



Standards  
& Testing  
Agency

# **Key stage 1 and 2: maladministration investigation procedures**

**March 2022**

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## Introduction

This publication is for local authorities (LAs), school leaders, school staff and accountable bodies in all maintained schools, academies, free schools and independent schools. It outlines the procedures for investigating allegations of maladministration of national curriculum assessments, which are designed to safeguard the integrity of the assessments.

This document covers:

- the phonics screening check (PSC)
- the key stage 1 (KS1) tests and teacher assessment (TA)
- the key stage 2 (KS2) tests and TA
- the multiplication tables check (MTC)

Please note reception baseline assessment maladministration procedures are not covered in this document.

The Standards and Testing Agency (STA) has a statutory duty, on behalf of the Secretary of State for Education, to investigate matters which relate to the accuracy of pupils' results and/or outcomes in the national curriculum assessments.

STA's remit is to determine whether there is doubt over the accuracy of pupils' results and/or assessments. The legal basis for this is set out in:

[The Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) Order 2003 \(as amended\)](#)<sup>1</sup>

[The Education \(National Curriculum\) \(Key Stage 1 Assessment Arrangements\) \(England\) Order 2004 \(as amended\)](#)<sup>2</sup>

Matters reported to STA about the accuracy of pupils' results in the national curriculum assessments are referred to as 'allegations of maladministration' within these procedures.

Maladministration refers to any act that:

- affects the integrity, security or confidentiality of the national curriculum assessments

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<sup>1</sup> [www.legislation.gov.uk/ukxi/2003/1038/contents/made](http://www.legislation.gov.uk/ukxi/2003/1038/contents/made)

<sup>2</sup> [www.legislation.gov.uk/ukxi/2004/2783/contents/made](http://www.legislation.gov.uk/ukxi/2004/2783/contents/made)

- could lead to results and/or outcomes that do not reflect pupils' unaided work or actual abilities

All references to 'schools' apply to different types of schools as set out in the [2022 key stage 1: assessment and reporting arrangements \(ARA\)](#)<sup>3</sup> section 13.1 and the [2022 key stage 2: assessment and reporting arrangements \(ARA\)](#)<sup>4</sup> section 14.1.

## Examples of maladministration

Maladministration of the PSC, KS1, MTC or KS2 tests can be unintentional as well as intentional. It can include:

- early opening of test papers or PSC materials without permission
- pupils being over-aided by test administrators
- pupils cheating
- schools allowing pupils to resit a test or the PSC
- changes being made to pupils' test scripts outside of test conditions
- schools reporting pupils' PSC scores incorrectly

Maladministration of TA can include:

- inflating or deflating TA judgements of pupils' work.
- submitting different data to that agreed as a result of LA moderation (specific subjects only)
- submitting evidence that is used to justify TA standards as independent work which has been heavily supported by an adult (scaffolding evidence)
- over-aiding in tests and using the results as evidence towards TA standards

## Sources of maladministration allegations

We receive allegations of maladministration from various sources, including:

- members of the public, including parents
- school staff and governors
- secondary schools
- LA staff
- academy sponsor staff
- KS2 or PSC monitoring visits conducted by LA moderators

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<sup>3</sup> [www.gov.uk/government/publications/2022-key-stage-1-assessment-and-reporting-arrangements-ara](http://www.gov.uk/government/publications/2022-key-stage-1-assessment-and-reporting-arrangements-ara)

<sup>4</sup> [www.gov.uk/government/publications/2022-key-stage-2-assessment-and-reporting-arrangements-ara](http://www.gov.uk/government/publications/2022-key-stage-2-assessment-and-reporting-arrangements-ara)

- markers of the KS2 tests
- external organisations (for example, Ofsted)

## Roles and responsibilities

STA's role is to safeguard the integrity of the assessments. STA has a statutory duty to investigate any matter brought to its attention relating to the accuracy or correctness of any pupil's test results. We do not apportion blame for any alleged maladministration. Any subsequent disciplinary proceedings are the responsibility of the school's accountable body, which may make a referral to the Teaching Regulation Agency.

We allocate a trained STA case manager to each case of alleged maladministration. This is to ensure all investigations are conducted rigorously, fairly and without bias.

The case manager 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 the investigation and the outcome of the investigation (these will also be sent to the LA and the school's accountable body where appropriate)

## Local authorities

We work closely with LAs during 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 the [maladministration investigation visits guidance](#)<sup>5</sup> and details of the particular allegation of maladministration before they carry out school visits. They are also responsible for producing a report detailing the information and evidence gathered during the visit and providing this to STA.

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<sup>5</sup> [www.gov.uk/government/publications/key-stages-1-and-2-investigating-allegations-of-maladministration](http://www.gov.uk/government/publications/key-stages-1-and-2-investigating-allegations-of-maladministration)

# How we process allegations of maladministration

## Logging and initial processing

Any allegations of maladministration (which could include cheating), or concerns about the administration of the check, should be reported to STA by contacting the national curriculum assessments helpline on 0300 303 3013 or [assessments@education.gov.uk](mailto:assessments@education.gov.uk).

STA logs all allegations of maladministration. Anyone reporting an allegation is asked for as much detail as possible to enable the case manager to make an informed decision as to whether an investigation is required.

The person making an allegation has the option to remain confidential. All information collected will be processed and retained in accordance with the UK General Data Protection Regulation (UK GDPR) <sup>6</sup>, the [Data Protection Act 2018 \(DPA 2018\)](#)<sup>7</sup> and the Freedom of Information Act 2000<sup>8</sup>.

It is not STA's policy to keep the person making the allegation informed of the progress of an investigation or notify them of the outcome.

After receiving an allegation, STA considers the details of the allegation and decides on 1 of the following 3 courses of action, including whether the allegation warrants an investigation. Investigation timings will vary.

## 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, STA will provide written confirmation that no action will be taken. This will be copied to the LA and the school's accountable body, where applicable.

If a school is unaware of the allegation, for example if the allegation arose from a marker's or parent's concern but the allegation does not warrant an investigation, a case will not be opened and the school will not be informed. This may happen if for example, an early opening allegation is reported to STA and the school has been approved by the STA for early opening of an assessment.

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<sup>6</sup> [www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation](http://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation)

<sup>7</sup> [www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation](http://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation)

<sup>8</sup> [www.legislation.gov.uk/ukpga/2000/36/contents](http://www.legislation.gov.uk/ukpga/2000/36/contents)

## **Maladministration has occurred but there is no doubt over the accuracy of pupils' assessments**

We may decide that maladministration has occurred, but it has not affected the accuracy of pupils' results. If this is the case, we will not change or annul the school's assessment outcomes.

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 does not occur again. We may inform the LA and the school's accountable body, where applicable, and recommend follow-up actions, if needed.

## **Further investigation required**

We may decide to conduct a further investigation. The activities we may undertake as part of an investigation are described in the 'investigating allegations' section. A school's results may be withheld pending the outcome of the investigation.



# Investigating allegations

## Discussion with a school

We may be able to resolve an allegation through discussion with the school. STA will contact the headteacher of the school if this is appropriate. We keep records of all discussions.

The assessment and reporting arrangements (ARA) for KS1 and 2 each state that the headteacher is responsible for ensuring test administration requirements are implemented in their school. Therefore, it is normal practice for STA to liaise directly with the headteacher during the investigation (and not, for example, with a school's accountable body).

## School visits

LA staff may visit a school as part of an investigation. The headteacher should inform the school's accountable body, where applicable, if they are notified of a school visit. We use visits to gather information about:

- the procedures in place to keep test and check materials secure
- how the tests or checks were administered
- the actions the school put in place to ensure their TA data was accurate

If the school does not already know the nature of the allegation, they will be informed at the start of the visit.

After the visit, the lead interviewer will write a report of their findings for STA. This report becomes STA property. We provide the school with a copy of the report, but any personal or identifying information will be redacted. The school will then be given the opportunity, usually within 10 working days, to provide a written response to the report.

LAs carrying out visits on STA's behalf must refer to the maladministration investigation visits guidance.

## Review of key stage 2 test scripts

In most cases, STA staff can review scanned, hard copy test scripts or both depending on the nature of the allegation. Information from this review will be used to inform the investigation.

## How we make decisions

It 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
- the availability of information relevant to a case
- when the allegation was reported
- how the allegation was reported

## Representations provided by schools under investigation

During the investigation, if the case manager considers there is doubt over the accuracy or correctness of results, the headteacher will be notified of this. An explanation will be given by the case manager to the headteacher, and the case manager's initial findings will be shared.

The headteacher will be given the opportunity to make written representations on behalf of the school and the case manager will give a deadline of 10 working days for receipt of these representations. STA will review any representation request past the deadline. If STA requires further representations from the school, the case manager will contact the headteacher for this information. Any representations that are received by the deadline set by the case manager will be considered by the STA decision maker (see below) who makes the final decision.

We use decision meetings to determine what actions are to be taken.

At the meeting, the case manager will present all information gathered during the investigation to the decision maker (an STA manager, who is independent of the investigation and is senior to the case manager). This information may include:

- the school visit report and the school's response to this report
- information from KS1, KS2 or PSC monitoring visits
- outcomes from test script analysis

The information will include any representations made on behalf of the school received within the 10 working day deadline.

A recommendation by the case manager will be made to the decision maker at the decision meeting.

The decision maker will make the final decision. Any decision to amend, annul or discount pupils' results and/or assessments will be made by the decision maker and not by the case manager.

## Investigation outcomes

When there is doubt about the accuracy of pupils' results, STA can make the following decisions for individual pupils, groups of pupils or the whole cohort for the relevant year group

Assessment	Potential decisions
PSC	Amend or annul. If pupils are in year 1, they will have the opportunity to take the PSC again the following year. Pupils in year 2 will not be able to retake the check in future years.
KS1 tests	Amend or annul KS1 test results. These cannot be used to support TA if annulled.
KS2 tests	Amend or annul KS2 test results.
TA KS1 and KS2	Amend or annul TA judgements.
MTC	Whole check will be annulled.

Any decision to amend, annul or discount pupils' results is final and there is no right of appeal. Once a decision has been made, we verbally notify the school of the decision and follow up with a letter explaining the decision and what steps (if any) are to be taken by the school. We also send the letter to the school's accountable body and the relevant LA.

## Further actions

The annulment of results for a component (or subject) of a KS2 test means the pupil will not receive an overall test result for the subject. If a pupil does not receive an overall test result for the subject, then KS2 TA results should be reported and used instead. This is to support pupils' transition into secondary school.

It is the school's responsibility to report any amendments 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<sup>9</sup> 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

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<sup>9</sup> [www.legislation.gov.uk/ukpga/1996/56/contents](http://www.legislation.gov.uk/ukpga/1996/56/contents)

The school's accountable body is responsible for carrying out any further investigation and to consider referring to the Teaching Regulation Agency as appropriate.

## Contact Details

### Maladministration team

Email: [sta.maladministration@education.gov.uk](mailto:sta.maladministration@education.gov.uk)

### Standards and Testing Agency

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

National curriculum assessments helpline: 0300 303 3013



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write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

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