

# **National curriculum tests**

*Maladministration report 2006*

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March 2007

QCA/07/3096

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## Introduction

The Qualifications and Curriculum Authority (QCA) has a statutory duty to investigate any matter brought to its attention that relates to the accuracy and correctness of any results of any pupil in respect of the end of key stage 2 and key stage 3 national curriculum tests. This remit is carried out by National Assessment Agency (NAA), part of QCA, with the aim of safeguarding the integrity of the end of key stage 2 and key stage 3 national curriculum tests and the interests of pupils.

The role of NAA is to ensure that the:

- tests are administered according to the guidance in the *Assessment and reporting arrangements (ARA)* booklet for the relevant key stage
- quality assurance procedures are in place to monitor the administration of the tests
- tests are accurately marked
- results are reported accurately and on time.

The NAA NCT maladministration team conducts investigations into allegations of maladministration. Where the NAA NCT maladministration team recommends a change to the result for a pupil (or pupils) or annulment of the results for a pupil (or pupils), this recommendation is put before the NAA NCT maladministration committee. The NAA NCT maladministration committee hears evidence from the NAA NCT maladministration team and the school involved in the investigation before making a final decision.

NAA works closely with local authorities (LAs) before, during and after the test period to address allegations of maladministration received. NAA ensures that LAs receive guidance and training annually on maladministration via the regional test administration conferences and identifies and shares good practice between LAs in monitoring the administration of the tests.

LAs are responsible for:

- providing training to school staff on administering the tests
- monitoring the administration of the tests in 10 per cent of relevant schools, either before, during or after the test weeks – the focus of these visits is on the secure handling of test papers as well as adherence to the published arrangements detailed in the ARAs
- reporting any irregularities in the administration of the tests to NAA
- investigating on behalf of NAA, where appropriate, any allegations of maladministration in the key stage 2 and key stage 3 tests

- investigating all allegations of maladministration in key stage 1 assessments, seeking advice from NAA on how to investigate the allegation appropriately for key stage 1.

## Overview

Schools have systems in place for reporting genuine errors and irregularities, all of which are logged by NAA NCT maladministration team. Allegations and reports of maladministration, whether intentional or not, are logged. Reports from schools of pupils attempting to gain advantage by their actions are also included in the data.

The total number of logged cases of maladministration each year therefore covers a wide range of reported incidents. This document highlights the range of allegations and reports of maladministration reported to the NAA NCT maladministration team during the 2006 test series and the outcomes. The report covers a comparison of the pattern of maladministration reported 2004–6, together with the outcomes of committee decisions and suggested recommendations for improving the procedures for 2007 test series.

## Executive summary

The year 2006 national curriculum tests cycle was delivered in partnership between NAA and its stakeholders. A number of recommendations highlighted in the 2005 maladministration report were included in the 2006 maladministration policy.

A significant impact of these changes is an increasingly transparent process, in particular leading to proportionate targeting of annulments and changes to results by the maladministration committee. This year, the NAA has placed an increased emphasis on identifying individual cases of maladministration within a cohort, where the nature of maladministration enables this to be done accurately. This has led to a decrease in the number of whole cohort annulments of results in one or more subjects, therefore resulting in an increase to the number of individual pupil results being changed or annulled.

Overall, the trend for 2006 has seen a slight reduction in the amount of recorded cases of maladministration.

## Maladministration categories

Categories of maladministration are listed below. The figures detail the total of logged incidents, irregularities, allegations and pupil action of maladministration between 2004 and 2006. The drop in pupil action is likely to be a result of the decision to no longer log incidents of disruptive pupils or the use of mobile phones as maladministration if the pupil has gained no advantage. Schools were directed to implement rigorous test procedures for dealing with pupils found with mobile phones. Schools were required to report to NAA any incident, which could affect the integrity of the test. The rise in irregularities could be due to the increased use of test administrators rather than teachers. NAA recommends all those involved in test administration are appropriately briefed and trained.

|                                   | 2004 | 2005 | 2006 |
|-----------------------------------|------|------|------|
| <b>Before test administration</b> | 220  | 244  | 213  |
| <b>Pupil action</b>               | 72   | 133  | 75   |
| <b>Irregularities</b>             | 193  | 122  | 176  |
| <b>Allegations</b>                | 108  | 101  | 115  |
| <b>Total</b>                      | 593  | 600  | 579  |

### Incidents reported in the period before test administration

These incidents rarely relate to schools or pupils trying to gain any advantage by their actions and include:

- schools receiving damaged test packs
- schools photocopying test papers when short of papers
- schools storing test papers inappropriately before the test period.

### Pupil action

These incidents can lead to annulment or changes to individual pupil results and include:

- pupils having inappropriate equipment in the test, such as a calculator during a non-calculator test
- actions taken by pupils with the intention of gaining advantage.

### Irregularities in test administration

These incidents rarely relate to schools or pupils trying to gain any advantage by their actions and include:

- schools not covering wall displays in test rooms

- schools opening test packs in error
- schools administering a test at the wrong time or on the wrong day.

## **Allegations that relate to schools trying to gain advantage for their pupils**

These incidents can lead to annulment or changes to results for whole cohorts, groups of pupils or individual pupils. Changes to results can be made where any advantage gained can be related to specific questions or marks and includes:

- allegations made that teachers coached pupils for the test having previous knowledge of the test
- teachers over-aiding pupils during the test
- teachers making changes to the pupils' scripts after the tests.

## **Procedures for investigating maladministration**

QCA has a remit to investigate all reported allegations of maladministration in the statutory end of key stage 2 and 3 national curriculum tests. The NAA NCT maladministration team conducts investigations into reported allegations of maladministration as part of its statutory duty and in accordance with the published maladministration procedures. The statutory instruments for key stage 2 and key stage 3 state that:

Where...the authority determines that the accuracy or correctness of a pupil's results in respect of the national curriculum tests administered under article 5 is in doubt, the record of results to be provided by that agency to the head teacher shall be the record of results determined by the authority.<sup>1</sup>

This relates to incidents reported before results and test scripts have been returned to the school and requires the NAA NCT maladministration committee to make a decision based on a level of doubt over the accuracy or correctness of a pupil's results.

The statutory instruments for key stage 2 and key stage 3 state that:

Where...and before the external marking agency have provided the record of the results to the head teacher under article 8(5), the authority determines that the accuracy or correctness of a pupil's results in respect of the national curriculum tests administered under article 5 is in doubt, the record of results to

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<sup>1</sup> Annexe 2 of *The education (national curriculum) (key stage 2 assessment arrangements) (England) order 2003* and *The education (national curriculum) (key stage 3 assessment arrangements) (England) order 2003*.



be provided by that agency to the head teacher shall be the record of results determined by the authority.<sup>2</sup>

This relates to incidents reported after results and test scripts have been returned to the school and requires the maladministration committee to make a decision based on the fact that a pupil's result is inaccurate or otherwise incorrect.

Where appropriate, the NAA NCT maladministration team is supported in conducting the investigation by the relevant LA. The sole interest of NAA in investigating cases of alleged maladministration is to determine whether there is doubt over the correctness or accuracy of pupil results. NAA does not have a remit to investigate who is responsible for any maladministration and hence does not apportion blame or take part in any subsequent disciplinary procedures relating to any alleged cases of maladministration. NAA will endeavor to ensure that the name of the person making the allegation remains confidential.

Independent schools and some academies are monitored by the monitoring visits agency, on behalf of NAA, and any allegation of maladministration resulting from a monitoring visit will be provided to NAA in order for them to conduct an investigation.

### **Changes introduced for 2006**

As a result of lessons learned during the management of the 2005 maladministration project, a number of changes were introduced for 2006.

- Pupil disruptions and pupil use of mobile phones dealt with by schools are not logged as maladministration (subject to test integrity being maintained).
- Schools are informed at the earliest point possible of NAA NCT maladministration team intention to refer case to maladministration committee.
- Procedures are now in place to retrieve scripts for all subjects if doubts are raised over any subject.
- Live online web portal has been developed to facilitate communications between NAA test operations agency and the NAA NCT maladministration team, for raising marker concerns, requesting scripts and communication of pupil cheating results.
- Training for NAA national curriculum tests helpline staff and NAA test operations agency staff was improved for 2006 in order to support the more efficient handling, logging and, if necessary, escalation of allegations to the NAA NCT maladministration team.

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<sup>2</sup> As above.

- NAA maladministration report 2005 was made transparent by being published for the first time on the NAA website.
- Weekly case review meetings split into two distinct areas: case review and case decision.
- Maladministration cases are assigned to individual case owners within the core NAA NCT maladministration team.

The 2005 NAA NCT maladministration team made a series of recommendations that were implemented for the 2006 project.

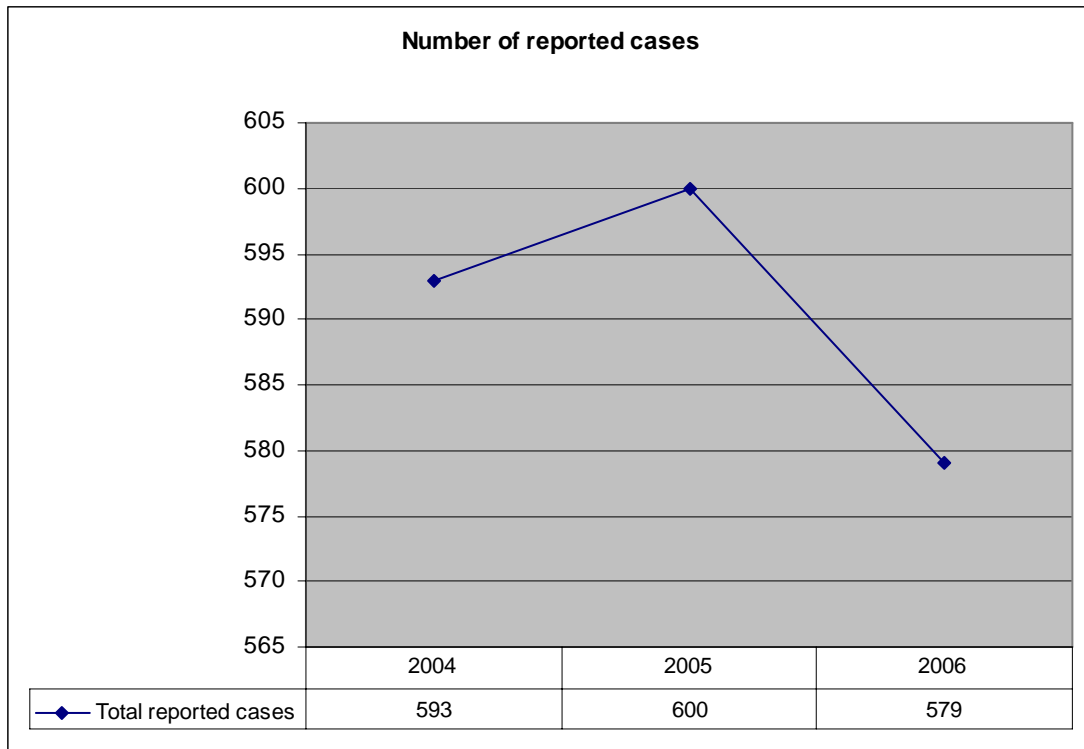
- Maladministration policy and procedures documents were revised following discussions with the NAA Policy & Strategy team and advice from the QCA legal team.
- There is a revised process for NAA receiving scripts from the NAA test operations agency.
- The NAA test operations agency procedures for handling allegations of pupils cheating have been revised by introducing a 'Pupil cheating form' as an addition to the 'Test forms' section of the NAA website.
- A system has been implemented at the NAA test operations agency to indicate annulments and/or changes to results and trigger a maladministration flag.
- Text in the 2007 *Assessment and reporting arrangements* booklets, *Test administrators' guides* and NAA website have been revised and clarified, where appropriate.

### **Categories reported in 2006**

Tables 1–6 show the changes, year on year, in the patterns of allegations of maladministration received and categorised by NAA using a customised database. The annulments and changes to results section presents the key findings and observations by the NCT maladministration team based on the consideration of the 2006 statistics.

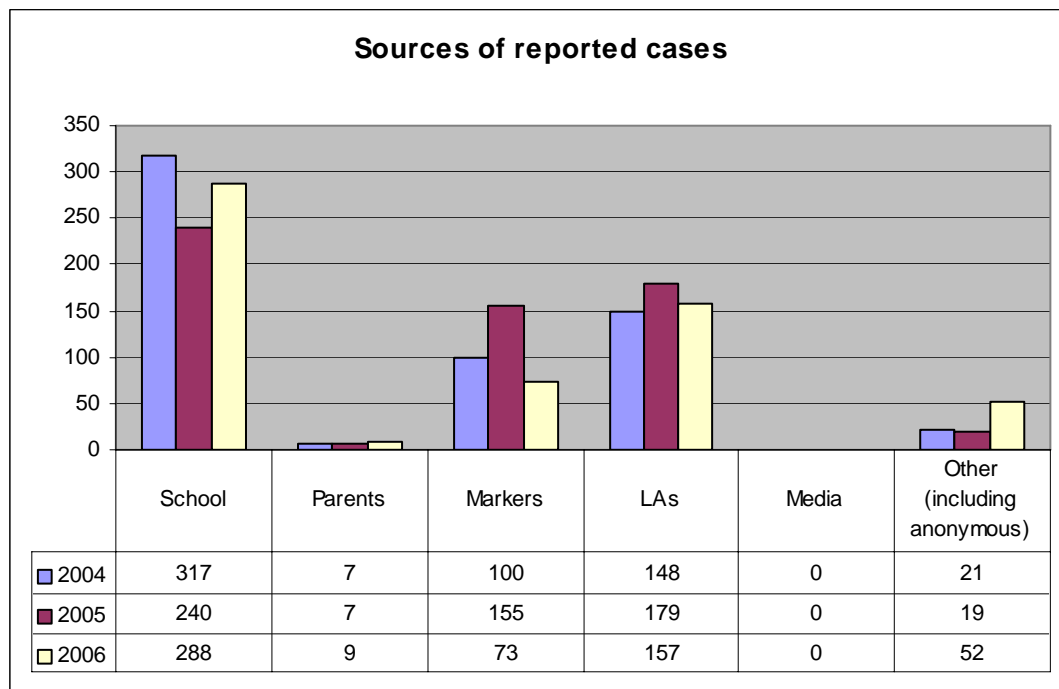
**Table 1: Number of reported cases**

Table 1 indicates the number of reported events decreased slightly in 2006.



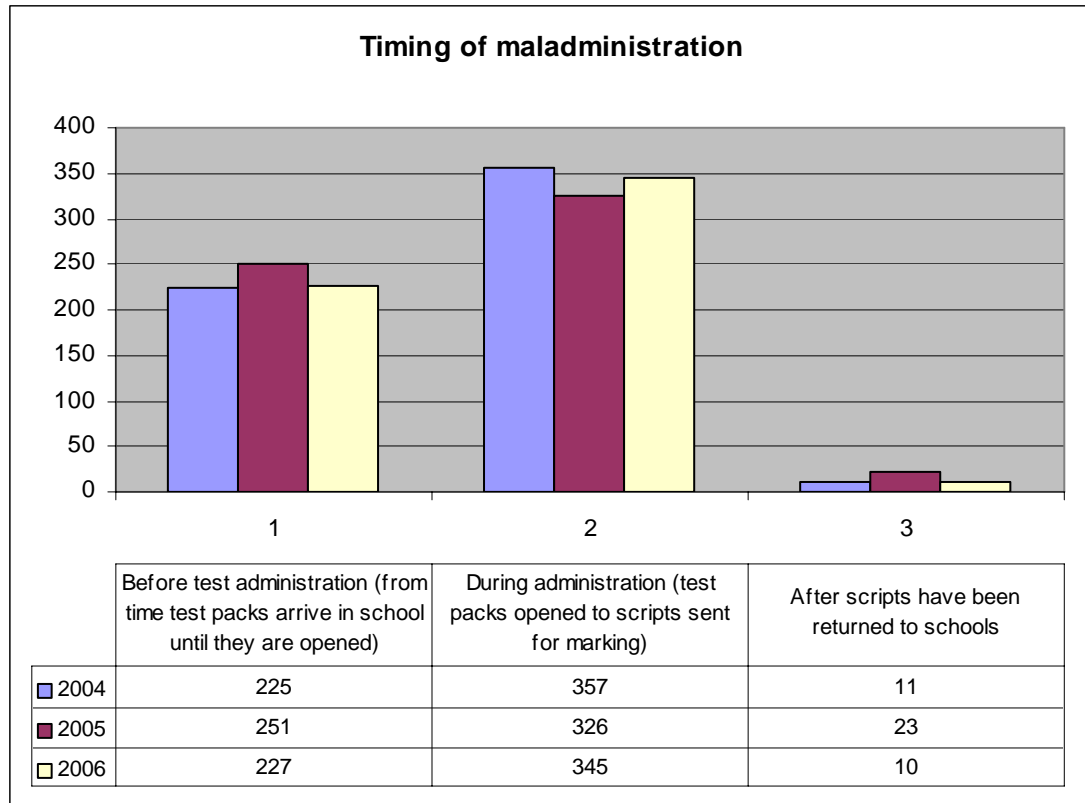
**Table 2: Sources of reported cases**

Table 2 shows a decreased percentage of markers and LA reported cases of alleged maladministration in 2006 in comparison to 2005. Allegations from Other (including anonymous) have increased in comparison to 2005. This increase relates to legal advice received from QCA requiring NAA NCT maladministration team to investigate all anonymous allegations received. A reduction in marker reporting has been attributed to a lack of guidance during marker training in pinpointing maladministration at the review stage.



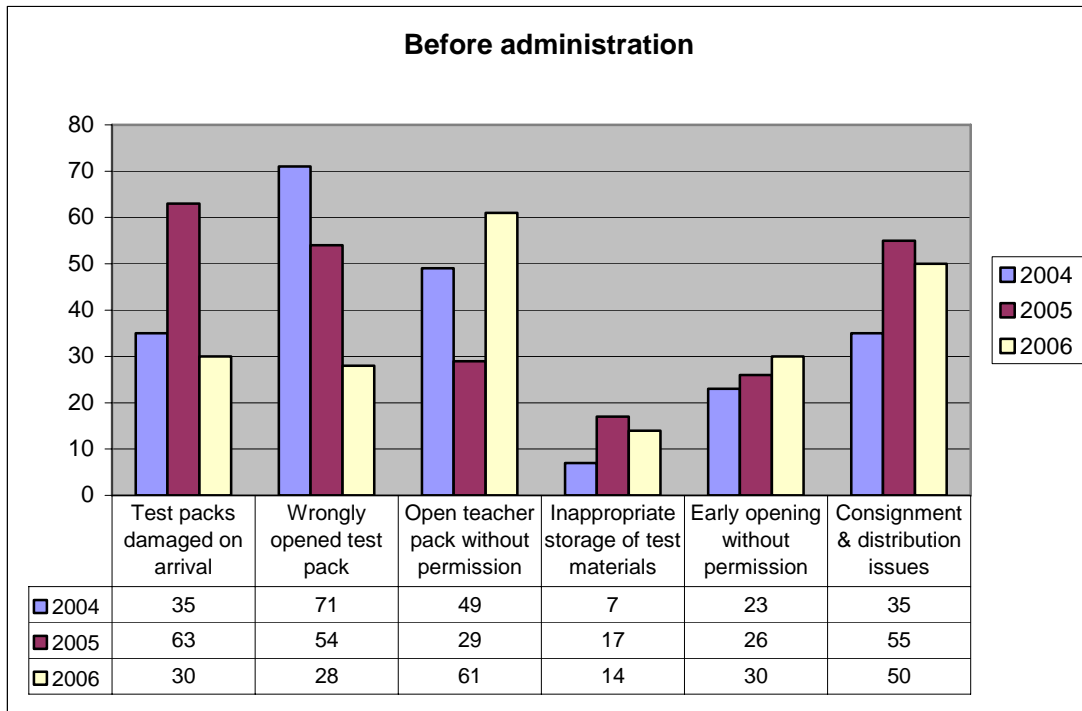
### Table 3: Timing of maladministration

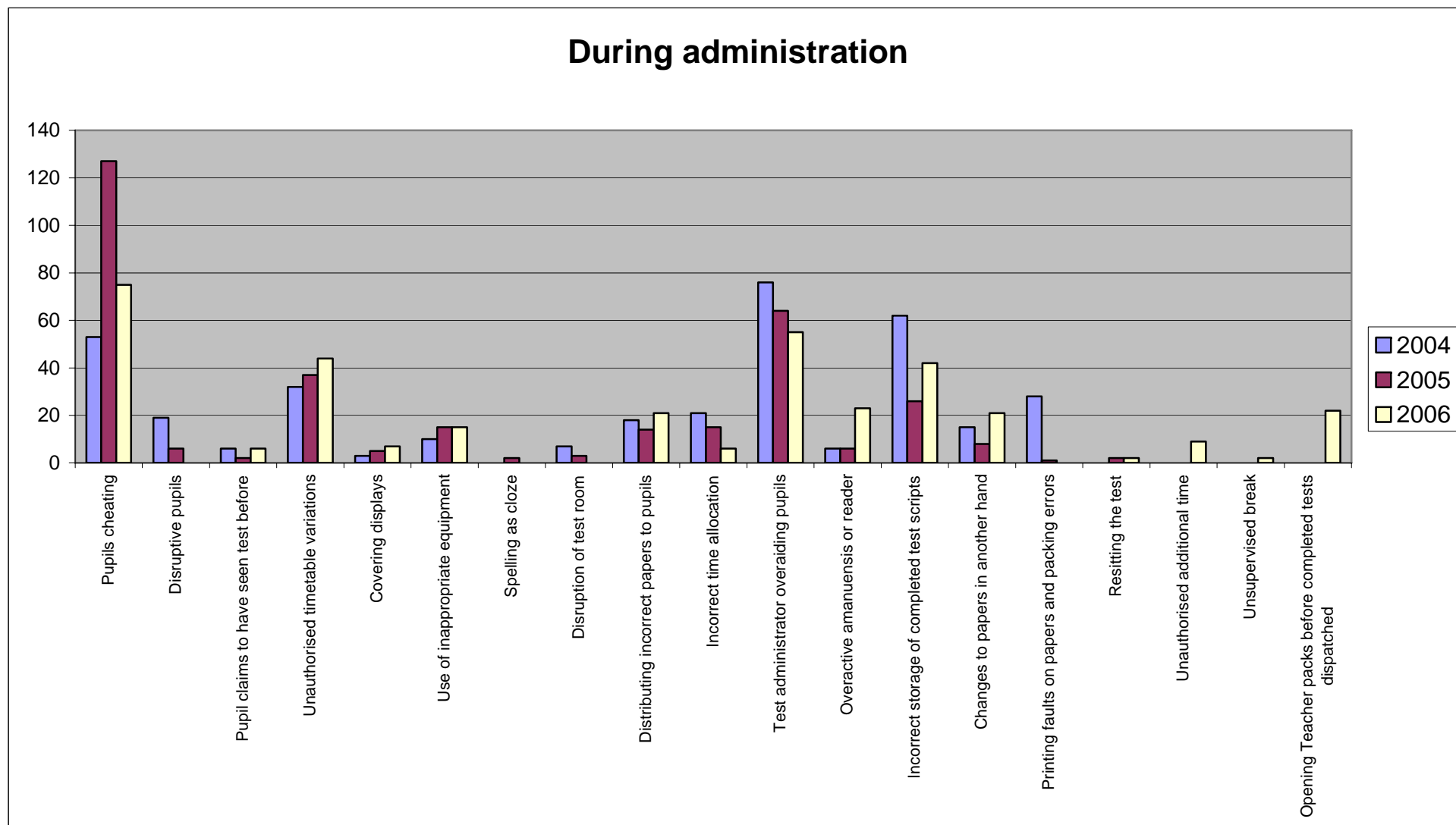
Table 3 indicates an increase in the percentage of allegations received during the test period, a slight decrease in the percentage of cases reported before the test period and a decline in the reporting of cases to NAA after the test period mainly due to a reduction in marker reporting at review stages.

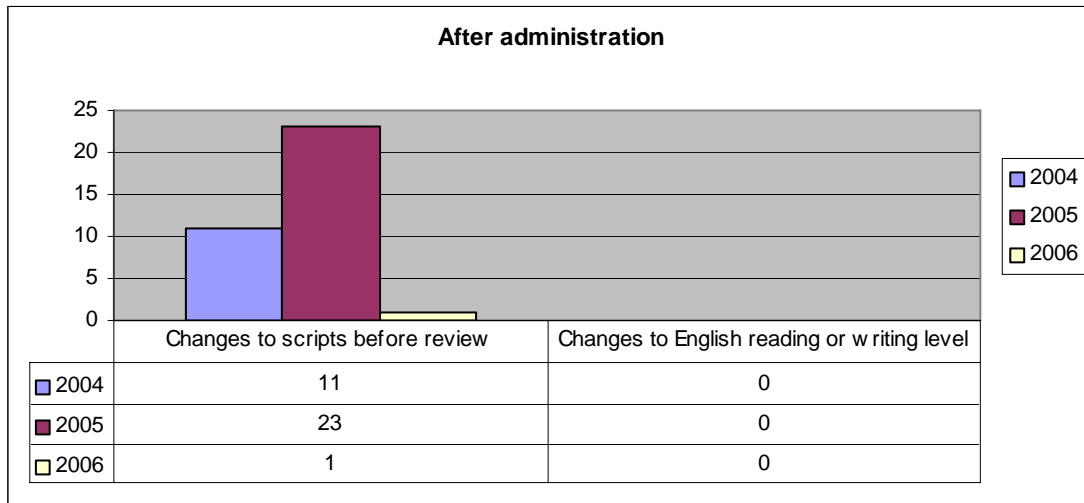


**Table 4: Types of maladministration**

Table 4 shows the fluctuations in the types of allegations received by NAA before, during and after the tests from 2004 to 2006. NAA NCT maladministration team is particularly concerned at the increase in the opening of teacher packs without permission.







**Table 5: Cases by key stage**

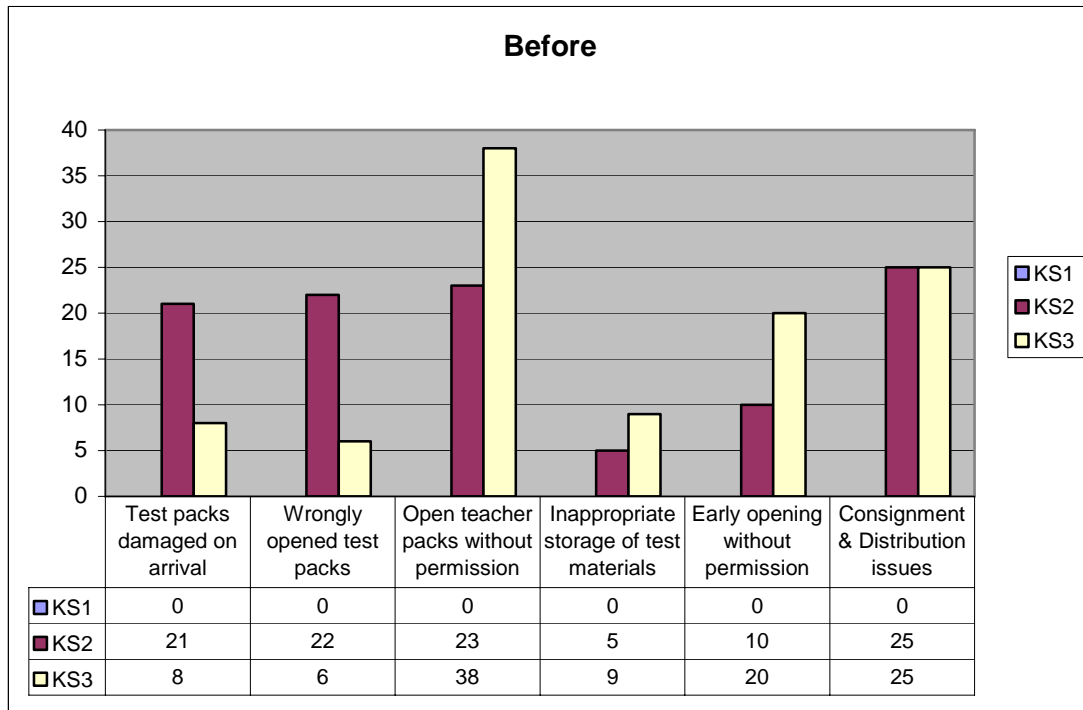
Table 5 shows the breakdown in cases by key stage from 2004 to 2006. Figures for 2006 indicate a slight decrease in the number of cases reported for key stage 2 and 3 and a slight increased percentage of cases reported for key stage 1 in comparison to 2005. The slight percentage changes over 2004–6 shows that the overall picture remains stable.

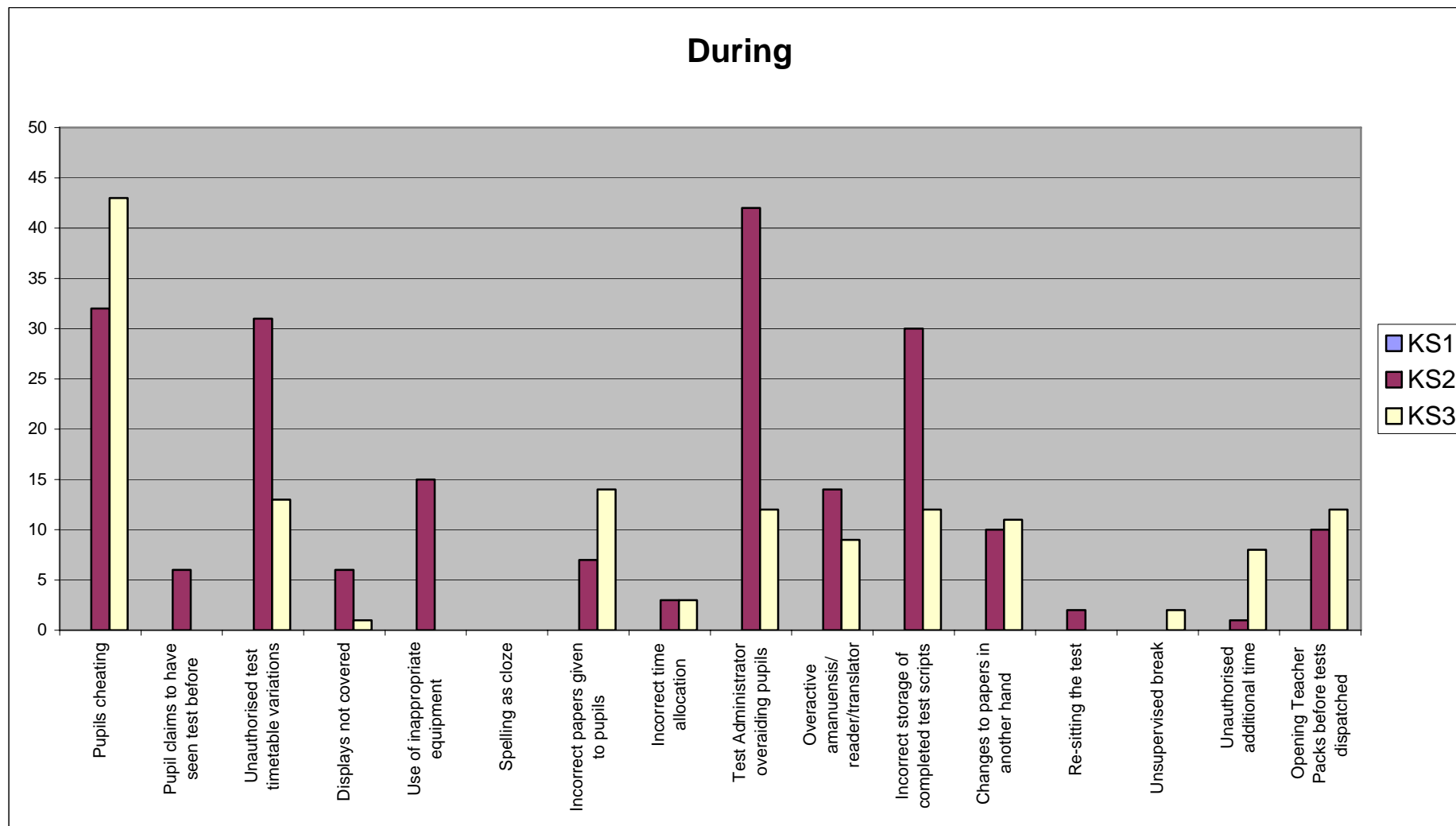
|             | Key stage 1 | Key stage 2 | Key stage 3 |
|-------------|-------------|-------------|-------------|
| <b>2004</b> | 28 (5%)     | 325 (55%)   | 240 (40%)   |
| <b>2005</b> | 5 (1%)      | 339 (56%)   | 256 (43%)   |
| <b>2006</b> | 7 (1%)      | 321 (56%)   | 251 (43%)   |

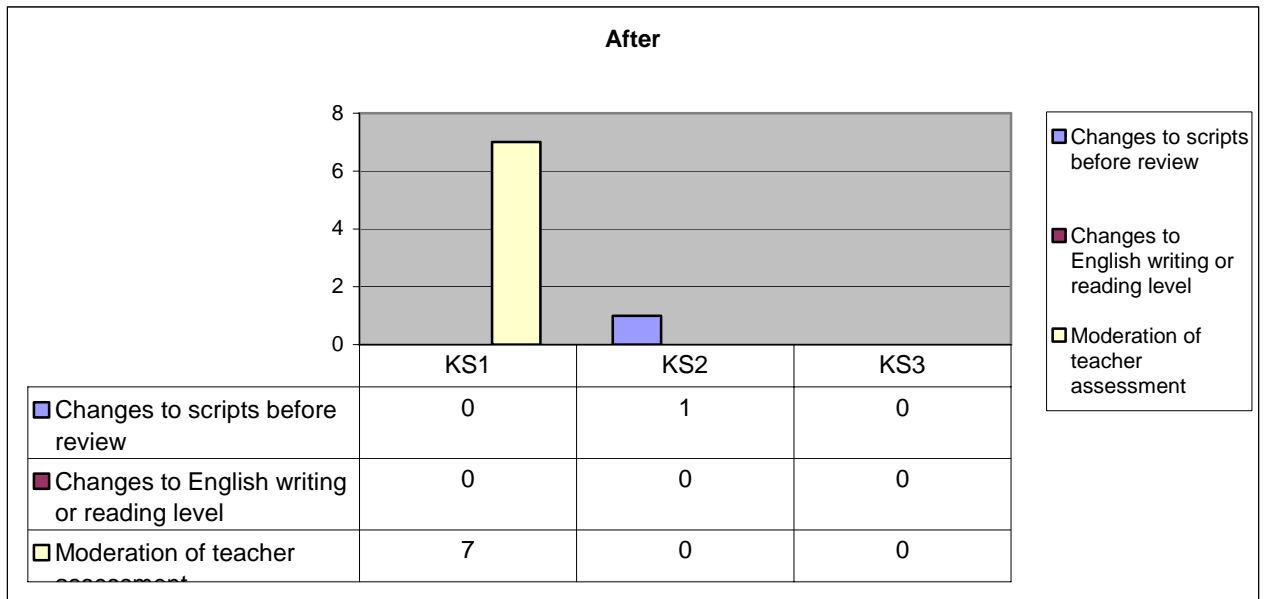


**Table 6: Types of maladministration by key stage**

Table 6 shows the fluctuation in the allegation types across key stages 1, 2 and 3 in 2006.







## Annulments and changes to results

The NAA NCT maladministration committee was introduced in 2005 as part of the management process of the NAA NCT maladministration project. Where the NAA NCT maladministration team, after conducting an investigation, recommended a change to the result for a pupil (or pupils) or an annulment of the results for a pupil (or pupils), this recommendation was referred to the NAA NCT maladministration committee.

The NAA NCT maladministration committee hears the evidence from the NAA NCT maladministration team and the school involved in the investigation before making a final decision. It is not a formal hearing, a trial or a tribunal, but a process to ensure fairness and parity for schools and to enable confidence in the validity of national curriculum test results. The decision of the committee is based on the confidence that NAA has in the validity of the results it reports to the DfES for the school.

Experience from 2005 enabled the maladministration committee to develop its approach by using forensic evidence to make changes to results rather than annulling results both for individual pupils and whole cohorts. This more targeted approach has produced a significantly different picture in relation to whole cohort annulments and individual pupil annulments and changes to results.

The following Tables 7–18 detail the annulments and changes to results in 2006 and comparisons with statistics from previous maladministration project reports.

**Table 7: Total number of investigations leading to annulment of results, for the whole school cohort, in one or more subjects at key stages 2 and 3 from 2004–6**

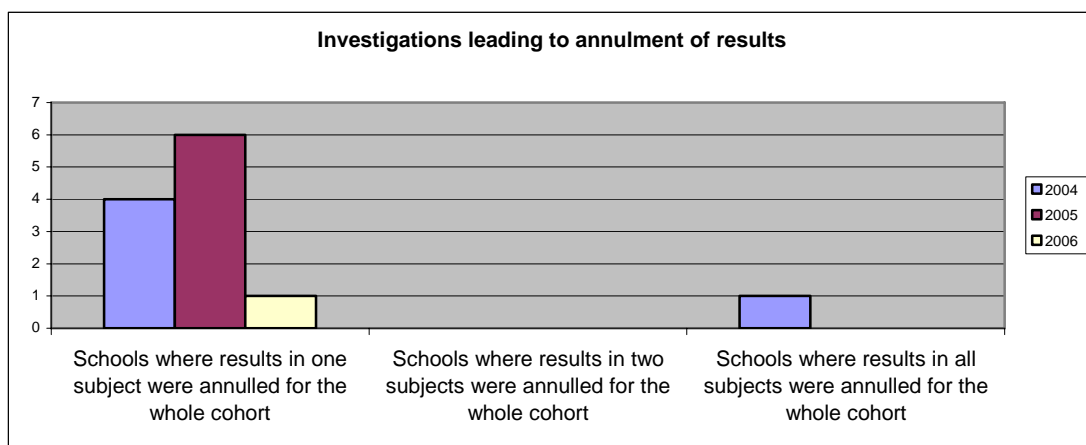


Table 7 indicates the results for the whole cohort were annulled in just one school across key stages 2 and 3 in 2006 in comparison to 2005, where results for the whole cohort were annulled in a total of six schools. This reduction is based on a more targeted approach from the maladministration committee focusing on a change to result if forensic evidence allowed.

**Table 8: Whole school cohort annulments by subject and key stage in 2006**

Tables 8 and 9 show comparison across 2005 and 2006 of schools where results in one, two or all subjects were annulled for the whole cohort.

|  | Key stage 2 |    |    | Key stage 3 |    |    |
|--|-------------|----|----|-------------|----|----|
|  | En          | Ma | Sc | En          | Ma | Sc |
| Schools where results in one subject were annulled for the whole cohort  | 1           | 0  | 0  | 0           | 0  | 0  |
| Schools where results in two subjects were annulled for the whole cohort | 0           |    |    | 0           |    |    |
| Schools where results in all subjects were annulled for the whole cohort | 0           |    |    | 0           |    |    |

**Table 9: Whole school cohort annulments by subject and key stage in 2005**

|  | Key stage 2 |    |    | Key stage 3 |    |    |
|--|-------------|----|----|-------------|----|----|
|  | En          | Ma | Sc | En          | Ma | Sc |
| Schools where results in one subject were annulled for the whole cohort  | 1           | 2  | 1  | 2           | 0  | 0  |
| Schools where results in two subjects were annulled for the whole cohort | 0           |    |    | 0           |    |    |
| Schools where results in all subjects were annulled for the whole cohort | 0           |    |    | 0           |    |    |

**Table 10: Total number of individual pupils where results annulled or changed from 2004–6**

Table 10 shows the number of individual pupils where results have either been annulled or changed from 2004–6. In addition, the table provides a breakdown of results annulled in comparison to pupil’s results changed for the last three years. The table shows that in 2006 the results of 626 pupils across key stages 2 and 3 were annulled or changed in comparison to 79 pupils in 2005 and 24 pupils in 2004. The increase in the number of individual pupil annulments or changes to results in 2006 was due to an investigation into a number of schools involving large key stage 3 English classes leading to the annulment of results for 409 pupils (see Table 11). In addition, one investigation in 2006 involved changes to pupils’ results for two key stage 3 science classes leading to a change to result for 57 pupils.

The increase in individual pupil annulments is a direct result of targeted intervention by the NAA NCT maladministration committee, which has resulted in a decrease of schools involved in whole cohort annulments from six in 2005 to one school in 2006.

|   | <b>2004</b>              | <b>2005</b>               | <b>2006</b>                 |
|---|--------------------------|---------------------------|-----------------------------|
| <b>Number of individual pupils where results were annulled or changed</b> | 24                       | 79                        | 626*                        |
|   | 20 annulled<br>4 changed | 44 annulled<br>35 changed | 465 annulled<br>161 changed |

\*includes pupils that would have been reported as cohort annulments in previous years.

The process this year has become more transparent. The revised processes have helped to identify the number of individual cases of maladministration (up from 79 in 2005 to 626 in 2006), and this has been matched by a significant reduction in the number of whole cohort annulments (six in 2005, one in 2006).

**Table 11: Number of individual pupils where results annulled or changed (breakdown by subject and key stage) in 2006**

|  | Key stage 2    |                |               | Key stage 3     |                |               |
|--|----------------|----------------|---------------|-----------------|----------------|---------------|
|  | En             | Ma             | Sc            | En              | Ma             | Sc            |
| <b>Number of individual pupils where results have been annulled or changed</b> | 17<br>annulled | 15<br>annulled | 0<br>annulled | 409<br>annulled | 18<br>annulled | 6<br>annulled |
|  | 33<br>changed  | 40<br>changed  | 8<br>changed  | 3<br>changed    | 20<br>changed  | 57<br>changed |

**Table 12: Number of individual pupils where results were annulled or changed (breakdown by subject and key stage) in 2005.**

|  | Key stage 2   |               |               | Key stage 3    |               |               |
|--|---------------|---------------|---------------|----------------|---------------|---------------|
|  | En            | Ma            | Sc            | En             | Ma            | Sc            |
| <b>Number of individual pupils where results have been annulled or changed</b> | 3<br>annulled | 2<br>annulled | 2<br>annulled | 27<br>annulled | 8<br>annulled | 1<br>annulled |
|  | 1<br>changed  | 10<br>changed |               |                | 11<br>changed | 13<br>changed |

**Table 13: Number of schools involved in the annulment or change to results for individual pupils in 2006**

Table 13 shows the number of individual schools where results have been annulled or changed in one or more subjects. The increase on 2005 can be attributed to enhancements to the 'Pupil cheating form' giving details on advantage gained leading to action being able to be taken.

|  | Key stage 2 |    |    | Key stage 3 |    |    |
|--|-------------|----|----|-------------|----|----|
|  | En          | Ma | Sc | En          | Ma | Sc |
| <b>Schools where for individual pupils:</b>      |             |    |    |             |    |    |
| Results in one subject were annulled or changed  | 12          | 16 | 8  | 17          | 29 | 10 |
| Results in two subjects were annulled or changed | 2           |    |    | 2           |    |    |
| Results in all subjects were annulled or changed | 0           |    |    | 0           |    |    |

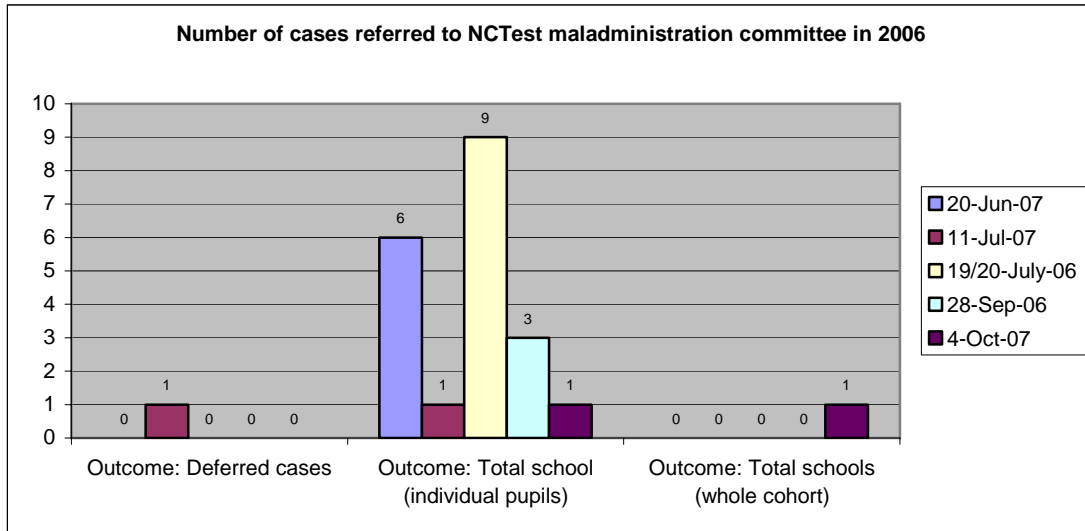
**Table 14: Number of schools involved in the annulment or change to results for individual pupils in 2005**

|  | Key stage 2 |    |    | Key stage 3 |    |    |
|--|-------------|----|----|-------------|----|----|
|  | En          | Ma | Sc | En          | Ma | Sc |
| <b>Schools where for individual pupils:</b>      |             |    |    |             |    |    |
| Results in one subject were annulled or changed  | 4           | 3  | 1  | 7           | 8  | 2  |
| Results in two subjects were annulled or changed | 0           |    |    | 0           |    |    |
| Results in all subjects were annulled or changed | 0           |    |    | 0           |    |    |



**Table 15: Number of cases referred to NAA NCT maladministration committee in 2006**

Table 15 shows the total number of cases referred to the NAA NCT maladministration committee in 2006 and the breakdown of cases involving individual pupils or whole cohort annulments/change to results.



**Table 16: Number of cases referred to NAA NCT maladministration committee in 2005**

**NCT maladministration  
committee**

|  |                           |                       |              |
|--|---------------------------|-----------------------|--------------|
| <b>Date</b>                              | 20–21 July 2005           | 30 September 2005     | 2 March 2006 |
| <b>Total cases</b>                       | 21                        | 8                     | 1            |
| <b>Deferred cases</b>                    | 2 (deferred to September) | 1 (deferred to March) | N/A          |
| <b>Total schools (individual pupils)</b> | 13                        | 2                     | –            |
| <b>Total schools (whole cohort)</b>      | 1(*)                      | 6                     | 1            |

(\*) Whole cohort except one pupil

**Table 17: Number of cases referred to the appeals panel in 2006**

|                        |                    |                    |                    |                    |
|------------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Appeal date</b>     | 23 August 2006     | 22 September 2006  | 18 October 2006    | 8 December 2006    |
| <b>Number of cases</b> | 1                  | 1                  | 1                  | 1                  |
| <b>Outcome</b>         | Appeal not allowed | Appeal not allowed | Appeal not allowed | Appeal not allowed |

**Table 18: Number of cases referred to the appeals panel in 2005**

|                          |   |
|--------------------------|---|
| <b>Appeal panel date</b> | 20 October 2005   |
| <b>Number of cases</b>   | 1   |
| <b>Outcome</b>           | Upheld on a technicality and decision referred to maladministration committee |

## Key findings and observations

On consideration of the 2006 project statistics (Tables 1–16), NAA presents the following key findings on the changes in the pattern of allegations received.

- The number of reported events decreased in 2006 by 3.5 per cent, indicating a settled picture, coupled with a 1 per cent increase in the number of reported events from 2004 to 2005 (see Table 1). NAA continues to work with LAs and schools to achieve a reduction in the number of maladministration cases.
- A decreased number of markers and LAs reported cases of alleged maladministration to NAA (see Table 2).
- A decrease in the proportion of events occurring after test weeks in 2006, unlike in 2005, which saw a slight increase. Figures continue to be small compared to the total figures for 2005 (see Table 3).
- A decreased number of reported allegations of pupils cheating in the 2006 tests in comparison to the 2005 tests due to the removal of disruptive pupils and the use of mobile phones as a category if test integrity had been maintained (see Tables 4 and 6).
- The number of key stage 1 cases increased slightly while in comparison the number of key stage 2 and key stage 3 cases decreased slightly (see Table 5).
- The number of whole cohort annulments by subject and key stage in 2006 decreased significantly in comparison to 2005 due to the proportionate targeting of annulments and changes to results by the maladministration committee (see Tables 8 and 9).
- A significant increase in the number of individual pupil annulments or changes to results in 2006 in comparison to 2005 (see Table 10). This has also resulted in an increase in the number of schools relating to individual pupil annulments or changes to results – eight key stage 2 schools in 2005 in comparison to 38 key stage 2 schools in 2006. This change was due to an increased use of forensic evidence enabling the maladministration committee to make changes to results rather than annulling whole cohorts (see Tables 13 and 14).
- An increase in the number of individual pupil annulments or change to results in 2006 for key stage 3 in comparison to 2005, due to an increased targeting of individual results rather than whole cohorts where evidence allowed (see Tables 11 and 12).

The NAA NCT maladministration team presents the following observations as explanations for the changes, year on year, in the pattern of allegations received:

- Clearer test administration guidance through *Test administrators' guides* and improved ARAs and the new eARA could account for the slight reduction in the incidence of reported cases of maladministration. The maladministration team is supporting a number of training initiatives to disseminate best practice.
- The decrease in LA and marker allegations could be attributed to better training at the local level and schools self-reporting, while a lack of guidance at marker review training may have contributed in fewer allegations at review stage.
- A decrease in the reporting of pupil cheating can be attributed to the removal of schools reporting pupils using mobile phones and disruptive behaviour as allegations of maladministration.
- Enhanced forensic evidence has enabled the maladministration committee to better target individual pupil results within a whole school cohort. This approach has accounted for the significant increase in the number of schools receiving individual pupil annulments and changes.
- The increase in the number of individual pupil annulments or changes to results at key stage 3 in 2006 in comparison to 2005 is accounted for by the new application of sanctions by the maladministration committee and a large number of key stage 3 English classes and two large science classes.

The NAA NCT maladministration team is currently managing a phased introduction of an online customer relationship management system to log, assess and report all allegations and irregularities of maladministration. This will enable the project to move away from a largely paper-intensive process to one that is prominently electronic based. The 'Pupil cheating form' 2007 will be only available through an online submission, through the *Test forms* website. This is a further enhancement on the process improvement implemented in 2005.

## **National curriculum tests maladministration recommendations for 2007**

The recommendations contained in this report build on work carried out by the NAA NCT maladministration team and feedback received from those linked to the project, including schools, LAs and teacher associations. Any key changes identified to the projects procedures for investigating and managing allegations will be reviewed, and where appropriate, advice will be sought from the QCA legal team.

## **Recommendations for monitoring of schools in 2007**

A number of cases remain where the outcome of the investigation was not conclusive or NAA is not confident that the school will implement improvements in its practice of test administration in 2006. In these instances, NAA identifies the school for monitoring in the following year by either the LA or NAA, or in the case of independent schools, NAA monitoring visit agency. NAA appoints an external agency to quality assure test administration in participating independent schools.

At the time of this report the NAA NCT maladministration team is in the process of confirming the schools that require close monitoring for the 2006 test series. The relevant LA or monitoring visit agency will be notified before the 2006 test series that NAA would like them to include the identified schools in their sample of schools to visit.

Following recommendations received, all monitoring visit forms will have a recommendation box that gives the monitoring visit officer an opportunity to record any follow-on recommendations to NAA should any issues be highlighted during a visit.

## Key recommendations for 2007

The NAA NCT maladministration team conducted a comprehensive 'lessons learned' exercise with internal colleagues and external stakeholders in September 2006 in order to agree process recommendations as part of the planning for the 2007 test series. The key recommendations were:

- improving communications with schools by developing paragraphs to ensure all communications with schools are fit for purpose
- inform schools of their right to view scripts at NAA prior to a committee meeting
- improved information from monitoring visits by requesting clear recommendations from officers
- improve clarity on the 'Pupil cheating form' (PCF) by:
  - only making it available online through the NAA *Test forms* website
  - incorporating guidance for markers on PCF change to result forms to explain reasons for amendments
- further enhance the system at the NAA test operations agency to indicate annulments and/or changes to results and flag maladministration
- an activity log should be added to the online web portal communication system between NAA and the NAA test operations agency to allow for date tracking of all actions
- for borderlining of recalled scripts, responsibility is to rest with the Test Operations team within NAA
- greater support and involvement of NAA Programme Management Office in developing systems and processes in partnership with NAA NCT maladministration team by January 2007
- NAA NCT maladministration team should use the NAA online customer relationship management system to replace the present maladministration database
- NAA NCT maladministration committee to have sight of previous decisions where precedence has been set.

## **Independent adviser's recommendations for 2006**

*The independent adviser is drawn from the nominations of the teacher associations and LAs, and works on the project for a maximum of three years. He or she provides the project with an independent voice at an early stage of the process by attending all case review meetings to ensure consistency and fairness.*

Report from the independent adviser on maladministration procedures 2006.

### **An overview of the role of the independent adviser**

This is the second year in which I have acted as independent adviser to the NAA on enquiries into incidents of alleged maladministration in the procedures surrounding the administration of tests at key stages 2 and 3.

The key activities, which I have engaged, include the following:

- reviewed NAA report to DfES on 2005 procedures
- attendance at training events for 2006 procedures
- preparation for weekly case decision/review meetings
- attendance at weekly case decision/review meetings
- involvement in script investigations with other staff from NAA
- involvement in analysis of data supplied for some investigations
- preparation for maladministration committees
- attendance at and involvement in maladministration committees
- production of written report at the end of the project with summing up of observations, findings and recommendations.

### **An overview of the process**

A training session was held in March 2006 for two days, partly to inform new staff about procedures relating to possible maladministration issues and partly to reflect on last year's process and consider ramifications for 2006. This included a short presentation on the role of the independent adviser.

The weekly case decision meetings were conducted in a highly efficient and professional fashion, and were generally completed within the allotted time. It is clear to me the volume of work undertaken by the staff is very considerable with approximately 600 cases to consider. All referrals receive careful consideration and are cross-referenced with similar cases in previous years.

NAA staff were involved in the following activities:

- investigation of all cases
- school visits
- discussions with school staff and LA advisers
- referrals to forensic experts, legal services and maintaining accurate records of all conversations and decisions.

These details were filed in a folder for my perusal prior to our meetings. I was also involved in several script investigations and assisted with the analysis of data for one particular case.

I attended four maladministration committees and presented five cases and co-presented seven cases. I also assisted NAA staff in writing statement of cases and the preparation of evidence.

I have been impressed with the commitment and professionalism of all NAA staff that clearly strive to ensure the integrity of the tests and maintain a consistency of approach to any allegation of maladministration or malpractice.

It was evident that staff were often under intense pressure to conclude investigations and the volume of work seemed to be greater than in previous years.

## **Commentary on the process**

### ***Weekly case decision meetings***

The membership of this group was as follows:

- Head of School Support
- Test Administration Manager
- Team Manager, School Support
- independent adviser
- team coordinator.



The group was always well prepared for the meetings, which were minuted, and agendas were provided. Prior to the meeting a summary of the cases was provided in the form of a thumb-nail sketch and I was able to consider this prior to attending the meeting.

Immediately prior to the meeting I was able to study all the relevant documentation and seek any clarification required before the formal meeting commenced.

Some areas involved more discussion than others and the more contentious areas included:

- the consequences of timetable variations and how they impacted upon other schools in the same area/LA
- the impact of unsupervised rest breaks
- the significance of some cases involving over-aiding of pupils
- the impact of amanuenses especially when some pupils secured higher levels than might have otherwise been expected
- issues raised by markers especially where there was the suggestion of the involvement of 'another hand'.

These areas along with others were fully discussed and, where appropriate, sometimes further guidance sought from sources to clarify the position.

The group were always unanimous in their decisions and recommendations and it was felt that where discrepancies had occurred with reference to the ARA document and the integrity of the results were in doubt, then the case should be referred to the committee.

### ***Maladministration committee***

As previously stated I was involved in four committees and I know that several others subsequently took place. Based upon my experience I would like to make the following observations.

- There was a better mix within the panel compared to 2005 with a more balanced and reasoned stance from the union representative compared to last year (this was pleasing to see as it had been a recommendation in my report last year).
- The inclusion of the Head of Strategy in the discussion was highly advantageous (this was also pleasing as it had been one of my recommendations last year).
- At one committee there was an even number of members which clearly made for potential split decisions (which did occur on one occasion).
- Some inconsistencies were evident in the decision making, with some very firm, rigorous judgements, and some other ultra lenient ones.

- Some inconsistencies were also evident when compared to the 2005 outcomes. There was at least one very similar case yet a different decision was made.
- There must be some process for ensuring absolute consistency in decision-making.

### ***General observations***

Many of the cases which were considered arose as a direct result of schools not following the guidelines in the ARA booklet or the *Test administrator's guide*. This is extremely disappointing as the test procedures are surely embedded in school practice, and LA and school training has been provided in most cases. In some cases maladministration occurred when invigilation was carried out by non-teaching staff. In a few cases these invigilators appeared unsure of their brief and overstepped the mark in terms of administering the test(s). Clearly this is a training issue for the schools concerned. In some secondary schools where an examination officer was sometimes responsible for the ordering and distribution of test papers, confusion occurred between the different processes to be adopted at key stage 3 and GCSE.

Recording arrangements appeared to have improved immensely. This was an issue in 2004, largely addressed in 2005, and as far as I am aware was not an issue at all in 2006.

As in 2005, there were a very few isolated cases of teachers overstepping the mark in terms of aiding the children or test administration with severe consequences for their careers and the pupil's results. This occurred in a tiny number of schools and the overwhelming majority of schools conducted the administration in a highly professional, efficient and effective manner. Breaches in security only occurred in a limited number of schools when papers were either opened early or not adequately stored during the testing process.

Some documentation received from LA advisers was inconclusive and altogether too descriptive rather than evaluative. It might prove helpful if the template could have a box where a clear recommendation was required. In some cases it did appear that there was a conflict of interest and this was highlighted when in one case, which the committee considered, the LA adviser put the case for the school.

All NAA staff worked with very heavy caseloads, under intense pressure as previously stated and not always with the full support of schools concerned and the relevant LA staff.

## Conclusions and recommendations

- Update the ARA, *Test administrators' guide* and websites.
- Ensure NAA policy is clear and highlighted on the first page or in an executive summary.
- Tailor training of maladministration committee panel members to ensure that any future decisions are in line with previous ones.
- Ensure the maladministration committee panel is composed of an odd number of members.
- Redesign the form that the LA adviser completes to ensure a clear recommendation is evident.
- Provide a simple template to facilitate decision making at maladministration committees.

Several meetings have occurred with the maladministration project team to collate and consider the outcomes of all cases referred to the committee. It is evident that steps have already been taken to build upon the existing good practice and learn from the experiences of 2006.