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Labour Member of Parliament for East Ham

John Pullinger
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Dear John,

Earlier this year, I formed the All-Party Parliamentary Group on the Test of English for International Communication (TOEIC). The group was set up to represent students whose visas have been refused, revoked or curtailed due to allegations of cheating in the TOEIC on the basis of evidence provided by the US testing firm, ETS

In 2014, ETS informed the Home Office that over 56,000 students cheated, or may have cheated over the course of more than a three-year period. The Home Office took action against 33,663 students. Most of those accused had no right to appeal against the allegations from within the UK.

It has since come to light that a significant number of innocent students may have been unjustly caught up in this scandal. Some had obtained Masters level degrees and were clearly proficient in English. However, the Home Office refused to accept evidence put forward by students to explain their innocence.

The concern about the reliability of the accusations made by ETS is widespread. Despite this, the Home Office has continued to rely upon the ETS accusations unquestioningly and present this evidence as proof in itself that fraud had been used even where the applicant provided evidence to rebut the allegation. Central to the government's case were the findings of a report they commissioned in 2016 by the eminent voice recognition expert, Professor French of JP French Associates. He concluded that the proportion of "false positives", that is students wrongly accused of cheating, in the ETS checking process would be less than 1 per cent.

A recent inquiry held by the APPG on TOEIC heard from Professor French. He maintained this figure was correct but if – and only if – the results given to him by Home Office and ETS were correct.

[...]



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I believe this to be unlikely. ETS's records are confused and incomplete. Passing down his judgement in the case of SM and Qadir (ETS – Evidence – Burden of Proof) [2016] UKUT 229 (IAC), IJ McCloskey noted that in addition to “generic” material, the only evidence provided to his court by ETS lawyers was “a flimsy spreadsheet”. The Professor of Digital Forensics at Birmingham City University, Peter Sommer, told the All-Party Parliamentary Group on TOEIC last month that it was “...unsafe for anyone to rely upon computer files created by ETS...as a sole means of making a decision.” Other experts who took part in the Inquiry agreed that the evidence provided by ETS to the Home Office was questionable, and all bar one agreed that it contained fundamental flaws that should make it impossible to take decisions based on the evidence alone.

I am troubled that Ministers continue to use the 1% figure – without Professor French's caveat – as a justification to bring enforcement action against students. He also cautioned against using his conclusion to argue that any particular student cheated, an approach the Home Office has used consistently.

Would the UK Statistics Authority be willing to look into the government's use of Professor French's 1% figure? Given work carried out by the Home Affairs Select Committee, the Public Accounts Select Committee, the National Audit Office and legal experts, I find it hard to believe that Professor French was provided with the correct results when drafting his report. As a result, I fear many students have – at great cost – been dragged through the courts in attempts to clear their names. For many, their futures remain bleak.

Thank you for your help.

Yours sincerely,

STEPHEN TIMMS MP