



Standards
& Testing
Agency

2013 Maladministration investigation procedures

**Key Stage 2 National Curriculum tests
and the phonics screening check**

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1. Introduction

The Standards and Testing Agency (STA), on behalf of the Secretary of State, has a statutory duty to investigate any matter brought to its attention which relates to the accuracy or correctness of any child's results in the Key Stage 2 National Curriculum tests and the phonics screening check. The aim is to safeguard the integrity of the tests and the check. Such matters are referred to as 'allegations of maladministration' in this document.

The term 'maladministration' refers to any act that affects the integrity, security or confidentiality of the Key Stage 2 National Curriculum tests or phonics screening check, and could lead to results that do not reflect children's unaided work. Maladministration could include opening test papers incorrectly, children cheating, over-aiding children or changes made to children's test scripts by someone other than the child.

This guidance outlines STA's procedures for investigating allegations of maladministration carried out during the 2013 assessment cycle. All references to schools apply to different types of schools as set out in section 3 of the 2013 Key Stage 2 *Assessment and reporting arrangements* (ARA) and the 2013 Key Stage 1 *Assessment and reporting arrangements* (ARA).

The documents below provide detailed guidance on the test and check administration procedures and are available on the Department for Education's website at www.education.gov.uk/ks2.

- 2013 Key Stage 2 *Assessment and reporting arrangements* (ARA)
- 2013 Key Stage 2 *Test administrators' guide* (TAG)
- 2013 Key Stage 2 *Modified test administrators' guide: Braille tests for children with a visual impairment*
- 2013 Key Stage 2 *Modified test administrators' guide: Tests for children with a hearing impairment and children who use sign language*
- 2013 Key Stage 2 *Modified test administrators' guide: Modified large print (MLP) for children with a visual impairment*
- 2013 Key Stage 1 *Assessment and reporting arrangements* (ARA)
- 2013 Phonics screening *Check administrators' guide* (CAG)

2. Reporting allegations of maladministration

Any person concerned about the way in which a statutory Key Stage 2 National Curriculum test or phonics screening check has been administered in a school should contact the National Curriculum assessments helpline on 0300 303 3013.

Information on how the tests or check should be administered is included in the guidance documents listed on page 3.

STA's maladministration team will ask for the following details when informed of an allegation of maladministration:

- the name of the person making the allegation (it is more difficult for the team to fully investigate anonymous allegations);
- contact details for the person making the allegation (telephone number and email address);
- the school name and address where the alleged maladministration took place;
- the Key Stage that the allegation relates to;
- the level, the subject(s) and test(s) or check affected by the alleged maladministration;
- the year the allegation refers to; and
- the nature of the alleged maladministration.

It is important to provide as much information as possible so that a full investigation can take place. These details will be logged as confidential information on the maladministration database and the maladministration team will determine whether further investigation and/or action is required.

STA will endeavour to ensure the name of the person making the allegation remains confidential. Information specific to individual cases will remain confidential to involved parties subject to compliance with their statutory obligations pursuant to the Data Protection Act 1998 and the Freedom of Information Act 2000.

2.1 Whistleblower allegation

If any member of the public believes a Key Stage 2 National Curriculum test or phonics screening check has not been administered correctly or there has been a possible security breach of the test or check materials, they should contact the National Curriculum assessments helpline immediately on 0300 303 3013 or email testadmin.sta@education.gsi.gov.uk.

STA's maladministration team will not keep whistleblowers informed of the progress or outcome of an investigation.

2.2 School self-reporting

If a school believes that a Key Stage 2 test or phonics screening check has not been administered correctly, or there has been a possible security breach of the test or check materials, they should contact the National Curriculum assessments helpline immediately on 0300 303 3013 or email testadmin.sta@education.qsi.gov.uk.

If a school believes a child has cheated in a Key Stage 2 test and the accuracy or correctness of their results has been affected, the headteacher or another senior member of staff should complete and submit the online notification of a child cheating form, available on the NCA tools website at www.education.gov.uk/ncatools. By submitting this form, the headteacher agrees to either an amendment to or annulment of the result for the child concerned, as detailed on the form.

2.3 Monitoring visits

Local authority representatives will make unannounced visits to schools and academies that have chosen to be monitored by a local authority to check they are following the security arrangements and administering the tests in accordance with published procedures.

At least 10 per cent of independent schools participating in the Key Stage 2 tests will be monitored by STA's appointed agency.

If a monitoring visitor finds that the National Curriculum test administration procedures have not been followed correctly, they will notify STA's maladministration team.

2.4 Marker concerns

Markers of the Key Stage 2 tests are asked to look out for characteristics of maladministration that could appear on test scripts. If a marker has concerns with any test script(s), they should raise their concern following procedures in the relevant 2013 marking handbook and the information will be passed to STA's maladministration team.

STA's maladministration team does not inform markers of the progress or outcome of an investigation.

3. Investigations into allegations of maladministration

STA's maladministration team conducts investigations into allegations of maladministration, as set out in The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (as amended by the Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Amendment) Order 2013) and The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (as amended by the Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Amendment) Order 2013).

STA's sole interest in investigating cases of alleged maladministration is to determine whether there is doubt over the accuracy or correctness of children's test or check results. STA does not have a remit to apportion blame for maladministration or take part in any disciplinary procedures relating to maladministration.

STA staff engaged in maladministration investigations are fully trained in the required procedures. All allegations of maladministration will be investigated and will be rigorous, fair and conducted without bias.

Final decisions on amendments to or annulments of children's results will be made at a case decision meeting. Any decisions made by the maladministration team for amendment to or annulment of children's results will be communicated to the school in a case decision letter.

Reaching a final decision in an investigation can take several months. The speed at which an investigation is concluded is dependent on the nature of the allegation, the complexity of the particular case, the availability of the information relevant to a case and the timing of when the allegation was reported.

Each year STA's maladministration team provides a report to Ofqual on its investigations into cases of alleged maladministration. This report will be published on the Department's website at www.education.gov.uk/ks2.

4. Processing allegations of maladministration

4.1 Logging and initial processing

When an allegation of maladministration is made to STA's maladministration team, the details are logged on the maladministration database. The team will then decide on the course of action to be taken as detailed below.

4.1.1 No maladministration

If the team decides that no maladministration has taken place, it will close the case and take no further action. If a school is aware that an allegation has been made or has been self-reported, STA's maladministration team will provide written confirmation that no action is to be taken. This will also be copied to the local authority, where applicable. If a school is unaware of the allegation (for example, an allegation arising from a marker's concerns) the case will be closed with no further action and the school will not be informed.

4.1.2 Maladministration which does not place doubt over the accuracy or correctness of children's results

If the team has evidence that maladministration has occurred, but that it has not affected the accuracy or correctness of children's results and it is therefore not necessary to change or annul the results, it will write to the school informing it of this decision. This will be copied to the local authority, where applicable, and will suggest appropriate actions for the school to take to ensure maladministration does not occur again. Schools may be asked to confirm their actions to the team and their local authority in writing.

4.1.3 Further investigation required

The team may also decide to conduct further investigation. This may involve seeking information from the school, examining children's test scripts and/or visiting the school.

4.2 Types of investigations

4.2.1 Investigation by the school

Some allegations requiring further investigation may be resolved through discussion with the school. In these cases, STA's maladministration team will contact the school to discuss the allegation in order to resolve the case. A summary of all discussions is recorded on the maladministration database.

4.2.2 School visits

School visits will be carried out by staff from the relevant local authority and/or members of STA's maladministration team.

Where the nature of the allegation is not already known to a school, the school will be informed at the end of a visit. This is to ensure that there is no prejudice against the examination of the key facts needed to prove or refute the allegation, or that indicate the source of the allegation.

Following the visit, the lead interviewer will produce a report on the findings. This will be shared with the school. The school will then have the opportunity to provide a written response to the report.

The report and the school's response and any other evidence will be reviewed by the maladministration team to consider what, if any, further action is necessary. The team will inform the school and where appropriate, the local authority, of any developments during the course of the investigation.

Further guidance relating to visits is provided on the Department's website at www.education.gov.uk/ks2.

4.2.3 Investigation of test scripts

Where necessary, the maladministration team will request access to the marked test scripts for further investigation. The maladministration team may request test scripts for all subjects and levels administered by a school. Markers will not be informed why the test scripts are required.

Where test scripts are held by the maladministration team as a result of an ongoing investigation, the relevant children's results will not be provided to the school.

If a final decision on the investigation is not made before schools' results and test scripts are due to be returned, the maladministration team will notify the headteacher.

4.2.3.1 School access to test scripts

Schools may have supervised access to view children's test scripts if they are being held by STA pending investigation. Prior arrangement must be made with the maladministration team.

5. Case decision meeting

Case decision meetings are used to make final decisions on actions to be taken. All information collected during the investigation of a case, for example, reports and examples of children's work provided by the school, local authority visit reports, information from the test operations agency and/or outcomes from test script investigations will be reviewed and examined by the maladministration team.

Schools and local authorities are not invited to attend case decision meetings. All information for consideration must be submitted to the maladministration team by the stated deadline before a case decision meeting.

Where decisions are made to make amendments to or annulments of children's results those decisions are final.

5.1 After the case decision meeting

The school will receive formal written notification confirming the details of the decisions made and the actions taken, which will also be copied to the local authority where applicable and where appropriate, the chair of governors.

STA's maladministration team will make the appropriate amendments to or annulments of children's results.

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



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Any enquiries regarding this publication should be sent to us at assessments@education.gov.uk.

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