



Standards
& Testing
Agency

Maladministration investigation visits: key stage 1 and key stage 2

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Introduction

This guidance is for local authorities (LAs) to enable them to carry out school visits, as part of the Standards and Testing Agency's (STA) investigations into allegations of maladministration of national curriculum assessments in 2018.

Why school visits are needed

STA may ask LAs to visit schools as part of an investigation into maladministration of the key stage 1 (KS1), including the phonics screening check, or key stage 2 (KS2) national curriculum assessments. The main purpose of these visits is to gather information about:

- a school's procedures for keeping test or phonics screening check materials secure
- how a school has administered the tests or check
- the measures a school has taken to ensure their teacher assessment data was correct and accurate

Our maladministration investigation procedures explain how we investigate allegations of maladministration.

Who can manage or carry out a school visit?

Visits must be conducted impartially and any conflict of interest must be managed. Anyone responsible for managing or carrying out school visits should not have a close personal relationship with the school or school staff.

Two members of LA staff will be needed for the visit:

- a lead interviewer
- a second interviewer to act as a note taker

They must both be familiar with this guidance and STA's specification for the visit.

To avoid a conflict of interest between a STA maladministration investigation (which the school visit supports) and any other internal investigation at the school, it is good practice to use different representatives for each investigation. Where LA staff are involved in both investigations, it must be made clear to interviewees which investigation they are being interviewed for.

Preparing for a school visit

Visit specification and supporting information

We will give you a tailored visit specification that describes the requirements for the visit. We will discuss this with you before the visit so you understand in advance what information we need you to gather.

We won't give you details of the source of the allegation(s), as this information is confidential. Information specific to individual cases will remain confidential, subject to compliance with the Data Protection Act 1998 and the Freedom of Information Act 2000.

You must also treat any information or evidence that is given to you as confidential. This includes information gathered from the school visit, such as interview notes, test timetables, seating plans and written statements. Only members of LA staff involved in the school visit should have access to this evidence. This is to ensure the integrity of the investigation is not compromised. You must provide all information and evidence to STA.

Notifying the headteacher

The lead interviewer should contact the headteacher to:

- organise a date and time for the visit. You should contact the school the day before the planned visit. (We advise that visits are not undertaken on Mondays, to avoid schools being informed before a weekend)
- explain the purpose of the visit
- inform them of who will need to be interviewed (all those involved in the administration of the tests or teacher assessment), and agree any specific arrangements

Depending on the nature of the case, you should explain that the aim of the visit is to gather information on behalf of STA in relation to either:

- how the tests or check were administered, including secure storage of materials, who was involved in the test or check administration, any access arrangements used, and timetable variation information
- how teacher assessment judgements were produced (which could include reviewing evidence of pupils' work against the teacher assessment frameworks)

If the headteacher is not aware of the nature of the allegation, you should explain that this will only be shared with them after the interviews have been conducted. This protects the source of the allegation and helps to ensure interviewees provide unbiased accounts. You need to ensure that the headteacher is aware of our maladministration investigation procedures.

Explaining interview arrangements

Interviewees may be accompanied during the interview, either by their union representative or by someone else to provide them with moral support. You should ask the headteacher whether anyone wishes to be accompanied. If a member of staff requests union representation, you may need to reschedule the visit to accommodate this. The headteacher must make sure there is no conflict of interest with anyone attending in a support role and that those in a support role are not also interviewees.

In exceptional circumstances, you may need to interview individual pupils or groups of pupils. This needs our prior approval. If so, the lead interviewer should inform the school as early as possible so the appropriate arrangements can be made. The pupils' parents must give their consent before the pupils can be interviewed. The term 'parent' is used here 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

Parents are entitled to say who they wish to be present when their child is interviewed and where the interview is to take place. It is the headteacher's responsibility to organise interviews with pupils.

Carrying out a visit

You must meet the headteacher, or a delegated senior member of staff, on your arrival at the school. Use this meeting to introduce yourselves, your role(s) and confirm arrangements for the visit. You must not discuss the detail of the allegation at this point, unless the headteacher is already aware of this.

Conducting interviews

The lead interviewer should use the specification provided by us to help structure the interview and to inform the questions asked. It may not be necessary to ask all interviewees each question on the specification. However, you should ensure you have a thorough understanding of each individual's role in the administration of the tests or phonics screening check, or in producing the teacher assessment judgements.

At the start of each interview introduce yourselves and explain that:

- you are visiting the school on behalf of STA due to an allegation of maladministration
- the lead interviewer will ask the questions, with the second interviewer taking notes of the discussions and asking any additional questions as they see fit
- at the end of the interview, the interviewee will be asked to read and sign the notes from the interview to verify their accuracy
- notes from the individual interviews will not be shared with the headteacher
- the notes will be used to create a report, which will be given to STA
- the report will be shared with the school for comment and, where appropriate personal/identifying information will be redacted
- STA do not apportion blame for any alleged maladministration and any subsequent disciplinary proceedings are the responsibility of the school's governing body/academy trust

You should also state that the headteacher has confirmed to the LA that the interviewee does or does not want additional representation (union official or other).

As with your initial meeting with the headteacher, or senior delegated member of staff, do not discuss the details of the allegation, unless they are already known by the interviewee.

At the end of each interview, make sure that the interviewee agrees and signs the notes of the discussion as a true and fair record.

We recommend the headteacher or delegated senior member of staff is interviewed last. After you have asked them the same questions as the other interviewees, you should explain the nature of the allegation. Depending on the nature of the allegation, you may need to:

- ask the headteacher or delegated senior member of staff more specific questions related to the allegation(s)
- bring back members of staff already interviewed

Before leaving the school

After you've finished your interviews, you must explain the next steps of the investigation to the headteacher or delegated senior member of staff. Explain that you will supply STA with the information gathered during the school visit and that STA will be in contact with the school at a later date. Advise the headteacher or delegated senior member of staff that the school's results will be withheld pending the outcome of the investigation.

After the visit

Report your findings

The lead interviewer must produce a typed electronic report summarising their findings for our maladministration team. This report is STA's property. We will share the summary with the school, and where necessary, personal/identifying information will be redacted beforehand. The school will then have the opportunity to provide a written response and offer any further information they wish to be considered as part of the investigation.

STA will review the report, any further information gathered from the school and other additional evidence identified. The STA investigator will make a recommendation based on all of the evidence and a STA senior manager will decide what, if any, further action is necessary. STA will inform the school, the LA and the school's governing body/academy trust when a decision has been made.

Press interest

You should contact STA if you need to manage press interest regarding any maladministration investigation. Contact STA's maladministration team by calling the national curriculum assessments helpline on 0300 303 3013 and asking to speak to the team.

If you need advice outside of normal office hours, you should contact the Department for Education's central newsdesk on 020 7783 8300.



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