



Qualifications and
Curriculum Authority

2009 maladministration procedures

National curriculum tests

April 2009

QCA/09/4167

Contents

1. Introduction	3
2. Roles and responsibilities	4
2.1 Qualifications and Curriculum Authority	4
2.2 Local authorities	5
2.3 Headteachers	5
3. General principles of maladministration investigations.....	7
4. Reporting allegations of maladministration	9
4.1 Whistleblower allegation.....	9
4.2 School self-reporting	10
4.3 Monitoring visit	10
4.4 Marker concerns.....	11
5. Processing allegations of maladministration	12
5.1 Logging and initial processing	12
5.1.1 No maladministration	12
5.1.2 Minor maladministration.....	12
5.1.3 Further investigation required	13
5.2 Types of investigations	13
5.2.1 Investigation by the school	13
5.2.2 QCA and/or local authority investigation visits	13
5.2.3 Investigation of test scripts	14
5.3 Case review and decision meeting.....	15
5.4. QCA maladministration committee	17
5.5 Appeals process	17
Appendix A: Maladministration policy.....	18
Appendix B: 2009 QCA maladministration committee procedures.....	21
Appendix C: Maladministration flowchart	28

1. Introduction

The Qualifications and Curriculum Authority (QCA) has a statutory duty to investigate any matter brought to its attention relating to the accuracy, correctness or otherwise of any results of any pupil in the statutory key stage 2 national curriculum tests administered under *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003*. Such matters are referred to in this document as 'allegations of maladministration'.

The term 'maladministration' refers to any act that could jeopardise the integrity, security or confidentiality of the national curriculum tests and lead to test results that do not reflect the unaided work of the pupils. Instances of maladministration in national curriculum tests can refer to a range of errors in administering the test such as test papers being incorrectly opened, school-reported instances of pupils cheating or allegations of changes made to pupils' test scripts.

The purpose of this document is to outline the procedures followed by QCA when investigating allegations of maladministration in the statutory key stage 2 national curriculum tests. This document also provides local authorities, headteachers, teachers and others working in and with schools, as well as members of the public, with information regarding:

- what constitutes maladministration in the national curriculum tests
- how allegations of maladministration in the national curriculum tests are reported to QCA
- how a case of alleged maladministration will be investigated
- possible outcomes of an investigation into alleged maladministration.

The guidance in this document refers to investigations to be carried out during the 2009 test cycle. This document should be read alongside the following documents:

- the key stage 2 *Assessment and reporting arrangements* (ARA)
- the key stage 2 *Test administrators' guide* (TAG)
- the *Maladministration policy*¹
- the *QCA maladministration committee procedures*².

¹ See Appendix A

² See Appendix B

2. Roles and responsibilities

2.1 Qualifications and Curriculum Authority

QCA has a statutory duty³ to investigate any matter brought to its attention that relates to the accuracy, correctness or otherwise of any results of any pupil in respect of the statutory key stage 2 national curriculum tests. The aim of this remit is to safeguard the integrity of the tests and the interests of pupils.

The role of QCA is to ensure that:

- tests are administered according to the guidance in the key stage 2 ARA
- procedures are in place to monitor the administration of the tests
- tests are accurately marked and results are reported correctly and on time
- pupils' test results accurately reflect their own unaided work on the day of the test.

The QCA maladministration team conducts investigations into allegations of maladministration. Where the maladministration team recommends a change to, or annulment of, a result for a pupil or pupils, the team will present this recommendation to the QCA maladministration committee. The sole interest of QCA in investigating cases of alleged maladministration is to determine whether there is doubt over the correctness or accuracy of pupils' tests results. QCA does not have a remit to apportion blame for maladministration or take part in any subsequent disciplinary procedures relating to any alleged cases of maladministration.

The delivery of the national curriculum tests is regulated by Ofqual using the *National curriculum assessments: code of practice 2009* and the *National curriculum assessments: regulatory framework 2009*. QCA undertakes an annual self assessment of all of its procedures and processes against the requirements in the code of practice. These *Maladministration procedures* are reviewed and updated annually in accordance with these requirements.

³ *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003*

2.2 Local authorities

QCA works closely with local authorities before, during and after the test period to investigate any allegations of maladministration. QCA ensures that local authorities receive annual guidance and training on maladministration through publications provided on the QCA *Tests and exams* website and through regional test administration conferences.

It also identifies and shares good practice with local authorities in monitoring the administration of the national curriculum tests.

It is the local authorities' responsibility to:

- provide training to test administrators
- monitor the administration of the tests in 10 per cent of participating schools before, during or after the test weeks, through visits focused on the secure handling of test papers and adherence to the published test administration arrangements as detailed in the ARA
- report any irregularities in the administration of the tests to QCA
- investigate, where appropriate and on behalf of QCA, any allegations of maladministration in the key stage 2 tests
- investigate all allegations of maladministration in key stage 1 assessments, seeking advice from QCA on how to investigate the allegation appropriately and making decisions on changes to results.

2.3 Headteachers

It is the headteacher's responsibility to ensure the national curriculum tests are administered according to the procedures in the ARA and that all test administrators receive appropriate training. After the final test, the headteacher must complete a *Headteacher's declaration form* to confirm the school has:

- administered all tests correctly
- followed security arrangements according to the arrangements set out in the ARA
- sent all test scripts for external marking.

If for any reason the headteacher cannot complete the *Headteacher's declaration form*, it is his or her duty to notify the national curriculum tests helpline on 08700 60 60 40.

If a school believes a pupil has cheated in the tests and the accuracy or correctness of his or her results may have been affected, the headteacher or another senior member of staff should complete and submit the online *Pupil cheating form* available on the QCA *Test forms* website at www.qca.org.uk/testforms. By completing and submitting the *Pupil cheating form*, the headteacher agrees to either an annulment or an appropriate change to the results for the pupil concerned, as detailed on the form.

If a school believes the key stage 2 national curriculum tests have not been administered correctly or that there has been a possible security breach of test materials, it should contact the national curriculum tests helpline immediately on 08700 60 60 40 or email maladministration@qca.org.uk.

3. General principles of maladministration investigations

The QCA maladministration team carries out investigations into allegations of maladministration in accordance with the *Maladministration policy*⁴ and this procedures document. Where appropriate, the maladministration team is supported in carrying out the investigation by the local authority.

In particular:

- all allegations of maladministration will be investigated
- all investigations will be rigorous and fair, and conducted without bias
- the maladministration team will endeavour to protect the identity of whistleblowers
- 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*
- where an allegation of maladministration is received and an investigation visit is required, schools will be informed in advance by either the local authority or by the maladministration team
- QCA staff engaged in maladministration investigations will be fully trained in the required procedures
- Local authority colleagues involved in carrying out investigation visits on behalf of QCA will be fully briefed and provided with a specification for the investigation; local authority colleagues will make a recommendation to QCA on how the case should proceed following the investigation visit
- following an investigation by either the local authority or by the maladministration team, schools will receive copies of those documents which relate to the investigation and which the maladministration team deems appropriate, and will be invited to respond by providing their own reports or evidence in rebuttal
- any recommendations by the maladministration team for annulment or change to results will be referred to the QCA maladministration committee where a decision will be made⁵

⁴ See Appendix A

⁵ Full details of the committee process are available in the *QCA maladministration committee procedures* document in Appendix B

- however, in circumstances where a school consents to an annulment or change to results of pupils' due to instances of pupils cheating or errors in test administration affecting the validity of the results, the maladministration team can make this amendment at the school's request without referring the case to the maladministration committee.
- schools will have the right to appeal against decisions made by the maladministration committee
- each year the QCA maladministration team will provide a report to Ofqual and to the Department for Children, Schools and Families (DCSF) on its investigations into cases of alleged maladministration. This report will be available in the maladministration section of the QCA website at www.qca.org.uk/tests.

4. Reporting allegations of maladministration

Any person concerned about the way in which the statutory key stage 2 national curriculum tests were administered in a school should contact the national curriculum tests helpline on 08700 60 60 40. Information on how tests should be administered can be found in the key stage 2 ARA. The ARA is available on the QCA *Tests and exams* website at www.qca.org.uk/ara.

The QCA 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 caller (address, telephone number and email address)
- the school name and address where the alleged maladministration took place
- the subject(s) and test(s) affected by the alleged maladministration
- the year the allegation refers to
- the nature of the alleged maladministration.

These details will be logged on the maladministration database and progressed to the next stage of the process (logging and initial processing). All telephone calls will be treated in accordance with QCA's complaints procedure, which is available on the QCA *Tests and exams* website. This states that QCA will endeavour to ensure the name of the person making the allegation remains confidential.

4.1 Whistleblower allegation

If any member of the public believes a key stage 2 national curriculum test has not been administered correctly or there has been a possible security breach of the test materials, he or she should contact the national curriculum tests helpline immediately on 08700 60 60 40 or email the maladministration team on maladministration@qca.org.uk. The maladministration team will log the incident and determine in accordance with these procedures what further investigation and action is required. In these cases, it is important to provide as much information as possible in order for a full investigation to occur (see section 4.0 above). The maladministration team does not keep whistleblowers informed of the progress or outcome of an investigation.

4.2 School self-reporting

If a school believes a key stage 2 national curriculum test has not been administered correctly or there has been a possible security breach of the test materials, they should contact the national curriculum tests helpline immediately on 08700 60 60 40 or email maladministration@qca.org.uk. The maladministration team will log the incident, inform the school of the appropriate action to take and determine in accordance with these procedures what further investigation and action is required.

If a school believes a pupil has cheated in the tests and the accuracy or correctness of his or her results have been affected, the headteacher or another senior member of staff should complete and submit the online *Pupil cheating form* available at www.qca.org.uk/testforms. By completing and submitting this form, the headteacher will be agreeing to either an annulment or an appropriate change to the result for the pupil concerned, as detailed on the form.

4.3 Monitoring visit

Local authorities have a statutory duty to make unannounced monitoring visits to at least 10 per cent of maintained schools in their authority that will be administering the statutory key stage 2 national curriculum tests for that year. These monitoring visits will take place before, during or after the test period.

QCA is responsible for making monitoring visits to independent and non-maintained schools. At least 10 per cent of participating independent schools are monitored by QCA's appointed agency. In addition, QCA itself conducts a number of monitoring visits throughout the country to maintained, independent and non-maintained schools to observe the administration of national curriculum tests in accordance with the requirements set out in the ARA.

If a local authority or QCA monitor finds that administration procedures have not been followed correctly, they will notify the maladministration team, who will then log the concern and determine what further investigation and action is required in accordance with these procedures.

A *Monitoring visit form* is completed for every visit and schools will be given a copy regardless of whether or not any concerns were raised. For further information, the 2009 *Guide for schools on monitoring visits* factsheet can be accessed from the QCA *Tests and exams* website at www.qca.org.uk/tests.

4.4 Marker concerns

Markers are asked to find evidence of maladministration or evidence of pupils cheating when marking test scripts. If a marker has concerns with any test script(s), he or she will inform QCA's test operations agency who will forward the relevant information to the maladministration team. The maladministration team will log the information and determine in accordance with these procedures what further investigation and action is required (see section 4.0 above). The maladministration team does not inform markers of the progress or outcome of an investigation.

5. Processing allegations of maladministration

5.1 Logging and initial processing

When an allegation of maladministration is made to the QCA maladministration team, the details are logged on the maladministration database and the team decides what action needs to be taken. The maladministration team will decide whether:

- there has been no maladministration and the case should be closed
- there has been minor maladministration, but there is no doubt over the accuracy or correctness of pupils' results and therefore no action to amend or annul results is necessary
- further investigation is required to determine whether maladministration has taken place and whether there is doubt over the accuracy or correctness of the pupils' results.

If it is not immediately clear which of these three actions to take, the case will be referred to a case review meeting attended by members of the maladministration team and an independent advisor. The case will be discussed and a decision reached as to which of the three actions is appropriate.

5.1.1 No maladministration

If the maladministration team determines it does not need to carry out any further investigation and that no maladministration has taken place, it will close the case and take no additional action. If a school was aware an allegation had been made or had self-reported, the maladministration team will send a letter confirming no action is to be taken, which will be copied to the local authority. If a school was not aware of the allegation (for example, the allegation arose from a marker's concerns and was felt not to be a cause for concern following investigation) the school will not be informed.

5.1.2 Minor maladministration

If the maladministration team has evidence that maladministration has occurred, but there is no doubt over the accuracy or correctness of pupils' 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 letter will be copied to the local authority and may suggest appropriate actions for the school to take to ensure the maladministration does not occur again. Schools may be asked to confirm their actions to the maladministration team and their local authority in writing.

5.1.3 Further investigation required

If there is insufficient information to make a decision whether maladministration has occurred, or to determine the effect on the accuracy or correctness of pupils' results, the maladministration team will conduct further investigation. An investigation may be carried out by the school, local authority or the maladministration team and may involve examining the pupils' test scripts and/or visiting the school. After this investigation is complete, schools will receive formal written notification of the final decision made which will be copied to the local authority and, where appropriate, the chair of governors.

5.2 Types of investigations

5.2.1 Investigation by the school

Some allegations requiring further investigation may be closed through discussion with the school. In these cases, the maladministration team will contact the school, discuss the allegation and resolve the case. For audit purposes, all discussions will be recorded on the maladministration database. Where appropriate, cases will be discussed at a case review meeting before a final decision is made to close the investigation.

Schools will receive formal written notification of the final decision and this will be copied to the local authority and, where appropriate, the chair of governors.

5.2.2 QCA and/or local authority investigation visits

If the maladministration team decides an investigation visit to the school is required, a specification for the investigation will be produced.

The specification will detail:

- the purpose of the investigation
- what the investigation needs to determine
- who is to lead the investigation
- who is to be interviewed as part of the investigation.

Members of the maladministration team and/or colleagues in the relevant local authority will carry out investigations into allegations of maladministration. QCA's sole interest in investigating allegations of maladministration is to determine whether there is doubt over the correctness or accuracy of pupils' results. QCA does not have a remit to investigate who is responsible for any maladministration and hence will not apportion blame or take part in any

subsequent disciplinary procedures relating to any alleged cases of maladministration. Local authorities or governing bodies may, however, wish to determine responsibility as an employer, but this will be separate from any investigation made by the local authority on behalf of QCA.

Where an investigation is required by the local authority and/or QCA, the general nature of the allegation will normally be made known to a school at a time that does not prejudice the investigation. This disclosure will not include any details that could prejudice the examination of the key facts needed to prove or refute the allegation, or that indicate the source of the allegation.

Following an investigation, the lead investigator will produce a report on his or her findings and make recommendations, which will be shared with the school. The school will then be given an opportunity to provide a written response relating to the allegation. The findings from the investigation, the investigator's report and the school's response will be considered with other evidence at a case review meeting in order for the maladministration team to make recommendations for any further action. A case may be discussed a number of times at case review meetings to ensure all available facts have been considered. The maladministration team will inform the local authority and school of any developments during this time. Schools will then receive formal written notification of the final decision made and this will be copied to the local authority and, where appropriate, the chair of governors.

5.2.3 Investigation of test scripts

In cases where it is possible evidence of maladministration may be gained from the test scripts themselves, QCA will ask the marker to return the test scripts for further investigation once they have finished marking. Test scripts are requested from markers for a variety of purposes, not just investigations of maladministration, and markers will not be informed why the test scripts are required. An appropriately trained team will examine the test scripts to determine whether there is any evidence of maladministration. This could include:

- common answers across a number of pupils' test scripts
- excessive changes to answers across a number of test scripts
- changes to answers in different pens or a different hand.

The evidence from test script investigations is considered at a case review meeting along with other evidence in order to make recommendations for action. If necessary, test scripts may be sent for forensic examination.

Where test scripts have been requested from markers as a result of an ongoing investigation, the relevant pupils' results will not be provided to the school while the case remains open. 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 contact the headteacher directly to notify them. Only once a final decision has been made will the test script(s) be returned to schools and the result(s) released.

5.3 Case review and decision meeting

As well as enabling the maladministration team to consider the findings of the investigation, the case review and decision meetings are also the forum for the final review of cases and for the team to determine if any further action is required once all relevant facts have been considered.

The case review and decision meetings involve members of the QCA maladministration team and the independent adviser to the maladministration project. The independent adviser is selected from nominations by the teacher associations and/or local authorities, and works on the project for a maximum of three years. The adviser provides the project with an independent voice at an early stage of the process by attending all case review and case decision meetings to ensure consistency and fairness and to ensure decisions are informed by their knowledge of current practice in schools.

All information collected on a case is presented at the meeting. This could include reports from the school, local authority, test operations agency or QCA, and outcomes from test script investigations including any forensic examination reports. All schools investigated in light of an allegation will be given the opportunity to provide an appropriate written response to this meeting before a recommendation is made. The nature and extent of the response requested from the school will depend on the nature of the particular case. All recommendations from case review and decision meetings will be documented.

The outcome of a case review and/or decision meeting can be one of three options. It may be decided in the meeting that there:

- has been no maladministration and the case should be closed
- has been minor maladministration, but there is no doubt over the accuracy or correctness of a pupils' results and therefore no action to amend or annul the results is necessary

- is sufficient evidence that major maladministration has occurred, placing doubt over the correctness or accuracy of a pupil's results.

If the test results are deemed not to reflect the pupils' own unaided work or there have been errors in the administration of the tests that place the pupils' results in doubt, then the decision in the meeting will be to make a recommendation to the maladministration committee that the pupils' results be annulled or appropriately changed.

In circumstances where a school consents to a change of results or annulment due to an error in test administration affecting the validity of the results, the maladministration team can make this change or annulment at the school's request without referring the case to the maladministration committee. The school must provide this request in writing and will be responsible for reporting any changes or annulments to parents. QCA will provide a formal written notification confirming the actions taken and this will be copied to the local authority and, where appropriate, the chair of governors.

In cases where the advantage gained by a pupil can be quantified or is limited to a small number of questions, the maladministration team may recommend that the marks gained in those elements are removed so the result is a more accurate reflection of the pupils' own unaided work (for example, where a pupil used a calculator on the non-calculator paper for two questions or a pupil was given help reading a word on the Reading test).

In cases where the advantage cannot be quantified or the number of questions affected is significant, the maladministration team may recommend the results be annulled.

Recommendations for altering or annulling the results, if not consented to by the school, will be referred to the QCA maladministration committee, who will make the final decision on whether, and to what extent, the results should be altered or annulled. Schools will receive formal written notification of the final decision and this will be copied to the local authority and, where appropriate, the chair of governors.

5.4. QCA maladministration committee

Where a decision is made to make a recommendation to the QCA maladministration committee, the maladministration team will follow the procedures laid out in the *QCA maladministration committee procedures*⁶. The QCA maladministration team will inform the school of the decision to make a recommendation to the maladministration committee and what that recommendation will be.

All further communication with the school concerning the committee meeting will then be through the committee officer who will make all arrangements for the committee meeting and ensure schools have copies of all relevant documents prior to the meeting.

5.5 Appeals process

Where a school wishes to contest the decision made by the maladministration committee, it has a right to appeal. Details of how to appeal will be sent to schools with the decision of the committee.

⁶ See Appendix B

Appendix A: Maladministration policy

The QCA has a statutory duty at key stage 2 to determine whether:

- the national curriculum tests have been administered in accordance with the published policies
- the national curriculum tests have been administered according to the published timetable
- a pupil's written response to the national curriculum tests represents his or her own work.⁷

Where the accuracy or correctness of a pupil's result is in doubt, QCA will determine the result for that pupil (if QCA's determination takes place before the test operations agency has provided the record of results to the headteacher).

In all circumstances where a result is deemed inaccurate or incorrect (whether before or after the record of results has been provided to the headteacher), the test operations agency will either:

- change the result to remove or add marks accordingly, or
- annul the result and award an 'N' for 'no level awarded'.

The table overleaf indicates the types of incidents related to test administration that are considered to represent maladministration, resulting in the need to change or annul results. The list in the table is not intended to be exhaustive and incidents may arise that are not covered in this table but are deemed by QCA not to be in accordance with national curriculum test policy, such that action to change or annul results is required. In addition, there may be incidents where individuals take deliberate action to advantage pupils creating results that do not represent a pupil's own unaided work, and this may also require action to change or annul results.

QCA will investigate all reports of alleged maladministration that relate to the accuracy or correctness of any pupil's results. QCA may, however, find it difficult to fully investigate an allegation received anonymously. Investigations commencing with an anonymous allegation may be hampered and regrettably cease at an early stage.

⁷ *The Education (National Curriculum) (Key stage 2 Assessment Arrangements) (England) Order 2003*

QCA is responsible for forming the maladministration committee to hear cases and make decisions on changes to results and annulments.

Schools may appeal the decision of the maladministration committee to an independent appeals board.

1	Additional time
1.1	School applied for additional time for a pupil, which was denied. School gave additional time anyway (either by mistake or intentionally).
1.2	School did not apply for additional time for a pupil because it believed it did not need to. School then gave additional time.
1.3	School gave additional time in the mental mathematics test to pupils who were eligible for additional time in other tests.
2	Rest breaks
2.1	School gave a rest break but did not supervise pupils during the rest break and cannot guarantee pupils did not discuss the test.
2.2	School gave a rest break but did not supervise pupils during the rest break but claims it can guarantee pupils did not discuss the test.
2.3	School sent pupils out after test and then realised it had not given correct time allocation and called pupils back in to finish the test.
2.4	Disruption during the test (for example, a fire alarm) meant pupils were evacuated from the test venue. During the permitted rest break pupils were not supervised and the school cannot guarantee pupils did not discuss the test.
2.5	Disruption during the test (for example, a fire alarm) meant pupils were evacuated from the hall. During the permitted rest break pupils were not supervised but the school claims it can guarantee pupils did not discuss the test.
3	Timetable variation
3.1	School varied the timetable and it is possible that test content was shared with other pupils.
4	Use of equipment
4.1	Pupil used a calculator on a non-calculator test.
4.2	Pupil used inappropriate equipment in the mental mathematics test (for example, a ruler).
4.3	Pupil used a dictionary/spellchecker/word list in a test where this is not allowed.
5	Invigilation
5.1	Inappropriate sole invigilator used for a test (for example, a relative of the pupil).

6	Early opening
6.1	School opened test papers more than an hour in advance of the test, but on the day of the test, without permission.
7	Access arrangements
7.1	School used a word processor inappropriately in the way this access arrangement was applied (for example, it did not turn off the spell checker or thesaurus).
7.2	School used an amanuensis inappropriately in the way this access arrangement was applied (for example, encouraging the pupil to say more to answer a question).
7.3	School used a reader inappropriately in the way this access arrangement was applied (for example, giving away answers through voice intonation).
7.4	School spelt words for a pupil, in a test where spelling is assessed.
7.5	School used a transcript inappropriately in the way this access arrangement was applied (for example, it allowed pupil to change answers while the transcript was being made).
7.6	School used prompting inappropriately in the way this access arrangement was applied (for example, indicating questions that were incorrect).
8	Other
8.1	School administered test twice in the same year.
8.2	Inappropriate use of modified test materials (for example, using flashcards with pupils without hearing impairment)

Related policy

- *Monitoring visits policy* (available from QCA upon request).

Appendix B: 2009 QCA maladministration committee procedures

Contents

1. Description and scope of the QCA maladministration committee
2. Membership of the QCA maladministration committee
3. Attendance at the QCA maladministration committee
4. Conduct of QCA maladministration committee meetings
5. 2009 QCA maladministration committee timeline
6. Appeals process

1. Description and scope of the QCA maladministration committee

The QCA maladministration committee fulfils part of the management process of the QCA's remit in investigating all allegations of maladministration for the key stage 2 national curriculum tests and correcting any record where the QCA determines there to be doubt over the accuracy or correctness of a pupil's results.

The QCA maladministration team conducts investigations into allegations of maladministration. Where the maladministration investigation team recommends a change to the result for a pupil(s) or annulment of the results for a pupil(s), this recommendation is put before the maladministration committee, which hears evidence from both the team and the school involved in the investigation before making a final decision. It is not a formal hearing, a trial or a tribunal – it is a process to ensure fairness and parity for schools and to enable public confidence in the validity of pupils' results, so cross-examination is not appropriate. The QCA's remit does not extend to investigating who is responsible for any maladministration. The maladministration committee therefore does not seek to apportion blame for any alleged case of maladministration presented to it.

The maladministration committee is not a policy-making body. National curriculum test policies are agreed and owned jointly by the DCSF and QCA. The maladministration committee cannot choose to amend or contradict policies when making decisions relating to alleged cases of maladministration. The committee can refer a policy back to the DCSF and

QCA for review following a committee meeting, but all decisions must be in accordance with existing, agreed policies.

The statutory instrument⁸ for key stage 2 states that:

Where ... and before the external marking agency have provided the record of the results to the headteacher under article 5(5), the Authority determines that the accuracy or correctness of a pupil's results in respect of the NC tests administered under article 5 is in doubt, the record of results to be provided by that agency to the headteacher shall be the record of results determined by the Authority.

Where the record of results has not been returned to the school, it is for the committee to decide collectively on the level of doubt in any one case before arriving at a decision as to what the record of results should be.

The statutory instrument for key stage 2 also states that:

Where ... the external marking agency have provided the record of the results to the headteacher under article 5(5), the Authority determines that that record of the results is inaccurate or otherwise incorrect, the Authority shall provide to the headteacher a record of the results determined by the Authority and that record of the results shall be the record of the results for the pupil.

In cases where the record of results has been returned to the school, the committee must decide that the results are inaccurate before it can proceed to annul or change the results.

2. Membership of the QCA maladministration committee

The QCA maladministration committee will comprise six members, three being QCA senior managers with relevant experience of national curriculum tests administration and procedures and three being practising headteachers and/or independent members from teaching associations. If, due to exceptional circumstances, the full quotient of either QCA or independent committee members cannot be made, a quorum of five will be acceptable.

The chair of the committee will be a senior manager from QCA who has previously sat on the committee. Before sitting on the committee, all members will be required to attend a training event.

⁸ *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003: articles 7(2) and 7(3)*

Members of the committee will be drawn from the following pool:

- senior managers of QCA
- primary headteacher(s)
- representative(s) nominated from the teaching associations.

A QCA policy specialist will advise the maladministration committee as required during the proceedings, but will not have a vote on any proposed decision. Members of the committee may ask for clarification on matters of policy and how any decisions they may be considering would relate to the national curriculum test policies.

The committee officer will support the committee during the proceedings, take notes of decisions made and be the first point of contact for schools invited to attend a committee meeting on matters relating to the committee. The committee officer is not a member of the maladministration team and will not be able to answer queries about the cases being taken to the committee; the role is an administrative one. The committee officer will make all arrangements for committee members in advance of the committee meetings and training events.

A senior manager of QCA will act as committee director, overseeing all arrangements for the training events and committee meetings, and briefing school representatives on their arrival for a committee meeting.

3. Attendance at the QCA maladministration committee

QCA maladministration team	There will be a maximum of two members of the team present at each meeting.
School representatives	There will be a maximum of three representatives from the school (including supporting representatives such as teacher associations and/or chair of governors).
Local authority representatives	If a local authority investigating officer is attending a hearing, his or her role is to observe only.

In cases where the school does not wish to be present at the committee meeting but provides written statements, the committee officer will read out this information on behalf of the school.

4. Conduct of QCA maladministration committee meetings

4.1 Before the committee meeting

Investigations of alleged maladministration will be carried out by the QCA maladministration team in accordance with the *Maladministration procedures*. Where the maladministration team decides to refer a case for decision to the maladministration committee, the school will be notified in advance by the team or its local authority.

The committee officer will send a letter to the headteacher of the school concerned that will be copied to the local authority and the chair of governors. The letter will indicate the nature of the allegation, the time and date of the committee meeting, a brief description of the format of the committee meeting and the date by which the school can expect to receive copies of any relevant documentation, if not included with the letter. The school will have the option of either attending the committee meeting or sending in a written statement if it prefers. The letter will also include a web link to the *Maladministration procedures* for information purposes.

The school, local authority and chair of governors will receive copies of all relevant documents and evidence that will be presented to the committee at least 10 working days in advance of the committee meeting. Schools that wish to either submit material to be reviewed or present materials to the committee should submit these to the committee officer within five working days of when all material is received.

4.2 On the day of the committee meeting

The school representatives will be met by a senior manager of QCA and will be briefed on the proceedings.

4.3 During the meeting

All committee meetings will be recorded for the purpose of keeping an accurate record of proceedings. Committee recordings will be retained securely until after the deadline for requesting appeals and, following that deadline, will be confidentially destroyed.

The committee may ask for advice on policy or clarification from the QCA policy specialist at any point during the proceedings.

The committee members can inspect any new evidence and findings which have come to light within the 10 day period of the school receiving copies of all relevant documents and evidence.

The meeting will proceed with the following agenda:

- introductions by the chair
- presentation of findings by the maladministration team
- opportunity for committee members to seek clarification from the maladministration team
- presentation of relevant information by the school (or on behalf of the school by the committee officer)
- opportunity for committee members to seek clarification from the school
- summing up by the maladministration team
- summing up by the school.

At this point, the maladministration team members, the school representatives and any local authority observers and non-investigating officers present will be asked to leave the room.

The maladministration committee members will discuss the evidence and findings they have heard and seen. In particular, they must consider:

- whether the accuracy or correctness of the results for any pupil or pupils is in doubt
- the implications of policies for the case.

If the committee considers it necessary to further question either the maladministration team or the school representatives before reaching a decision, then all parties will be invited back into the meeting to hear these questions and the responses given.

All parties seeking to present evidence to the committee should take every precaution to ensure that this evidence is clearly presented and as comprehensive as possible.

If the committee feels there is insufficient information to enable it to reach a reasonable conclusion that any of the four decisions set out below is appropriate and that further investigation is required, it will adjourn the committee meeting to allow further investigation to take place. In these instances the committee will record in writing the scope of the further investigation it considers necessary to reach a decision and request it be carried out by the QCA or local authority staff responsible for the investigation to date.

Once further investigation has taken place to the extent reasonably possible in the circumstances, the committee officer will liaise with the school to provide it with any further information obtained and to organise the new committee date. The timescales for the provision of this information and the reconvened hearing will be in accordance with section 4.1 above.

The committee will ultimately reach one of the following decisions as a result of its deliberations:

- There is evidence of maladministration and sufficient doubt in the accuracy or correctness of pupil results to justify a decision to annul the results.
- There is evidence of maladministration, sufficient doubt in the accuracy or correctness of pupil results and sufficient information on the marks affected by the maladministration to justify a decision to change the pupil results by deducting or adding marks to the affected questions for the pupil mark totals.
- There is evidence of maladministration, but this evidence is insufficient to cast doubt on the accuracy or correctness of the results, leading to a decision to uphold the marks but requiring the school to provide detail of the measures they will put in place to ensure the tests are administered correctly in future years. The committee may also request through the maladministration team that a QCA or local authority monitoring visit be made to the school in subsequent years.
- There is no evidence of maladministration, leading to a decision of no further action.

Once the committee has reached a decision, all parties will reconvene. The chair of the committee will verbally communicate the committee's decision, which will be noted in full by the committee officer. The policy advisor will then advise the school of the process for appealing the committee decision and for reporting results.

4.4 After the meeting

The committee officer will confirm the decision of the committee in writing to all parties on the working day after the committee reached its decision. A detailed letter and notes of the meeting will be sent to all parties within 15 working days of the final committee meeting.

The school will also receive details of how it may appeal the decision of the committee and the deadline for requesting an appeal.

5. 2009 QCA maladministration committee timeline

27 April 2009	Training for maladministration committee members
24 June 2009	Maladministration committee meeting 1
1 July 2009	Maladministration committee meeting 2
15 July 2009	Maladministration committee meeting 3
16 September 2009	Maladministration committee meeting 4
23 September 2009	Maladministration committee meeting 5

6. Appeals process

Where a school wishes to contest the decision of the maladministration committee, it has a right to appeal. Details of how to appeal will be sent to schools with the decision of the committee. Appeals will be heard by a panel independent of QCA and Ofqual, drawn from a pool of people who have experience in hearing appeals related to qualifications and training.

Appendix C: Maladministration flowchart

