



Standards
& Testing
Agency

2014 **Maladministration investigation procedures**

**Key stage 1 and 2 national curriculum
assessments**

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Summary

About this departmental advice

This is departmental advice from the Department for Education (DfE). It outlines the Standards and Testing Agency's (STA) procedures for investigating allegations of maladministration of the 2014 national curriculum assessments.

Expiry or review date

This advice will next be reviewed before April 2015.

Who is this advice for?

This advice is for:

- local authorities (LAs)
- school leaders, school staff and governing bodies
- parents
- other members of the public.

Key points

This advice outlines STA's statutory responsibility to investigate maladministration of the national curriculum assessments. Maladministration is any matter in relation to the accuracy or correctness of any child's results and/or outcomes in the national curriculum assessments at key stages 1 and 2.

STA receives allegations of maladministration from a number of sources. This document will be of interest to anyone who has a concern about maladministration and would like further detail on the investigation process. It describes what will happen at each stage of the process, including roles and responsibilities, how investigations are conducted and the decision-making process.

1. Introduction

This document outlines STA's procedures for investigating allegations of maladministration of the 2014 national curriculum assessments.

STA, on behalf of the Secretary of State, has a statutory duty to investigate any matter brought to its attention which relates to the accuracy or correctness of any child's results and/or outcomes in the national curriculum assessments at key stages 1 and 2. These comprise:

- the phonics screening check and teacher assessment in key stage 1; and
- the national curriculum tests and writing teacher assessment in key stage 2.

The aim is to safeguard the integrity of the assessments.

The term 'maladministration' refers to any act that affects the integrity, security or confidentiality of the national curriculum assessments and could lead to results and/or outcomes that do not reflect children's unaided work or actual abilities.

Maladministration can include the following activities.

Maladministration of the tests or phonics screening check

- incorrect opening of test papers or check materials
- children cheating
- children being over-aided
- resitting of a test or the phonics screening check
- changes made to children's test scripts outside of test conditions
- incorrect reporting of children's phonics screening check scores

Maladministration of teacher assessment

- inflation or deflation of children's teacher assessment judgements to influence school assessment outcomes
- submission of different data to that agreed following LA moderation
- scaffolding of work or over-aiding in tests or tasks that are used as evidence to justify teacher assessment levels

Matters reported to STA in relation to the accuracy or correctness of children's results in the national curriculum assessments are referred to as 'allegations of maladministration' in this document.

All references to schools apply to different types of schools as set out in section 3 of the 2014 key stage 1 'Assessment and reporting arrangements' (ARA) and section 3 of the 2014 key stage 2 'Assessment and reporting arrangements'.

The documents below provide detailed guidance on test, check and teacher assessment administration procedures. They are available on the Department for Education's (DfE's) website at www.education.gov.uk/assessment.

- 2014 key stage 1 ARA
- 2014 'Check administrators' guide: phonics screening check'
- 2014 key stage 1 'Guidance for key stage 1 teacher assessment moderation'
- 2014 key stage 2 ARA
- 2014 key stage 2 'Test administrators' guide'
- 2014 key stage 2 'Modified test administrators' guide: braille tests for children with a visual impairment'
- 2014 key stage 2 'Modified test administrators' guide: modified large print (MLP) for children with a visual impairment'
- 2014 key stage 2 'Modified test administrators' guide: tests for children with a hearing impairment and children who use sign language'
- 2014 key stage 2 'Guidance for teacher assessment moderation'

2. Roles and responsibilities

STA's remit when investigating allegations of maladministration is to determine whether there is doubt over the accuracy or correctness of children's results and/or outcomes for the national curriculum assessments. The legal basis for this activity is set out in the relevant Education Orders¹. STA does not apportion blame for maladministration or take part in any disciplinary procedures relating to maladministration.

STA's maladministration team

Members of STA's maladministration team will lead all investigations into allegations of maladministration. STA staff are fully trained to ensure that all investigations are conducted rigorously, fairly and without bias.

At the conclusion of each investigation, members of the maladministration team who were not involved with the investigation and STA's head of operational support and/or deputy director of test operations (also not involved with the investigation) are responsible for making the final decisions on any actions to be taken. This includes whether any test marks, check scores or teacher assessments should be amended, or if any results should be annulled. This could be for whole cohorts, groups of children or individual children.

STA investigator

Each case is allocated an investigator who is a member of STA's maladministration team. The investigator is responsible for:

- overseeing the case;
- commissioning school visits;
- reviewing the relevant test scripts; and
- providing written communications to schools regarding final decisions.

Local authorities

STA works closely with LAs during investigations and occasionally asks them to visit schools to gather information as part of an investigation (see 4.2.2). LA staff conducting these visits must be familiar with the published procedures and details of the particular allegation of maladministration before they visit the school. They are also responsible for producing a report which details the information gathered during the school visit.

¹ The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (as amended) and The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (as amended) and The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (as amended).

3. Sources of allegations of maladministration

STA receives allegations of maladministration from various sources. These include:

- members of the public acting as whistleblowers;
- schools;
- LAs;
- monitoring visitors; and
- markers.

The details of an allegation will be logged on STA's maladministration database as confidential information.

STA will keep the name of the person making the allegation confidential where possible. Information specific to individual cases will remain confidential to involved parties, subject to compliance with their statutory obligations pursuant to the Data Protection Act 1998 and the Freedom of Information Act 2000.

STA's maladministration team will not keep whistleblowers or markers informed of the progress or outcome of an investigation.

3.1 Reporting allegations of maladministration

Anyone concerned about how a statutory national curriculum assessment has been administered in a school, or about the accuracy of teacher assessment data, should contact the national curriculum assessments helpline on 0300 303 3013 or email testadmin.sta@education.gsi.gov.uk.

Information about how the national curriculum tests and phonics screening check should be administered and how teacher assessment judgements should be reached is included in the guidance documents listed on page 5.

4. How allegations of maladministration are processed

4.1 Logging and initial processing

STA's maladministration team logs the details of allegations of maladministration on its database. The team then decides on one of the following courses of action.

Maladministration has not taken place

STA will close the case. No further action will be taken.

If a school is aware that an allegation has been made, STA's maladministration team will provide written confirmation that no action is to be taken. This will be copied to the LA, where applicable.

If a school is unaware of the allegation (for example, an allegation arising from a marker's concerns) the case will be closed with no further action. The school will not be informed.

Maladministration has occurred but there is no doubt over the accuracy or correctness of children's results

If maladministration has occurred but STA decides that it has not affected the accuracy or correctness of children's results, it will not be necessary to change or annul results.

STA will write to the school informing them of this decision and, where applicable, suggest actions for the school to take to ensure similar maladministration does not occur again. This will be copied to the LA where applicable. Schools may be asked to confirm any follow up actions to the team and their LA in writing.

Further investigation required

STA may decide to conduct further investigation. Depending on the nature of the allegation and the assessment(s) affected, the investigation may involve the following activities.

4.2 Investigation

4.2.1 Information provided by the school

Some allegations requiring further investigation may be resolved through discussion with the school. In these cases, STA's maladministration team will contact the school to discuss the allegation in order to resolve the case. A summary of all discussions is recorded in the maladministration database.

4.2.2 School visits

School visits will be carried out by staff from the relevant LA and/or members of STA's maladministration team. Visits are used to gather information on:

- the processes in place to keep test and check materials secure;

- how the tests or check were administered; or
- the processes the school put in place to ensure their teacher assessment data was correct and accurate.

If the nature of the allegation is not already known to a school, the school will be informed at the end of a visit. This protects the source of the allegation and ensures that interviewees provide unbiased accounts.

- After the visit the interviewer will produce a report on the findings for STA's maladministration team. This report is STA's property.
- STA's maladministration team will provide the school with a copy of the report.
- The school will be given the opportunity to provide a written response to the report.

STA's maladministration team will review the report, any response from the school and any other evidence and decide what, if any, further action is necessary. The team will inform the school and the LA (where appropriate) of any developments during the course of the investigation.

Further guidance for LAs relating to school visits is provided on DfE's website at www.education.gov.uk/assessments.

4.2.3 Key stage 2 test scripts

Where necessary, STA's maladministration team will request access to marked test scripts for further investigation. The maladministration team may ask for test scripts for all subjects and levels administered by a school. Markers will not be told why the test scripts are needed.

If test scripts are held by the maladministration team as part of an ongoing investigation, the children's results will not be provided to the school.

All recalled test scripts will be reviewed by the maladministration team. If a final decision on the investigation is not made before schools' results and test scripts are due to be returned, the headteacher will be notified.

School access to test scripts

Schools may have supervised access to view children's test scripts if they are being held by STA's maladministration team during an investigation. This can help the school to understand what issues the team has identified. Schools should email testadmin.sta@education.gsi.gov.uk to arrange to view the scripts.

Depending on when the visit takes place, it is possible that STA will not have reviewed all the test scripts. STA's investigator will clarify which test scripts will be available when arranging the visit.

4.3. Case decisions

Case decision meetings are used to make final decisions on actions to be taken. Schools and LAs are not invited to attend. All information for consideration must be submitted to STA's maladministration team by the stated deadline.

Case decision meetings are attended by the investigator, other members of the maladministration investigation team, STA's head of operational support and/or deputy director of test operations.

At the meeting, the investigator will present all information gathered during the investigation to the other attendees. This may include:

- reports and examples of children's work provided by the school;
- the school visit report and the school's response to this report;
- information from STA's test operations agency; and
- outcomes from test script investigations.

The investigator may recommend actions are taken against a school's results but they will be asked to leave the meeting once they have presented their findings. They will not be involved in the decision making process. Any decisions to amend, annul or discount children's results are made by members of the maladministration team who were not involved in the investigation and the head of operational support and/or deputy director of test operations.

It can take several months to reach a final decision on an investigation. The length of an investigation depends on the nature of the allegation, the complexity of the particular case, the availability of information relevant to a case and the timing of when the allegation was reported.

4.3.1 Outcomes

Where there is doubt about the accuracy and correctness of children's results, STA's maladministration team can make the following decisions.

- Phonics screening check – discount results: if children are in year 1 they will have the opportunity to take the check again the following year; children in year 2 will not be able to retake the check.
- Key stage 2 tests – amend or annul results.
- Teacher assessment – annul results or, in order to reach accurate teacher assessment judgements, subject results to moderation.

Following the decision, STA's maladministration team will make appropriate changes to results or make arrangements for teacher assessment to be moderated.

Any decision made to amend, annul or discount children's results is final.

A formal written notification confirming the details of the decisions made and the actions taken will be sent to the school by STA's head of operational support. This will be copied to the LA where applicable and, where appropriate, the chair of governors.

It is the school's responsibility to report any amendments to, or annulments of, children's results to parents. The term 'parent' is used in this document as defined in section 576 of the Education Act 1996 as:

- parents of a child;
- any person who is not a parent of a child but who has parental responsibility for the child; and
- any person who has care of the child.



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