

## Maladministration outline procedures

The guidelines below are for teachers, headteachers and members of the public who believe that a school may not have applied the correct administrative procedures for running the national curriculum tests. They explain what to do if maladministration is suspected and what steps will be taken to act on any issues raised.

### Purpose

The aim of these arrangements is to safeguard the integrity of the national curriculum tests and the interest of pupils. The NAA's role is to ensure that the tests are administered correctly, that they are marked reliably and fairly and that results are reported accurately and on time. Pupils' test results should accurately reflect their test performance on the day. These procedures apply to investigations into allegations of maladministration from 2005 onwards only.

### General principles

#### Monitoring

- General guidance on monitoring the administration of national curriculum tests is available in the *Assessment and reporting arrangements* booklets available at [www.qca.org.uk/2634.html](http://www.qca.org.uk/2634.html) for key stage 2 and [www.qca.org.uk/2665.html](http://www.qca.org.uk/2665.html) for key stage 3 on the QCA website.
- LEAs have a statutory duty to make unannounced monitoring visits to at least 10 per cent of schools in their authority before, during and after the test period. NAA is responsible for making monitoring visits to independent schools.
- All staff engaged in monitoring activities will be fully trained in the required procedures and adhere to the NAA code of conduct
- Procedures will be subject to annual review.
- NAA will provide an annual report to QCA on the monitoring of national curriculum tests.

#### Maladministration

- NAA procedures for investigating maladministration are available to download from this web page.
- All investigations will be fair, clear and rigorous.
- All formal allegations of maladministration will be investigated.
- Information specific to individual cases will remain confidential to involved parties.
- All staff engaged in maladministration investigations will be fully trained in the required procedures and adhere to the NAA code of conduct.
- Schools will have the right of appeal against NAA decisions to change or annul results.
- Details of the appeals process will be available from July 2005.
- Procedures will be subject to annual review.
- NAA will provide an annual report to QCA on its maladministration investigations of national curriculum tests.

#### Safeguarding the interests of schools

- Schools will be given copies of monitoring visit forms and investigation reports (excluding elements that indicate the source of the allegation) and invited to comment.
- Where evidence is found to support allegations of maladministration, schools will be informed.
- A school will have the opportunity to answer any allegations of maladministration brought against it.
- Subsequent to any NAA decision to change or annul results, the school will have the right of appeal.

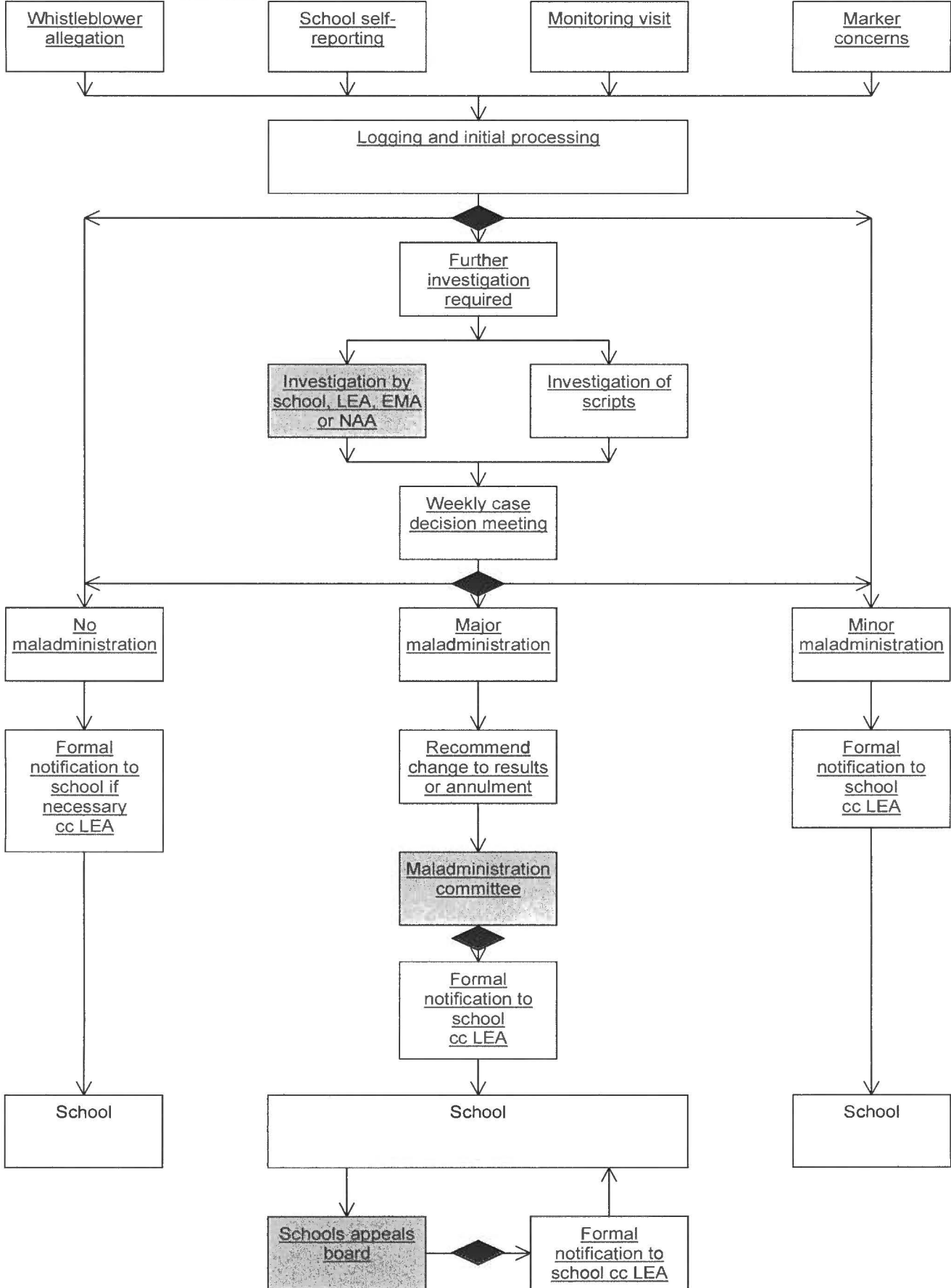
#### Safeguarding the interests of whistleblowers and those accused of maladministration

- NAA will endeavour to protect the identity of whistleblowers.
- NAA does not have a remit to investigate who is responsible for any maladministration and will also endeavour to protect the identity of those accused

# Maladministration procedures

Shaded boxes indicate where schools have representation

◆ This symbol indicates a decision point in the process



# Maladministration procedures [from 2005 onwards only]

## 1 Whistleblower allegation

Any person who has concerns about the way in which the key stage 2 and key stage 3 national curriculum tests were administered in a school should contact the National Assessment Agency (NAA) on 08700 606040. Details on how tests should be administered are found in the *Assessment and reporting arrangements* booklets available at [www.qca.org.uk/2634.html](http://www.qca.org.uk/2634.html) for key stage 2 and [www.qca.org.uk/2665.html](http://www.qca.org.uk/2665.html) for key stage 3 on the QCA website. All telephone calls will be treated in line with Qualification and Curriculum Authority's (QCA) complaints procedure which is available at [www.qca.org.uk/7433.html](http://www.qca.org.uk/7433.html) on the QCA website. This policy states that NAA will make every effort to ensure the name of the person making the allegation remains confidential.

NAA will ask for the following details when informed of an allegation of maladministration:

- The name of the person making the allegation – NAA will not investigate allegations made anonymously;
- Contact details for the caller – address and/or phone number;
- The name of the school where the alleged maladministration took place;
- The key stage, subjects and tests affected by the alleged maladministration;
- The nature of the alleged maladministration.

These details will be logged on the NAA maladministration database and progressed to the next stage of the process (Logging and initial processing). NAA does not keep whistleblowers informed on the progress or outcome of an investigation.

## 2 School self-reporting

If a school believes that a key stage 2 or key stage 3 test has not been administered correctly or there has been a possible security breach of the test materials, they must contact NAA immediately on 08700 606040 or [tests@naa.org.uk](mailto:tests@naa.org.uk) via email. NAA will log the incident and inform the school of the appropriate action to take. If the incident could mean that the pupils' results will not reflect their own unaided work such that they may have been advantaged over other pupils, it is likely that an investigation will be carried out to determine whether action needs to be taken (Logging and initial processing).

If a school feels that a pupil has cheated in the tests, they should contact NAA's external marking agency on 0870 241 3540. The school will be asked to send the pupil's script for external marking as normal. Once the script has been marked it will be returned to the school. The school will then be asked to verify whether the pupil has been advantaged by their own actions, and hence whether the result needs to be changed or annulled. In normal circumstances, in cases where a pupil has cheated, changes to pupil's results or annulments will only be made with the school's agreement.

## 3 Monitoring visit

Local Education Authorities (LEA) are required to carry out monitoring visits to at least 10% of schools in their authority. 10% of participating independent schools are also monitored by NAA's agency. In addition, NAA carries out a number of monitoring visits throughout the country. Most visits will not find any cause for concern, however, if an LEA monitor finds that administration procedures have not been followed correctly, they will notify NAA. A monitoring visit form is completed for every visit and schools should be given a copy regardless of whether any concerns were raised. NAA will then decide whether further investigation is required (Logging and initial processing). Guidance given to those who carry out monitoring visits is available from NAA on request.

## 4 Marker concerns

Markers are asked to look for evidence of maladministration or pupil's cheating when marking scripts. If a marker has concerns with any scripts, they will inform NAA's external marking agency, who will take appropriate action either with the school in cases where pupils are suspected of cheating or by forwarding the relevant information to NAA. NAA will then decide whether further investigation is required (Logging and initial processing).

## **5 Logging and initial processing**

When an allegation of maladministration is made to NAA, the details are logged on a database. NAA's officers will then decide what action needs to be taken. There are three options at this point. NAA may decide that there has been no maladministration (No maladministration) and close the case; that there has been minor maladministration but that no action to amend or annul the results is required (Minor maladministration); or that further investigation is required to determine whether maladministration has taken place (Further investigation required).

## **6 No maladministration**

If NAA feels that they do not need to carry out an investigation and that no maladministration has taken place, they will close the case taking no action. If a school is aware that an allegation had been made or had self-reported, NAA will send a letter confirming that no action is to be taken (Formal notification to school (if necessary) cc LEA). If schools were not aware of the allegation (eg the allegation arose from a marker and was felt to be unfounded) the school will not be informed.

## **7 Minor Maladministration**

If NAA has evidence that maladministration has occurred, but that pupils' results have not been advantaged as a result, they will write to the school informing them (Formal notification to school (if necessary) cc LEA). This letter will include instructions to schools to ensure that such maladministration does not occur in the future, and may ask the schools to confirm the actions they will take in writing to NAA.

## **8 Further investigation required**

If there is not sufficient information on which to decide whether maladministration has occurred, NAA will ask for further investigation. This investigation may be carried out by the school, LEA, EMA or NAA (Investigation by school, LEA, EMA, or NAA) and may involve an investigation of the scripts (Investigation of scripts).

## **9 Investigation by school, LEA, EMA or NAA**

Many allegations that require further investigation can be closed through discussion with the school. In such cases, NAA will contact the school, discuss the allegation and resolve the case. All discussions will be noted for audit purposes. Such cases may not be discussed at the Weekly case decision meeting but schools will receive formal notification (Formal notification to school (if necessary) cc LEA).

If NAA decides that a more extensive investigation is required, a specification will be written. The specification will detail:

- who is to lead the investigation;
- who is to be interviewed as part of the investigation;
- the purpose of the investigation; and
- what the investigation is trying to determine.

The investigation will be carried out by appropriately trained staff. NAA is not required to investigate who is responsible for any maladministration, only to confirm whether the results represent the independent unaided work of the pupils. LEAs may, however, wish to determine responsibility as employer.

In cases where pupils are suspected of or have been caught cheating, investigations will be carried out by the school in conjunction with NAA's external marking agency. In all other cases, the investigation will be carried out by either the LEA, NAA or both the LEA and NAA in conjunction. In these cases, the general nature of the allegations will normally be made known to a school at the outset. However, this will not include any details that could prejudice the examination of the key evidence that is needed to prove or refute the allegations or that indicate the source of the allegation. Guidance for those carrying out investigations is available at [www.qca.org.uk/](http://www.qca.org.uk/) on the QCA website.

Following an investigation, the lead investigator will produce a report on their findings and make recommendations. In addition, the school will be given an opportunity to provide a written account relating to the allegation. The evidence from the investigation is considered with other evidence in order to make recommendations for action (Weekly case decision meetings).

## 10 Investigation of scripts

In cases where it is possible that evidence of maladministration may be gained from the scripts themselves, NAA will ask the marker to send the scripts in for further investigation once they have finished marking. Scripts are requested from markers for a variety of purposes, not just investigations of maladministration, and markers will not be informed why the scripts are being requested. A team, including subject experts, will examine the scripts to determine whether there is any evidence of maladministration. This could include: common answers across a number of pupils' scripts; excessive changes to answers across a number of scripts; changes to answers in different pens; and common incorrect answers. The evidence from script investigations is considered with other evidence in order to make recommendations for action (Weekly case decision meetings). If necessary, scripts may be sent for forensic examination.

## 11 Weekly case decision meeting

The weekly case decision meeting (WCDM) is the forum for reviewing cases and recommending any further action. The meeting involves the following people:

- The Head of Stakeholder Management and Communications;
- The Head of Strategy and Policy;
- Stakeholder Manager, National Curriculum Tests;
- Team Manager, Stakeholder Management and Communication;
- Independent advisor to the maladministration project; and
- Note taker

The independent advisor is drawn from the nominations of the teacher associations and works on the project for a maximum of two years. They provide the project with an independent voice at an early stage of the process to ensure consistency and fairness.

All evidence collected on the case is presented at the meeting. This could include reports from the school, LEA, EMA or NAA and outcomes from script investigations. All schools against which an allegation is made will be given the opportunity to provide a written statement to this meeting before a recommendation is made. All WCDMs will be minuted.

The WCDM can make one of three decisions. It may decide that there has been no maladministration (No maladministration) and close the case; that there has been minor maladministration but that no action to amend or annul the results is required (Minor maladministration); or that there is sufficient evidence that major maladministration has occurred and therefore the results of the pupils do not represent their own unaided work (Major maladministration).

## 12 Major maladministration

In cases where the WCDM finds evidence that there has been major maladministration, this evidence must show that either the pupil(s) have been advantaged by the maladministration such that the results do not represent their own unaided work or that there was an intention to confer such advantage. In such cases, the WCDM will recommend changes to the results or annulments (Recommend change to results or annulment)

## 13 Recommend change to results or annulment

In cases where the advantage gained by a pupil can be quantified or is limited to a small number of questions, the WCDM will recommend that the marks gained in those elements are removed so that the result is a more accurate reflection of the pupils own unaided work (eg pupil used a calculator on the non-calculator paper for 2 questions or pupil was given help reading a word on the reading test). In cases where the advantage cannot be quantified or the number of questions affected is significant, the WCDM will recommend that the result is annulled. This recommendation is made to the Maladministration committee (Maladministration committee) who will make the final decision.

## 14 Maladministration committee

The Maladministration committee is the body that makes decisions on changes to results and annulments. It meets once towards the end of the process (July) to hear all cases where a recommendation has been made to change or annul the results. The committee is made up of the following members:

- The Managing Director of the NAA;
- The Director of Quality Assurance in the NAA;
- A representative from the QCA board;
- One independent representative nominated by the teacher associations and unions; and
- Two other independent representatives.

The committee will hear the evidence from a representative of the Weekly case decision meeting (WCDM). The school will be given an opportunity to make representations to the committee in person should they wish. Once they have considered all the evidence, the committee will make a decision as to whether they agree with the recommendations of the WCDM or not. The decision to change or annul results must be at least a majority decision. The decision of the committee will be communicated to all parties at the meeting and formal notification will then be sent to the school (Formal notification to school (if necessary) cc LEA).

#### **15 Formal notification to school (if necessary) cc LEA**

In cases where a school has been made aware of an allegation against them, formal notification of the decision made by either the Maladministration team, the Weekly case decision meeting, the Maladministration committee or the Schools appeals board will be sent to schools. The letter will be addressed to the Headteacher, with copies sent to the Governing Body of the school and the Local Education Authority (for maintained schools only). If schools were not aware of the allegation (eg the allegation arose from a marker and was felt to be unfounded) the school will not be informed.

If, when a school receives notification of a change to result or annulment following the decision of the Maladministration committee, they wish to appeal the decision, they should follow the appeals process (Appeals Process).

#### **16 Appeals process**

The appeals process for 2005 will be available from July 2005. The outcome of the appeals process will be final and schools will be formally notified of the decision (Formal notification to school (if necessary) cc LEA).