

Guidance for local authorities on investigations into allegations of maladministration



Background

The Qualifications and Curriculum Development Agency (QCDA) has a statutory responsibility to investigate all reported allegations of maladministration in the key stage 2 national curriculum tests and science sampling tests.

The QCDA maladministration team is responsible for investigating these allegations. To carry out these investigations, the team works in partnership with local authorities.

This document offers guidance for local authority staff who may be asked to carry out investigation visits.

General principles of maladministration investigations

QCDA investigates cases of alleged maladministration to determine whether there is doubt over the accuracy or correctness of pupils' results. QCDA does not investigate who is responsible for any alleged incident of maladministration and does not place blame or participate in any subsequent disciplinary procedures. Local authorities or governing bodies may wish to determine responsibility, but this will be separate from any investigation made on behalf of QCDA. In these cases, local authorities should follow their own disciplinary procedures as a separate course of action to the QCDA investigation.

Investigations into allegations of maladministration will be managed by the QCDA maladministration team, with support from the local authorities where appropriate.

The following principles apply to investigations into reported allegations of maladministration.

- All reported allegations of suspected maladministration will be investigated rigorously, fairly and without bias.

- The QCDA maladministration team will endeavour to protect the identity of informants and those accused of maladministration. Local authorities should also follow this practice.
- Information specific to individual cases will remain confidential to involved parties, subject to compliance with their statutory obligations according to the Data Protection Act 1998 and the Freedom of Information Act 2000.
- All QCDA maladministration team staff engaged in these investigations will be fully trained in the required procedures and will adhere to the QCDA code of conduct.
- All local authority staff involved in carrying out investigations on behalf of QCDA will be fully briefed and provided with a specification for the particular investigation.
- Local authorities will provide a full report on any investigation visit they carry out. This should be completed using the QCDA report template and should address the issues raised in the specification.
- Local authorities should make clear recommendations to QCDA as part of their report.

What constitutes maladministration?

Maladministration refers to any act, whether deliberate or not, that could affect the integrity, security or confidentiality of the key stage 2 national curriculum tests and science sampling tests which could lead to test results that do not accurately reflect the unaided work of pupils. Listed overleaf are some examples of maladministration.

Before test administration

- Schools opening the test papers more than one hour in advance of the test without obtaining permission for early opening from their local authority (for maintained schools) or QCDA (for independent schools and academies).
- Schools storing test papers incorrectly.
- Schools photocopying test papers without obtaining permission from QCDA.
- Teachers obtaining knowledge of the test content, and coaching pupils before the test.

During test administration

- Pupils having inappropriate equipment in a test, for example using a calculator during a non-calculator test.
- Pupils cheating.
- Schools not covering wall displays in test rooms.
- Schools administering a test on the incorrect day.
- Pupils retaking the tests.
- Unsupervised rest breaks for pupils.
- Test administrators over-aiding pupils during a test.
- Test administrators making changes to test scripts before sending them for external marking.

After test administration

- Test administrators making changes to test scripts before sending them for review.

Maladministration can lead to changes to, or annulment of, results for whole cohorts, groups of pupils or individual pupils.

QCDA specifications for investigation visits

If the QCDA maladministration team decides that a case requires an investigation visit, it will contact the local authority to discuss appropriate action. Depending on the circumstances, the visit may be conducted by a local authority team, a team comprising both local authority and QCDA staff, or a QCDA team.

The timing of an investigation visit and the nature of the allegation will influence the exact procedures followed. The requirements for a particular investigation visit will be defined in a specification provided by QCDA at the time.

The specification will include:

- what the investigation needs to determine
- who is to be interviewed during the investigation visit
- queries that need to be addressed.

A sample specification and an investigation report template are provided as part of this document.

Preparing for and conducting investigation visits

Conflict of interest

Those responsible for managing and carrying out investigations should not be involved in the normal working relationship with the school. The size of the local authority and the number of investigation visits that it may have to carry out may mean that it is not always possible to have an entirely separate team for each investigation. Local authorities must manage any conflict of interest to ensure that the investigation is completely impartial.

If a local authority uses staff who are not full-time employees for an investigation, they should ensure that they have no other connection to the school or individuals involved in the investigation.

If the local authority has any concerns regarding potential conflicts of interest, they should contact the QCDA maladministration team for advice.

Knowledge of staff

Local authorities must ensure staff have sufficient knowledge of legislation designed to protect the rights of organisations or individuals under investigation. This will guard against potential legal action for damages from schools or individuals who have not been fairly treated. Staff undertaking investigations should have appropriate training to

maximise the effectiveness of the investigation and to minimise the risk of subsequent legal challenges.

Local authorities should ensure that any staff conducting investigation visits on their behalf comply with the local authority's own Criminal Records Bureau checking policy. For more information, please refer to the Criminal Records Bureau website at www.crb.gov.uk.

Before the investigation visit

Two local authority staff should be identified to carry out the investigation visit. The staff conducting the visit should familiarise themselves with the investigation specification issued by QCDA. The specification aims to ensure the visit is effective in gathering evidence and that individuals are dealt with sensitively.

The lead investigator should contact the school to organise a date and time for the visit and inform the school who will need to be interviewed. Information regarding the investigation may be shared with the school, where appropriate. Care should be taken not to offer any information that may compromise the investigation.

Any individual interviewed as part of an investigation should be asked in advance whether they wish to be accompanied during the interview, either as union representation or for moral support. If a member of staff asks for union representation, the visit should be rescheduled if necessary to accommodate this request. The school must ensure that there is no conflict of interest for anyone attending in a support role during an interview, and that they are not also being interviewed.

For further information, schools should be directed to the *Guidance for schools on investigation visits following allegations of maladministration* and the *2011 maladministration investigation procedures* on the QCDA website at www.qcda.gov.uk/tests.

The lead investigator should ensure that the chair of governors of the school is informed of the investigation visit.

QCDA investigations and joint investigations with local authorities

When the QCDA maladministration team conducts the investigation visit, the local authority will be informed and arrangements will be agreed.

When QCDA and the local authority carry out a joint investigation visit, the roles of QCDA and local authority staff will be agreed before the visit to the school.

In both instances, a member of the QCDA maladministration team will contact the school to organise the investigation.

On arrival at the school

The investigators should meet with the headteacher, or an appropriate senior member of staff, to introduce themselves and to confirm arrangements for the investigation visit.

Conducting interviews

At the start of each interview the investigators should introduce themselves, explain the context of their visit and outline their roles in the investigation. One investigator should ask the questions and the other takes notes of the discussion.

The investigation visit specification will contain questions to be asked in the interview. It will not necessarily be appropriate to ask all interviewees every question, however, the investigators should ensure that they have a thorough understanding of each individual's role in administering the tests.

At the end of the meeting, any notes taken should be agreed and signed by the interviewee as a true and fair record of the meeting. Interviewees should be given a copy of these notes for their own records.

In exceptional circumstances it may be necessary to involve pupils in an investigation. If a pupil needs to be interviewed, the lead investigator should inform the school as early as possible so the appropriate arrangements can be made. The consent of parents or persons with parental responsibility must be obtained before the pupil can be interviewed.

Parents or persons with parental responsibility are entitled to say who they wish to be present when their child is interviewed and where the interview is to take place. It is the school's responsibility to organise these interviews.

The investigator carrying out interviews of pupils must follow local authority procedures for interviewing children.

Before leaving the school

When all the interviews have taken place, the investigators should meet with the headteacher, or appropriate senior member of staff, to discuss the next steps of the investigation.

Security of investigation evidence

Because of the sensitive and confidential nature of investigations into allegations of maladministration, it is important that any information or evidence relating to an investigation is securely stored in a locked cupboard. Access to evidence should be limited to members of staff involved in the investigation. This will help to ensure that the integrity of the investigation is not compromised.

This may include:

- evidence shared with the local authority by QCDA
- evidence from the school (for example test timetables, seating plans and written statements).

After an investigation visit

Following an investigation visit, the lead investigator must produce a report on the findings and make recommendations for any further action. The local authority must provide the report to the QCDA maladministration team within five working days of the investigation. The following sequence of events should then take place.

Step 1 The QCDA maladministration team will discuss the content of the report with the local authority. When there are no issues of confidentiality requiring amendments, the local authority should send a copy of the report to the school. In all cases, the school will be given the opportunity to provide a written response to the QCDA maladministration team.

Step 2 The investigator's report and the school's response will be considered at a case review meeting by the QCDA maladministration team, along with other evidence in order to make a decision on what action will follow. An adviser independent from QCDA will attend all case review meetings. The local authority and the school will be informed of any progress in the investigation. Schools will receive formal written notification of the final decision and a copy will be sent to the local authority and, where appropriate, the chair of governors.

Step 3 Following the review, the case will be closed if there is insufficient evidence to cast doubt over the accuracy or correctness of pupils' results. If there is sufficient doubt following the local authority or QCDA investigation, the case may be referred to the QCDA maladministration committee.

The committee examines all of the information collected as part of the investigation and reaches a decision on whether action needs to be taken to annul or change pupils' results. Local authorities and the school's chair of governors will be informed of the outcome of the investigation in writing.

Press interest

If a local authority needs to manage press interest in a maladministration case, they should liaise with the Department for Education (DfE) press office to exchange and agree statements.

Observing local authority investigation visits

To assist in the development of good practice and fulfil its own statutory duties to ensure the validity of test results, QCDA staff will occasionally ask to observe an investigation visit undertaken by a local authority. QCDA staff will not take an active part in the visit but will observe, report back and subsequently discuss the visit with the local authority.

Sharing good practice

Each year, QCDA and local authorities collaborate to review practices and procedures. This ensures good and consistent investigation methods are shared between QCDA and local authorities.

If you have examples of good practice or important lessons learnt that could help improve this guidance, please email testadmin@qcda.gov.uk so that these can be used to inform future practice and procedures.

Related information

- *2011 maladministration investigation procedures*
- *2011 key stage 2 Assessment and reporting arrangements (ARA)*
- *2011 key stage 2 Access arrangements guide (AAG)*
- *2011 key stage 2 Test administrators' guide*
- *2011 key stage 2 modified test administrators' guides*
- *2011 key stage 2 Science sampling arrangements (SSA)*
- *2011 key stage 2 Science sampling test administrators' guide*
- *2011 Guide to handling test papers and scripts*
- *2011 Keeping test materials secure factsheet*

Further information is also available on the QCDA website at www.qcda.gov.uk/tests.

Statutory instruments

- Key stage 2: Statutory Instrument 2003 No. 1038

Contact details

If you have any questions about investigation visits you can email the maladministration team at testadmin@qcda.gov.uk or contact the national curriculum assessments helpline on 0300 303 3013.

Specification for conducting investigation visits into allegations of maladministration

Case details

Local authority		Date	/	/ 2011
Case number				

School details

School	
DfE number	/
Headteacher	<i>[Local authority/QCDA to complete]</i>
Chair of governors	<i>[Local authority/QCDA to complete]</i>

People to be interviewed according to maladministration investigation procedures	Teachers or other staff involved in the administration of the 2011 key stage 2 <<QCDA to insert type of test>> <<QCDA/local authority to insert names of staff if known>>

Investigator details

Investigator 1 (lead)	<i>[Local authority/QCDA to complete]</i>
Investigator 2	<i>[Local authority/QCDA to complete]</i>

Specification for conducting investigation visits into allegations of maladministration

Specification

Please note: the following are provided as examples only. Specific questions will be inserted by QCDA prior to the local authority receiving the specification relating to a particular investigation.

To establish whether there is doubt over the validity of the 2011 key stage 2 <<QCDA to insert subject>> test results at <<QCDA to insert school name>>.

Please ask the headteacher, or other appropriate senior member of staff, to describe the school's test administration procedures. If necessary, use the following suggested questions to gain more information.

What arrangements were used by the school for the storage of pupil test packs and mark scheme packs between delivery and the date of the tests? Who had access to the pupil test packs during this time?

When were the pupil test packs opened? Who was present when the pupil test packs were opened? Who had access to the opened pupil test packs?

How were the <<QCDA to insert subject and paper as appropriate>> tests administered? How many test administrators were involved?

Can you explain how test security and confidentiality were maintained during the 2011 key stage 2 national curriculum tests in your school?

How did you ensure that the correct procedures were followed for administering the key stage 2 national curriculum tests, as laid out in the 2011 key stage 2 *Assessment and reporting arrangements (ARA)* and the 2011 key stage 2 *Science sampling arrangements (SSA)*?

QCDA request for an investigation

Signed on behalf of the Qualifications and Curriculum Development Agency

Name	
Signature	
Position	
Date	/ / 2011

Investigation report to the Qualifications and Curriculum Development Agency (QCDA)

Please provide information to QCDA in the form of a written report using this report template. A written report is needed from the lead investigator to support decisions by QCDA regarding the accuracy of the 2011 key stage 2 <<QCDA to insert subject>> results for <<QCDA to insert school name>>.

Question(s)	Response(s)

Additional information

Please include any additional questions asked during the investigation visit and record the responses below. Attach copies of any other relevant documentation relating to the investigation.

Additional question(s)	Response(s)

Recommendation by lead investigator

This section must be completed by the lead investigator in order for QCDA to consider what further action, if any, is required.

Signed on behalf of the lead investigator

Name	<i>[Lead investigator to complete]</i>
Position	<i>[Lead investigator to complete]</i>
Date	/ / 2011

Investigation checklist for local authorities

Suggested preparation before the national curriculum test period

Have you identified your local authority point of contact for managing a request from QCDA for an investigation into alleged maladministration?



Have you discussed the possibility of an investigation with your local authority press office and made arrangements for liaison with the DfE press office?



Have you reviewed local authority procedures for ensuring compliance with the statutory obligations according to the Data Protection Act 1998 and the Freedom of Information Act 2000, in relation to information recorded and reports produced following an investigation into alleged maladministration?



Have you considered holding a contingency planning session with senior colleagues, to work through how to respond to a variety of scenarios, and identify key roles and responsibilities within the local authority?



Preparing for an investigation visit into alleged maladministration

Have you identified two people to undertake the investigation visit? The investigators should be senior local authority staff or local authority consultants who are independent of the normal working relationship with the school. One should be designated as the lead investigator with the responsibility for the investigation and reporting the findings to QCDA.



Have you ensured investigators are briefed on the legislation designed to protect the rights of the individual and to guard against legal action for damages from schools or individuals who have not been fairly treated?



Have you ensured investigators are familiar with the QCDA specification provided?



Have you ensured that your local authority press office liaises with the DfE press office if there is press interest in the investigation?



Have you contacted the school to organise a date and time for the visit and informed the school who will need to be interviewed?



Have you directed schools to the *Guidance for schools on investigation visits following allegations of maladministration*? This is available on the QCDA website at www.qcda.gov.uk/tests.



Have you notified the chair of governors of the school that an allegation has been made, before the visit?



Investigation checklist for local authorities

Conducting an investigation visit into alleged maladministration

Have the investigators met with the headteacher or appropriate senior member of staff on arrival at the school to introduce themselves and to confirm the arrangements for the investigation?



Have the investigators provided the interviewee(s) with an opportunity to have someone with them during the interview?



Have the investigators introduced themselves to the interviewee and any third parties, explained the context of their visit and outlined their roles in the investigation, before asking any questions?



Have the investigators conducted the interview addressing the questions identified in the QCDA specification?



Have the investigators asked questions and made an accurate record of all responses?



Have the investigators agreed the summary of the notes taken with the interviewee(s) at the end of each interview and ensured that a copy is signed by all parties and provided to the interviewee(s) and QCDA?



Have the investigators met with the headteacher, or an appropriate senior member of staff, after the interviews have taken place to discuss the next steps of the investigation? If they require further information staff members should be directed to the *Guidance for schools on investigation visits following allegations of maladministration* and the *2011 maladministration investigation procedures* on the QCDA website at www.qcda.gov.uk/tests.



After an investigation visit

Has the lead investigator produced a report on the findings and made recommendations using the QCDA report template?



Has the local authority provided the report and recommendations to QCDA within five working days of the investigation? Where there are no issues of confidentiality, and following advice from QCDA, the report should also be shared with the school and the school given an opportunity to provide a written response to the allegation to QCDA.



Has the local authority ensured that any evidence collected from the school is kept securely to prevent any accusation that it has been tampered with?

