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Guidance

Key stage 1 and 2: maladministration investigation procedures

Updated 29 April 2016

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This page outlines 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 of:

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

The aim of these procedures 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 ['2016 KS1 Assessment and reporting arrangements'](#)

(ARA) and the [‘2016 KS2 ARA’](#).

1.1 Phonics screening check, key stage 1 tests or key stage 2 tests

Maladministration can include:

- early opening of test papers or phonics screening check materials without permission
- pupils being over-aided
- schools allowing pupils to resit a test or the phonics screening check
- schools making changes to pupils’ test scripts
- 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 local authority (LA) moderation (specific subjects only)
- scaffolding work or over-aiding in the KS1 tests that is used as evidence to justify teacher assessment standards

2.

Roles and responsibilities

Our 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)

Our role is to safeguard the integrity of the assessments and not to apportion or assign blame. STA does not take part in any school disciplinary procedures relating to maladministration.

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 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 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 (these will also be sent to LAs and the school's governing body where appropriate)

2.3 Local authorities

We work closely with LAs during our 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 [maladministration investigation visit guidance](#) 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 and evidence gathered during the visit and providing this to STA.

3.

Sources of maladministration allegations

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

- members of the public
- parents
- school staff
- LA staff
- academy sponsor staff
- people monitoring the administration of the KS1 and KS2 tests or phonics screening check
- markers of the KS2 tests

We will keep the name of the person making the allegation confidential. 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.

It is important to note, we will not keep the person making the allegation 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 one of the following 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, our maladministration team will provide written confirmation that no action is to be taken. This will be copied to the LA, and the school's governing body where applicable.

If a school is unaware of the allegation, eg the allegation arose from a marker's concern, the case will be closed with no further action. The school will not 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 and the school's governing body 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 investigations. The activities that we may undertake as part of our investigation are described in section 5. The school's results will be suppressed pending the outcome of the investigation.

5.

How we investigate allegations

5.1 Discussion with a school

We may be able to resolve an allegation 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 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 check 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 our maladministration team. This report becomes STA's property. We will give the school a copy of the report, but any personal/identifying information will be redacted. The school will then 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, the LA and the school's governing body (where appropriate) of any developments during the course of the investigation.

LAs carrying out visits on our behalf must refer to [Maladministration investigation visit guidance](#) on conducting school visits following an allegation.

5.3 Analysis of key stage 2 test scripts

Where necessary, our maladministration team will review the test papers administered at the school as part of the investigation.

School access to test scripts

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

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
- the complexity of the case
- availability of information relevant to a case
- 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 given by our maladministration team. 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 information gathered during the investigation to the decision maker (this is either a senior manager or director of STA). This information 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 KS1, KS2 or phonics screening check monitoring visits
- outcomes from test script investigations

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

The investigator is not 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 staff. Schools will be notified of the outcome of the investigation and if this affects their pupils' results.

7.

Investigation outcomes

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.

Assessment	Potential decisions
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.
KS1 tests	Amend or annul KS1 test results.
KS2 tests	Amend or annul KS2 test results.
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 and there is no appeal.

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 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

8.

Further information

Maladministration team

Email

STA.MALADMINISTRATION@education.gsi.gov.uk

National curriculum assessments helpline

0300 303 3013

For reporting concerns about the national curriculum assessments.

Standards and Testing Agency

Email

assessments@education.gov.uk

National curriculum assessments helpline

0300 303 3013

For general enquiries about national curriculum tests.

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