



Standards
& Testing
Agency

Maladministration investigation procedures: key stage 1 and key stage 2

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Introduction

This publication has been produced by the Standards and Testing Agency (STA) for local authorities (LAs), school leaders, school staff and governing bodies in all maintained schools, academies and free schools. It outlines the procedures for investigating allegations of maladministration of national curriculum assessments. They are designed to safeguard the integrity of the assessments.

STA has a statutory duty, on behalf of the Secretary of State for Education, to investigate matters which relate to the accuracy or correctness of pupils' results and/or outcomes in the national curriculum assessments. The national curriculum assessments are:

- the phonics screening check
- the key stage 1 (KS1) tests and teacher assessment
- the key stage 2 (KS2) tests and teacher assessment

STA's remit is to determine whether there is doubt over the accuracy or correctness of pupils' results and/or assessments. The legal basis for this activity is set out in:

- [The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) Order 2003 \(as amended\)](#)
- [The Education \(National Curriculum\) \(Key Stage 1 Assessment Arrangements\) \(England\) Order 2004 \(as amended\)](#)

Maladministration' refers to any act that:

- affects the integrity, security or confidentiality of the national curriculum assessments
- could lead to results and/or outcomes that don't reflect pupils' unaided work or actual abilities

Matters reported to STA about the accuracy or correctness of pupils' results in the national curriculum assessments are referred to as 'allegations of maladministration' in these procedures.

All references to 'schools' apply to different types of schools as set out in the introductions to the [2018 key stage 1 assessment and reporting arrangements¹](#) (ARA) and the [2018 key stage 2 assessment and reporting arrangements²](#).

¹ www.gov.uk/government/publications/2018-key-stage-1-assessment-and-reporting-arrangements-ara

² www.gov.uk/government/publications/2018-key-stage-2-assessment-and-reporting-arrangements-ara

Examples of maladministration

Maladministration of the phonics screening check, KS1 or KS2 tests can include:

- early opening of test papers or phonics screening check materials without permission
- pupils being over-aided by test administrators
- pupils cheating
- schools allowing pupils to resit a test or the phonics screening check
- changes being made to pupils' test scripts outside of test conditions
- schools reporting pupils' phonics screening check scores incorrectly

Maladministration of teacher assessment can include:

- inflating or deflating teacher assessment judgements of pupils' work to influence school assessment
- submitting different data to that agreed as a result of LA moderation (specific subjects only)
- submitting evidence as independent work which has been heavily supported by an adult (scaffolding evidence) that is used to justify teacher assessment standards
- over-aiding in tests, the results of which are used as evidence to justify teacher assessment standards

Sources of maladministration allegations

We receive allegations of maladministration from various sources including:

- members of the public, including parents
- school staff and governors
- secondary schools
- LA staff
- academy sponsor staff
- KS2 or phonics screening check monitoring visitors
- markers of the KS2 tests
- external organisations (for example, Ofsted)

Roles and responsibilities

STA's role is to safeguard the integrity of the assessments. We do not apportion blame for any alleged maladministration. Any subsequent disciplinary proceedings are the responsibility of the school's governing body, who may make a referral to the Teaching Regulation Agency (previously known as the National College of Teaching and Leadership) if appropriate.

We allocate a trained STA investigator to each case of alleged maladministration. This is to ensure all investigations are conducted rigorously, fairly and without bias.

The investigator is responsible for:

- overseeing the investigation
- commissioning school visits, which are usually carried out by the LA
- completing a detailed script analysis of the relevant test papers
- providing written communications to schools regarding final decisions at the conclusion of an investigation (these will also be sent to the LA and the school's governing body/academy trust where appropriate)

Local authorities

We work closely with LAs during maladministration investigations. When required, we ask them to visit schools to gather information as part of an investigation. LA staff conducting these visits must be familiar with the maladministration investigation visits guidance and details of the particular allegation of maladministration before they visit the school. They are also responsible for producing a report detailing the information and evidence gathered during the visit, and providing this to STA.

Processing allegations of maladministration

Logging and initial processing

STA logs all allegations of maladministration. Anyone reporting an allegation is asked for as much detail as possible so cases can be fully investigated.

The name of the person making an allegation is kept confidential. Information specific to individual cases will remain confidential to involved parties. This is subject to compliance with the Data Protection Act 1998 and the Freedom of Information Act 2000.

It is important to note that it is not STA's policy to keep the person making the allegation informed of the progress of an investigation, or notify them of the outcome.

After receiving an allegation, STA considers the details of the allegation and decides on one of the following 3 courses of action.

Maladministration has not occurred

We will close the case and no further action will be taken.

If a school is aware that an allegation has been made, STA will provide written confirmation that no action will be taken. This will be copied to the LA, and the school's governing body/academy trust where applicable.

If a school is unaware of the allegation, for example if the allegation arose from a marker's or parent's concern, the case will be closed with no further action. The school won't be informed.

Maladministration has occurred but there is no doubt over the accuracy or correctness of pupils' assessments

We may decide that maladministration has occurred, but it hasn't affected the accuracy or correctness of pupils' results. Where this is the case, we won't change or annul the school's assessment outcomes. We will write to the school informing them of this decision and, where applicable, suggest actions for the school to take to ensure similar maladministration doesn't occur again. We may inform the LA and governing body/academy trust where applicable and recommend follow on actions, if required.

Further investigation required

We may decide to conduct further investigation. The activities we may undertake as part of an investigation are described in section 5. The school's results will be withheld pending the outcome of the investigation.

Investigating allegations

Discussion with a school

We may be able to resolve an allegation through discussion with the school. STA will contact the school if this is appropriate. We keep records of all discussions.

School visits

LA or STA staff may visit a school as part of an investigation. We use visits to gather information about:

- the procedures in place to keep test and check materials secure
- how the tests or checks were administered
- the actions the school put in place to ensure their teacher assessment data was correct and accurate

If the school doesn't already know the nature of the allegation, they will be informed at the end of the visit. This protects the source of the allegation and ensures that interviewees provide unbiased accounts.

After the visit, the lead interviewer will write a report of their findings for STA. This report becomes STA property. We provide the school with a copy of the report, but any personal/identifying information will be redacted. The school is then be given the opportunity to provide a written response to the report.

STA review the report, any response from the school and any other evidence. We then decide what further action is necessary. We inform the school, the LA and the school's governing body / academy trust (where appropriate) of any developments during the course of the investigation.

LAs carrying out visits on STA's behalf must refer to Maladministration investigation visits guidance on conducting school visits following a maladministration allegation.

Analysis of key stage 2 test scripts

Where necessary, STA staff review the scripts from the tests administered at the school as part of an investigation.

Making decisions

It may 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 case
- the availability of information relevant to a case
- the timing of when the allegation was reported

It is important to note we will only consider information from schools that we have received by the deadline set and communicated by STA. We use case decision meetings to make final decisions on what actions are to be taken. Schools and LAs are not invited to attend these meetings.

At the meeting, the investigator presents all the information gathered during the investigation to the decision maker (a senior STA manager). This information may include:

- the school visit report and the school's response to this report (and any other information the school may wish to provide)
- information from KS1, KS2 or phonics screening check monitoring visits
- outcomes from test script analysis

The investigator also recommends actions to be taken against a school's results. This could affect results for the whole cohort, groups of pupils (partial cohorts) or individual pupils.

The investigator is not involved in making the final decision. Any decisions to amend, annul or discount pupils' results and/or assessments are made by senior managers at STA.

Once a final decision has been made, we notify the school of the outcome of the investigation.

Investigation outcomes

STA can make the following decisions for individual pupils, groups of pupils or the whole cohort when there is doubt about the accuracy and correctness of pupils' results.

Assessment	Potential decisions
Phonics screening check	Discount results: if pupils are in year 1, they will have the opportunity to take the phonics screening check again the following year; pupils in year 2 won't be able to retake the check in future years.
KS1 tests	Amend or annul KS1 test results. These will not be used to support teacher assessment.
KS2 tests	Amend or annul KS2 test results.
Teacher assessment	Undertake external moderation to reach accurate teacher assessment judgements, or annul TA judgements.

Any decision to amend, annul or discount pupils' results is final and there is no right of appeal.

The annulment of results for a component (or subject) of a KS2 test means the pupil will not receive an overall test result for the subject(s). Pupils' KS2 teacher assessment results should be reported and used instead to support pupils' transition into secondary school.

Pupils' education and their transfer from KS2 to secondary school should not be adversely affected by maladministration investigations or their outcomes. The removal of KS2 test results or teacher assessment data will not disadvantage pupils during their secondary education.

We send schools a formal notification confirming the details of the decisions made and the actions taken. We copy this to the school's governing body/academy trust and the LA.

It is the school's responsibility to report any amendments to, or annulments of, pupils' 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
- any person who has care of the child

The governing body / academy trust is responsible for carrying out any further investigation and taking any disciplinary action if appropriate.

Contact details

Maladministration team

Email: STA.MALADMINISTRATION@education.gov.uk

Standards and Testing Agency

Email: assessments@education.gov.uk

National curriculum assessments helpline 0300 303 3013



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