



## Guidance

# Key stage 1 and 2: maladministration investigation procedures

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This page gives the Standards and Testing Agency's (STA) procedures for investigating allegations of maladministration relating to national curriculum

assessments.

On behalf of the Secretary of State, we have a statutory duty to investigate matters which, in our opinion, relate to the accuracy or correctness of pupils' results and/or outcomes in the national curriculum assessments. These comprise:

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

The aim is to safeguard the integrity of the assessments.

# 1.

## Definitions

'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 us in relation to 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 2015 KS1 '[Assessment and reporting arrangements](#)' (ARA) and the 2015 KS2 '[ARA](#)'.

## 1.1 Key stage 2 tests or phonics screening check

Maladministration can include:

- schools opening test papers or check materials incorrectly
- pupils being over-aided
- schools allowing pupils to resit a test or the phonics screening check
- schools making changes to pupils' test scripts outside of test conditions
- schools reporting pupils' phonics screening check scores incorrectly

## 1.2 Teacher assessment

Maladministration can include schools:

- inflating or deflating pupils' teacher assessment judgements to influence school assessment
- submitting different data to that agreed as a result of LA moderation
- scaffolding work or over-aiding in KS1 tests or tasks that are used as evidence to justify teacher assessment levels

# 2.

## Roles and responsibilities

Our remit is to determine whether there is doubt over the accuracy or correctness of pupils' results and/or assessment. 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)

## 2.1 Our maladministration team

Members of our maladministration team will lead on all investigations into allegations of maladministration. They are fully trained to ensure that all investigations are conducted rigorously, fairly and without bias.

## 2.2 STA investigator

We allocate an investigator to each case. This is a member of our maladministration team. The investigator is responsible for:

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

## 2.3 Local authorities

We work closely with local authorities (LAs) during investigations.

Occasionally we ask them to visit schools to gather information as part of an investigation. LA staff conducting these visits must be familiar with the published procedures and details of the particular allegation of maladministration before they visit the school. They are also responsible for producing a report which details the information gathered during the visit.

# 3.

## Sources of allegations of maladministration

We receive allegations of maladministration from various whistleblower sources. These include:

- members of the public
- school staff
- LA staff
- people monitoring the administration of the KS2 tests or phonics screening check
- people marking the KS2 tests

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

We will not keep whistleblowers or markers informed of the progress or outcome of an investigation.

# 4.

## How we process allegations of maladministration

### 4.1 Logging and initial processing

Our maladministration team logs allegations of maladministration and then decides on 1 of the following courses of action.

### **Maladministration has not occurred**

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

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

If a school is unaware of the allegation (eg the allegation arose from a marker's concerns) 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 assessments. 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 will copy our decision to the LA where applicable. We may ask schools to confirm any follow up actions to us and their LA in writing.

### **Further investigation required**

We may decide to conduct further investigation. The activities which we may undertake as part of our investigation are described below.

## **How we investigate allegations**

# 5.

## 5.1 Discussion with a school

We may be able to resolve some allegations through discussion with the school. Our maladministration team will contact the school if this is appropriate. We will keep a record of all discussions.

## 5.2 School visits

LA staff or our maladministration team may visit schools as part of an investigation. We use visits to gather information on:

- the processes in place to keep test and check materials secure
- how the tests or check were administered
- the processes 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 a 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 on their findings for our maladministration team. This report becomes our property. We will give the school a copy of the report. The school will be given the opportunity to provide a written response to the report.

Our maladministration team will review the report, any response from the school and any other evidence. We will then decide what further action is

necessary. We will inform the school and the LA (where appropriate) of any developments during the course of the investigation.

LAs carrying out visits on our behalf should refer to our guidance on conducting school visits following an allegation.

## 5.3 Analysis of key stage 2 test scripts

Where necessary, our maladministration team will request access to test scripts for further investigation. We may ask for test scripts for all subjects and levels administered by a school. We don't tell markers why we need the test scripts.

If we are holding test scripts as part of an investigation, the school won't be given the pupils' results.

### School access to test scripts

We may give a school supervised access to their pupils' test scripts if we are holding them as part of an investigation. This can help the school to understand what issues we have identified. Schools can arrange to view the scripts by [emailing us](#).

Our investigator will clarify which test scripts the school will be able to see when arranging the school's visit. We may not have reviewed all the school's scripts when the visit takes place.

# 6.

## How we make decisions

We may take several months to reach a final decision on an investigation.

The length of an investigation depends on the:

- nature of the allegation
- complexity of the particular case
- availability of information relevant to a case
- timing of when the allegation was reported

We'll only consider information from schools that we've received by the deadline given by our maladministration team. We use case decision meetings to make final decisions on what actions are to be taken. We don't invite schools and LAs to attend these meetings.

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

- reports and examples of pupils' work provided by the school
- the school visit report and the school's response to this report
- information from KS2 or phonics screening check monitoring visits
- outcomes from test script investigations

The investigator may also make a recommendation for actions to be taken against a school's results. This could be for whole cohorts, groups of pupils or individual pupils.

The investigator will be asked to leave the meeting once they have presented their findings. They will not be involved in the decision making process. Any decisions to amend, annul or discount pupils' results and/or assessments are made by senior members of STA. Schools will be notified if this affects when their results will be returned.

## **Investigation outcomes**

# 7.

Our maladministration team can make the following decisions for individual pupils or the whole cohort when there is doubt about the accuracy and correctness of pupils' results.

<b>Assessment</b>	<b>Potential decisions</b>
Phonics screening check	Discount results: if pupils are in year 1 they will have the opportunity to take the check again the following year; pupils in year 2 won't be able to retake the check in future years.
KS2 tests	Amend or annul assessments.
Teacher assessment	Undertake external moderation, to reach accurate teacher assessment judgements, or annul results.

Any decision to amend, annul or discount pupils' results is final.

We will send the school a formal notification confirming the details of the decisions made and the actions taken. We will copy this to the school's governing body and, where applicable, its 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

## Further information

# 8.

## Maladministration team

Email

[testadmin.STA@education.gsi.gov.uk](mailto:testadmin.STA@education.gsi.gov.uk)

For reporting concerns about the national curriculum assessments

National curriculum assessments

helpline

0300 303 3013

## Standards and Testing Agency

Email

[assessments@education.gov.uk](mailto:assessments@education.gov.uk)

For general enquiries about national curriculum tests.

National curriculum assessments

helpline

0300 303 3013

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