

National curriculum tests 2008 maladministration procedures

April 2008

QCA/08/3643

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1. Purpose of document

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 respect of the statutory key stage 2 and key stage 3 national curriculum tests administered under *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003* and *The Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003*. Such matters are referred to in this document as 'allegations of maladministration'.

The part of QCA that carries out investigations into allegations of maladministration in the national curriculum tests is the National Assessment Agency (NAA) national curriculum tests (NCT) maladministration team. The term 'maladministration' refers to any act that could jeopardise the integrity, security or confidentiality of the 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 NAA when investigating allegations of maladministration in the statutory end of key stage 2 and key stage 3 national curriculum tests. This document will also provide local authorities (LAs), headteachers, teachers, others working in and with schools, and 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 NAA
- 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 2008 test cycle. This document should be read alongside the following documents:

- the *Assessment and reporting arrangements* (ARA) booklet for the relevant key stage
- the *Test administrators' guide* for the relevant key stage and subject
- the *Maladministration policy*¹
- the *NCT maladministration committee procedures*.²

¹ See Appendix A

² See Appendix B

2. Roles and responsibilities

2.1 National Assessment Agency

The NAA, acting as part of 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 end of key stage 2 and key stage 3 national curriculum tests. The aim of this remit is to safeguard the integrity of the statutory end of key stage 2 and key stage 3 national curriculum tests and the interests of pupils.

The role of NAA is to ensure that:

- tests are administered according to the guidance in the *Assessment and reporting arrangements* (ARA) booklet for the relevant key stage
- procedures are in place to monitor the administration of the tests
- tests are accurately marked and that results are reported accurately and on time
- pupils' test results accurately reflect their own unaided work on the day of the test.

The NCT maladministration team at NAA 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 NAA NCT maladministration committee. The sole interest of NAA in investigating cases of alleged maladministration is to determine whether there is doubt over the correctness or accuracy of pupils' tests results. The NAA 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 assessments is regulated by Ofqual, the regulator of qualifications and examinations using the *National curriculum assessments: Code of practice* and the *National curriculum assessments: Regulatory framework*. The NAA undertakes an annual self assessment of all of its procedures and processes against the requirements in the code of practice. These procedures are reviewed and updated annually against these requirements.

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

2.2 Local authorities

The NAA works closely with local authorities (LAs) before, during and after the test period to investigate any allegations of maladministration. NAA ensures that LAs receive annual guidance and training on maladministration through materials provided on the NAA website and through regional test administration conferences. It also identifies and shares good practice with LAs in monitoring the administration of the tests.

It is the LA's responsibility to:

- provide training to school staff on administering the tests
- monitor the administration of the tests in 10 per cent of relevant schools, either before, during or after the test weeks (the focus of these visits is to ensure the secure handling of test papers as well as adherence to the published arrangements to administer the tests as detailed in the ARAs)
- report to NAA any irregularities in the administration of the tests to NAA
- investigate, where appropriate and on behalf of NAA, any allegations of maladministration in the key stage 2 and key stage 3 tests
- investigate all allegations of maladministration in key stage 1 assessments, seeking advice from NAA 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 that the national curriculum tests are administered according to the procedures in the ARA booklet and that all test administrators receive appropriate training. After the final test, the headteacher must complete a 'Headteacher's declaration form' to confirm that the school has:

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

If, for any reason, the headteacher cannot complete this form, it is his or her duty to notify the test operations agency helpdesk on 0870 1614530 or email schools@testoperations.org.uk.

If a school believes that a pupil has cheated in the tests and the accuracy or correctness of his/her results may have been affected, it should complete and submit the online 'Pupil cheating form' available on the NAA *Test forms* website at www.naa.org.uk/testforms. By completing and submitting this 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 that either the end of the key stage 2 or key stage 3 national curriculum tests has not been administered correctly or that there has been a possible breach of test materials, it must contact NAA immediately on 08700 60 60 40 or email maladministration@naa.org.uk.

3. General principles of maladministration investigations

NAA's national curriculum tests (NCT) maladministration team carries out investigations into allegations of maladministration in accordance with the published *Maladministration policy* and this procedures document. Where appropriate, the maladministration team is supported in carrying out the investigation by the relevant local authority (LA).

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 of this in advance by either the LA or by the maladministration team.
- NAA staff engaged in maladministration investigations will be fully trained in the required procedures and will adhere to the NAA code of conduct
- LA colleagues involved in carrying out investigations on behalf of NAA will be fully briefed and provided with a specification for the investigation. LA colleagues will make a recommendation to NAA on how the case should proceed following an investigation
- following an investigation by either the LA 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
- save in the circumstances described in the paragraph below, any recommendations by the maladministration team for annulment or change to results will be referred to the NAA NCT maladministration committee where a decision will be made⁴
- in circumstances where a school consents to a change to results or annulment to the results of individual pupils due to instances of pupils cheating or errors in test administration affecting the validity of the results, the maladministration team can make

⁴ Full details of the committee process are available in the *NCT maladministration committee procedures* document in Appendix B.

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
- the maladministration team will provide an annual report to QCA and the Department for Children, Schools and Families (DCSF) on its investigations into cases of alleged maladministration.

4. Reporting allegations of maladministration

Any person who has concerns about the way in which the statutory end of key stage 2 or key stage 3 national curriculum tests were administered in a school should contact NAA on 08700 60 60 40. Details on how tests should be administered are found in the *Assessment and reporting arrangements* (ARA) booklets. Electronic versions of these booklets (eARA) are available at www.naa.org.uk/tests.

The NCT 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/phone number/email address
- the name and address of the school where the alleged maladministration took place
- the key stage, subjects and tests affected by the alleged maladministration
- the year to which the allegation refers
- the nature of the alleged maladministration.

These details will be logged on the NCT 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 website. This policy states that NAA will endeavour to ensure that the name of the person making the allegation remains confidential.

4.1 Whistleblower allegation

If any member of the public believes that a statutory end of key stage 2 or key stage 3 national curriculum test has not been administered correctly or there has been a possible security breach of the test materials, they must contact NAA immediately on 08700 60 60 40 or email maladministration@naa.org.uk. The maladministration team will log the incident as described above and determine in accordance with these procedures what further investigation and action is required. In such cases it is important to provide as much information as possible, as detailed above, in order for a full investigation to take place. 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 that a statutory end of key stage 2 or key stage 3 national curriculum test has not been administered correctly or there has been a possible security breach of the test materials, they must contact NAA immediately on 08700 60 60 40 or email maladministration@naa.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 feels that a pupil has cheated in the tests and that the accuracy or correctness of his/her results have been affected, they should complete and submit the online 'Pupil cheating form' available at www.naa.org.uk/testforms on the NAA *Test forms* website. 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

LAs 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 end of key stage 2 and end of key stage 3 national curriculum tests for that year. These monitoring visits will take place before, during or after the test period. NAA is responsible for making monitoring visits to independent schools. At least 10 per cent of participating independent schools are monitored by NAA's appointed agency. In addition, NAA carries out a number of monitoring visits throughout the country in order to observe how tests are being administered in accordance with the requirements set out in the ARA and in some cases to monitor schools that have had allegations of maladministration in previous years. Most visits will not find any cause for concern. However, if an LA or NAA monitor finds that administration procedures have not been followed correctly, they will notify the maladministration team, which will then log the concern as described above and determine in accordance with these procedures what further investigation and action is required.

A monitoring visit form is completed for every visit and schools will be given a copy regardless of whether any concerns were raised. A copy of the guidance given to those who carry out monitoring visits is available in the Local authorities section at www.naa.org.uk/tests.

4.4 Marker concerns

Markers are asked to look for evidence of maladministration or evidence of a pupil cheating when marking scripts. If a marker has concerns with any script(s), they will inform NAA's test operations

agency who will forward the relevant information to the maladministration team. The team will log the information as described above and determine in accordance with these procedures what further investigation and action is required. The maladministration team does not keep markers informed 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 NCT maladministration team, the details are logged on a database and the team will then decide what action needs to be taken. There are three options at this point (see 5.1.1-5.1.3). 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, together with an independent adviser. The case will be discussed and a decision reached as to which of the following three actions is appropriate.

The maladministration team may decide that:

- there has been no maladministration and close the case
- there has been minor maladministration, but that such maladministration does not cast doubt over the accuracy or correctness of a pupil's results such that no action to amend or annul results is required
- further investigation is required to determine whether maladministration has taken place which affects the accuracy or correctness of the results.

5.1.1 No maladministration

If the maladministration team finds that they do not need to carry out any further investigation and that no maladministration has taken place, they will close the case taking no further action. If a school is aware that an allegation had been made or had self-reported, the maladministration team will send a letter confirming that no action is to be taken, which will be copied to the LA. If a school was not aware of the allegation (eg 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 that such maladministration does not cast doubt over the accuracy or correctness of a pupil's result such that it is not necessary to change or annul the results as a consequence, they will write to the school informing them. This letter will be copied to the LA and will instruct schools to ensure that such maladministration does not occur in the future and detail appropriate action to take. Schools may be asked to confirm their actions to the maladministration team and to the LA in writing.

5.1.3 Further investigation required

If there is not sufficient information on which to base a decision whether maladministration has occurred, the maladministration team will conduct a further investigation. This investigation may be carried out by the school, LA or the maladministration team and may involve an investigation of the pupils' test scripts. Following further investigation, schools will receive formal written notification of the final decision made and this will be copied to the LA and, where appropriate, the chair of governors.

5.2 Types of investigations

5.2.1 Investigation by the school

Some allegations that require further investigation can be closed through discussion with the school. In such cases, the maladministration team will contact the school, discuss the allegation and resolve the case. All discussions will be noted for audit purposes. Such cases will usually 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 made and this will be copied to the LA and, where appropriate, the chair of governors.

5.2.2 Investigation by NAA and/or LA

If the maladministration team decides that a more extensive investigation is required, a specification for that 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 LA will carry out investigations into allegations of maladministration. NAA's sole interest in investigating allegations of maladministration is to determine whether there is doubt over the correctness or accuracy of pupils' results. NAA does not have a remit to investigate who is responsible for any maladministration and hence does not apportion blame or take part in any subsequent disciplinary procedures relating to any alleged cases of maladministration. LAs or governing bodies may, however, wish to determine responsibility as an employer, but this will be separate from any investigation made by the LA on behalf of NAA.

Where an investigation is required by the LA and/or NAA, the general nature of the allegation will normally be made known to a school during the course of the investigation, but this will be done

at such a time so as not to prejudice the investigation. This will not include any details that could prejudice the examination of the key facts that are 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 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. Schools will receive formal written notification of the final decision made and this will be copied to the LA and, where appropriate, the chair of governors

5.2.3 Investigation of scripts

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

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

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

5.3 Case review and decision meeting

As well as being a mechanism by which the maladministration team considers the findings of the investigation, the case review and decision meetings are also the forum for the final review of cases and for the maladministration team to determine if any further action is required once all relevant facts have been collected.

The case review and decision meetings involve the following attendees:

- case review officer
- project coordinator
- test administration manager

- test administration team manager
- head of NCT school support
- independent adviser to the maladministration project.

The independent adviser is selected from nominations by the teacher associations and/or LAs and works on the project for a maximum of three years. He or she 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 the case is presented at the meeting. This could include reports from the school, LA, external marking agency or NAA and outcomes from 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 noted.

The case review and decision meeting can make one of three decisions. It may decide that:

- there has been no maladministration and close the case
- there has been minor maladministration, but that doubt is not cast over the accuracy or correctness of a pupil's result such that it is not necessary to amend or annul the results as a consequence
- in the team's opinion there is sufficient evidence that major maladministration has occurred such that there is doubt over the correctness or accuracy of a pupil's results.

If a test result is deemed not to reflect the pupil's own unaided work or there have been errors in the administration of the tests, which put the pupil's results in doubt, then the decision of the meeting will be to make a recommendation to the maladministration committee that the pupil's results be annulled or appropriately changed. However, in circumstances where a school consents to a change to 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. NAA will provide a formal written notification confirming the actions taken and this will be copied to the LA 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 will recommend that the marks gained in those elements are removed so that the result is a more accurate reflection of the pupil's own unaided work (eg 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 will recommend that the result be annulled.

Recommendations for altering or annulling the results, if not consented to by the school, will be referred to the NCT maladministration committee, which 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 LA and, where appropriate, the chair of governors.

5.4. NCT maladministration committee

Where a decision is made to make a recommendation to the NCT maladministration committee, the maladministration team will follow the procedures laid out in the *National curriculum tests maladministration committee procedures* document (see Appendix B). The NCT 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 via the committee officer who will make all arrangements for the committee meeting and ensure that 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.

Appendix A: Maladministration policy

The NAA has a statutory duty⁵ at key stages 2 and 3 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.

Where the accuracy or correctness of a pupil's result is in doubt, NAA shall determine the result for that pupil (if NAA's determination takes place before the external marking 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 external marking agency has provided the record of results to the headteacher), NAA will either:

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

The following table indicates the types of incidents related to test administration that are considered to represent maladministration such that action to change or annul results may be required. This list is not intended to be exhaustive and incidents may arise that are not covered in this table but are deemed by NAA not to be in accordance with national curriculum test policy such that action to change or annul results is required.

In addition, incidents where individuals take action deliberately to advantage pupils such that the results do not represent a pupil's own unaided work may also require action to change or annul results.

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

⁵ *The Education (National Curriculum) (Key stage 2 Assessment Arrangements) (England) Order 2003*
The Education (National Curriculum) (Key stage 3 Assessment Arrangements) (England) Order 2003

NAA 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. Schools gave additional time anyway (either by mistake or intentionally).
1.2	School did not apply for additional time for a pupil because they believed they did not need to. School gave additional time.
1.3	School gives additional time in the <i>Mental mathematics</i> test to pupils who are 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 that pupils did not discuss the test.
2.2	School gave a rest break but did not supervise pupils during the rest break but claims they can guarantee that pupils did not discuss the test.
2.3	School sent pupils out after test and then realised they had not given correct time allocation and called pupils back in to finish the test.
2.4	Disruption during the test (eg fire alarm) meant that pupils were evacuated from the hall. During the permitted 'rest break' pupils were not supervised and the school cannot guarantee that pupils did not discuss the test.
2.5	Disruption during the test (eg fire alarm) meant that pupils were evacuated from the hall. During the permitted 'rest break' pupils were not supervised but the school claims they can guarantee that pupils did not discuss the test.
3	Timetable variation
3.1	School varies the timetable and it is possible that test content has been shared with other pupils.
4	Use of equipment
4.1	Pupil uses a calculator on a non-calculator test.
4.2	Pupil uses inappropriate equipment in the <i>Mental mathematics</i> test (eg ruler).
4.3	Pupil uses a dictionary/spellchecker/word list in a test where this is not allowed.
5	Invigilation
5.1	Inappropriate sole invigilator used for a test (eg relative of the pupil).
6	Early opening
6.1	School opens 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 (eg did not turn off the spellchecker or thesaurus).
7.2	School used an amanuensis inappropriately in the way this access arrangement was applied (eg 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 (eg giving away answers through voice intonation).
7.4	School spelt words for a child in a test where spelling is assessed.
7.5	School used a transcript inappropriately in the way this access arrangement was applied (eg 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 (eg indicated questions that were incorrect).
8	Other
8.1	School administered test twice in the same year.
8.2	Inappropriate use of modified test materials (eg using flashcards with pupils without hearing impairment).

Related policy

- Monitoring visits policy.

Appendix B: National curriculum tests (NCT) maladministration committee procedures 2008

1. Description and scope of the NCT maladministration committee
2. Membership of the NCT maladministration committee
3. Attendance at the NCT maladministration committee
4. Conduct of NCT maladministration committee meetings
5. 2008 NCT maladministration committee timeline
6. Appeals process

1. Description and scope of the NCT maladministration committee

The National Assessment Agency (NAA) NCT maladministration committee fulfils part of the management process of the NAA's remit in investigating all allegations of maladministration in the end of key stage 2 and key stage 3 national curriculum tests and correcting any record where the NAA determines there to be doubt over the accuracy or correctness of a pupil's results.

The NAA NCT maladministration team conducts investigations into allegations of maladministration. Where the maladministration investigation recommends a change to the result for a pupil (or pupils) or annulment of the results for a pupil (or pupils), 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 NAA's remit does not extend to investigate 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 tests policies are agreed and owned jointly by the DCSF and NAA. 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 NAA for review following a committee meeting, but all decisions must be in accordance with existing, agreed policies.

The statutory instruments⁶ for key stage 2 and key stage 3 state 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.

In cases 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 instruments for key stage 2 and key stage 3 also state that:

Where ... the external marking agency have provided the record of results to the headteacher under article 8(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 NCT maladministration committee

The maladministration committee will comprise of six members, with three being NAA staff and three being practising headteachers or independent members from the teaching associations. If, due to exceptional circumstances, the full quotient of either NAA or independent committee members cannot be made a quorum of five will be acceptable.

The chair of the committee will be either the managing director of NAA or a director of a division within NAA. All members of the committee will be required to attend a training event before sitting on the committee. Members of the committee will be drawn from the following pool:

- managing director of NAA/divisional director
- member of NAA senior management team
- primary headteacher
- secondary headteacher

⁶ *The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 and The Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003*

- representative nominated from the teaching associations.

An NAA 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 published 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.

The director or other senior manager of NAA school and centre support 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 NCT maladministration committee

NCT 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.
Local Authority (LA) representatives	If an LA 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 NCT maladministration committee meetings

4.1 Before the committee meeting

Investigations of alleged maladministration will be carried out by the maladministration team in accordance with the published *Maladministration procedures*. Where the NCT maladministration

team decides to refer a case for decision to the NCT maladministration committee, the school will be notified of this in advance by either the maladministration team or by their LA.

The committee officer will send a letter to the headteacher of the school concerned that will be copied to the chair of governors and LA. 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 this is not to be 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, LA 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.

4.2 On the day of the committee meeting

The school representatives will be met by the director or a senior manager of NAA school and centre support 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 NAA 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 NCT maladministration team
- opportunity for committee members to seek clarification from the NCT 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 NCT maladministration team
- summing up by the school.

At this point, the maladministration team members, the school representatives and any LA 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 as a result of the actions taken by the school
- the implications of NCT 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 such questions and responses given.

The committee will reach one of the following decisions as a result of their 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 insufficient evidence to cast doubt on the accuracy or correctness of the results, leading to a decision to uphold the marks but to require 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 via the maladministration team that an NAA or LA monitoring visit be made to the school in the following or subsequent years
- there is insufficient evidence to determine whether or not maladministration has occurred, leading to a decision of no further action
- 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 committee officer will then advise the school of the process for appealing the committee decision.

4.4 After the meeting

The committee officer will confirm the decision of the committee in writing to all parties on the working day following the day on which 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 committee meeting. The school will also receive details of how they may appeal the decision of the committee if it so wishes and the deadline for requesting an appeal.

5. 2008 NCT maladministration committee timeline

Independent members of the maladministration committee appointed	1 April
Training for maladministration committee members	17 April
Maladministration committee meeting 1	26 June
Maladministration committee meeting 2	10 July
Maladministration committee meeting 3	17 July
Maladministration committee meeting 4	18 September
Maladministration committee meeting 5	25 September
Maladministration committee meeting 6	1 October
Maladministration committee meeting 7	8 October

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.

Appendix C: Maladministration flow chart

