduction of the Points-based system (2006 - 2009, Labour administration)
- The early reform of Tier 4 (2009 - 2011, Labour *and* Coalition administrations)
- Radical reform of Tier 4 (2012 - 2014, Coalition administration)
- Further restrictions on Tier 4 (2015, Conservative administration)

Although further changes to the PBS system have been introduced since 2015, those changes have been less dramatic than in the first four stages. They will be examined in section 5.3 below.

As Savski (2019) points out, "the ecology around policymaking is often unstable due to political or institutional power shifts" (2019, p. 196). A general election occurred during the second of the key stages resulting in a change of government. Consequently, that stage was influenced by two different administrations.

In each of the four key stages identified, there will be a consideration of the different policy contexts identified by Bowe et al. (2017) (see Figure 1 in section 4.4 above).

A chronological approach is taken as this aligns with both the policy trajectory approach (Bowe et al., 2017) and the diachronic contextualisation (Hyatt, 2005b). As a result, the policy contexts do not necessarily appear in the sequence (policy influence - policy text production – policy practice) described by Bowe et al. (2017, pp. 20–22).

Both elements of the CHEPDA framework (contextualisation and deconstruction) are applied in the analysis in each of the stages, The analysis techniques drawn from the framework are those identified during my close reading of the texts (see 4.2). Instances of ISC and MSC (Hyatt, 2013b) add to the thick description of the contexts. These are not flagged on every occasion but are highlighted when considered particularly noteworthy.

5.1.1　The introduction of the Points-based system

Shortly after being elected for a third term of office in May 2005, the Labour Government introduced a Green Paper which would lead to sweeping changes to the immigration and asylum system.

CONTROLLING OUR BORDERS: MAKING MIGRATION WORK FOR BRITAIN (Home Office, 2005a) outlined a five-year plan which then Prime Minister Tony Blair believed would

> **maintain** public confidence in our [immigration and asylum] system by agreeing immigration where it is in the country's interests and preventing it where it is not.
>
> (2005a, p. 6, emphasis added).

The emphasis on the country's interest is a clear example of *political warrant* (Cochran-Smith & Fries, 2001) described in 4.2.1. Blair's use of the verb 'maintain' is an example of using a factive verb for *implication* (Hyatt, 2013b, p. 55); by stating that the policy would 'maintain' confidence, the implication is that the 'public confidence' was a current matter of fact.

Blair's assessment of public confidence contrasts with Robinson's (retrospective) portrayal of the socio-political context at the time of the policy launch:

> The country was depicted as awash with 'bogus' asylum seekers and illegal workers and stories abounded about foreign nationals exploiting the generosity of British welfare state ... at the expense of British Citizens.
>
> (2010, p. 14)

The expansion of the European Union (in 2004), with the addition of 10 new members[4] (known as accession states) was a significant factor in the MSC (Hyatt, 2013b). Also significant was the rise in popularity of the United Kingdom Independence Party (UKIP). In the 2004 European Union elections, UKIP achieved 16% of the vote and gained 12 seats in the European Parliament they were declaredly intent on destroying (Tempest, 2004).

Evans & Mellon (2019) suggest that prior to expansion, the EU was not a significant factor in competition between the political parties in the UK. They suggest this changed after expansion and propose that "a key catalyst ... was the Labour government's decision to implement immediate open

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[4] Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia

borders with the 10 EU accession states rather than imposing transitional controls on immigration"
(2019, p. 78). They note that this policy was implemented based on a Home Office report which
anticipated 5,000 – 10,000 migrants per year from accession countries; although somewhat
contested, the actual figures were very much higher, possibly as high as 127,000 per year (2019, p.
79).

Another significant factor in this MSC is the principle of free movement between EU member states;
having decided against transitional controls on migrants from accession countries, the government
could not impose controls on EU citizens. The strategy that Blair introduced focussed instead on
non-EU migrants.

A public consultation, SELECTIVE ADMISSION: MAKING MIGRATION WORK FOR BRITAIN (Home Office, 2005b)
was undertaken in late 2005 and the resulting policy was published in March 2006. The consultation
exercise is an example of the two-way interaction between the *context of policy text production* and
the *context of policy influence.* There was an element of public influence as some open questions
were included in the consultation.

The policy justification in the text of the consultation document reiterates the political warrant of
the Green Paper (Home Office, 2005a) with a strong emphasis on the economic benefits of
migration:

> The purpose of the reforms is to admit people selectively in order to maximise the
> economic benefit of migration to the UK. All the main political parties, employers'
> organisations, trade unions and educational institutions agree that migration is vital for
> our economy.
>
> (Home Office, 2005b, p. 5)

Deconstructing this text, I suggest that the collocation of the two sentences is an example of
implication (Hyatt, 2013b, p. 55). The parties, employers, unions and institutions agree on the
(economic) importance of migration; the statement implies that they actually agree with the policy.

The policy text which followed the consultation period (Home Office, 2006) noted a majority of
respondents rejected the idea that migrants should be required pay a bond before receiving a visa.
This proposal was subsequently dropped. It was announced that the new system would be
introduced "Tier by Tier" and that "impact assessments of the proposals" would be carried out
before implementation (2006, p. 3).

The first tier was for highly skilled migrants and was also available as a route for international
student graduates to remain and work in the UK after completing their studies. Tier 4 of the PBS, for
students, did not come into effect until March 2009. Fullan suggests

> Ambitious projects are nearly always politically driven. As a result the time line between the initiation decision and startup is typically too short to attend to matters of quality
>
> (Fullan 1991, cited in Bowe et al., 2017, p. 2)

Although there were over two years between the policy announcement and the implementation of Tier 4, it seems that Fullan's concerns were justified. In the *context of policy practice*, the system which was intended to be "simple, straightforward and robust" (Home Office, 2005a, p. 9) proved to be hugely bureaucratic and complicated.

The first STATEMENT OF CHANGES IN IMMIGRATION RULES (House of Commons, 2008) after PBS was launched was debated in the House of Lords. Lord Avebury detailed the challenge to sponsors:

> Sponsors, who are largely employers and universities … have to master the 100,000 words of the Immigration Rules. After reading 130 pages of guidance, they have to fill in an application form of 35 pages and 58 questions. If they make an error of judgment in relation to the candidate, employee or student they risk being fined or ultimately struck off the register. If that happens, anyone else whom they sponsor—not just the candidates who were taken on in error—may lose their job, their student place or contract as an entertainer or sports person
>
> (House of Lords, 2008, col. 1416)

This challenge came after Tier 1 was launched but before Tier 4 came into operation. This was an early example of *contestation* of policy in practice (Rizvi & Kemmis, cited in Bowe et al., 2017) which is seen as an impetus for the evolution of policy.

The emphasis on bureaucracy and strict regulation was evident from the outset. In the first 5 years of operation, the Tier 4 regulations and sponsor guidance were amended at least 50 times (UKCISA, 2014).

The changes in the sponsor guidance and the regulations were, in many cases, the policy lever for increasing the complexity and the degree of threat implicit in the regime. Some of those changes will be examined in context.

The Home Office department responsible for the PBS was initially the UK Borders Agency (UKBA) and later the UK Visas & Immigration (UKVI). The guidance for sponsors which was published with the launch of Tier 4 introduced an obligation on UK HEI to contribute to the policing of immigration. This obligation, and the level of threat against the sponsors, increased significantly as the many versions of guidance and regulations were announced. A further 32 versions of the guidance were issued between 2013 and 2020. Each time a significant change was introduced, interim measures were required to determine the status of applications in progress, leading to an enormous bureaucracy (Manning & Collinson, 2019).

The first fundamental principle of the original Tier 4 guidance introduces the regime of surveillance:

> those who benefit most directly from migration (that is, the employers, education providers or other bodies who are bringing in migrants) should play their part in ensuring that the system is not abused;

<div align="right">(UK Border Agency, 2009, p. 9)</div>

The deconstruction element of CHEPDA framework (Hyatt, 2013b) includes reference to *evoked* and *inscribed* methods of *evaluation* (Martin, 2000 cited in Hyatt, 2013b, p. 54); Hyatt states that *negative evaluation* can be evoked by choice of lexico-grammatical items. The first sponsorship principle evokes a negative attitude by using the phrase 'bringing in migrants', The present continuous is employed to convey the notion of ongoing, repeated activity; in addition, the use of a phrasal verb (bring in) carries a sense of informality which contrasts with the relative formality of the rest of the text; collocating 'migrants' with 'abuse' adds to the negative evocation. In addition, the mode of legitimation of the requirement that sponsors 'should play their part' can be seen as *authorisation* based on reference to the law (Fairclough, 2003; Hyatt, 2013c, p. 55; Van Leeuwen, 2007).

The guidance documents for institutions merit further consideration. Examination of different versions of the guidance allows insight into the development of the PBS policy over time. The first document to give guidance to Tier 4 sponsors (UK Border Agency, 2009) document included the warning:

> A sponsor that uses deception to obtain a licence may be committing a criminal offence.
<div align="right">(2009, p. 93)</div>

Two years later, a subtle difference in the warning is discernible:

> If you use deception to obtain a licence you may be committing a criminal offence.
<div align="right">(UK Border Agency, 2011b, p. 57)</div>

It is notable that in this document the second person (*you*) is used. Individuals are not able to apply for a Tier 4 sponsorship licence. Licences are only issued to organisations, but the guidelines cited above show very clearly that an individual employee of the education provider can be held personally responsible. Hyatt describes how the choice of "pronominals [can] … act as part of the lexico-grammatical construction of a 'reality'" (Hyatt, 2013b, p. 56). In this case, the shift from third person to second person constructs the individual reader as the potential transgressor, introducing a responsibility on, and a threat to, the individual.

A later version of the sponsor guidance (Home Office, 2013c) also addresses the procedures and regulations which apply to institutions applying for a visa. The combative tone of the document, with its emphasis on compliance, is typical of the suite of guidance documents:

> Our compliance officers are trained to refer cases for civil penalties or prosecutions if they find evidence of wrongdoing or criminal activity. If you use deception to obtain a licence you may be committing a criminal offence. The compliance officer will consider information about abuse of the sponsorship arrangements and investigate and, if appropriate, inform the police and/or any relevant authority.
>
> (2013c, p. 35)

The policy and procedures introduced to control and regulate student visas clearly included an obligation on UK HEI to contribute to the policing of immigration. The use of discourse relating to crime and abuse is an example of interdiscursivity (Fairclough, 2015; Hyatt, 2013b), contributing to a hostile, negative context for students and institutions. (See also Simpson (2015b), Appendix 4).

The PBS guidance documents are an example of the interaction between the *context of policy text production* and *the context of practice* (Ball, 1993; Bowe et al., 2017). New regulations can be introduced in the guidance (policy text) and the guidance defines the operational obligations on sponsors (policy practice). I have identified several examples of the policy trajectory contexts in this section. Henceforth I will only highlight unusual or particularly significant instances.

5.1.2   The early reform of Tier 4

Although the bureaucracy for sponsors was substantial, the initial regulations only required candidates to have an offer letter from a sponsoring organisation and proof of sufficient funds in order to apply for a visa. In September 2009, six months after Tier 4 was launched, visa issuance was suspended in a number of geographical areas due to fears that the system was being abused by economic migrants who were not genuine students (de Lotbinière, 2010; UKCISA, 2014).

As a result of the perceived abuse of the student visa system, a review was ordered by Labour Prime Minister Gordon Brown. The review was conducted jointly by the UK Border Agency (UKBA) and the Department for Business, Innovation and Skills (BIS). Substantial changes were proposed in the review, including introducing the *Highly Trusted Sponsor* status, raising the minimum National Qualifications Framework (NQF) study level for Tier 4 students and introducing a requirement for candidates to demonstrate their language level with an approved language test. (The language tests themselves will be considered further in section 6.3.).

In terms of the policy trajectory, the review might be seen as being located within the *context of influence.* However, it is worth noting that there was no public input to this review. The "arenas of influence" (Bowe et al., 2017, pp. 19–20) were private, limited to the two government departments (UKBA & BIS).

Following a Written Statement in the House of Commons (House of Commons, 2010d), details of the changes were published in the Impact Assessment (see 4.5.1 above) of Changes to Tier 4 (UK Border Agency, 2010a).

The policy driver, or objective was stated as being

> to strengthen the existing Tier 4 policy to ensure that the route allows genuine international students to come to the United Kingdom, while deterring economic migrants who have abused the route, in order to maintain effective immigration control.
>
> (2010a, p. 1)

The accountability warrant, "a set of 'reasonable grounds' for action based on outcomes, results, and outputs" (Cochran-Smith & Fries, 2001, p. 7), is used to justify the changes in the system, with effective control being the intended outcome. The impact assessment includes data on the increase in migration and an estimate of the reduction their policies would achieve:

> In 2009 273,600 non-EEA students came to the UK to study, an increase of 64,800 on 2008 … if these policies were introduced then the reduction in students and their dependents, who abuse the immigration system, would be close to 40,000
>
> (2010a, p. 6)

The proposed measures were estimated to reduce immigration under Tier 4 by 40,000, approximately equivalent to 60% of the increase in immigration reported since its launch in March 2009. The rationale did not explicitly state that 60% of the increase was considered to be due to abuse of the system. Some options which were considered but discounted included limiting Tier 4 to degree-level courses, restricting the right of students to work completely and preventing students bringing dependants with them. These options were considered to be

> a disproportionate response … and would only seek to [sic] damage the UK's reputation as a provider of world-class which welcomes genuine international students
>
> (2010a, p. 5)

The rejection of the disproportionate responses might be seen as an inversion of the accountability warrant: a reasoned rejection of action to avoid a negative outcome.

This impact assessment also included a Cost Benefit Analysis of the proposed policy change which estimated the loss of revenue to the institutions of almost £177m, calculated on an average of £4,400 per student (and no fee for dependants) (2010a, p. 6). The assertion is made that

> this loss of revenue will only be experienced by institutions that have been recruiting, knowingly or otherwise, bogus students
>
> (2010a, p. 6)

This claim appears to assume that the new measures would only impact on those students who abuse the system. However, several of the measures could be seen to affect perfectly genuine applicants. To suggest that preventing short course students from bringing dependants to the UK would only discourage abusive applicants implies that all such students had been bogus. Similarly, the proposal to raise the CEFR minimum level from A2 to B2 would exclude a proportion of applicants and the institutions that had previously taught lower-level students would certainly lose income. To suggest that all CEFR A2 applicants were abusive would be absurd; the loss of revenue assertion seems to be untenable. The immigration statistics and the Cost Benefit Analysis might be seen as an attempt to offer *evidentiary* warrant, based on empirical data; I suggest that this evidence is unconvincing.

It should be stated that there is no doubt that there was abuse of the visa system prior to, and in the early stages of, the PBS rollout. Some 'bogus colleges' were sponsoring student visas but were not delivering *bona fide* educational courses (Home Affairs Committee, 2009). This continued after PBS was launched, partly due to the system being rolled out before the computerised Sponsor Management System (SMS) was implemented (National Audit Office, 2012; UKCISA, 2014).

The Home Affairs Committee published its report BOGUS COLLEGES in July 2009, just 3 months after Tier 4 came into force. This report noted that prior to Tier 4 there had been approximately 4,000 institutions offering courses to "foreign students" (Home Affairs Committee, 2009, p. 4). This number dropped to 1,460 in April 2019 when Tier 4 was implemented and then rose to 2,340 by the time of the reforms (UKCISA, 2014).

There *is* doubt that abuse of the visa system was a significant problem within the HE sector. The impact assessment acknowledges that "those who abuse this route tend to have poor qualifications and low English language competency" (UK Border Agency, 2010a, p. 10) which suggests they are less likely to be candidates for HE courses. Nonetheless, a 'wider benefit' described in the impact assessment states that bogus students are likely to fail to attend. The suggestion is that the "higher and further education sectors will find that their monitoring and enforcement activity declines" (2010a, p. 9). The relief of this administrative burden seems unlikely to have compensated for the anticipated loss in revenue.

The impact assessment mentioned the intention to introduce some of the measures via changes in the guidance. A 'STATEMENT OF CHANGES IN IMMIGRATION RULES' was laid before Parliament in February 2010 (House of Commons, 2010b), to take effect on 3rd March the same year. Although some minor adjustments were detailed, the actual rule changes were not mentioned specifically in the

statement. Instead, the accompanying EXPLANATORY MEMORANDUM (House of Commons, 2010a) gave details of the proposals and noted that:

> Information on these changes will be made available to migrants, sponsors and UK Border Agency staff, through updates to websites and guidance
>
> <div align="right">(2010a, p. 2)</div>

In March 2010, the Home Office changed the published guidance relating to the CEFR level at which students could study English on a Tier 4 visa:

> From 3 March 2010, the level at which Tier 4 (General) students can study English language courses at has been raised from level A2 above of the Common European Framework of Reference for Languages to level B2, unless he/she is receiving Official Government Sponsorship.
>
> <div align="right">(UK Border Agency, 2010d, preface page)</div>

The driver behind this policy change was controlling abuse of the visa system. The change in policy is an example of using the immigration rules as a lever to effect that driver (Hyatt, 2013b; Steer et al., 2007).

In order to sponsor a visa for a course at CEFR B2 it was the sponsor's responsibility to ensure that the applicant had already achieved CEFR B1. The change meant that lower-level students could not apply for a student visa. Whilst this did not have a significant impact on universities, it did have substantial impact on the private sector language schools. (The CEFR levels are examined in depth in chapter 6.)

A significant event in the context of *policy influence* occurred when a legal challenge to the changes was mounted. English UK, the trade association of the (British Council accredited) English Language Teaching sector, attempted to defend its members by challenging the changes in the High Court. The judgement upheld the challenge, finding that by changing the guidance rather than by changing the rules, the Home Office had avoided the possibility of a negative annulment by Parliament; this is a requirement enshrined in the Immigration Act 1971 (High Court, 2010, paragraph 64.ii) (see 4.5.1 above), The judge was careful to note that the fault was in the procedure and not in the substance of the changes to the rules.

Although the judgement was hailed as a victory by English UK and the private language school sector, their celebrations were short-lived; within weeks of the High Court judgment being handed down, the Home Office laid a new STATEMENT OF CHANGES IN THE IMMIGRATION RULES before Parliament which brought the changes within the Immigration Rules (House of Commons, 2010c, paragraph 18).

The Home Secretary who had to respond to the High Court ruling was the newly elected Theresa May, the 2010 General Election having taken place during the period in between the initial attempt to

change the rules and the high court hearing which overruled them. The coalition government which took power in 2010 introduced radical reforms to the PBS, examined in the following section.

5.1.3 Radical reforms of Tier 4

The 2010 General Election resulted in the first coalition government in the UK since the second world war, with the Conservative and Liberal Democrat parties sharing power. The formation of a coalition government necessitates the negotiation of a programme of action for that government, based on the coalition partners' respective manifestos. The Conservative Party election manifesto introduced a commitment to reduce net migration to "tens of thousands" (Conservative Party, 2009; The Conservative Manifesto, 2010). Although immigration control was mentioned in the coalition government's agreed PROGRAMME FOR GOVERNMENT (The Cabinet Office, 2010), the Conservative Party's net migration targets were not specifically included.

After the coalition government was established, a further consultation was initiated by the Home Office, inviting the sector to comment on some radical changes to the PBS. In the introduction to the consultation document, Home Secretary Theresa May wrote:

> the Government's aim to reduce net migration will not be achieved without careful consideration and action on the non-economic routes including students

(UK Border Agency, 2010b, p. 3)

The warrant underpinning this policy direction is, in Cochran-Smith & Fries' terms (2001), *political*. The overarching imperative of the immigration policy is assumed as a necessity for the greater good of the country; the impact on the HE sector is an unavoidable, incidental side-effect. In this way, as Cochran-Smith and Fries describe, the policy is portrayed as serving "the good of the public *writ large*" (2001, p. 10, original emphasis).

The policy proposals may also be seen to be legitimated by the reference to the Government's net migration target, drawing on institutional authorisation (Fairclough, 2003; Hyatt, 2013b, p. 840) conferred by the recent manifesto and election success. Whilst the migration target was a new policy driver, the proposals included further use of the immigration rules, particularly the language standards for Tier 4 visas, as the policy lever.

The Home Affairs Committee (HAC) announced an inquiry into the student visa system at the same time as the Home Office consultation on PBS reforms (2011a). Both the consultation and the inquiry are within the *context of policy* influence. The inquiry received written evidence from 54 witnesses including all of the major pathway providers[5], several University consortia (e.g. Russell Group,

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[5] Kaplan, INTO, Study Group, Navitas, Cambridge Education Group

Million+), Students' Unions, individual universities and a number of professional bodies (HAC, 2011b, pp. 3–4). The economic contribution made by international students was cited in almost all of the submissions; assessments of the economic impact of the proposed changes ranged from "a negative impact" to "devastating". The policy driver which was most questioned by witnesses was the target of reducing net migration to below 100,000 per year.

Many of the objections to the net migration driver were based on the view that students should not be counted as migrants and on concerns regarding the quality of the Home Office's statistical data. The evidence submitted by the Immigration Law Practitioners' Association (ILPA) pointed to the fact that the measures being proposed were most unlikely to meet the objective because they had no influence on the numbers of EU or British immigrants or emigrants. Furthermore, they pointed out that

> A student who enters the UK, stays for two years and then leaves, contributes to raising the net migration figure by one in the year they arrive, and to lowering it by one in the year that they leave
>
> (HAC, 2011b, p. Ev w49).

The figures used to estimate how many students leave the country were determined from data drawn from the International Passenger Survey (IPS). The government's own Migration Advisory Committee (MAC) was cited as being "deeply unflattering about the reliability of those figures" (2011b, p. Ev w79). The evidentiary warrant claimed for the additional reforms was, therefore, widely challenged.

The evidence submitted by Universities UK (UUK) suggested that the proposals were more concerned with tackling supposed abuse and would "drastically reduce thoroughly legitimate HE recruitment" (HAC, 2011b, p. Ev w79). The UUK evidence also called into question the quality of the data on which the Home Office proposals were based. This theme contributed to one of the major conclusions of the HAC report:

> Government policy ought to be evidence-based. We are concerned that a policy based on flawed evidence could damage the UK education sector and could have wider implications. We strongly urge the Government to examine the data which it currently uses to extrapolate migration figures.
>
> (HAC, 2011a, p. 46)

The strong concerns expressed by witnesses to the HAC inquiry are contextual data which were available to the Home Office as they finalised their policy. A further area of strong concern, regarding the raising of study levels permitted under Tier 4, will be examined in section 6.3.

The report of the HAC inquiry was published just a week before the PBS changes were announced in the House of Commons. The report was strongly critical of the lack of an accompanying impact assessment:

> We believe that any changes in student immigration policy ought to be accompanied by a publicly available impact assessment. … We welcome the Minister's commitment to the publication of an impact assessment when the policy is announced.
>
> (HAC, 2011b, p. 35)

The published documents show that this commitment was not honoured. The final version of the IMPACT ASSESSMENT: REFORM OF THE POINTS BASED STUDENT (PBS) IMMIGRATION SYSTEM (Home Office, 2011) was dated 1st June 2011 and signed by the Immigration Minister on 9th June 2011. This was published on 13th June 2011 (HAC, 2011c, p. 4) more than two months after the rule changes had been laid before Parliament (House of Commons, 2011), and after the period of negative annulment had expired (see 4.5.1 above).

The RPC report on its recent activities, published in July 2011 (RPC, 2011b, p. 50), showed that the Home Office impact assessment REFORM OF THE POINTS BASED STUDENT (PBS) IMMIGRATION SYSTEM (Home Office, 2011) had initially been rated red and was subsequently rated amber. As the initial RPC opinions are not published, it is possible that the Home Affairs Committee were unaware of the initial red RAG-rating the impact assessment had received. (The specific reference to a 'publicly-available' assessment could also indicate that members of the committee were aware of the rating but were not able to refer to it as it was unpublished.)

When it was eventually published, the impact assessment (Home Office, 2011, p. 41) contained two very significant sets of data. Firstly, the estimated cost to the sector:

> over four years (in constant prices) the Government's policy would cost £3.6 **billion** net in a worst case scenario … and £1.3 **billion** net in a best case scenario
>
> (Home Affairs Committee, 2011c, p. 4, emphasis added)

The enormity of the estimated cost to the economy, in the Home Office's own figures, might have been sufficient to explain the delay in publishing the data.

The RPC opinion of the impact assessment was eventually published on the Gov.uk web pages in December 2014 (Regulatory Policy Committee, 2014). The opinion document was dated 31st March 2011 (Regulatory Policy Committee, 2011a) which coincides with the day the rule changes had been laid before Parliament. This shows that the impact assessment could have been made available for the period of negative annulment. Although failure to publish the risk assessment was not illegal, it was certainly contrary to policy and procedure. Rather than using data to support an evidentiary warrant, it appears that the evidence was deliberately suppressed.

It must be acknowledged that the Home Office appears to have responded positively to some of the feedback from the HAC inquiry. The original consultation document (UK Border Agency, 2010b) proposed that *all* students would be required to have achieved CEFR B2 in order to qualify for a Tier 4 visa:

> Therefore we propose to require that all Tier 4 (General) students should be competent at B2 standard of the CEFR, … evidenced through an independent test. English language students using Tier 4 will also have to demonstrate competency at this level to study a course at a minimum of C1 level. Those who are not proficient at level B2 will be able to use the student visitor route.
>
> (2010b, p. 12)

The impact assessment also showed that 55% of respondents to the consultation agreed with this proposal and 43% disagreed. Despite this, when the policy changes were published, the required CEFR level remained at B1 for language students and for students studying below degree level (2011, p. 50).

The Minister for Immigration attributed this change to the HAC (2011a) inquiry report recommendation that:

> Government should work with pathway providers to ensure students are still able to follow these courses … I therefore hope you will welcome our decision to keep our requirement to a B1 level for lower courses, including pathway courses
>
> (HAC, 2011c, p. 11)

This was a considerable concession, considering the determination of the Home Office to reduce numbers and the majority opinion they reported in favour of their proposal. In the announcement of the concession, the mode of legitimation is *rationalisation*, framed as giving way to the argument received during consultation. Given that very many arguments were not similarly accepted, the possible motivation for this change of heart merits consideration.

I have suggested the main reason for the Home Office delaying publication of the Risk Assessment was to hide the estimated loss of income to the HE sector. The private pathway providers did not need an impact assessment; they would have been very acutely aware of how large the financial impact on their operations would have been if CEFR B2 had been introduced for all student visas.

There was considerable lobbying by the pathway providers to resist this change. The five pathway providers, known colloquially in the sector as "The Big Five", joined forces to create a lobbying group (B. Smith, 2017) to represent their interests. Their joint website describes themselves as "a coalition that is working to defend British Universities' freedom to recruit international students"

(Destination for Education, 2020). Their campaign particularly targeted the immigration policies (5.1 above) which they saw as a major impediment to their recruitment activities.

The contributions to the HAC enquiry and the commercial lobbying were further examples of the public *context of influence*. It is notable that, in announcing the concession, the Immigration Minister referred specifically to the pathway providers. It is a matter of conjecture how much additional lobbying might have been taking place at the same time in the private arena.

Following the implementation of the Tier 4 reforms, the HAC published a follow-up to its report. The follow-up report cites oral evidence from the Home Secretary regarding the status of the impact assessment:

> The Home Secretary was clear that despite the impact assessment predicting a high economic cost, … the government would go ahead … without an evidence base.
>
> *Dr Huppert:* Does that mean that you are going ahead with a policy without an impact assessment that you believe?
>
> *Theresa May:* There will be a number of areas where the Government decides to take a policy decision on something because it believes that it is the right thing to do.
>
> (Home Affairs Committee, 2011c, p. 6)

In relying on the argument that the course of action is considered to be 'the right thing to do', the mode of legitimation used by the Home Secretary was *moral evaluation:* "an appeal to a value system around what is good or desirable" (Hyatt, 2013b, p. 840).

Cochran-Smith and Fries state that the political warrant "interacts and in a sense interlocks with both the *evidentiary warrant* and the *accountability warrant*" (2001, p. 10, original emphasis). In their study they are considering arguments presented by opposing groups, vying for "the linguistic high ground of common sense" (2001, p. 12). In the case outlined here it seems that the Home Office deliberately negated the evidentiary warrant by hiding or delaying the evidence and was satisfied to impose a political policy decision.

5.1.4   Tier 4 and the 'hostile environment'

This section will examine the impact of Home Office policies on Tier 4 students following the reforms just described. This MSC for this period might be described as the 'hostile environment'. This section will add a "thick description" of the hostile regime, contributing to the broader examination of how international students are treated unfairly by the systems which apply to UK HE.

Theresa May (Home Secretary from 2010 to 2016), was responsible for pursuing David Cameron's policy pledge to reduce net migration to "tens of thousands" (Conservative Party, 2009). The evidence cited in the previous section shows that this policy had been questioned and criticised

widely, not least because the EU free movement regulations meant that it was impossible for the government to influence the number of migrants coming from within the EU. Robinson argued this further in a pointedly prescient summary:

> Unless a future government intends to renegotiate the terms of the UK's membership of the EU and withdraw from the single market and the associated commitment to the free movement of labour, putting the UK's membership of the EU in doubt, any promise to bring net migration down to "tends [sic] of thousands rather than hundreds of thousands" is either naive or disingenuous.
>
> (D. Robinson, 2010, p. 15)

The hostile environment was introduced by the Home Office under May's leadership " (National Audit Office, 2012). This was deliberately designed not only to deter illegal immigration but also to encourage illegal immigrants to leave the UK voluntarily, with the "Deport first, appeal later" policy as a key lever (BBC, 2018). Those suspected of being illegal immigrants could be deported and would only have a right to appeal after they had left (or been removed from) the country.

At the same time, the right of students to appeal immigration rulings in court was also removed, replaced by "administrative reviews". These reviews would be conducted by the Home Office, i.e., the same department that the appellant would be appealing against. Appeals in court would only be allowed with reference to "a breach of Convention rights under the Refugee Convention or the Human Rights Act" (Manning & Collinson, 2019, p. 88).

In 2013, following repeated criticism by the HAC (2011a, 2012), the UKBA was split into the UK Visa and Immigration Service (UKVI) and the Border Force. The regime of surveillance which had been imposed on the education sector was extended to include the National Health Service (NHS) (Home Office, 2013a) and private landlords (Home Office, 2013b; Webber, 2014). These additional measures were included in the Immigration Act 2014 (United Kingdom, 2014).

As the Act received its second reading in the House of Lords, crossbench peer Baroness Prashar, also then president of UK Council for International Student Affairs (UKCISA), feared the bill might have unintended consequences:

> This Bill seeks to create a hostile environment for irregular migrants. In so doing, I am afraid it will create a hostile environment for migrants seeking to enter or remain in the UK through legal channels … As we know, international students … often need to appeal against decisions by the Home Office to refuse applications … It is now officially accepted that nearly 50% of appeals are upheld because the decisions were unsound in the first place due to technical errors, which does not inspire much confidence that the administrative reviews will work.
>
> (House of Lords, 2014, col. 505)

The "Deport first, appeal later" policy was subsequently ruled unlawful by the Supreme Court (2017); but students' right to appeal in court had been curtailed and was not reinstated.

Baroness Prashar's concerns regarding unintended consequences were proven to be well-founded when it emerged that a large number of legitimate citizens, now known as "The Windrush Generation" were being penalised unjustly by the use of regulations and procedures introduced as part of the "hostile environment" provisions (BBC, 2018). Bulman (2018) cites a number of cases of individuals being severely disadvantaged due to the inappropriate application of hostile environment measures.

One significant example of such disadvantage can be seen in the case of a scandal involving cheating on UKVI Secure English Language Tests (SELT). The Test of English as a Foreign Language (TOEFL), published by Educational Testing Service (ETS), was withdrawn from the approved test list in 2014 following a BBC Panorama investigation of test misconduct (BBC, 2014). The test which was implicated in the misconduct was the Test of English for International Communication (TOEIC) rather than the TOEFL, but all ETS tests were removed from the approved list. The BBC Panorama programme secretly filmed a test centre where candidates were taking the TOEIC test. The film showed the answers to the test being read aloud to the candidates.

This cheating incident could be seen as a disturbing case of exploitation of vulnerable candidates. The subsequent actions of the Home Office were, arguably, similarly disturbing. The Home Office used the withdrawal of ETS tests from the approved list to justify the suspension, refusal and withdrawal of over 50,000 visas.

The Home Office policy and its response to the incident have been investigated in detail by the Home Affairs Select Committee and subsequently the National Audit Office (2019a) and finally by the Committee of Public Accounts (2019).

The National Audit Office issued a press release to announce the findings of their report. This included a comment from the head of the NAO:

> When the Home Office acted vigorously to exclude individuals and shut down colleges involved in the English language test cheating scandal, we think they should have taken an equally vigorous approach to protecting those who did not cheat but who were still caught up in the process, however small a proportion they might be. This did not happen
> (National Audit Office, 2019b)

The evidence that the NAO report presents shows that many thousands of students had action taken against them by the Home Office despite not having cheated.

The summary findings of the Committee of Public Accounts state that:

> 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 … 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.
>
> > (Committee of Public Accounts, 2019, p. 3)

Furthermore, the recommendations of the report compare the incident with the Windrush scandal, suggesting

> the Home Office has once again not done enough to identify the innocent and potentially vulnerable people who have been affected
>
> > (Committee of Public Accounts, 2019)

The Permanent Secretary at the Home Office responded to the committee defending many of its actions but did accept that there were "lessons to be learned", albeit five years after the original event (Home Office, 2019).

The increasingly hostile environment being imposed by the Home Office coincided with a significant socio-political event: UKIP won the largest number of UK seats in the 2014 European Parliament election with 26% of the vote, beating Labour by four seats and the Conservatives by five. With immigration being one of the most contentious policy debates, it is perhaps unsurprising that the pressure on the student visa regime continued.

Following the withdrawal of ETS from the approved list, the Home Office introduced an even tighter regime, limiting the number of approved Secure English Language Tests (SELT). From 2015 the range of SELT acceptable to evidence the requisite standard was increasingly restricted. Specific IELTS test centres were established to run "UKVI IELTS" both in the UK and overseas. The EXPLANATORY MEMORANDUM TO THE STATEMENT OF CHANGES IN IMMIGRATION RULES (HC 1025) introduced the new list of approved language tests with something of an understatement:

> Update the list of approved English language tests in Appendix O following the awards of new concessions to test providers and make changes to the Immigration Rules to ensure that English language tests taken for immigration purposes are taken at approved test centres.
>
> > (House of Commons, 2015, p. 2)

The updating of the list consisted of removing all of the SELT except Trinity College London (for use in UK only) and introducing the IELTS SELT Consortium as a new "concession". There was no consultation associated with this change in the rules and therefore no associated impact assessment. In this regard there was no attempt at legitimation. A number of perverse scenarios emerged as the restrictions and requirements were repeatedly tightened. Some examples of these will be described in chapter 6.

While the Home Office were pursuing David Cameron's policy pledge to reduce net migration, the Department for Trade and Industry (DTI) were expending significant efforts to promote the United Kingdom as the destination of choice for international students, seeking to reverse the decline in the "market share" of international students. Economic surveys, commissioned by institutions and stakeholders, were widely cited to support the international sector.

An illustrative experience (from the insider's perspective) of the schism between Home Office and DTI occurred in September 2015 when the Home Office undertook a further consultation in collaboration with the HEI membership organisation Universities UK (UUK). On this occasion the consultation was focussed on the possibility of raising (yet) further the language level required for degree study. The consultants asked for members' feedback on either raising the standard to CEFR C1 (mapped for SELT purposes to IELTS 7.0) or, as an alternative, to moving away from the CEFR and using IELTS as the official benchmark.

There is little documentation which can be referenced regarding this event: the "discussion document" which had been promised at the point of invitation was never circulated and the PowerPoint slides were not distributed to participants. The abiding memory of the event was seeing a member of the DTI slipping breathlessly into the room to join the event with a hastily hand-written name badge; that delegate confided that their invitation had only arrived half an hour before the event started and that they had run to the venue from Whitehall.

The event was in response to policy announced by the newly elected Prime Minister following the Conservative Party achieving a majority in the 2015 General Election. In a speech on immigration, prior to The Queen's Speech which would launch the new parliament, David Cameron announced measures which would strengthen and expand the Hostile Environment introduced by Home Secretary Theresa May in 2012. In a paragraph which included reference to "curbing abuse" and "shutting more bogus colleges" the Prime Minister declared the aim of "looking to toughen English language requirements for students" (Cameron, 2015). No reason or explanation was offered for the proposed policy, but the interdiscursivity drawing on crime – "getting tough" – remained a favoured theme.

In his 2015 manifesto, David Cameron had committed to a referendum on EU membership, The referendum took place a little over a year after the election, with a small majority in favour of leaving the EU. A month later, Theresa May replaced David Cameron as Prime Minister. Although the Conservatives had a majority in Parliament and could have been in power until 2020, a General Election was called in 2017, with May hoping to strengthen her majority. The calling of the early

election was ratified by the House of Commons in the same month as the Higher Education and Research Act 2017 (HERA) passed into law. HERA will be considered in section 5.2.

5.1.5   Summary of the PBS Policy Trajectory

This section has drawn substantially on the CHEPDA framework (Hyatt, 2013b) to analyse the policy trajectory of Tier 4 of the PBS visa system. Analysis of policy texts has focussed particularly on identification of the warrant underpinning policies (Cochran-Smith & Fries, 2001) and linking policy levers to policy drivers (Steer et al., 2007). Modes of legitimation (Fairclough, 2003; Van Leeuwen & Wodak, 1999) have also been identified within policy texts and statements and a "thick description" (Savski, 2019) of the socio-political contexts has been developed.

The PBS policy has been described as founded on unreliable or uncertain evidence; it has been argued that the environment has been increasingly hostile over the period under examination. Searching of the web archives has uncovered evidence that the risk assessment associated with the radical reforms of the PBS was finalised by the time the changes were laid before parliament. It could and should have been published but was not.

These findings will be considered further in the discussion in chapter 8. The next section will continue the diachronic approach by examining the changes to the regulatory environment that HERA brought to the sector.

5.2   Office for Students regulation

The first provision in HERA was the creation of the Office for Students (OfS). (As mentioned in the introduction, The Office for Students applies to English HE rather than UK HE.)

The OfS is the successor to the Higher Education Funding Council for England (HEFCE) and the Office for Fair Access (OFFA). On their website the OfS describe themselves as follows:

> We are an independent public body. We are not part of central Government, but we report to Parliament through the Department for Education (DfE).
>
> We were established by the Higher Education and Research Act 2017, which also sets out our powers and general duties.
>
> (Office for Students, 2018)

The independent status of the OfS is an example of *policy steering*, which moves control away from direct central government control but also creates policy levers which can be utilised to effect policy drivers (Ball, 1993; Hyatt, 2013b; Steer et al., 2007).

A clear driver included in the White Paper and enshrined in the Act is the creation of an increasingly competitive market within HE. The argument presented for this is:

> [c]ompetition between providers in any market incentivises them to raise their game, offering consumers a greater choice of more innovative and better quality products and services at lower cost. Higher education is no exception.
>
> (BIS, 2016, p. 8)

The warrant which can be attributed to this driver is the *accountability warrant* (Cochran-Smith & Fries, 2001) - based on the 'common sense' position that as markets thrive under competition, increasing competition will improve outcomes in HE.

An aspect this argument does not mention is that competition implies winners and losers; by increasing competition, the risk of failure is also increased. Although not included in the introductory argument, this is recognised later in the White Paper:

> We will for the first time require providers to have a student protection plan in place, in the event that the provider is unable to deliver their course of study
>
> (BIS, 2016, p. 18).

As well as exemplifying the use of the accountability warrant, the argument for competition can also be seen to demonstrate *presupposition*. This is a technique which the CHEPDA framework identifies as "represent[ing] constructions as convincing realities" (Hyatt, 2013b, p. 55). The argument presupposes that HE is and should be considered as a market. Whilst this may not be particularly surprising, given the marketised nature of HE (Ball, 2007, 2012, 2017). This is very much a part of the MSC surrounding HERA and the presupposition subtly reinforces the notion.

One of the duties which HERA confers on the OfS is: "Assessing the quality of, and the standards applied to, higher education". (United Kingdom, 2017a, sec. 23). The OfS sets out four primary objectives in SECURING STUDENT SUCCESS: REGULATORY FRAMEWORK FOR HIGHER EDUCATION IN ENGLAND (OfS, 2018):

> All students, from all backgrounds, and with the ability and desire to undertake higher education:
>
> - are supported to access, succeed in, and progress from higher education.
> - receive a high quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure.
> - are able to progress into employment, further study, and fulfilling lives, and their qualifications hold their value over time.
> - receive value for money.
>
> (2018, p. 14)

To analyse these objectives, the Critical Discourse Problematization Framework (CDPF) (Van Aswegen et al., 2019) will be employed. The CDPF draws upon Bacchi's (2009) WPR approach (see 4.3.2) and focusses on the first three of Bacchi's problematisation questions. Each of these questions

is associated with components of the CHEPDA. Table 4 presents a simplified representation of this association.

Bacchi's WPR question	CHEPDA framework components
What is the problem represented to be?	Warrant (evidentiary, accountability, political)
What presuppositions or assumptions underlie this representation of the problem?	Strategies of legitimation (authorization, rationalization and moral evaluation)
How has this representation of the problem come about?	Temporal contextualization (immediate; medium term; policy genealogy; epoch)

Table 4 - The CPDF links between WPR and CHEPDA

Mythopoesis is also mentioned in the text (Van Aswegen et al., 2019, p. 189) but is not included in their table, perhaps because it was not found in the policy text they analysed. The term "*policy genealogy*", is described as referring to the mapping of the policy to its ISC and MSC (2019, p. 194).

Van Aswegan et al. (2019, p. 190) suggest that Bacchi's fourth WPR question can be addressed using CDA techniques. That question is: "What is left unproblematic in this problem representation? Where are the silences? Can the problem be thought about differently?

The OfS primary objectives relate to areas which need particular attention and regulation; this in turn suggests that these areas are problematic and that there are issues with them. The warrant which would support this analysis is the accountability warrant, which "entails the grounds for action based on results or outcomes" (Hyatt, 2013b, p. 51). All four of the objectives are broadly related to outcomes, and thus can be seen as justified by the accountability warrant.

The OfS framework notes that its remit includes students "from the UK and beyond" (2018, p14) but only refers to international students on one occasion: registration with the OfS confers on an institution the right to apply for a licence from the Home Office to sponsor the visas of international students. The regulatory environment imposed by the Home Office has been examined in section 5.1 above.

The OfS regulatory framework has no separate regulations, conditions or guidance which apply specifically or solely to international students. It is, therefore, reasonable to infer that the OfS primary objectives apply equally to the international students which are the main focus of this study. Furthermore, the lack of focus or "silence" (Bacchi, 2009, p. 12) on international students could, from a WPR view, be taken to imply that, for the OfS, this group are not specifically implicated in the problematisation. The relationship between the OfS core principles and international students will be discussed further in section 8.2.

This section has examined aspects of the remit of the relatively new Office for Students and has found that no specific standards or requirements are imposed on institutions recruiting international students. The regulator's objective principles may be used in consideration of the experience of international students, but the regulator does not impose entry standards for any type of student. The categorisation *international student,* which is central to determination of the fees a student must pay, is defined in relation to domicile rather than nationality or immigration status. The UK's exit from the EU will have a significant impact on the number of students designated as international students in future.

A key policy driver has been identified in the documents which led to the new regulatory regime: encouraging and increasing competition in the (English) HE sector. This driver is closely related to the socio-political context of marketisation of the sector.

5.3   The replacement of Tier 4 of the PBS

Tier 4 students were identified above as a significant subset of international students, named in this work for the regulatory process they have been obliged to navigate. Ironically, that process has come to end before the work describing them is complete.

In February 2020 the government published a policy statement regarding the Points Based Immigration System, outlining how they will "take back control of our borders" following the UK's exit from the EU (United Kingdom, 2020a, p. 3). Furthermore, the statement asserts that they "are implementing a new system that will transform the way in which all migrants come to the UK to work, study, visit or join their family" (United Kingdom, 2020a, p. 3). In fact, for the students hitherto described as Tier 4 students little has actually changed in practical terms. The changes are much more significant for other groups of students.

The first substantive measure outlined in the policy statement is the fact that EU citizens will be subject to the same PBS requirements as non-EU citizens. This is, perhaps, not particularly surprising in the context of Brexit and is tempered somewhat by the fact that EU citizens who have successfully joined the EU Settlement Scheme will be allowed to remain in the UK. As for students, the only substantive statement in the policy statement is that:

> Students will be covered by the points-based system. They will achieve the required points if they can demonstrate that they have an offer from an approved educational institution, speak English and are able to support themselves during their studies in the UK.

(United Kingdom, 2020a, p. 8).

These requirements, in terms of PBS, are exactly the same as have applied hitherto to the Tier 4 students. The policy statement was followed by a document providing further details, including first details of Tier 4's replacement within the PBS: "The Student Route" (United Kingdom, 2020b).

The first paragraph describing the Student Route states that there will be "no limit on the number of international students who can come to the UK to study, and we will seek to increase the number of international students in higher education" (United Kingdom, 2020b, p. 32). This represents a significant change in policy compared with the approach proposed by Theresa May in her consultation document (UK Border Agency, 2010b).

Additional relaxations of restrictions are also evident in the policy details, raising the question as to whether the "hostile environment" has been dropped. The introduction to the policy document concludes with a series of statements which might be seen as seeking to imply that it has. In particular, reference is made to the WINDRUSH LESSONS LEARNED REVIEW (House of Commons, 2020) led by Independent Advisor, Wendy Williams and to the fact that the current Home Secretary "has accepted all the findings" of the report (United Kingdom, 2020b, p. 8). This aspect of the regulatory environment will also be discussed further in chapter 8.

5.4 Visa regulations and Covid-19

The policy statement considered in the previous section was published in the weeks leading up to the first major lockdown in the UK due to the Covid-19 pandemic. As mentioned in section 2.2.5, much pre-sessional provision necessarily moved online due travel restrictions imposed to combat the pandemic.

The UKVI concessions regarding SELT which apply to UK HEI do not apply to most pre-sessional students. They generally need a UKVI-approved SELT IELTS. One advantage that the move to remote learning afforded the pre-sessional students was that they did not require a UKVI visa in order to enrol for the online pre-sessional and therefore did not require a SELT. Although the regulations would still apply at the point of issuing a Confirmation of Acceptance for Studies (CAS) to applicants who completed the pre-sessional, at that stage HEP would be entitled to make their own assessment that students were at least at CEFR B2.

For online pre-sessional entry there was suddenly no regulation, though institutions still needed to assess candidates' suitability for the programme. This aspect of the response to Covid will be examined in chapter 6.

5.5   Summary of findings

This chapter has examined the regulatory environment which applies to the students in focus in the study. The diachronic portrait draws on the discourse historic approach (Hyatt, 2013b; Savski, 2019; Wodak, 2001) to describe the policy trajectory (Ball, 1993; Bowe et al., 2017).

The critical analysis of policy in section 5.1 has clearly indicated that there are grave concerns regarding the PBS regime, particularly from the perspective of the UK HE sector. To summarise the findings of the key stages of the policy trajectory:

- The policy guidance documents introduced a hostile regime of surveillance and monitoring by requiring institutions to participate in policing borders
- The restrictions were deliberately tightened in order to meet a political objective – net migration targets. Students could have been excluded from the targets but they were not
- Major changes to the immigration rules were introduced without publication of the required impact assessment. Evidence which could have led to a challenge of the changes in parliament was suppressed until after the period of negative annulment had passed
- The response to the ETS cheating scandal was hugely disproportionate, affecting tens of thousands of mostly innocent individuals
- Language standards were imposed without justification or due care to the consequences (considered again in chapter 8)

The most damning of these actions was the treatment of ETS candidates with so many individuals severely impacted. Similarly grave, though arguably with less direct impact on individuals, was the hiding of evidence by failing to publish the impact assessment; the impact assessment was required by parliamentary protocol though not by law.

The fact that the RPC Opinion was signed on the same day that the Statement of Changes was laid before Parliament is a discovery brought to light by this research. No other reference to this has been found in the literature.

Although the PBS Tier 4 system has been replaced by the Student Route, the surveillance regime remains in place. Following the lifting of Covid-19 concessions, the restrictions and imposition of language standards and tests are expected to resume/continue. The PBS regime was imposed to tackle a problem which had little to do with HE and which was then enforced in pursuit of a political end.

The fact that the PBS policy specified and imposed entry standards appears to conflict with the provision in HERA which preserves institutional autonomy on entry standards. This connects to the wider HE context, where that autonomy appears to be under increasing threat from the OfS.

5.6   The Regulatory Environment and AL&L

The regulatory environment described in this chapter is the environment in which the students under consideration study and seek to progress. The bureaucracy of obtaining a Tier 4/Student Route visa is challenging for any student and particularly so for those who need to improve their language repertoire prior to undertaking their degree programme as the regime is more compacted for them. The stress and anxiety which the hostile environment engender are obstacles to effective learning. The visa application system has eventually become somewhat easier, though under covid restrictions a whole new wave of uncertainty and confusion was imposed.

The regulatory regime has also had an impact on the focus of learning and teaching, with the Home Office approved Secure English Language Test becoming the absolute priority for many preparatory students. The following chapter will focus on those language standards and assessments.

6 Language Standards and Assessments

The examination of language standards and assessments contributes to answering the "*what goes?*" of the study's title. This chapter will identify and analyse texts relating to the language standards international students are required to achieve or demonstrate in order to secure their entry to UK HE. In doing so, the second RQ is addressed:

> **RQ2: How are the language standards which policy requires of international students entering UK HE realised in practice?**

In most cases the texts under examination here are not policy documents *per se*; they describe or present the standards required by the regulatory regimes described in the previous chapter. In this respect the texts are what Ball describes as *policy effects* (1993, p. 15).

The first section will examine the language standards required on entry to UK HE. Whilst the key focus of this research is on international students, the standards which apply to other categories of students will be outlined.

The second section will consider in detail the CEFR, which was identified by the PBS visa regulations as the framework required for Tier 4 students. The analysis in this section will draw connections with the conceptualisation of Academic Language and Literacy (AL&L) and the notions of literacy from which AL&L was drawn. Some further literature work is included.

The third section will concentrate on the relationship between the CEFR and the approved language tests which are utilised to demonstrate compliance. A diachronic view of the changes to the mapping of tests to the framework will be a particular focus.

The fourth section of the chapter will highlight some particularities of the language assessment regime which arose during the Covid-19 pandemic.

6.1 Language Standards on entry to UK HE

The principal focus of this study is on international students who are subject to the PBS policy described in the previous chapter. These students need to obtain a student visa under the Home Office Points Based System (Home Office, 2019a). As the policy which introduced the regulations was the PBS, and particularly Tier 4, the students to whom those rules apply will be referred to as *Tier 4 students.*

There are three further categories of students who enter UK HE, with different standards required of each group and different methods of demonstrating those standards.

- UK domiciles – students domiciled in the UK are commonly referred to in the HE sector as *home* students. UK nationals who are not domiciled do not usually need a visa, so home student language standards, set by the institution, apply.

- EU Settlement Scheme – applicants who have EU Settled Status or Pre-settled status (UK Government, 2022) have the right to study without needing a visa and home student standards also apply. Achieving settled status usually requires evidence of CEFR B1.

- Nationals of majority English-speaking countries - these students may need to obtain a student visa but are mostly exempt from demonstrating the PBS language standards. They may need to meet the institution's home student language standards or an approved equivalent.

The standards required of home students will be considered further in 6.3.2 below.

6.2 Language Standards for Tier 4 Students

The PBS visa regulations require all Tier 4 students to achieve language standards measured against the Common European Framework (CEFR). This section will present a summary of the key features of the CEFR as context for the subsequent analysis. Some detail of the descriptors is included in Appendix 7.

The CEFR is divided in three broad *stages* of language learning, described as *Basic User (Stage A)*, *Independent User (Stage B)* and *Proficient User (Stage B.)* The stage most relevant to Tier 4 students is Stage B, divided into B1 (Threshold) and B2 (Vantage). B2 is the standard required by the PBS legislation. A further level of detail is included in the description of the CEFR levels with the addition of *bands* within the levels. Within level B2 (Vantage) is the band "B2+ (Strong Vantage)" (COE, 2001, p. 35). As the label implies, B2+ is situated in between B2 and C1, as Figure 3 illustrates.
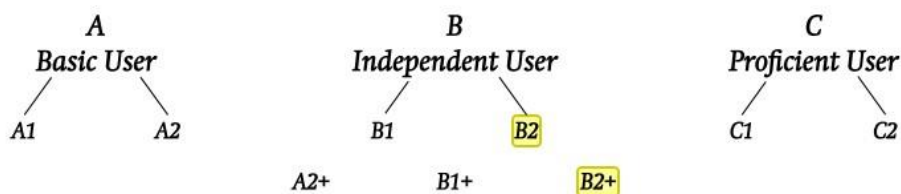

Figure 3: Stages and levels of the CEFR

(COE, 2001, p. 32)

The levels are described as the "vertical dimension of the Framework" with a note that these levels do not take account of the "horizontal" dimension of language learning:

> One also needs to remember that levels only reflect a vertical dimension. They can take only limited account of the fact that learning a language is a matter of horizontal as well as vertical progress as learners acquire the proficiency to perform in a wider range of communicative activities. **Progress is not merely a question of moving up a vertical scale.**
>
> (COE, 2001, p. 17 emphasis added).

The focus on the importance of contexts in the horizontal dimension of the framework shows the potential to align with the situated concept of AL&L developed in chapter 3. However, I suggest that the way the CEFR is commonly used in the discourse on language proficiency is very much focussed on the vertical dimension. For example, commercial language textbooks now routinely describe their content in terms of CEFR levels. The commercial language tests examined below have been adapted to report CEFR levels, driven by the requirements of the PBS policy.

Chapter 3 of the CEFR, entitled COMMON REFERENCE LEVELS, sets out descriptors for the various levels of the framework. A global descriptor for each level is provided within the framework as well as overall descriptors for each of the macro skill components: Listening, Reading, Speaking and Writing (COE, 2001). Appendix 7 brings together the global descriptor and the overall descriptors for each skill component at B2 of the CEFR.

It is noteworthy that the CEFR does not present such a table. North (2014), one of the architects of the CEFR, has emphasised that the CEFR "is a heuristic model intended to aid communication" (2014, p. 230) which allows teachers and learners of languages a shared discourse to navigate their field. The framework is not intended as a set of definitive or absolute descriptors, though, in my professional experience, this is precisely how it has come to be used. The result is a unidimensional view of language proficiency which conflicts with the essential concept of horizontal and vertical dimensions enshrined in the CEFR (COE, 2001).

The Council of Europe published a substantial supplement to the CEFR, THE CEFR COMPANION VOLUME (COE, 2018) which supplements but does not replace the 2001 CEFR document. The Companion Volume includes significantly greater emphasis on "mediation", moving beyond the interpreting/translation included in the CEFR:

> In mediation, the user/learner acts as a social agent who creates bridges and helps to construct or convey meaning, sometimes within the same language, sometimes from one language to another (cross-linguistic mediation).
>
> (COE, 2018, p. 103)

The social aspect of mediation and the notion of constructing meaning, necessarily located in a specific context, chime with the description of AL&L developed in Chapter 3. Mediation "within the same language" (as opposed to interpreting/translating) is an essential activity for students finding their way into a discourse community, be it academic, professional or social.

The Companion Volume makes frequent reference to CEFR B2+ in describing communicative language activities, strategies and competencies. This is a substantial addition to the original framework which only featured two substantive mentions of the band.

With reference to North's suggestion that the framework allows stakeholders to collaborate meaningfully and with a shared understanding of level, these descriptors do appear to be generally helpful and accessible. Furthermore, the variety of contexts included in the elaborated descriptors suggests that the framework is practical in the way it was designed to be used.

The way in which the framework is used relating to international candidates for UK HE is problematic in a number of ways.

McNamara, Morton, Storch and Thompson (2018) note that the "stated aims of the CEFR make it clear that it is not primarily oriented to academic language use". In their study of first year international undergraduate students, they looked in greater depth at the detailed descriptors which they identified as contributing to academic writing. They conclude that:

> the CEFR provides at best only a partially adequate articulation of an appropriate construct for the development of assessment tools for selecting students and evaluating their subsequent development of academic literacy skills

<div align="right">(McNamara et al., 2018, p. 3)</div>

Examining the actual text of the band descriptors raises an issue related to their suitability in the context of some Tier 4 students. There are several references in the overall Global Descriptor to the ability to "understand … [language] … in his/her field of specialisation". There are numerous degree courses in UK HE which do not require a background in the subject to be studied, such as law, education, psychology and sociology; students joining these courses from UK schools will not necessarily have the technical vocabulary of their subject on entry to their programme so it would seem unreasonable to expect this of international students.

Drawing on the foundational work of Gumperz and Hymes (1986), Blommaert and Backus (2012) challenge the common notion of a single proficiency level. They propose instead that an individual's language repertoire, is more meaningful and propose a reimagination of the term which has not developed greatly since it was used by Gumperz and Hymes. Within an individual's repertoire,

Blommaert and Backus suggest differing levels of competency may be exhibited, depending largely on the language context.

It appears that this suggestion has commonalities with the horizontal dimension of the CEFR and also aligns with the notion of the plurality of literacies discussed in chapter 3. However, Blommaert and Backus are forceful in their rejection of the framework:

> In spite of significant advances in the field of language knowledge, dominant discourses on this topic seem to increasingly turn to entirely obsolete and conclusively discredited models of language knowledge. The European Common Framework for Languages is naturally the most outspoken case
>
> <div align="right">(2012, p. 4)</div>

Blommaert and Backus were also scathing in their rejection of mainstream language assessment instruments which are based on the CEFR: "standardized language measuring tools … are a form of science fiction" (2012, p. 29). It should be noted that these opinions were came several years before the new Companion Volume was published (COE, 2018).

Chapter 9 of the CEFR focusses on ASSESSMENT and is careful to note that the framework is not, in itself, an assessment tool. Rather, it is "a set of common standards … which make it possible to relate different forms of assessment to one another" (COE, 2001, p. 178).

This section has given an overview of the CEFR and has highlighted some issues which have been raised regarding its implementation. The next section will consider a number of comparisons which were made of and between assessments over the period of the introduction of CEFR levels as the standard required for Tier 4 students under the PBS visa system.

6.3 Approved English Language Tests

This section will describe and analyse the development of the PBS regulations regarding the approved English language tests. The focus will be on how those tests have been mapped to each other and to the CEFR. The changes in language requirements broadly coincided with the regulatory changes described in section 5.1 above.

It is important to note that this study is not concerned with analysis of the validity or reliability of the tests or examinations under consideration. There is an entire field of research into the design and internal workings of such tests, which will be left to the specialist practitioners (Bachman & Palmer, 2010; Fulcher & Davidson, 2007; O'Sullivan & Weir, 2011; Weir, 2005). It is, however, germane to note the opinion of one of these experts:

> The CEFR has become much more of **a political and policy tool** than was originally intended. Levels are being selected for all kinds of uses, **including immigration**, without any clear linguistic rationale

A substantial search of the relevant government policy texts (web pages, policy proposals, risk assessments) in the UK Government Web Archive (The National Archives, 2020) has failed to find any consultation, statement of intent or policy statement relating to the adoption of the CEFR. Given the lack of policy statement, it appears that the adoption was legitimated simply by the assumed authority of the Council of Europe.

The early Tier 4 sponsor guidance (UK Border Agency, 2009, p. 40) stipulated CEFR A2 as the minimum level of language course which students could undertake. The CEFR has been referred to in all subsequent Tier 4 policy documents.

As described in section 5.1.2 above, following concerns that the PBS visa system was being misused, restrictions were imposed (de Lotbinière, 2010). A number of commercially available language tests were sanctioned as acceptable indicators of the requisite CEFR level. Tier 4- APPROVED ENGLISH LANGUAGE TESTS (UKBA, 2010c) detailed the tests which could be used for different levels of various tiers. These regulations impacted on vocational courses and language courses but did not particularly impact degree programme entrants as the average entry requirement for universities was IELTS 6.0 to 6.5 (or higher), considerably above the CEFR A2 level.

When the Coalition administration's radical reforms (UK Border Agency, 2010b) were proposed (see 5.1.3), the rule changes impacted directly on degree programmes for the first time. The change introduced a minimum level of CEFR B2 for students studying for a degree (NQF level 6). The mapping of the approved tests to the CEFR requires some investigation.

6.3.1 Mapping to the CEFR

In this section I will refer frequently to test scores and CEFR levels. As noted in the previous section, those levels refer only to the vertical dimension of the CEFR. In discussing levels I am using the terminology of actors in the field. That usage implies a recognition of test scores as an objective indicator of language proficiency. Whilst I do not entirely accept that position, this is another occasion in which it is difficult to step out of the discourse (Lomer, 2016 - see 1.1 above).

In principle, the use of CEFR levels to compare different assessments is in accordance with the framework's stated aim "to aid comparison between systems" (COE, 2001, p. 182). However, the approach to the mapping of tests described in the framework was not used in the PBS mapping exercise.

The framework suggests that mapping involves

building up a common understanding through discussion (social moderation) and the comparison of work samples in relation to standardised definitions and examples (benchmarking)

(COE, 2001, p. 182).

Although the UKBA's approved list specified the acceptable tests, levels and component scores for a visa application, it was the test providers, not the UKBA, who mapped their tests to the different levels of the CEFR. The test providers did this individually, without the collaboration that the CEFR guidance suggested. This resulted in some unexpected results and caused some considerable confusion and consternation at the time.

In the UK HE context, IELTS had been the most commonly used admissions standard for several years (Hyatt, 2013a). The TOEFL was the second most common and in many institutions a conversion table was used to map TOEFL scores onto IELTS scores in order to set the equivalent admissions standards. Furthermore, different varieties of the TOEFL test - had different scoring systems, necessitating a further conversion scheme to facilitate comparison. A selection of the scores from the top of the range is reproduced in Appendix 8, drawn from the document used in my own institution up until the CEFR mapping was introduced.

A complication of IELTS and ETS mapping their tests to the CEFR for the UKBA purposes was that they had both previously published mappings to each other's tests and/or the CEFR. The new IELTS mapping was at the lower end of the previously identified range and the TOEFL score at the higher.

The UKBA's approved test list was updated to include test scores accepted at CEFR B2 level in April 2011 (UKBA, 2011a). The minimum requirement for IELTS was 5.5 in each component, in line with an earlier research report by Taylor (2004) which positioned (the bottom of) CEFR B2 between IELTS 5.0 and 5.5. The TOEFL total score was 87, in line with a research report by Tannenbaum and Wylie (2008). Both of these research papers were internal reports published by the respective testing organisations.

Another research paper, published by ETS (2010) linked TOEFL and IELTS scores directly, without reference to the CEFR. In this research, an overall score of IELTS 5.5 was mapped to a range of TOEFL ibt total scores from 46 to 59.

CEFR B2	≈	IELTS 5.5	≈	TOEFL 46
CEFR B2	≈	TOEFL 87	≈	IELTS 6.5

(ETS, 2010; Tannenbaum & Wylie, 2008; L. Taylor, 2004)

Figure 4: Comparisons of IELTS, TOEFL & CEFR B2

Combining the results of the three studies gives the *minimum* scores as shown in Figure 4

The comparison tables commonly used to compare IELTS and TOEFL by university admissions departments (e.g., Appendix 8) were broadly in line with the direct mapping (IELTS 5.5 ≈ TOEFL 46). As a result of the new mappings, the comparison tables were rendered unworkable.

At this at this point in the development of the policy, candidates who had achieved an acceptable TOEFL score for university admissions purposes found their position compromised; they had secured an unconditional offer at a UK HEI but could not secure a visa because their scores did not meet the new visa requirements. Within months of the PBS scores being published, ETS changed their mapping, bringing the level required back down to a closer alignment with the previous comparison with IELTS. The new mapping was announced on the Home Office website in January 2012 (ETS, 2012; UK Border Agency, 2012a).

In the wider picture, the UKBA officers, university admissions staff, language centres and prospective students occupied a space where a single point score on one component of a language test was reified to the extent that it was crucial in deciding compliance, success and failure. A student with a reading score of, for example, 21 out of 30 would now be considered unacceptable, despite the fact that thousands of students had been accepted and participated successfully for years with a reading score of just 18 on the very same test.

Although UK HEI are allowed to make their own assessment of a candidate's English level, this concession was of no help to the institutions or the individuals caught between the new mapping and the old standard. Institutions could use their own test but if a candidate presented an approved test, then the UKBA approved scores were required. The regulatory environment (described in section 5.1 above), with the threat of severe action in case of non-compliance, meant that common sense application of the concession was too risky to implement. The UKBA were very *laissez-faire* when test providers wanted to recalibrate their mappings, but the threat to sponsors for non-compliance remained.

This aspect of the system is a clear example of the PBS system treating students unfairly (see 1.1 above); it also illustrates the regulatory constraint the PBS exerted on institutions.

Green (2018) examined in detail the claims regarding the links to the CEFR made for the four tests most widely accepted for HE admissions: IELTS, TOEFL, The Pearson Test of English (PTE) and Cambridge English: Advanced (CAE). He was critical of the way in which testing agencies implemented the CEFR. He also noted the way in which they had adjusted their mappings to the CEFR in the context of the UK Immigration regulation changes. He suggests that the TOEFL ibt mapping described above persisted until 2014:

> Until 2014, the suggested cut scores for iBT TOEFL, based on Tannenbaum and Wylie (2008), were 87 for B2 and 110 for C1. The current cut scores of 72 and 95 thus represent a shift of 15 points downward (twice the standard error of measurement) on the TOEFL scale.
>
> (Green, 2018, p. 67)

Green cites an in-house ETS paper, published in 2015, presenting the rationale for the changes that had been made by ETS the year before (Papageorgiou, Tannenbaum, Bridgeman, & Cho, 2015, p. i). However, the lower cut scores were actually implemented in January 2012 when the UKBA's approved test list was updated once again (UK Border Agency, 2012b).

The UKBA website, retrieved from The National Archives, announced that

> ETS have changed the way that the scores for their TOEFL ibt … map against the Common European Framework of Reference (CEFR)
>
> (UK Border Agency, 2012b)

This announcement of change is made as a plain statement of fact, with no indication of judgement, evaluation, permission or endorsement made by the UKBA. As Hyatt points out, using the present perfect ("ETS I…") can give a completed event currency (Hyatt, 2013b, p. 56), but it may simply be that the tense here is the natural choice, with no intention to add to the constructed meaning.

ETS announced this change on its website via its e-newsletter

> Great news! ETS has adjusted the TOEFL scores required by the UKBA so that they more closely reflect performances described in CEFR levels. In 2006 as the TOEFL ibt test was being introduced, ETS conducted a standard setting exercise with educators to map the new scores to CEFR levels. Since then, feedback from universities and teachers of English that the actual level of performance of students on the test is not consistent with scores identified at various CEFR levels. We have used this feedback to help us with recommendations for score adjustments.
>
> (Educational Testing Service, 2012)

The evaluation embedded in the announcement is very obvious in the first sentence (Great news!). Less obvious is the fact that the statement does not explicitly state that the new mappings constitute a reduction in the TOEFL score required to achieve the CEFR standard.

The newsletter announcement juxtaposes the outcome of a *standard setting exercise with educators* and the *feedback from universities and teachers of English*, with the latter being adopted. In terms of mode of legitimation (Hyatt, 2013b), the implied status of both groups might be seen as contributing *authorisation*. The text implies the second group is more authoritative in the particular context. It might also be inferred that the theoretical exercise has been determined as less authoritative than "actual performance". Although the text is very short, it may be seen as claiming *evidentiary* warrant, being based on the feedback data received.

The test provider Pearson was critical of the mapping process. In their evidence to the HAC inquiry they expressed concerns:

> Test providers are currently not required to produce empirical evidence, verifiable by independent peer review, of the relation between the results on their tests and the levels of the CEFR
>
> (HAC, 2011a, p. Ev w108)

I suggest that this statement is a clear example of *implication* (Fairclough, 2013; Hyatt, 2013b), suggesting that providers ought to be required to produce such evidence (as Pearson claimed to do themselves.) A few months later Pearson lowered the scores required to achieve CEFR B2 on the Pearson Test of English (PTE). On this occasion it seems that clarity on the parameters was required rather than empirical evidence:

> discussions with the UKBA [who] clarified that they require students seeking admission to the UK to be able to perform tasks at the lower boundary range of the B1/B2 levels of the Common European Framework of Reference for Languages
>
> (Pearson, 2011)

The legitimation for this lowering of scores is made on the basis of the *authorisation* received from the UKBAs clarification. This could also be taken as *implication* that Pearson's empirical evidence remained valid.

An alternative perspective on these score changes comes from Harsch (2018). She cites Green's (2018) study as showing the setting of entrance requirements being influenced by external factors, something she describes as "a severe case of misusing language tests" (Harsch, 2018, p. 15). Both Green and Harsch note the commercial imperatives driving the test providers. Green concludes that

> the outcomes of the different linking approaches do not support each other closely and do not provide convincing mutual validation
>
> (Green, 2018, p. 71)

The examples above illustrate the findings of diachronic exploration of mappings of language tests to the CEFR since its inclusion in the PBS regulations. That exploration has found no incidences of test providers wishing to raise the scores in their mappings.

A further inconsistency has been identified regarding the mapping of the most commonly used test, IELTS. The minimum band score which was declared (by the IELTS consortium) as equivalent to CEFR B2 for the PBS purposes was IELTS 5.5 in each component. For several years the IELTS consortium has published (and still publishes) (IELTS, 2013) advice to institutions describing the suitability of various IELTS bands for academic courses and for training courses. The advice is summarised in Table 5.

As can be seen in Table 5, there is a marked misalignment between the IELTS band score recommended for degree level study and the IELTS score required to obtain a Tier 4 visa to study for a degree. It is highly unlikely that such a misalignment could arise by accident; it might be reasonable to infer that the IELTS consortium intended to suggest that CEFR B2 is not sufficient for degree level study.

Table 5 - IELTS band score advice to institutions (with CEFR band added)				
IELTS band (CEFR band)	**Linguistically demanding academic courses**	**Linguistically less demanding academic courses**	**Linguistically demanding training courses**	**Linguistically less demanding training courses**
7.0 (C1)	Probably acceptable	Acceptable	Acceptable	Acceptable
6.5 (B2)	English study needed	Probably acceptable	Acceptable	Acceptable
6.0 (B2)	English study needed	English study needed	Probably acceptable	Acceptable
5.5 (B2)	English study needed	English study needed	English study needed	Probably acceptable
				(adapted from IELTS, 2013, p. 15)

In the comparisons of test score mappings in this section, the focus has mostly been on the *minimum* test score needed to demonstrate achievement of the requisite CEFR level. A feature of those levels which has not come into focus is the breadth of the CEFR bands. The addition of the CEFR bands to the first column in Table 5 illustrates that breadth. The minimum standard required by the PBS regulations for degree level study is CEFR B2 which maps to IELTS 5.5.

A final example of an attempt to explain CEFR B2 came in written evidence submitted to the HAC inquiry. The suggestion submitted was that

> A B2 speaker of English is instantly recognisable to most British people: it is the level of English spoken by educated people in Northern Europe and by good high school graduates in some parts of the Commonwealth. It is more seldom achieved in Southern Europe and almost never in East Asia.

(Home Affairs Committee, 2011b, p. Ev w81)

The suggestion that the populations of entire nations or sub-continents exhibit homogeneous standards of language expertise is, frankly, absurd; the proposal that the majority of British people have a shared ability to distinguish such language proficiencies is similarly untenable. Had the statement been made in oral evidence, it might have been challenged on the grounds of blatant racism. The evidence was submitted by Professor Edward Acton, Chair of the Universities UK Working Group. The committee did not cite Acton's evidence in their report.

Although comparing different assessments was an original aim of the CEFR, the New Companion Volume gives a warning about the limits of such comparison:

it is important to underline … that **the CEFR is a tool to facilitate educational reform projects, not a standardisation tool.**

<div align="right">(COE, 2018, p. 26, original emphasis)</div>

It seems that the PBS mapping exercise used the CEFR more as a standardisation tool than as a collaborative framework.

6.3.2   The CEFR and GCSE equivalences

GCSE English is the baseline standard most commonly required of home students by universities. This section will report on the variety of mappings of GCSE English which have been found in the literature during the course of the research.

Most universities have a general requirement that new undergraduates, for all subjects, have passed the General Certificate of Secondary Education (GCSE) in English, or equivalent. Of the university web pages surveyed (examined in the following chapter), only the University of Cambridge (2020) specifically mentioned that GCSEs are *not* considered in their selection processes.

One of the earliest comparisons between the CEFR and GCSE English in the PBS guidance was found in the STATEMENT OF INTENT which outlined plans for Tier 1 of the PBS. Applicants for the route for highly skilled migrants would need to have

> … passed a test in English equivalent to level C1 of the Council of Europe's Common European Framework for Language Learning (equivalent to a grade C or above at GCSE)
> <div align="right">(Border & Immigration Agency, 2007, p. 11)</div>

The subsequent guidance issued to potential test providers retained the C1 requirement for Tier 1 but did not mention GCSE (UK Border Agency, 2008). The impact assessment which accompanied the Labour administration's review of Tier 4 also mapped GCSE A – C to CEFR C1 (UKBA, 2010a, p. 18).

These mappings do not align with comparisons between CEFR and GCSE found in the evidence presented to the Home Affairs Select Committee inquiry (see 5.1.3 above). The HAC Report quotes from the CEFR B1 Descriptor and notes that "[B1] is roughly equated to a GCSE level comprehension of English" (HAC, 2011a, p. 6). The report references the oral evidence given by Tony Millns, the Chief Executive of English UK. Millns makes the assertion that

> B2 is, very broadly, a high grade A level on to, perhaps, first year of a degree course. So it is a very high degree of competence in language … A2 to B1 [is] roughly GCSE.
> <div align="right">(Home Affairs Committee, 2011d Questions 27 - 28)</div>

It is possible that the English UK representative was keen to suggest that CEFR B2 was unnecessarily high for student visa purposes, with the motivation of defending the EFL market he represented.

Cambridge Assessment (2017) offer two different international GSCEs in English: *IGCSE First Language English* and *IGCSE English as a Second Language*. Their website has a mapping of the IGCSE English examinations to the CEFR. The 'First Language' exam Grades A - C mostly map to C1 – B2 with some variety across the skills and with Grade A in Reading mapping to C2; the 'Second Language' exam maps to B2 in all skills and all grades except Grade A Speaking, which is mapped to C1.

The second language IGCSE may be similar to GCSEs in Modern Foreign Languages. Researching the relationship between GCSEs in Modern Languages (Spanish, German & French) Curcin and Black (2019) found that the range of GCSE grades 9 – 4 (previously A -C) mapped from mid B2 to high A1, with some variety between the various skills (reading, writing, listening & speaking) and between the different languages they studied. Figure 5 shows the various mappings that have been found, formal and informal, during the research. The minimum IELTS scores required by the UKVI to demonstrate CEFR B1 – C2 have been included.

CEFR	PBS Tier 1	UKBA	HAC report	English UK	IGCE first	IGCE second	GCSE Mod Lang	IELTS for UKVI
C2					(Reading A-C)			8.5
C1	GCSE grade C	GCSE A to C			GCSE A to C			7.0
B2				RQF 3 - 4		(A in Speaking)		5.5
B1			GCSE A to C	GCSE		GCSE A to C	GCSE Modern languages	4.0
A2								
A1								

Figure 5: GSCE mappings to CEFR and IELTS for UKVI scores

Across this relatively small number of sources, GCSE English is described as everything from high A2 to high C1. In IELTS terms, depending on which mapping is used, this is the range from IELTS 4.0 to IELTS 7.0, approximately one third of the entire proficiency range represented in the framework.

For most university courses, the GCSE requirement is a baseline minimum which is required in addition to academic qualifications. It is, nonetheless, accepted as a qualification which UK HEP can use to demonstrate compliance with their obligations to monitor students under the PBS regulations. The mapping of the GCSE to the CEFR is inconsistent and somewhat confused in the same way that the mappings of English tests to the CEFR were seen to be in the previous section.

6.4 Language standards and Covid-19

As described in section 5.4 above, the moving of pre-sessional provision online meant that students did not need to acquire a visa and therefore were not subject to the regulations regarding SELT.

The UK EAP sector's membership body, BALEAP, has a mail base which allows colleagues across the sector to compare notes and seek support and advice on technical, academic and other professional matters. In addition, an informal Director's Network of university EAP providers has recently developed as a more confidential peer support group. Some of the intelligence described below is drawn from being a member of those groups.

One key matter for discussion amongst directors as the pandemic unfolded was which alternative language assessments would be accepted for entry to the online pre-sessional programmes. It might seem that the obvious dilemma was whether to uphold "standards" as much as possible or to maximise the number of students who could be accepted onto the programme; in fact, the peer discussion was actually more frequently centred on how much influence the director had in their institution's decision-making process.

In many cases the decision was taken at a higher – or different – level; in a number of these cases the centre director was overruled. This is a clear example of the question, "Who says what goes?" in action – rather than the subject matter specialists, those responsible for delivering a programme of the requisite quality, having the power to decide which entry tests they could endorse, it was the Sales & Marketing executives, driven by "market forces" and "competitor intelligence" that had the final say.

The alternative test which was most discussed within the network, and the sector more widely, is called the Duolingo English Test (DET), (Duolingo Inc, 2022). Of all the various tests which appeared as possibilities, DET was the most controversial and was the one most frequently foist upon unconvinced EAP directors. The DET is an online assessment, related to a mobile language learning app, available for less than US$50; the main doubts around its suitability were centred on test security. The details of the test itself do not need to be examined further here. What is of note is the fact that late in the recruitment cycle, as pre-sessionals were mostly coming to an end or had finished, the Home Office expressed interest in the test, asking UK HEP to declare whether or not they had accepted students on the basis of the DET. At the time of writing there has been no follow-up by the Home Office reported on the network, but the member centres who chose not to adopt DET heaved a communal, virtual, sigh of relief.

The Covid-19 pandemic hit the UK in March 2020, when most universities were well into their academic year and some were approaching the end of their teaching period. Assessments had to be

reconfigured or rewritten for online delivery, including language proficiency assessments. Many universities announced a policy whereby students would not suffer any detriment in their assessment grades due to Covid-19, widely known as a "safety net" policy. Students on target to achieve a certain outcome were assured that they would not be downgraded due to the alternative assessments they had to take due to the COVID-19 pandemic.

At the same time school students' studies were severely disrupted due to the lockdown enforced by Covid-19 and their formal examinations, GCSE and A-Levels, were cancelled. Initially, the Department for Education implemented an algorithm to estimate the A-level grades that students were expected to have achieved (Ofqual, 2020a). Once the results arising from the use of the algorithm were known, there was an outcry (Kolkman, 2020), firstly in Scotland (BBC, 2020a) and subsequently in England (BBC, 2020b); the result was the abandonment of the algorithm, with teachers' assessments being used in its place to award grades (Ofqual, 2020b).

The university safety net and the U-turn on A levels are similar in essence to the re-mapping of language tests to the CEFR (6.3.1). This shows that examination grades can be reified by default but reimagined as required; the scientific basis previously claimed for the tests was quietly dropped.

6.5 Summary of findings

This chapter has examined the "what goes?" of the study's title. The overarching finding is one of confusion, lack of clarity and poor definition regarding the language standards and assessments which are imposed by regulation on students entering UK HE. Many of these standards are the *policy effects* (Ball, 1993) of the imposition of the regulatory environment examined in the previous chapter.

The appropriacy of the CEFR is questioned in the literature and the analysis has identified problems in its application. The mapping of approved tests to the CEFR and to each other is seen to be extremely inconsistent and problematic. Comparisons between the CEFR and GCSE are similarly inconsistent. The commercial imperative for test providers has been identified as sufficient for them to abandon their own theoretical justifications for their tests.

The analysis of policy effects has identified

- A regime of different standards and regulations for students depending on their domicile, nationality and immigration status.
- The lack of any explanation, clarification or justification for the adoption of the CEFR by the Home Office.

- The imposition of CEFR bands as statutory standards despite these being significantly broader than the standards widely used in the sector prior to PBS.
- The utilisation of only the vertical dimension of the CEFR to define standards, contrary to the framework's explicit guidance.
- The use of the CEFR as a standardisation tool for commercial language tests, contrary to the framework's guidance.
- Inconsistent and contradictory mappings of commercial tests to the CEFR.
- Strict imposition of language test score requirements on students and institutions but a *laissez faire* approach to letting exam providers change their mappings.
- Inconsistent and confused mappings of GCSEs to the CEFR.

The easing of regulation due to Covid-19 led to some institutions adopting a very relaxed attitude to pre-sessional entry requirements, driven more by commercial interests than educational judgement.

6.6   Language Standards and AL&L

For international students entering directly onto degree programmes with a Tier 4 or Student Route visa, the actual language standard required has not changed significantly over the period in question. Most universities used IELTS as their benchmark before PBS and most requirements are broadly unchanged. The minimum component score for each skill area did add to the complexity, particularly for the tests for which the CEFR mapping was misaligned. The appropriacy of IELTS as the key measure has been widely questioned (Elder & O'Loughlin, 2003; Green, 2005; Hyatt, 2013a; Murray, 2016b) and I have pointed to the discrepancy between the IELTS Consortium's advice to institutions on entry levels (IELTS, 2013) and the level required by the PBS. Jenkins (2013) reports that the majority of the international students she interviewed felt that IELTS was not relevant to their subsequent studies (2013, p. 189). This finding supports the need for ongoing (in-sessional) AL&L development (see 2.2.2)

The PBS system means that international students entering HE via a pre-sessional have to negotiate their way past the SELT requirements to gain access to the programme. Thereafter, the pre-sessional provider is at liberty to design a programme which is tailored to the AL&L needs of the students. The PBS concession to HEP means they are allowed to make their own assessment of students having satisfied the CEFR B2 standard at the end of the programme (see 2.2.3).

Institutional policies regarding pre-sessional and pathway programmes are considered in particular in the following chapter.

7 Institutional Policies and Standards

The previous chapter considered the 'What goes? 'of the study's title in the context of policy stipulations regarding language standards and assessments. This chapter will survey the practical application of those stipulations at institutional level. The survey also contributes to the second research question:

> **RQ2: How are the language standards which policy requires of international students entering UK HE realised in practice?**

The analysis will not draw directly on the analytical frameworks (CHEPDA, CPDA, CDPF). For this chapter I will draw on the third of Ball's (1993, 2015) policy lenses, "policy as text". I will draw on my own 'insider' perspective more extensively, recognising that this brings an element of subjectivity. Links to the contextual conceptualisation AL&L (chapter 3) will be proposed. Some further literature work us included.

The chapter is divided into three sections: a survey of entry language qualification (ELQ) requirements stipulated by a sample of institutions; a survey of pre-sessional programmes offered by institutions within that sample; a consideration of private sector pathway provision. The approach used for the surveys is based on those found in two similar surveys: Wingate (2015) and Green (2018). The survey findings are not intended to be considered quantitative data. A large scale quantitative survey (Thorpe, Snell, Davey-Evans, & Talman, 2017) will also be considered in the analysis.)

7.1 Survey of ELQ profiles

The documents which are examined are publicly available on UK HEP web pages. As was seen in the review of Wingate's (2015) survey (see 2.2.2 above), it is recognised that institutions have additional policy documents which are not necessarily public facing. Nonetheless, the pages sampled here are those immediately available to applicants.

An informal survey of such webpages (n=25) was conducted to test the assumptions which the insider's perspective suggested. My assumptions were based on experience within the field; I have been directly involved with language standards on entry to UK HE since long before the PBS was proposed. I anticipated finding broadly similar approaches to the setting of institutional language requirements, with the higher-ranked institutions (Moodie, 2009) setting higher tariffs. I also expected IELTS scores to be the most common standard. I did not expect to find many institutions requiring the standard recommended by the IELTS Consortium (Table 5, 6.3.1).

The methods employed for this informal survey are similar to those described by Green (2018). Green surveyed an international range of institutions drawn from the QS World University Rankings (QS Quacquarelli Symonds, 2022). For this survey, the Times Higher Education BEST UNIVERSITIES IN THE UK 2020 LISTING (THE World University Rankings, 2020) was accessed and every fourth institution's website was visited and searched. The institutions sampled are listed in Appendix 9, together with their rank in the listing.

According to the British Council/IELTS website, all UK HEP accept the Academic IELTS for admissions purposes (British Council, 2020). The ETS/TOEFL page states that TOEFL "is accepted by 99% of U.K. universities, including 100% of the Russell Group" (Educational Testing Service, 2020).

Whilst all of the university websites surveyed make reference to the CEFR levels required by UKVI for visa purposes, none of them cite the CEFR as a reference point for admissions standards. The large majority of the universities surveyed (88%) set out their entry requirements in terms of IELTS scores, overall and by individual component. The various tests and scores which an institution accepts as equivalent to IELTS are then detailed on their web page. Two of the institutions simply present a table of qualifications sorted alphabetically by the name of the test.

For almost all the universities surveyed (96%) the actual standard required is higher than the UKVI minimum level required for a Tier 4 student visa. At degree level, only two institutions advertise IELTS 5.5 as acceptable for entry to a degree programme. In both cases, the institutions differentiate by academic programme, with some programmes requiring a higher score. In both of those institutions the minimum component score is listed as IELTS 5.0. This is below the minimum standard required by the UKVI for candidates to demonstrate CEFR B2. In these cases a caveat is published requiring the higher score for Tier 4 visa candidates. One institution specifies separate score requirements for candidates from the European Economic Area (EEA). (These data were collected prior to the changes brought about by Brexit.)

The institutions which accept IELTS 5.5 with a minimum component score of 5.0 are both in the lowest quintile of the ranking table from which the sample of universities was drawn. However, the lowest ranked institution in the table has requirements similar to all but the two most demanding institutions. Those two are also the highest ranking in the table and are the only institutions sampled which have a standard entry requirement matching the advice given by the IELTS Consortium to institutions (IELTS, 2013)

All but two of the institutions sampled have different baseline requirements for undergraduate and postgraduate courses; it is common for requirements to vary from programme to programme and by broader subject area. In these cases most institutions describe a number of English tariffs, usually

described in terms of IELTS scores, and then ascribe to each of their programmes one of their tariffs. One institution has eight different tariffs, with the differences being as little as a half a band in one component; most of the institutions sampled (>75%) have two or three tariffs.

In almost all cases the standards required are higher for postgraduate courses than for undergraduate, though one institution has a lower tariff for certain postgraduate courses. In surveying the various web pages it was noticed that many of the institutions sampled also specify a separate tariff for research degrees, though data were not collected on these.

Reflecting on the findings of the survey, there were few surprises relative to the insider's expectations. IELTS is the most commonly used benchmark for entry tariffs and those tariffs are broadly similar across the range of universities sampled. The higher-ranked universities tend to have higher tariffs and the only ones whose requirements meet the IELTS Consortium's recommendations are in the top quintile of the rankings.

The mappings of tests to the CEFR have been relatively stable since the initial confusion that the Approved Test List provoked (Educational Testing Service, 2012; Pearson, 2011; UK Border Agency, 2010c, 2011a, 2013). The changes that were made to the mappings were the response of the testing organisations to the problems they faced. Ball would expect a response:

> Solutions to the problems posed by policy texts will be localised and should be expected to display *ad hocery* and messiness.
>
> (Ball, 1993, p. 12 original emphasis)

The analysis of the legitimation of those changes (see 6.3.1) suggested that market forces were a major driver; a response was needed in order for the tests to continue to be commercially viable.

The survey found that most of the institutions also offer pre-sessional courses, as described in section 2.2.1 above, with automatic progression for those students who successfully complete the programme. In such cases, there are separate requirements for entry to the pre-sessional course. The following section will examine the entry requirements and study period of the pre-sessional programmes at the sampled institutions.

7.2 Pre-sessional programme standards

Of the 25 institutions surveyed, all but 2 offer a pre-sessional programme to students who have not yet met the direct entry language requirement the degree programme. In most cases a variety of programme lengths are available with entry requirements varying according to the gap between the pre-sessional entry standard and the direct entry standard.

As a sample of pre-sessional courses, the websites of fifteen of the previously surveyed institutions were searched. These were the five highest ranked, the five in mid-table and the five lowest ranked. As the initial findings indicated very similar programmes on offer, this was considered a sufficient sample to indicate the broad pattern.

Thirteen of the fifteen offer a pre-sessional course which allows progression to degree programmes, one institution has no such offering and one has a partnership with a local language school which provides the pre-sessional course. The latter is included in the summary below.

Most of the institutions offer a range of course durations with lower entry requirements for the longer courses. Of the 14 institutions offering pre-sessional progression, 13 offer a course of 5 or 6 weeks, available to candidates whose IELTS scores are half a band below the entry requirement for the subsequent degree programme. One institution requires students who are half a band below to attend and pass a 10-week programme. Most of the others also offer a 10- or 11-week course for students who are a whole band below their target. The offerings are summarised in Table 6 below. In the large majority (>77%) of cases where a "one band below" programme is offered, the entry standards for that programme are below the UKVI Tier 4 minimum for degree study (CEFR B2).

Although this sample is small, it does appear that there is reasonably strong consensus that students who are half an IELTS band below their requirement can be prepared for study in a little over a month.

Table 6 - Pre-sessional programme durations (sample n = 15)		
Course duration	IELTS deficit allowed	Number of institutions
5 or 6 weeks	½ a band	13
10 weeks	1 band	1
10 or 11 weeks	1 band	9
No programme	n/a	1

The general pattern of pre-sessional course provision may be summarised as follows:

> a programme of X weeks study is offered to candidates who are Y points below their target score; successful completion of the programme allows those candidates to progress to their degree programme.

This model may appear to imply that the programme actually improves the students' language level by (at least) the points gap in question. Any such inference is fraught with issues. It relies on a strong faith in both the objective nature of the initial language score and in the relative certainty of progression in line with the parameters of the scheme.

Using domain-specific advanced web page searches of the 14 institutions sampled, only one was found to claim an *actual* test score improvement. Oxford University Language Centre (OULC)'s website states:

> [for] the overwhelming majority of students this course should raise their overall average IELTs score by at least 0.5, and as such would be appropriate for students narrowly missing the University entrance requirements

<div align="right">(OULC, 2020)</div>

It is important to note that this statement was found on a web page giving guidance to university staff. It is publicly accessible and on the same site as the guidance to applicants, but no such statement is made on the student-facing pages. The guidance to applicants does not specify pre-sessional entry requirements or score improvements.

The stipulation of an expected score increase is a bold statement, not least because the web description of the programme under discussion makes no reference to the participants retaking the IELTS on exit. It possible that the OULC staff do believe that such progression is actual and is reliable; it is also possible that the statement is a convenient metaphor for the expected benefits their students will accrue, albeit expressed in terms that their colleagues will understand and accept.

The CEFR guidance offers a warning about progression rates:

> Extreme caution should be exercised in using **any scale of levels** to calculate the 'mean seat time' necessary to meet particular objectives.
> <div align="right">(COE, 2001, p. 17, emphasis added)</div>

Even if the "X weeks = Y points" model is accepted, the question of how long it takes to improve is contested. BALEAP published guidelines in 1999 which suggested 200 hours, approximately 2 months of full time study, to improve by one IELTS band (cited by Green (2005), now archived at BALEAP (2020b). This guidance was not included in BALEAP's subsequent publications but my survey findings do seem confirm that the BALEAP rule of thumb continues to have currency in the sector.

Elder and O'Loughlin (2003) conducted a study, funded by the IELTS Consortium, to investigate progress made by IELTS candidates who undertook a 10 – 12 week programme of intensive study. Noting that some students' scores actually got worse after the period of study, the investigation concluded that:

> 10-12 weeks of intensive study ... does make a significant difference in performance, with students on average moving up **half a band** during this period
> <div align="right">(Elder & O'Loughlin, 2003, p. 237 emphasis added)</div>

The programmes in their study were twice the length of the average pre-sessional. Given the fact that individual learners vary and that their circumstances and experience will also be very different, it seems unsafe to rely on the sort of substantive improvement implied by the OULC claim and/or the former BALEAP guidance.

In a large quantitative survey, Thorpe et al. (2017) found that students who entered their institution via their pre-sessional programme achieved a lower grade point average (GPA) than direct entry students who arrived having already achieved the requisite IELTS score. They conclude that

> [either] the top-up courses undertaken do not bring the student up to the expected IELTS entry score, and/or … these students are in some way inherently weaker academically in any case – and this contributed to their low IELTS score in the first place.
> (Thorpe et al., 2017, p. 23)

It seems clear that Thorpe et al. subscribe to the view that a pre-sessional course should *actually* raise the students' IELTS scores and/or their vertical proficiency level. Consequently, one of their recommendations is that pre-sessionals should formally test students at the end of the course. They also note that the performance deficit does not apply to students from certain geographical locations and propose "further investigation is necessary to find out how far this is a cultural or admissions-related phenomenon" (2017, p. 27).

The claim that their data provide "unique insights into … the impact of top-up English language programmes" (2017, p. 28) appears to be based on the assumption that the findings from their study of one pre-sessional programme are generalisable to all pre-sessionals. The suggestion that students who need a pre-sessional programme can be categorised as "inherently weaker" is another type of generalisation, similarly contentious to Acton's (see 6.3.1).

The other institutions I sampled are not necessarily in accord with the assumption that the programme will actually raise a candidate's proficiency level or their IELTS score. Indeed, most of the sites sampled (11 out 14) specifically mention a focus on the academic skills required for study as a key component of the preparatory course.

As an alternative to the "X weeks = Y points" model, it can be argued that a short period studying EAP (or ESAP) within the destination institution can add to the candidate's AL&L repertoire and will enable a degree of socialisation into the institution or intended department. This might be more advantageous than pursuing a step up the (putative) proficiency ladder. The focus on study skills described in many of the programmes sampled would support this argument.

Whatever the merits of this argument, the regime of surveillance described in chapter 5 requires that the visa sponsor is able to vouch for their students having achieved CEFR B2 in all four skills

before progressing; they can, at inspection, be required to provide evidence. In my own centre we have argued that the institution ought to require CEFR B2 (i.e. IELTS 5.5 according to the mapping) as the minimum entry requirement for the pre-sessional course, removing the compliance risk completely. However, the pressure to recruit sufficient students for less popular courses has meant this has been resisted within the institution. In this regard, the 'context of influence' (see 4.4) can be seen to involve internal debate or conflict.

Regarding the assessment at the end of the pre-sessional programmes, there is a wide variety of information presented to potential candidates on the websites surveyed. One institution (in Scotland) assesses via credit-bearing modules at the appropriate Scottish Credit and Qualifications Framework (SCQF) level. Three institutions mention having their own named language test, though only one of these gives details of the content (University of Kent, 2020). Most of the remaining institutions sampled describe a mixture of coursework, tests and participation, albeit without any detail. Two of the institutions make no reference at all to any assessment.

The sample found that institutions vary their entry requirements and their pre-sessional offer according to the target degree programme. The variations may be in the overall score required or in component scores, with some finely nuanced distinctions discernible. There is no similar detail available to applicants on any of the websites sampled regarding precisely what they will need to achieve in order to progress. None of the sites surveyed mention using an external test for the final assessment.

The cost of the pre-sessional programmes varies considerably. One of the highly ranked institutions offers a 6-week programme free of charge whilst another, of similar rank, charges over £700 per week. The majority (>75%) of the programmes surveyed cost between £300 and £400 per week. Two of the institutions offer a discount or refund to students who pass and proceed to their degree. Whilst fees at this level may generate a substantial revenue for the language centre, the fees the students pay for their subsequent degree programmes, often double the amount paid by home students, are a far more significant factor in the institution's income.

The next section will examine the English standards which apply to the private sector pathway programmes.

7.3 Pathway programme English standards

Searching for literature relating specifically to the private sector pathway provision has returned limited results, particularly relating to UK HE. Jones, Fleischer, McNair and Masika (2020) discuss the challenges faced by pathway students on transition, but do not address entry requirements or standards in any detail.

In a previous assignment contributing to the EdD (Simpson, 2015b) I expressed concern at less than scrupulous admissions practices exhibited by for-profit private pathway providers. In particular, there was a concern that the entry standards set for students wishing to access pathway programmes might be unrealistic and exploitative. This section will give a sketch of private pathway provision in UK HE and will re-examine my earlier concerns (see also Appendix 4).

IPCs are generally situated on or close to the partner HEI's campus. In most cases students who successfully complete their programme are guaranteed progression from the IPC to a degree programme at the associated institution. Consequently, the university entry standard for pathway students is defined by a combination of IPC entry requirement and the IPC exit standard.

It should be noted that the web pages and associated brochures which have been referenced in this study are the English language publications produced by the recruiting institutions. Given that the recruitment agents are highly influential (see 2.2.3) and that most recruitment activity occurs in the candidate's home country, it may be that the information students actually base their decisions on is provided in their own language. This allows for the possibility of significant differences in detail. An investigation of this possibility is beyond the scope of this study.

In the same way as was seen for pre-sessionals, the language requirements for entry to IPC programmes are usually described in terms of IELTS scores, with acceptable alternatives listed too. UKVI regulations also apply, though for courses below degree level the requirement is CEFR B1. The IELTS mapping to B1 is 4.0 in each component. For pre-Masters pathway courses there is a level of complexity which needs clarification.

As the pre-Masters course addresses an academic gap, the programme is designated as being one level below a masters on the Regulated Qualifications Framework (RQF, previously NQF). As a Masters degree is RQF7, the pre-Masters is designated as RQF6, the same level as (the final year of) an undergraduate degree. UKVI regulations require students studying at RQF6 to have achieved CEFR B2 in each component (see 5.1.3). Consequently, pre-Masters students are required to achieve IELTS 5.5 or equivalent to obtain a Tier 4 visa for entry to the pathway programme. All of the big five IPCs offer English programmes for students needing to raise their score to meet the minimum entry standard for the pathway programme.

My concerns, expressed in Simpson (2015b), related to language standards at the point of transition from IPC to HEI. Two cases focussed on inappropriate and inconsistent "scaling" of language test scores. One example related to uplifting scores to achieve a better pass rate; this scaling took place after the exam board had met to approve results; the second example concerned a failure to scale down excessively high examination scores, awarding a whole cohort an "IELTS equivalent score" in

one component which was up to three bands higher than the average scores on the exam. In both cases, the suggestion was made that commercial interests took precedent over standard exam practice. I was careful to note that the cases were anonymised. Two excerpts from Simpson (2015b) have been included in Appendix 4.

A further concern relates to the "language gap" that IPC students are expected to bridge in the course of their studies. It was seen in the previous section that the period of time required to achieve a significant improvement in proficiency is contentious and varies considerably. It appears that the IPC programmes are based on an extrapolation of the (minimum) pre-sessional course lengths and progression rates. The result is that within one academic year students are expected to improve by two whole IELTS bands, in all components, as well as undertaking the equivalent of a year's academic study at RQF3 or RQF6. It should be noted that the programmes which Elder & O'Loughlin investigated ranged from 18 to 23 hours of face to face instruction per week (Elder & O'Loughlin, 2003, p. 212), whereas the pathway programmes may have as little as five contact hours of English language study per week. Furthermore, the entry criteria for IPCs are stipulated depending on the number of terms studied. In some case which have been observed, term lengths have varied from seven weeks of tuition to twelve weeks of tuition, each expected to bridge the same gap.

This section has examined the particularities of language standards as they apply to IPCs in the UK. This part of the sector will be discussed further in chapter 8.

7.4   Summary of findings

This chapter has presented a survey of actual practice across a variety of institutions. The language standards required of students by institutions are, unsurprisingly, compliant with the regulations imposed by the Home Office, as described in chapter 6. Only two of the institutions sampled have a degree entry level which matches the minimum allowed under the UKVI regulations and only two match the long-standing recommendation of the IELTS Consortium (IELTS, 2013).

The standards required for pre-sessional provision are broadly similar across the sector, though some exceptions have been noted. A general pattern of provision has been summarised as "X weeks study results in Y points improvement" though the theoretical basis of this model has been questioned. An alternative justification for pre-sessional programmes has been proposed, based on horizontal development rather than vertical, though there is a need for caution regarding the PBS regulations.

The practice within the private sector IPCs has also been examined. Some concerns have been expressed regarding whether the academic and language proficiency improvement expected on

such courses is realistic. The financial pressure on providers to succeed has also been highlighted. This theme will be developed further in chapter 8.

7.5   Institutional policies and AL&L

The survey of a selection of standards across a range of institutions and programmes is not intended to be considered quantitative data. It is sufficient to identify a broad homogeneity across the sector and this has been linked to market forces.

The examination of pre-sessional standards is closely related to the theme of AL&L. I have suggested that pre-sessional programmes should not be seen as proficiency top-ups (Thorpe et al., 2017) but rather as a more appropriate focussed preparation for degree study. Whilst I have expressed a lack of sympathy with the position taken by Thorpe et al., there is no doubt that accepting students who are unlikely to succeed onto a degree programme would be unethical, as described in the justification for this research (see 1.1). It would also contravene the OfS principles (OfS 2018, p. 14) (see 5.2).

Just as Wingate's (2016) survey found a wide variety of approaches to in-sessional teaching (see 2.2.2), it is likely that there is a wide variety of approaches to pre-sessional programmes. It is beyond the scope of this research to investigate the pedagogic approaches of individual programmes.

This chapter completes the analysis of a policy chain (see Figure 2 in section 4.5) which links regulatory policies, the language standards imposed by regulation and the institutional implementation of policy in practice.

The following chapter will discuss the themes which have emerged in the analysis of the policy chain.

Part 3: So what (now?)

8 Discussion

This chapter will address the study's third research question:

RQ3: What grounds are there for RESISTING THE STANDARD?

This RQ was drawn from the title of the 2015 international literacy conference RESISTING THE STANDARD: LANGUAGE, LITERACY AND POWER, which was an inspiration for this work (see 2.1). The discussion in this chapter will draw together themes from the conceptual framework and the policy analysis chapters to present a case for challenging or resisting aspects of the chain of policies I have examined. There will also be reflection on how the issues under consideration here may relate to practice in my professional context and in the UK HE sector more generally.

In making a case for resistance I am taking a position, just as the opposing camps in the policy debates described by Cochran- Smith and Fries (2001) take a position. In line with the epistemological stance described in section 2.3, it is appropriate that I consider the warrant (see 4.2) and any other justifications that I claim to support my own position.

The discussion is organised around three key themes which have emerged from the analysis: theoretical challenges; political challenges; practical challenges. I will examine how each of these themes runs through the chain of policies analysed in chapters 5 – 7.

In discussing the key themes I will identify threads that runs through the chain of policies. The threads summarise those aspects of the findings from the analysis chapters which are particularly relevant to the challenges I will present.

8.1 Theoretical challenges

This section will examine the theoretical areas surfaced in the conceptual framework and the analysis chapters: autonomous and ideological models of literacy; the unidimensional view of language proficiency, standardised language proficiency scales; the monolithic model of Standard English. A case for challenging them is presented and the justifications for doing so are proposed.

8.1.1 The theoretical thread
The theoretical thread which runs through the conceptual framework and the chain of policies is summarised as follows:

AL&L (3.2) is founded on an acceptance of Street's (1984) ideological model of literacy; AL&L has much in common with the aspirations of the Academic Literacies approach (3.4),

challenging the traditional autonomous model. The autonomous model assumes that skills and competencies can be measured and tested objectively. The regulatory environment imposed by the PBS (5.1) uses the CEFR (6.1, 6.2) to stipulate standards; the stipulated standards rely on the vertical dimension of the framework and a unidimensional concept of language proficiency. The CEFR standards are operationalised via commercial language tests. The standardised tests are used by HE providers in setting their entry requirements (7.1) as required by the PBS regime of surveillance and monitoring (5.1). The HE entry requirements include reference to GCSE standards (6.3.2) which link to a curriculum based on a model of Standard English (3.4.2) and the autonomous model of literacy.

I am not suggesting that the CEFR, or the language tests which are mapped to it, are founded on the autonomous model of literacy, nor am I suggesting that the CEFR is unidimensional in its description of language proficiency. However, I have argued that the language assessment requirements and regulations of the PBS are based on a misguided utilisation of the vertical dimension of the framework and do align with the set skills view found in the autonomous model of literacy (see 6.2).

The lack of any explanation or justification for the adoption of the CEFR means there is no theoretical argument to contest and I have suggested that the presumed authority of the CEFR was taken to be a sufficient legitimation by the Home Office policy makers (see 6.3).

The complexity of the field has been glimpsed in the description of the professional context presented in 2.2 and more specifically in 3.4. Rampton's (2015) paper to the 'Resisting the Standard' conference which inspired the direction of this thesis identifies a period when

> there was a flowering of child-centred methods and dialect respect in English schools in the 1970s and 1980s … the Conservative Government reasserted Standard English in the late 1980s … with a National Curriculum regulated by Standard Assessment Tasks
> (2015, p. 2)

Although many current perspectives on language learning and teaching (see 3.4) reject the notion of a single, correct version of a language, this remains the view enshrined in the national policy. The definition of Standard English (discussed in 3.4.2) was published as part of (then) Education Secretary Michael Gove's 'Back to basics' curriculum (Department for Education, 2013; Walker, 2013) and is still current at the time of writing.

My own experience of the language teaching and the wider UK HE sectors, prompts me to agree with Blommaert and Backus (2012) that the unidimensional concept of language proficiency remains commonplace. Language proficiency is routinely described in terms of levels, bands or grades, for example: "She got an A in French GCSE"; "her English is near-native speaker level"; "we aim to reach CEFR C1 by the end of this course" (see 6.2). This

The standards achieved are commonly reified and taken to be an objective measurement, similar in nature to height or shoe size, rather than an indication of performance on a particular exercise at a particular time. The practical implications of this reification, which also occurs with other assessments, will be considered further in section 8.4.

The theoretical thread is essentially ontological in nature. The monolithic view of "English as the language of England" (Hall, 2020, p. 20) carries normative connotations of correctness and accuracy which are amenable to measurement and testing (Harsch, 2020). Whilst Hall questions whether many L2 learners actually need high levels of accuracy, he acknowledges specifically that this may be "required or desired for social conformity, e.g. for study in English-medium higher education institutions" (Hall, 2020, p. 31).

There is an apparent tension between the theoretical position I have taken in conceptualising AL&L and Hall's suggestion regarding conformity within HE. The conceptualisation of AL&L acknowledges a variety of literacies and locates these within specific academic contexts. In practice, the literacy norms in many of those contexts, are likely to be similar in nature to the essayist literacy described by Scollon and Scollon (see 3.2.2)

> Literacy in this style involves the ability to read and write material that is decontextualized, high in the proportion of new information to old information, and internally logical. ... Essayist literacy is largely taught and learned through the formal process of schooling.
>
> (1980, p. 26)

Consequently, whilst AL&L challenges the autonomous model of literacy, it is acknowledged that an understanding of the norms and strictures of academic contexts is likely to be important to students on entry to HE and their chances of succeeding. Lillis, a key proponent of the Academic Literacies approach, is clear that she takes a pragmatic approach with her students:

> I agree that it would be irresponsible for teachers to tell students to resist conventions when using such conventions is central to success ... I make students aware of the rules of the game and the consequences of not using these.
>
> (Horner & Lillis, 2015, pp. 330–331)

The Academic Literacies approach (see 3.4.3) also rejects the autonomous model in favour of the ideological. Lillis and Tuck recognise that the ideological model will remain contested and note "a danger that researchers/pedagogues stay separate" (2016, p. 39). In completing my thesis and leading an HE language teaching centre I am currently located at this nexus and aim to contribute to promoting understanding and utilisation of the ideological model.

The case being made here for resistance to the autonomous model of literacy aligns with the Academic Literacies aim of opening up the academy to new genres and practices (2016, p. 34) and to

challenging deficit models (Jones, 2017). It also aligns with critical views of ELT and EAP (Benesch, 2009; Harwood & Hadley, 2004; Hyland, 2018).

8.1.2   Grounds for resistance in the theoretical domain

In light of the discussion of theoretical issues in the previous section I will summarise the grounds for resistance in the theoretical domain:

- the autonomous literacy model is rejected because it is rooted in an ontology of literacy which is widely questioned in the field of education. Despite this, I have noted that autonomous portrayals of literacy are common in vernacular usage.
- Standardised proficiency scales are questioned as they claim to be based on robust scientific method but that basis has repeatedly been seen to be abandoned to serve commercial ends.
- Unidimensional (vertical) proficiency levels have been challenged on the basis that such usage directly contradicts the explicit guidance in the framework from which they are drawn.
- The concept of a monolithic Standard English has been rejected based on the literature reviewed in chapter 3 and also because its ontology aligns with an elitist ideology rather than the egalitarian position I adopt.

Lillis and Tuck (2016) describe the autonomous model as:

> a fixed set of skills or competencies which can be possessed – or lacked – leading to destructive binary perceptions of learners as literate/illiterate
>
> (2016, pp. 31–32)

By aligning with the ideological rather than the autonomous model of literacy I agree with the rejection of such destructive perceptions. The warrant I am claiming may be considered to be *political*, relating to "conceptions about the purposes of schools and schooling" (Cochran-Smith & Fries, 2001, p. 10).

In rejecting the way in which the CEFR has been utilised I am claiming evidentiary support for my position "based … on empirical data, evidence, and facts" (2001, p. 7). In this case, my evidence consists in showing that the CEFR has been used in a way which the framework's own guidance explicitly excludes.

For my questioning of the standardised proficiency scales I also claim evidentiary warrant, based on the evidence that I have found within the literature examined (particularly in 6.3.1). I claim strength for my evidence on the basis that it is drawn directly from the publications of the various test providers themselves (Educational Testing Service, 2010; Tannenbaum & Wylie, 2008; L. Taylor, 2004).

I claim evidentiary warrant for rejecting the monolithic Standard English based on the literature I have reviewed and political warrant based on my rejection of the elitism underpinning its ontology.

Gee describes the *Napoleon move* based on the French Emperor's attack on Enlightenment philosophers' use of the term *ideology*:

> Napoleon used [ideology] as a term of abuse for a social policy which was in part or in whole derived from a social theory in a conscious way.
>
> (Gee, 1990, p. 5)

As Gee suggests, my grounds for resistance may be rejected by a simple 'Napoleon move', ascribing my motivation to be 'ideological'. The following section will continue to build the case for resistance.

8.2   Political challenges

This section will examine political issues highlighted by the analysis of the policy chain in chapters 5 to 7. Three broad areas have been chosen for further discussion and challenge: the use of policy levers in pursuit of external policy drivers; marketisation and market forces; the impact of the OfS reforms of HE.

8.2.1   The political thread

The first aspect of the political thread concerns the use of policy levers in the pursuit of policy drivers which are unrelated to the field in which the levers operate. It has been seen that the PBS has been used as a policy lever for an evolving variety of policy drivers, none of which relate to pedagogy or educational standards. This aspect of the political thread is summarised as follows:

> The PBS was introduced by Tony Blair (see 5.1.1) using the discourse of being tough on immigration, seeking to defend a perceived policy weakness in the face of growing pressure following EU expansion. Evidence received by the Home Affairs Committee (see 5.1.3) suggests David Cameron's attempt to control net migration via the PBS would have needed to exclude all international students to achieve the policy driver. Under Teresa May's leadership the Home Office was prepared to withhold evidence from parliament in order to implement a policy lever in pursuit of their immigration targets; the resultant hostile environment (see 5.4), had a devastating impact on many thousands of innocent students as well as on the Windrush Generation.

Although these levers were applied and evolved in the context the Tier 4 student visas, the common denominator was immigration policy. In the context of the rise of UKIP and subsequently the EU Referendum and Brexit, the impact of these policies on international students was seen by politicians as minor collateral damage. It might even be argued that having a "strong" immigration

policy, the common denominator, was itself a lever intended to help deliver the political objective of staying in power.

The second aspect of the political thread identified throughout the policy chain is the increased focus on marketisation and market forces:

> Announcing the PBS (Home Office, 2005a) Blair emphasised the value that immigrants bring to the country and, in particular, the economic contribution of international students (see 5.1.1). The impact assessments which accompanied (or were withheld during) the publication of policy changes are based on extensive economic analysis. When the Home Office made a concession regarding the study level permitted under Tier 4, it was announced as a response to the lobbying of the private pathway sector (see 5.1.3). Although the regime of surveillance and monitoring of students and institutions was strict, the attitude to the language test providers changing their mappings to the CEFR, due to commercial imperatives, was very relaxed (6.3.1.). More recently, HERA had a specific aim to further increase private sector involvement in UK HE. The OfS, introduced by HERA, has a focus on value for money as one of its core principles (see 5.2).

Having brought together aspects of the policy chain which relate to marketisation and market forces, it is appropriate to add some additional medium-term socio-political context (MSC) (Hyatt, 2013b). The period between the launch of the PBS (2005) and the early reforms (2010) coincides with major changes in the HE tuition fee regime. In 2004 the cap on tuition fees for home students was raised from £1,000 to £3,000, coming into effect in the academic year 2006-7. Although the 2005 Conservative manifesto (Conservative Party, 2005) promised to abolish these fees, under the conservative-led Coalition Government, elected in 2010, the cap was raised to £9,000, taking effect in 2012-13 (Anderson, 2016). In the decade since their introduction, the fees cap has been raised just once, to £9,250. This means there has been a reduction in real terms of funding (for home undergraduates) year on year.

A House of Commons Library report confirms that:

> "[official] data show that universities do not cover the full economic costs of teaching UK undergraduates with their income from fees and direct funding"
>
> (Bolton, 2021, line 268).

It is in this context that HEI rely, to a varying extent, on the income they receive from international students (Lomer, 2017; Murray, 2016b; Turner, 2004). My professional context includes a significant focus on helping to ensure that my institution recruits enough of the international students on which it does, indeed, depend (see 2.1).

The analysis of the OfS core principles (in 5.2) drew upon the Critical Discourse Problematization Framework (CDPF) (Van Aswegen et al., 2019) and Bacchi's (2009) WPR approach. Whilst the OfS core principles are "silent" (Bacchi, 2009, p. 12) on international students, this does not mean that those students are beyond the purview of the OfS. The third aspect of the political thread identifies ways in which the OfS primary objectives could be applied specifically to international students:

> It is a fundamental OfS principle that students have "the ability" to study. Institutions must not admit students who "do not have the capability to achieve a successful outcome" (OfS, 2018, p. 92). Appropriate language proficiency on entry may be seen as critical to this obligation. This aspect therefore links to the Home Office PBS regulations and the approved language tests (see also 8.3.1). The requirement that students "are supported to access" HE may be reflected in the quality and appropriacy of pre-sessional provision and/or pre-enrolment language assessment. This links to the consideration of pre-sessional policies and standards (in section 7.2.). The OfS has set the reduction and elimination of the "Degree Awarding Gap" as a key performance measure and has set targets for HEPs (2020). However, international students (by fee status) are not included in the attainment data sets which are reported by OfS or by the Higher Education Statistics Agency (HESA). This raises the question whether international students are deliberately excluded from this target or simply overlooked. In either case, it seems that these students are being treated unequally and unfairly.

These aspects of the principal objectives are pertinent to the consideration of how international students are treated on entry to English HEI and beyond.

The following section will consider grounds for resistance to the three aspects of the political theme described.

8.2.2 Political grounds for resistance

The discussion in the previous section has identified three aspects to the political thread running through the policy analysis I have conducted. In this section I will propose grounds for resisting of each of the aspects.

Four different political administrations have contributed to the PBS regulations over its lifetime. I have suggested that all four of them have used the regulations as a policy lever to pursue immigration-related policy goals. I have also questioned whether these are all essentially policy levers intended to bolster their chances of maintaining office.

The thick description of the PBS policy trajectory presented in section 5.1 is a description of an increasingly hostile environment for both students and institutions. As a key motivation for this study

was the treatment of the students I work with (see 1.1), it is perhaps unsurprising that I object strongly to much of the policy and its implementation. I believe that my narrative makes clear my opinion on much of the policy but will highlight here some of the aspects I have found particularly worthy of challenge.

With regard to the use of policy levers to pursue drivers unrelated to education, I particularly challenge:

- The use discourse in the PBS policy documents which relies on a negative portrayal of immigration and immigrants, creating a threatening, hostile environment.
- The deliberate withholding from parliament of evidence relating to the expected impact of visa reforms.
- The blanket rejection of tens of thousands of student visas based on flawed evidence regarding ETS test takers.

The warrant I claim for rejecting the negative interdiscursivity in PBS discourse might be seen as a reversal of the *political* warrant. Hyatt states that this can include justification in terms of "social justice, inclusion, social cohesion or family values" (2013b, p. 51). I contend that this aspect of the PBS policy amounts to a threat to social justice and my rejection of them is, therefore, political.

I have noted that the withholding of evidence by failing to publish the Impact Assessment was not actually illegal (see 5.1.3) but it was certainly in contravention of the established protocols. My challenge to the legitimacy of this course of action is supported by the evidentiary warrant; I have uncovered evidence to confirm the fact that the RPC opinion of the Impact Assessment could have been made available to parliament. My personal view is that withholding this was a dishonest act. In CHEPDA terminology my opinion on this is an *inscribed evaluation* (Hyatt, 2013b, p. 54).

The warrant which supports my challenge of the Home Office's treatment of ETS test takers can also be seen as political, again based on the threat to social justice. In addition, the lack of substantive evidence to support the Home Office actions amounts to a (reverse) evidentiary warrant.

The influence of marketisation and market forces observed throughout the policy chain is a much broader theme than the specifics of the PBS or language assessments and relates to the HE sector more generally. Rather than identifying challenges which might be mounted regarding this broad policy manifestation, I will identify some of the broad political challenges which working in this area of the sector present to me.

As described in the personal cameo (Appendix 1) and in section 2.1, my professional position involves responsibility for a large staff and an operation which makes a significant contribution to the

financial stability of the institution. That operation is located firmly within the marketised environment and requires close collaboration with the private pathway college which is in partnership with my institution.

There are many occasions when the demands of my role involve having to accept that I am complicit with the commercial imperatives of running what amounts to a business. Where possible I endeavour to maintain an egalitarian approach, particularly regarding terms and conditions of employment for teachers and quality of experience for students. As mentioned in 6.4, there are occasions when strategic decisions are taken or strongly influenced by colleagues in Sales & Marketing rather than based on academic judgement.

These challenges are presented to me by policy rather than being my challenges to the policies observed. Further consideration of the wider policy context follows at the end of this chapter,

The examination of the application of OfS core principles to international students has shown that the broad themes considered within this study (language standards, entry requirements, the treatment of international students) could fall within the purview of the regulator. One particular aspect has been identified which I suggest is worthy of challenge: the exclusion of international students from the BAME degree gap targets. Whilst the OfS policy document is silent on international students it is also silent on this exclusion of international students. I acknowledge that suggesting additional scrutiny of international student performance might be unpopular with colleagues across the sector, particularly if a serious performance gap were to be identified.

The warrant that I claim for challenging the exclusion of international students is, once again, political: fair and equitable treatment of international students is a requisite for social justice.

8.3   Practical challenges

This section will focus specifically on the practical challenges involved in managing entry standards in the context of the policy analysis.

8.3.1   The practical thread

The practical thread only requires a very brief recap as it is very closely related to the policy chain described in Figure 2 in section 4.5, the basis for the policy analysis. The regulatory environment imposes language standards, those standards are regulated with reference to approved tests and institutions implement their interpretation of the policy.

8.3.2   Practical grounds for resistance

In this section I will present a single challenge to the actual entry standards which are manifest in practice in the sector as a result of the policy that has been analysed. I will focus on three different

student types: direct entrants, pre-sessional entrants and pathway entrants. As discussed in 6.3.1, describing the levels and standards which are in use in the field does not mean that I agree with the unidimensional, vertical measure of proficiency which common usage implies.

The challenge I propose is fundamental: I believe the current use of broad CEFR bands to stipulate the minimum proficiency standard for students entering HE is flawed. The six bands of the framework cover the entire range of language proficiency from beginner to full mastery of a language (see 6.2). The range of proficiency covered by the CEFR is so wide that it would usually take several months of substantial study and practice to achieve the wide range of competencies described in the framework. Furthermore, the mapping of commercial tests to the CEFR has been shown to be inconsistent and variable. The supposedly scientific bases for such mappings have frequently been abandoned, seemingly in favour of commercial imperatives: if one test is seen to be harder to pass than its competitor then students will, understandably choose the easier path.

For students who enter HE directly, without a preparatory course, the commercial tests are the most common way of demonstrating that they have achieved both the UKVI requirement and the institutional requirement (Green, 2018; Hyatt, 2013a). My survey of institutional ELQ standards (7.1) found that most institutions set their ELQ requirements substantially higher than the UKVI requirement but below the standard recommended to institutions by the IELTS Consortium (IELTS, 2013).

It would be relatively easy to adjust the regulations to bring the two requirements into closer alignment. One approach would be to move away from the CEFR and to adopt the IELTS Consortium recommendations, as was considered by the Home Office (5.4.4). An alternative would be to use the "Strong Vantage" band "B2+" (COE, 2001, p. 35) as the generic standard (see 6.2 Figure 3). Adopting B2+ would require a re-mapping of the UKVI's approved language tests but, given the number of times this has happened over the period of Tier 4, this should not be a major obstacle.

I recognise that proselytising for a higher ELQ standard for university entry might be seen as self-serving as it could lead to increased demand for pre-sessional courses. My motivation is not to increase business but, rather, to reduce the risk of students being accepted onto programmes for which they are unprepared. This might address some of the negative attitudes reported by students and the concerns found in the literature (Murray, 2016b; Thorpe et al., 2017; Turner, 2004). I also recognise that the likelihood of such a change occurring is extremely low.

If the CEFR standard were changed this would also impact students who enter UK HE via a pre-sessional programme (assuming a commensurate uplift in the sores required to access the preparatory programme.) As mentioned in 7.3, I have encountered resistance to the proposal to

raise the entry standard for the pre-sessional programmes due to pressures to maintain student numbers. It remains difficult to win the argument in the context of market forces and competition (8.2.1); this would be very much easier if the whole market were affected by a change in the standards imposed by regulation.

The private pathway providers currently recruit at the minimum English level allowed, CEFR B1 (IELTS 4.0) for Foundation programmes and CEFR B2 (IELTS 5.5) for pre-Masters. Concerns have been expressed (4.3 above) that the academic and the linguistic attainment that these students need to achieve in order to reach the entry standard for their degree programme is unrealistic in the time available.

Having worked closely with two different private pathway providers over several years, I can confidently suggest that their response to this concern would be to point to their success rate in getting students through to their degree programme and to the performance of their students after they progress. On the former, confidence in the assessment regime used for progression is clearly essential; on the latter, further independent evidence is required.

The warrant I am claiming for challenging the use of the CEFR to define HE ELQ standards is principally evidentiary. A key part of the evidence relies on having shown that the implementation of the policy misuses the CEFR's own guidance, as was seen in chapter 6 and in the theoretical challenges in this chapter (8.1.2).

With regards to pre-sessional entrants, the proposal I have made for raising the ELQ entry standard is supported by the accountability warrant, i.e. "a set of 'reasonable grounds' for action based on outcomes" (Cochran-Smith & Fries, 2001, p. 7). A small increase in the ELQ level, sufficient to satisfy the UKVI compliance, would allow the provider the freedom to provide a programme of AL&L development based on the institution's pedagogical choices and priorities.

With regard to pathway entrants, the two warrants just described also apply. In addition, I recognise that the account of practices which raised concerns regarding assessment and performance may be considered to be an example of *mythopoesis* or "legitimation through narratives" (Hyatt, 2013b, p. 53). Van Leeuwen notes that modes of legitimation "can be used to legitimize, but also to de-legitimize, to critique" (Van Leeuwen, 2007, p. 92). I certainly acknowledge that the particular incidents that were recounted (Simpson, 2015b, Appendix 4) do not amount to substantive evidence.

8.4 Considerations for the wider HE sector

Although EAP is considered as marginalised by some, the issues raised in this study have the potential to impact directly on university practices.

In particular, the theoretical challenges may be relevant to colleagues in recruitment and admissions, where the reification of test and exams scores is likely to occur. The challenges to entry standards in practice link to sector level issues regarding autonomy and responses to market forces.

The economic contribution of international students will continue to be a factor in this regard. The insights from challenging standards in practice are important not only for language teaching and teacher education, but for anyone involved with teaching and learning in HE.

The imposition of standards by the Home Office could be seen as an infringement of institutional autonomy. HERA specifically stipulates that autonomy includes the freedom "to determine the criteria for the admission of students" (United Kingdom, 2017a, sec. 2.8). However, In an OfS blog posted by the OfS Director of Competition and Registration, the status of UK HEI's autonomy is qualified:

> Institutional autonomy is of undeniable importance; it is central to the continued success of our sector. But it is not absolute, and there will be times, particularly when the risk to students is great, when it will be trumped: the greater the risk to students, the less right a provider has to institutional autonomy. We will **have regard to** the need to protect institutional autonomy in all that we do, but where we have to intervene we will do so unapologetically.
>
> (Lapworth, 2018, emphasis added)

The expression *have regard to* is emphasised because Lapworth refers to the expression used in the legislation (United Kingdom, 2017a, sec. 2 (1)(a)). The argument is that OfS duties may be in conflict with each other and in such cases, they must decide which takes precedence. As such, UK HEP's freedom "to determine the criteria for the admission of students" (United Kingdom, 2017a, sec. 2 (8)(1)(iii)) is not absolute.

As the writing of this thesis comes to an end there are reports in the media that the government is planning to reduce the numbers of students attending university by imposing entry standards (Fazackerley, 2021). This would certainly amount to overriding the autonomy of HE providers.

8.5 Summary of chapter 8

This chapter has moved beyond consideration of the standards which impact on international students. It presents arguments for challenging the theoretical, the political and the practical systems and structures which impose standards that disadvantage students or treat them inequitably.

The arguments for challenging these policies extend beyond the immediate field of international student access to UK HE. The theoretical issues raised also apply to the sector more widely: the ideological model of literacy has been shown to link with ongoing AL&L development within

institutions; the challenges to the implementation of the CEFR and to concepts of language proficiency apply also in the fields of modern language studies and teacher education. The reification of test scores is an issue throughout the sector in terms of admissions and HE assessment more widely.

The political nature of standards in policy goes to the heart of the interaction between the UK HE sector and government. An early encroachment by government into institutional autonomy seems likely to be followed by more intervention by the OfS. It is far from clear whether the hostility of the PBS regime is set to reduce. The recent growth of private provision suggests that the marketised model is further embedded in the sector.

9   Conclusion

In this concluding chapter I will reflect on the research questions and the methodology and will propose the potential contributions and limitations of the study. I will also consider possibilities for further research.

9.1   Overview of the study

Gaining access to degree level study is a major achievement for students all around the world. Achieving this in an international context and studying in a second or additional language should be a moment of great joy and satisfaction. For many international students joining UK HE, this is tempered by the arduous and hostile process which has to be undergone due to the visa and testing regimes. This study was inspired by professional concern that such students are treated unfairly by the PBS visa system and, more broadly, by the way they are treated in the academy.

9.2   Academic Language & Literacy: who says what goes?

The title of the study is framed as a broad question. A possible provocation would be to respond that within the context of the PBS, no judgement of Academic Language & Literacy is actually made. In that context, the "Who says?" is most certainly the Home Office department (previously UKBA, now UKVI) which writes and rewrites the rules, ultimately signed off by the Home Secretary. The "What goes?" is, in practice, a list of APPROVED LANGUAGE TESTS, sanctioned by the same department (UK Visas and Immigration, 2020).

These oversimplified answers are, of course, unsatisfactory. The conceptualisation of "Academic Language & Literacy" (3.4) and the critical analysis of policy employed to answer the research questions have generated more useful detail.

The RQs have been the organising principle for chapters 3, 5, 6 and 7. The findings have been discussed thematically in chapter 8. Rather than recap the findings I will include a reflection on each of the RQs.

> **RQ1: How are the policies which impose language standards on international students entering UK HE justified in policy documents and related texts?**

This RQ was written specifically to allow a focus on the justification made for the policies in question. It is no great surprise that the policies which have been analysed in this study have been found to be overtly political in nature. They have also been found to be driven by goals which are not related to the students they impact or to the sector they control.

The PBS system certainly did bring into being a regime of surveillance and monitoring which imposed new and onerous responsibilities on institutions and restrictions on students. In addition, the system was hugely bureaucratic and complicated, exacerbated by the many and frequent changes to the guidance and to the policy. International students have certainly been unjustly treated by these policies.

The enactment of the policies was, on two occasions, executed outside of the established procedures, one ruled illegal (5.1.2) and one demonstrably deceitful (5.1.3).

The OfS principles (5.2) which HERA brought into being, are silent on international students (apart from referring to visa sponsorship). The focus on the BAME achievement gap currently excludes international students as the BAME data is based on domicile. This is an example of international students being 'othered' (Lomer, 2016) by the policy which purports to defend students.

The increased marketisation encouraged by HERA has resulted in an increase in the share of the market operated by the private providers. As these tend to accept students with the minimum acceptable scores there is a possibility that the average standards, as commonly measured in the sector, have reduced. Furthermore, it has been suggested that the competitive nature of sales and marketing within the sector can result in standards being set below the level that the subject matter specialists might recommend.

RQ2: How are the language standards which policy requires of international students entering UK HE realised in practice?

The CEFR levels were introduced as a statutory requirement, with B2 in all components being the required minimum for study at RQF level 6 and above (see 6.2). Absent from the policy documents is any justification or any allowance for nuance, leeway, contextual data, compensation or professional judgement. The mappings of the published tests to the CEFR were adjusted, for the convenience of the testing companies, but for a student who scored one point below the approved standard, no adjustment is allowed.

The actual standards which were required for entry to UK HE did not change substantially. The impositions on the students were financial and bureaucratic; the PBS regime in which they were located was hostile, punitive, inconsistent and unfair.

RQ3: What grounds are there for RESISTING THE STANDARD?

Chapter 8 has presented a range of challenges organised around the three key themes that were identified as running through the policy chain: theoretical, political and practical. In presenting my

challenges to the policies I have also identified the justification or warrant that I claim in support of my own position.

9.3 Final reflection

For EAP teachers and managers these considerations are not straightforward in professional terms. The vertical proficiency model is dominant and it is easy to get caught up in the discourse or, following Lomer (1.1), difficult to step out of it. Within the language teaching sector, we tend to recruit students for courses of a certain length, believing it is possible to help them "from X to Y" (7.2) in that time. In doing so we are conspiring with the very models under challenge.

Much of the literature I have drawn upon (Bowstead, 2015; Gimenez & Thomas, 2015; Hyland, 2009; Lillis & Tuck, 2016; Lomer, 2016; Murray, 2016a; Wingate, 2015) suggests that within the academy there are many who still see the role of the EAP or the skills centre as the correctional facility for deficient or wayward students who have not yet achieved full membership of academe. This is a view that we, as a sector, must continue to challenge.

9.4 Potential contributions of the study

This section will briefly summarise the aspects of this study which I believe make a contribution to the field.

AL&L

The first contribution this study makes is in the detailed analysis which has resulted in the conceptualisation of Academic Language and Literacy, presented in chapter 3. It was found that the compound noun *language and literacy* is widely used in the literature but not specifically defined or determined. Building on the position that language and literacy are both social constructs, a conceptualisation is established:

> *Language and literacy*: the combination of socially constructed linguistic and communicative practices available to a user in a specific context

The conceptualisation is informed by theory, relying on the Bakhtinian view of language and the ideological model of literacy. The qualification 'academic' applies to the context rather than to the language or to the literacy:

> *Academic Language & Literacy*: the combination of socially constructed linguistic and communicative practices available to a user in a specific academic context

As a minimum, AL&L serves to describe the focus of the learning and teaching activity which takes place in my professional context. I have suggested that this conceptualisation is compatible with a range of approaches (EAP, ELF, Ac Lits) without being subsumed by any one position. The

conceptualisation may survive beyond this thesis; if not, its purpose has been to describe the context of this research.

Beyond the CHEPDA framework

This study has added to the growing number of works which have adopted Hyatt's (2013b) framework. It has also made some use of two recent, closely associated works , the CPDA (Montessori et al., 2019; Savski, 2019) and the CDPF (Van Aswegen et al., 2019). It is possibly the first study to combine these approaches. The CDPF adaptation of Bacchi's (2009) WPR approach was found to be useful in analysing silences in policy, addressing a perceived gap in the CHEPDA framework; Savski's historiographic approach and the application of contextualisation and deconstruction procedures from the CHEPDA combined to create a thick description (Geertz, 1973) with critical discourse analysis (Fairclough, 1995).

Uncovering potential deception

The early reforms to the PBS, introduced in response to perceived abuse, were challenged in court and were found to have been illegal in that they avoided the negative resolution procedure. In deciding the case, the judge noted:

> The whole purpose of that provision is to enable proper debate within the legislature about any such change
>
> (High Court, 2010. paragraph 75)

The fact that the 2011 radical reforms of PBS (5.1.3), were introduced without submission of an impact assessment was criticised by the Home Affairs Committee. It appears that the 'proper debate within the legislature' had been avoided once again.

Documents have been found in the archives, one published more than three years after the event, which show the Regulatory Policy Committee opinion of the impact assessment of PBS reforms was signed on the same day that the rule changes were laid before parliament. This evidence supports the proposition that the Home Office deliberately held back the evidence from parliament. No mention of this evidence has been found in any literature or web search.

Hundreds of students who are still contesting their treatment by the Home Office might appreciate the discovery of this evidence.

Wider links to HE

A number of important links have been made between the issues investigated here and the wider HE context. Although EAP is considered as marginalised by some, the issues raised in this study have the potential to impact directly on university practices.

In particular, the challenges to the 'theoretical grounds for resistance' (8.1.2) are relevant to colleagues in recruitment and admissions, where the reification of test and exams scores is likely to occur. 'The practical grounds for resistance' link to sector level issues regarding autonomy and responses to market forces. The economic contribution of international students will continue to be a factor in this regard. The insights from challenging standards in practice are important not only for language teaching and teacher education, but for anyone involved with teaching and learning in HE.

Resisting the Standard

The study was initially inspired by the conference RESISTING THE STANDARD: LANGUAGE, LITERACY AND POWER. Most of the papers at the conference were focussed on the school sector. I believe that the analysis and discussion in this thesis have added to that body of work, both in content and in context.

As the standards to which I have proposed resistance are, in the main, imposed at governmental level, it is possible that direct impact of my challenges will be minimal. However, this does not negate the value of expressing them and articulating them is a form of 'speaking truth to power' (Wildavsky, 1989).

Areas for further research

In discussing the recruitment of international students (7.3), it was noted that many students receive advice on programmes from commercial agents. It is known that in some countries the parents of prospective students are frequently involved and are influential in the decision-making process. The agencies I have visited whilst overseas produce their own materials, digital and in print, as well as using those provided by institutions. These are often in the students' home language rather than English. An interesting research project for a bilingual researcher might be to conduct a comparative discourse analysis of the materials to investigate whether students are making properly informed choices (see 2.2.3)

It has been suggested that students who enter HE via pre-sessionals do not perform as well as direct entrants (Thorpe et al., 2017), though I have questioned the evidence basis for this suggestion (7.2). There are ethical considerations and the multitude of influences which might impact on student success might mean it would be a difficult research topic to design. Nonetheless, a longitudinal study would be of interest to those of us directly involved in provision of those routes into HE.

Several studies which inspired my early interest in this topic related to linguistic ethnography (Copland & Creese, 2015; Creese, 2008; Rampton, 2007; Snell, 2013). The early discussion paper for the Linguistic Ethnography Forum (Rampton et al., 2004) identified five traditions which converged in the field of applied linguistics and contributed to the development of Linguistic Ethnography. Of

these, three are directly related to the current study: New Literacy Studies, Critical Discourse Analysis; and Interpretive Applied Linguistics for Language Teaching. More recently, Shaw and Eyre (2020) have noted that very little 'policy ethnography' research has been undertaken, but that "linguistic and ethnographic perspectives have been brought to bear on issues of policy" (2020, p. 328), including 'policy as discourse' perspectives . A possible avenue for further exploration arising from this study would be to investigate the commonalities with that area of research.

Rather late in the process, I discovered Hall & Wicaksono's collection ONTOLOGIES OF ENGLISH : CONCEPTUALISING THE LANGUAGE FOR LEARNING, TEACHING, AND ASSESSMENT (2020). This will be essential reading before I venture into any further research. It will also further delay my intention to read more by Michel Foucault.

At the outset it was envisaged that the work of Foucault would be influential on the project. On reflection, it is clear that the influence has been somewhat secondary or tangential. Many of the writers who I have referenced (e.g. Bacchi, Ball, Blommaert, Hyatt, Lillis, Rampton, Fairclough) are influenced by Foucault, but the direct impact on this study has been limited to policy as discourse and Foucault's concept of the episteme. This observation leads me to the final consideration.

9.5   After Covid-19 – a new epoch?

This discussion brings back into the focus Hyatt's (2005b, 2013b) temporal framework and the question as to whether the Covid-19 pandemic constituted the start of a new *epoch* or a new, but temporary, medium-term socio-political context (MSC).

Epoch, as a temporal entity, is linked to Foucault's *episteme* (Foucault, cited in Hyatt, 2005b) which Hyatt describes as "what counts as knowledge or truth in a particular era" (Hyatt, 2005b, p. 522).

It remains to be seen whether the changes to learning, teaching and assessment which have occurred as a result of the Covid-19 pandemic will constitute new understandings of knowledge/truth; if they do, we will recognise ourselves to be in a new epoch and the "what goes" will be different.

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Appendix 1   Personal Journey

I am the first in my family (of five siblings) to undertake doctoral study. I attended a direct grant secondary school with a local authority scholarship, joining the year before the move to comprehensive education required such schools to become independent. The ethos of the single-sex school was very much that of a minor public school. In my school year I was one of a small minority of boys who had joined from local primary schools rather than from private preparatory schools. The ethos was very traditional, with "the pursuit of excellence" being a much-vaunted motto.

Towards the end of my time at secondary school I developed an interest in teaching children with special needs. The school careers service recommended a degree in psychology followed by a PGCE as the best pathway; the head teacher at the school where I volunteered recommended a B. Ed degree, experience of mainstream school teaching, then a post graduate specialism in Special Needs Education. I chose to follow the latter advice but did not complete that journey.

The "Professional Studies" (teaching practice) year of my B. Ed coincided with the national teachers strikes of 1984-6. It was a very dispiriting experience going into schools to learn about teaching from colleagues who were very negative about their profession; the coincidental end of the long-running Miners' Strike did nothing to inspire hope. After graduating, I remained at the (teacher training) college for a further year, serving a term as president of the Student Union.

During my student years I spent most summers working in the seasonal EFL schools in my hometown of Oxford. Many international friendships were made over those years and I received many invitations to teach abroad from summer school colleagues. On the strength of my newly qualified English teacher status, I went to Italy and taught EFL for three years. I moved to Japan, where I taught and then managed in a large private language school chain for four years.

After returning to the UK, I studied for a Masters' degree in 'Media Technology for Teaching English as a Foreign Language'. This was in 1993, approximately the same time that the internet was first becoming available and when personal computers were still relatively new. Keeping up with the subsequent exponential growth has been challenging, but the roots of my affinity for technology-based learning are clear to see.

At the time of my initial teacher training, in the early 1980s, Chomsky's notion of a Language Acquisition Device was current and popular (Aitchison, 1976) and

when I studied for my master's degree in the mid 1990's his Universal Grammar was much in vogue (Chomsky, 1986). Having returned to study linguistics after a period teaching English as a Foreign Language (TEFL) abroad, I found the Universalist or Essentialist (Scholz, Pelletier, & Pullum, 2015) approach unconvincing and unhelpful in the context of TEFL. The social semiotic view of language (Halliday, 1978), with focus on the context and function of language, has been far more relevant to my professional practice of TEFL and, more recently, English for Academic Purposes (EAP).

Canale & Swain's (1980) work on Communicative Competence drew on the work of Dell Hymes (1977). This became a key part of the orthodoxy of communicative language teaching theory and was built upon by many well-known contributors to the field, e.g. Widdowson (1989). Although open to the Hymesean view on competence, I had reservations about the jump from Canale & Swain's field work on the testing of bi-lingual French/English students in Canada to the elaboration of a theory generally applicable to EFL students. These doubts, together with my fuzzy positionality, account for my initial hesitation in considering ethnographic approaches during the doctoral programme. A number of studies were particularly influential in changing my view.

When I started working at ELTC, more than 25 years ago, I was one of just seven teachers employed at the centre. A number of additional teachers were employed on a casual, hourly paid basis. My qualification and interest in computer-assisted language learning certainly helped secure my first teaching post at my current institution. My experience of management influenced my deployment as Summer School Director.

At that time the centre was not located within a faculty or within an administrative hierarchy. The centre was free-standing and was overseen by a management committee consisting of academics from the Schools of Education, English, Management and Law. The centre was not accredited by The British Council or by BALEAP. Shortly after I arrived there was a restructuring and ELTC became part of Student Services.

The Doctoral Journey

The professional doctorate differs significantly from a traditional PhD in that the candidate is not obliged to have a research proposal at the outset. The first stage of this programme allowed for considerable exploration of areas only loosely related to the eventual thesis.

The EdD programme offered participants a range of pathways relating to professional contexts or fields of interest (such as Higher Education, Early Years Education). In the first part of the programme, seminars and tutorials were organised according to these pathway groupings. The pathway I selected, Learning, Language and Teaching, had just three members and the other two members withdrew from the programme after the first year. As a consequence, I joined the Literacy and Language in Education pathway seminars from the second year. (Although the EdD pathway used the compound noun Literacy and Language, my review of literature in the field has found Language and Literacy to be much more commonly used. The term is investigated thoroughly in chapter 3.)

The first stage of my studies, firmly rooted in my professional practice, developed around a broad theme, that of the assessment of academic language. Initially I imagined I might undertake empirical, statistical research based on the language test scores of students typical to my work environment. Over the course of the initial assignments my positionality changed and developed considerably. A brief overview of that development serves to illuminate the intellectual journey which led to the current study.

The early studies brought into focus issues of values in the research context as well as the importance of positionality, ethics and responsibility. A close reading of Seargeant (2010) introduced me to Foucault's genealogical approach which has, in broad terms, influenced the study.

McNamara and Knoch's (2012) overview of the use of The Rasch Method (Rasch, 1980) in language testing and my own investigation of the application of The Angoff Method (Angoff, 1971; Stone, Koskey, & Sondergeld, 2011) were both influential in moving my interest away from the technical and technological aspects of language test validation. Both methods involve processes which contribute to the conversion of the expert judgements made by markers into numerical data. These studies raised concerns regarding the comparison of language standards expressed by commercial language tests; this theme is developed in the consideration of policy and practice in chapter 6.

A focus on new technologies within my professional field, in particular digital literacies (Dudeney et al., 2013), was relatively familiar territory. However, consideration of the broader context, including new literacies (Gee, 1999) and multiliteracies (Cazden, Cope, Fairclough, & Gee, 1996), had a significant influence on the approach of the current study. These areas are explored further in chapter 3.

My consideration of policy implementation in my professional field was also influential in the selection and design of the current study. A major focus of that work was on a perverse inconsistency in government policy on language standards in the context of student visa administration. This gave me the opportunity to try out Critical Discourse Analysis (CDA) techniques (Fairclough, 1992b; Hyatt, 2013b) and consequently the methodology of the current study is founded on CDA and utilises Hyatt's (2013b) Critical Higher Education Policy Discourse Analysis (CHEPDA) framework.

The penultimate assignment in the first stage of the programme required a consideration of contemporary issues in the professional field. My focus on assessment continued with the examination of a local project to replace proficiency testing with an assessment for learning regime (Popham, 2009). The focus on the purpose and nature of assessment combined with the statutory obligations imposed by the regulatory environment contribute to the key themes of the current study.

The final assignment, essentially a research proposal for the thesis, included a degree of uncertainty as to the eventual way in which the fundamental question, "Who says what goes?" would be addressed.

Having been influenced by a number of seminars, papers and studies which adopted Linguistic Ethnography (LE) as their methodology, I was keen to investigate the potential using of LE in my own study. In particular, papers presented as part of the 2015 international literacy conference Resisting The Standard: Language, Literacy And Power introduced me to the Language As Talisman project (Pahl et al., 2013) and related studies (Hyatt, 2015; Snell, 2013). These were influential in that they inspired the direction of enquiry, the possibility of Resisting the Standard, though eventually I decided against using LE as my methodology (see chapter 5), opting instead for a Critical Policy Analysis approach.

The EdD programme included an introduction to Nvivo software. I attended this and was extremely frustrated as, being colour blind, I was unable to follow the colour-coded examples being presented. Although I expect the software can actually be used without colour, I was disinclined to investigate further. Instead I decided to use a combination of software I was already familiar with to collect and process my data (Word, Excel, Mendeley).

The journey was severely impacted by personal, professional and global issues which caused several serious delays.

Appendix 2   ELTC's Learning & Teaching Ethos

Learning and teaching practices will be underpinned by a set of principles (outlined below) to help teachers identify and deploy appropriate resources, approaches and strategies when planning and managing learning experiences across different programmes.

We believe that effective pedagogy:

a. equips students with both academic and generic skills that will enable them to be active participants in their communities and have the opportunity to develop other key competencies such as problem solving, analytical and critical thinking skills.

b. is learning-centred and promotes active engagement, with the choice of resources and tasks being relevant to the learners and involving a high level of learner engagement.

c. helps learners interact with others and build relationships, which encourages the creation of communities of learning, and benefit from the mutual construction of knowledge.

d. encourages self-directed learning and learner independence, which recognises the significance of informal learning by creating opportunities for them to learn outside the classroom.

e. encourages learners to reflect on their performance, and that of others, to help them develop a sense of quality within their own academic and professional contexts.

f. is constructively aligned so that formal and informal assessment are congruent with learning outcomes and learning processes, and the relationship between them is reciprocal.

g. uses different forms of feedback both formative and summative, as tools for learning, based on a clear set of principles.

h. makes effective use of technology to provide a wide range of different stimuli and learning options, contributing to learner autonomy and development of digital literacy.

i. values student diversity and acknowledges the importance of prior experience and learning, while taking into consideration the personal and cultural experiences of different groups of learners.

Appendix 3   Wingate's 'Types of Academic Literacy Development'

[Table 4.1] Types of academic literacy development

Increasing levels of integration

Type	*Extra-curricular*	*Additional*	*Curriculum-linked*	*Curriculum-integrated*
Location	**Outside department** English Language/Skills/ Learning development unit	**Outside timetable** Extra resources: • Online courses • Print materials	**Timetabled** • Workshops • Presentations in designated teaching sessions	**Timetabled, credit-bearing** Assessed component of content modules
Delivery	EAP teachers	Independent (EAP teachers)	• Subject lecturers • EAP teachers	• Subject lecturers • EAP teachers
Collaboration	None	Some input from subject lecturers	Equal contribution to design and delivery	Input/advice from EAP Teachers
Focus	Grammar, lexis, style, structure, referencing	• Literacy conventions • Genres • Text features	• Literacy conventions • Genres • Text features • Argumentation	• Literacy conventions • Genres • Text features • Language for the creation of meaning and knowledge
Materials	**Unspecific** General /pseudo-academic texts	**Subject-specific** Texts/tasks from the discipline	**Subject-specific** Texts/task directly linked to classroom content	**Subject-specific** Texts/task directly linked to classroom content
Participation	**Exclusive/Remedial** • International students • Students with difficulties	**Semi-inclusive** Available to all students/voluntary	**Semi- inclusive** Available to all students/ voluntary	**Fully inclusive** Part of regular teaching, learning and assessment

<div align="right">Wingate (2015, p. 60, Table number is 4.1 in the source text)</div>

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Appendix 4   Extracts from Unpublished EdD Assignments

Extract 1 - from Simpson (2014)

The theories of literacy, linguistics and discourse underlying the more recent literature I have sourced have in common the premise that all three of these areas are socially situated and defined by context. In my professional field of English for Academic Purposes, academic literacy is therefore determined by the activity and discourse of the academic community the students will join. In the modern context academic literacy includes considerable need for digital literacies, particularly but not exclusively those relating to information literacy. The activities recommended by practitioners in the field fall into two types: practice of language using technology and practice of the technology itself. I contend that it is appropriate and desirable for the field of EAP to incorporate within the curriculum systematic development of digital literacies.

(Simpson, 2014, p. 11)

Extract 1 - from Simpson (2015a)

Looking back over recent paragraphs the discourse associated with implementation of PBS can be seen to be thematic. Selecting key phrases this might illustrate this: "breaking our rules", "abusing our hospitality", "integrated control", "control of abuse", "the policing of applicants", "monitoring attendance", "non-compliance". There is a commonality to these terms which positions the (student) immigrant as a negative entity requiring regulation or supervision. Of course, this is my language, albeit with some quotations, but the order of discourse (Fairclough, 1995) is distinctly negative. There is a noticeable interdiscursivity here (Hyatt, 2005a)(Fairclough, 2015), the discourse of crime, corruption or non-compliance having penetrated the field. Similarly, recent political pronouncements, promises and exhortations to get 'Tough On Immigration' (Daily Mail, 2014) may be seen as reminiscent of Tony Blair's, 'Tough on Crime' conference slogan (Blair, 1995). The use of discourse framed in the genre of crime is intentional, seeking to 'legitimise the argument' (Hyatt, 2005a, p. 841) for the policy of reducing migration.

(2015a, pp. 7–8)

Extract 2 - from Simpson (2015b)

For many of the private providers there is a commercial imperative to achieve a high rate of success in progressing students to the universities. In recent years we have witnessed within the sector a distressing tendency for less than scrupulous admissions policies at pathway colleges. In one institution (location withheld for reasons of confidentiality) it was reported that exit listening scores were found to be too low – after the exam board had sat – and all students' scores were increased by an arbitrary 10%, bringing the pass rate into a more (commercially) acceptable range. This practice, if true, is not science fiction – this is fraud. The consequences for the stakeholders would be significant. It seems likely that a cohort of students had been allowed to progress, and therefore further commit to significant expense, despite a strong possibility that they were not sufficiently prepared to undertake their programme of study.

In another pathway college, also reported anonymously, an exit test had a substantial number of students scoring 80% to 90% in Reading. Those students were assessed as having achieved the equivalent of IELTS 8.0 to 9.0, despite the fact that all other

components were in the usual, expected range of 55% − 65%. It was not considered necessary to adjust those scores downwards. The assumption that a raw score happens to equal a point on a scale not even science fiction, it is fantastical. As component scores are averaged to produce an overall score, these jagged results would have resulted in inflated overall scores and, again, unreliable results. Having noted the commercial context, it is tempting to situate this example of science fiction aboard the Star ship Enterprise!

(Simpson, 2015b, pp. 10–11)

Appendix 5   Key Texts (Chapters 5 & 6)

Chapter 5

Home Office. (2005). *Controlling our borders: Making migration work for Britain. Five year strategy for asylum and immigration*

UK Border Agency. (2009). Guidance for Sponsor applications - Tier 2 , Tier 4 and Tier 5 of the Points Based System [August 2009]

Home Affairs Committee. (2009). *Bogus colleges: Eleventh Report of Session 2008–09* (Vol. I)

UK Border Agency. (2010a). Impact assessment of changes to Tier 4 following the Prime Minister's review of the student immigration route.

House of Commons. (2008). Statement Of Changes In Immigration rules [HC 321]

UK Border Agency. (2010b). *The Student Immigration System: A Consultation*.

Home Affairs Committee. (2011a). *Student Visas: Seventh Report of Session 2010-11 (Volume I)*.

Home Affairs Committee. (2011b). *Student Visas: Seventh Report of Session 2010-11 (Volume II)*

Home Affairs Committee. (2011c). *Student Visas: Follow – up*

Home Office. (2011b). *Impact assessment: Reform of the Points Based Student (PBS)*

House of Commons. (2015). Explanatory Memorandum To The Statement Of Changes In Immigration Rules [HC 1025]

Chapter 6

Department for Education. (2013). *Glossary for the programmes of study for English*. The National Curriculum.

Department for Education. (2014b). *National curriculum in England: English programmes of study*

Council of Europe. (2001). *Common European Framework of Reference For Languages: Learning, Teaching, Assessment*

IELTS. (2013). *Guide for educational institutions, governments, professional bodies and commercial organisations*.

UK Border Agency. (2012b). *New list of approved English language tests*

Appendix 6   'Standard English' – National Curriculum definition

The DfE's definition of Standard English		
Term	**Guidance**	**Example**
register	Classroom lessons, football commentaries and novels use different registers of the same language, recognised by differences of vocabulary and grammar. Registers are 'varieties' of a language which are each tied to a range of uses, in contrast with dialects, which are tied to groups of users.	*I regret to inform you that Mr Joseph Smith has passed away.* [formal letter] *Have you heard that Joe has died?* [casual speech] *Joe falls down and dies, centre stage.* [stage direction]
Standard English	Standard English can be recognised by the use of a very small range of forms such as *those books, I did it* and *I wasn't doing anything* (rather than their non-Standard equivalents); it is not limited to any particular accent. It is the variety of English which is used, with only minor variation, as a major world language. Some people use Standard English all the time, in all situations from the most casual to the most formal, so it covers most <u>registers</u>. The aim of the national curriculum is that everyone should be able to use Standard English as needed in writing and in relatively formal speaking.	*I did it because they were not willing to undertake any more work on those houses.* [formal Standard English] *I did it cos they wouldn't do any more work on those houses.* [casual Standard English] *I done it cos they wouldn't do no more work on them houses.* [casual non-Standard English]
Extracts from GLOSSARY FOR THE PROGRAMMES OF STUDY FOR ENGLISH (NON-STATUTORY) (DfE, 2013, pp. 14–15)		

Appendix 7   CEFR B2 Descriptors

CEFR B2 Global and Skill Descriptors
B2 – GLOBAL DESCRIPTOR
Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options. (CEFR p.24)
B2 - OVERALL ORAL PRODUCTION
Can give clear, detailed descriptions and presentations on a wide range of subjects related to his/her field of interest, expanding and supporting ideas with subsidiary points and relevant examples. (CEFR p58)
B2 - OVERALL WRITTEN PRODUCTION
Can write straightforward connected texts on a range of familiar subjects within his [*sic*] field of interest, by linking a series of shorter discrete elements into a linear sequence. (CEFR p61)
B2 - OVERALL LISTENING COMPREHENSION
Can understand the main ideas of propositionally and linguistically complex speech on both concrete and abstract topics delivered in a standard dialect, including technical discussions in his/her field of specialisation. Can follow extended speech and complex lines of argument provided the topic is reasonably familiar, and the direction of the talk is sign-posted by explicit markers. (CEFR p.66)
B2 - OVERALL READING COMPREHENSION
Can read with a large degree of independence, adapting style and speed of reading to different texts and purposes, and using appropriate reference sources selectively. Has a broad active reading vocabulary, but may experience some difficulty with low frequency idioms. (CEFR p.69)
Adapted from The Council of Europe's Common European Framework of Reference (COE, 2001)

Appendix 8   IELTS, PTE & TOEFL Comparisons

Common Score Comparisons prior to UKBA regulation				
English Language Teaching Centre **Comparison of IELTS, PTE & TOEFL Scores**				
IELTS	**USEPT***	**TOEFL iBT**	**TOEFL Paper**	**Pearson PTE**
8 or above	80%+	116+	650+	82+
7.5	75%	113	625	76
7.0	70%	100	600	68
6.5	65%	89	575	61
6.0	60%	79	550	54
5.5	55%	69	525	46
5.0	50%	59	500	38
4.5	45%	49	475	n/a
4.0	40%	39 - 40	450	n/a
3.5	35%	29 -30	425	n/a
below 3.5	less than 35%	less than 29	under 425	n/a
This comparison is made by ELTC and does not imply recognition by IELTS, Pearson or ETS Ltd				

Appendix 9   Sample of THE Best Universities in the UK 2020

Institution	THE UK rank 2020
University of Oxford	1
London School of Economics and Political Science	5
University of Warwick	9
University of Birmingham	13
Durham University	17
University of Nottingham	21
University of Aberdeen	25
University of Dundee	29
St George's, University of London	29
Heriot-Watt University	34
Anglia Ruskin University ARU	41
University of Kent	42
Aberystwyth University	49
Liverpool John Moores University	49
SOAS University of London	49
Keele University	59
University of Brighton	65
University of Greenwich	65
Manchester Metropolitan University	65
University of the West of England	65
University of Bradford	79
University of East London	79
University of Roehampton	79
Teesside University	79
Edge Hill University	95
	(THE World University Rankings, 2020)