



Home Office

Tom Pursglove MP
Minister of State for Legal Migration
and the Border

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

Samantha Marsh
Senior Coroner for Somerset
Coroner's Office
Old Munciple Building
Corporation Street
Taunton
TA1 4AQ

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

4 January 2024

Dear Mrs Marsh,

Thank you for your letter of 27 November 2023 to the Home Office, following the investigation into the death of Barbara Jean Rymell. I am replying as the Minister of State for Legal Migration and the Border.

I would like to start by expressing my sincere condolences to the family and friends of Barbara Jean Rymell. I would also like to place on record my thanks to you for this investigation and for raising the matter of concern contained within your report.

Unfortunately, the information provided to us by your office has not allowed us to determine the immigration status for those individuals involved in this case. This means we cannot confirm whether they were on an immigration route which required them to demonstrate English language as part of their application or not.

The immigration system contains a wide variety of routes which allow people to come to the UK to work, study, for cultural exchange, and as dependants joining family members. The English language requirement for immigration purposes has two functions. The first is to ensure the person can undertake the activity for which they are coming to the UK, for example to study or, if working, the job, including understanding any safety information relating to the job and to be able to bring any concerns to their employer.

The second function is to help migrants to integrate into the UK. This will include ensuring they can engage with local services such as healthcare, education, and other public services which people will need to use in their day-to-day lives.

Both are important, and we believe strike a balance between ensuring the safety and integration of migrants and the ability of businesses to bring in the labour they need. Importantly, these immigration requirements are the same for all sectors who are eligible for Skilled Worker **visas** and reflect the level of English which is necessary should people wish to apply for indefinite leave to remain and ultimately citizenship if they choose.

I receive representations on a regular basis from sectors who argue that the English language requirements are too high for their sector. Unfortunately, it would prove very difficult, both to assess and also to manage, a system where we had different English language requirements for different occupations.

Since February 2022, the main route for care workers wishing to come to the UK has been through the Health and Care visa, which is part of the wider Skilled Worker visa. Those arriving on the Health and Care visa must demonstrate that they meet the 'B1' standard, and details of the levels can be found at: <https://www.coe.int/en/web/common-european-framework-reference-languages/table-1-cefr-3.3-common-reference-levels-global-scale>.

English language can be proved in various ways, but the most common is through passing a Secure English Language Test (SELT). Alternatively, they can meet the requirement if they are from one of the listed majority English speaking countries, or if they have a suitable qualification which was either taught in the UK, or taught or researched in English. Qualifications obtained outside the UK need to be confirmed by ECCTIS. ECCTIS provides official UK national agency services on behalf of the UK Government in qualifications, skills, and migration.

However, there are a number of immigration routes, other than Skilled Worker, where individuals are permitted to work, without first needing to seek approval from the Home Office. These include dependants of workers or students. Dependants, which is defined as a partner or children under 18 years of age, are not required to work, but where they choose to, do not need permission from the Home Office for any employment. Dependants are also not required to demonstrate that they meet the English language requirements unless they are applying for indefinite leave to remain (settlement).

There are a range of other routes which have general work rights, including those on the Hong Kong British Nationals (Overseas) route, those who have arrived through humanitarian routes such as the Ukraine schemes, or Afghan relocation schemes, recognised refugees, and those who arrive under Youth Mobility Scheme arrangements. The purpose of these routes varies from cultural exchange to humanitarian, but all permit people to work whilst in the UK without seeking prior agreement and none of them have an English language requirement.

In addition to those routes listed above, asylum seekers who have had a case outstanding for more than 12-months, though no fault of their own, may also apply for permission to work. Where this is granted, these individuals may only work in occupations contained on the Shortage Occupation List. This would include as a care worker, which was added to the list of shortage occupations in February 2022.

This creates a mix of immigration routes with different purposes, but where people could end up working in social care. Raising the English language level in those routes which have an English language requirement would be very difficult, and imposing such a requirement on routes which do not have such a requirement would in some cases defeat the purpose of the route as it was intended.

I absolutely recognise that ensuring the safety of those who require care is a very important issue, but the responsibility for ensuring that employees can fulfil the requirements of their role primarily rests with employers. An employer should ensure their overseas staff can speak English to an adequate standard. The employer should consider the merits of requiring higher levels of English language than necessitated by immigration requirements – on the basis that it may be required for the settings overseas staff will be working in. In some cases, a higher level of English than required for a visa may be

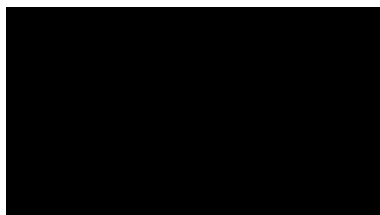
required to work in a particular role. This is already the case for many health and care workers who require professional registration. For example, the Nursing and Midwifery Council require a higher level of English before a nurse can join their register. The same is true of doctors who must register with the General Medical Council, dentists with the General Dental Council and many allied health professionals who are required to be registered with the Health and Care Professions Council. All of these bodies have language requirements for those working in the profession which are higher than the requirement set by the immigration system.

Unlike those listed above, there is no requirement for care workers to be registered with a professional body, but an employer or organisation must be registered with the Care Quality Commission (CQC) where the organisation is providing regulated services. The CQC provides regulatory oversight of the quality and safety of care provided by health and care providers. Under regulation 19 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, employees are required to have the qualifications, competence skills and experience which are necessary for the work to be performed by them. It is the responsibility of a care provider to ensure the individuals they hire are suitable for the role. To meet this regulation, providers must ensure they have robust recruitment procedures, undertaking relevant checks, and a procedure for ongoing monitoring of staff to make sure they remain able to carry out the duties required of them.

Given the points which I have set out above, we do not believe that raising the level of the English language requirements for Skilled Workers would be appropriate, nor do we think it would be practical to set different levels for different sectors. In any event, it would not fully address the concerns you have raised for all the reasons set out earlier.

However, the Government has recently announced that it will tighten the requirements for care workers coming to the UK on the Health and Care visa. Most relevant is the fact that only care providers who are regulated by the CQC will be eligible to sponsor care worker and senior care worker applications from Spring 2024. We will keep immigration requirements, including those relating to English language, under review as part of this work.

Yours sincerely,



Tom Pursglove MP
Minister of State for Legal Migration and the Border