

## ANNEX

### INDEX OF ENCLOSURES

| Enclosure No | Description  | Date     | Explanation of redactions   | Exemption        |
|--------------|--|----------|---|------------------|
| 1.           | Copy of SQA advice on producing estimates  | 20/04/20 | Note: This is an extract from a document published on the SQA website:<br><a href="https://www.sqa.org.uk/sqa/files_ccc/SQA-Information-on-Producing-Estimates-20-April-2020.pdf">https://www.sqa.org.uk/sqa/files_ccc/SQA-Information-on-Producing-Estimates-20-April-2020.pdf</a> |                  |
| 2.           | Email from Learning Directorate to Learning Directorate – Race Equality Action Plan      | 05/05/20 | Personal information  | Section 38(1)(b) |
| 2.1.         | Race Equality Action Plan Programme Board paper – Key issues around race around Covid-19 | 05/05/20 | Note: this information is an extract from a paper provided for the Race Equality Action Plan Programme Board meeting, providing discussion points on issues around race related to Covid -19  |                  |
| 3.           | Learning and Children hub Core Brief   | 04/05/20 | Note: This information is an extract from a routine document containing draft lines prepared by officials in preparation for potential queries, the remainder of which is out of scope of the request   |                  |
| 4.           | Email from Deputy First Minister Private Office to Communications – press lines          | 08/05/20 | Personal information  | Section 38(1)(b) |

## Enclosure 1

### Extract from SQA document Information for Centres Producing Estimates Session 2019–20

[information out of scope]

Where candidates would have reasonable adjustments or access arrangements (for example, a reader or scribe), the judgement should take account of likely achievement with the reasonable adjustment/access arrangement in place.

Where illness or other personal circumstances might have affected performance in prelim exams, centres should review candidate performance in alternative assessments when making their judgements.

[information out of scope]

## Enclosure 2

**From:** {Redact 38(1)(b)} @gov.scot>

**Sent:** 04 May 2020 14:10

**To:** {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Cc:** Director of Learning <DirectorofLearning@gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Subject:** RE: Race Equality Action Plan Programme Board teleconference - 5 May 2020 - agenda and papers

To see an additional point on 2, but I don't have anything for 3.

The SQA are engaging with the Scottish Human Rights Commission and are undertaking an Equalities Impact Assessment. They have also included guidance in the SQA academy course on potential bias in estimation to ensure that it is minimised at the point when the pupil's grade estimate is provided

Thanks

{Redact 38(1)(b)}

**From:** {Redact 38(1)(b)} @gov.scot>

**Sent:** 04 May 2020 13:30

**To:** {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Cc:** Director of Learning <DirectorofLearning@gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Subject:** RE: Race Equality Action Plan Programme Board teleconference - 5 May 2020 - agenda and papers

Thanks {Redact 38(1)(b)}. {Redact 38(1)(b)}, grateful for anything you may have which covers bullet point 3.

**From:** {Redact 38(1)(b)} @gov.scot>

**Sent:** 04 May 2020 13:27

**To:** {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Cc:** Director of Learning <DirectorofLearning@gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Subject:** RE: Race Equality Action Plan Programme Board teleconference - 5 May 2020 - agenda and papers

I also copied my response to {Redact 38(1)(b)} who may be able to help

**From:** {Redact 38(1)(b)} @gov.scot>

**Sent:** 04 May 2020 13:26

**To:** {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Cc:** Director of Learning <DirectorofLearning@gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Subject:** RE: Race Equality Action Plan Programme Board teleconference - 5 May 2020 - agenda and papers

Thanks {Redact 38(1)(b)}.

{Redact 38(1)(b)} – grateful if you could send me whatever you have to cover the second bullet point in my email of 11:45 today.

Best wishes

{Redact 38(1)(b)}

**Teacher Education, Leadership & Reform Unit**

**Directorate for Learning**

**Area 2-B North**

**BB:** {Redact 38(1)(b)}

**From:** {Redact 38(1)(b)} @gov.scot>

**Sent:** 04 May 2020 12:30

**To:** {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Cc:** Director of Learning <DirectorofLearning@gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Subject:** RE: Race Equality Action Plan Programme Board teleconference - 5 May 2020 - agenda and papers

{Redact 38(1)(b)}

The second bullet is not for me, possibly for the Qualifications/ Senior Phase Team. I'm copying {Redact 38(1)(b)} and {Redact 38(1)(b)}, and some names on their out-of-office who should be better placed to help.

{Redact 38(1)(b)} | Support and Wellbeing Unit | Learning Directorate | Scottish Government | Area 2-C North, Victoria Quay, Edinburgh, EH6 6QQ | telephone +44(0)131 244 {Redact 38(1)(b)}

**From:** {Redact 38(1)(b)} @gov.scot>

**Sent:** 04 May 2020 12:15

**To:** {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Cc:** Director of Learning <DirectorofLearning@gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Subject:** RE: Race Equality Action Plan Programme Board teleconference - 5 May 2020 - agenda and papers

Drawing in {Redact 38(1)(b)} from my team who may be able to assist.

{Redact 38(1)(b)} - can you consider and see if you have any lines you can offer.

**From:** {Redact 38(1)(b)} @gov.scot>

**Sent:** 04 May 2020 11:45

**To:** {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Cc:** Director of Learning <DirectorofLearning@gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot>

**Subject:** FW: Race Equality Action Plan Programme Board teleconference - 5 May 2020 - agenda and papers

**Importance:** High

Dear Colleagues

I'm picking this up on {Redact 38(1)(b)} behalf as she is working in the hub this week.

Graeme Logan is attending the Race Equality Programme Board (REAP) meeting tomorrow. You'll see from the attached papers that on this occasion, the discussion will be focussing on the broad ranging impact which Covid 19 and lockdown is having on ethnic minority communities and groups.

Colleagues in the Equality Unit have been working with their race equality stakeholders to identify what the key issues are across a number of areas. With regard to **education**, the following concerns have been raised (please let me know asap if I have incorrectly attributed your name to any of the points below):

**Education:**

- The impact of poverty (eg lack of access to laptop/tablet to be able to do the term time homework while in lockdown) combined with parents that may not have English as a

- first language might mean that pupils from a minority ethnic background slip behind their peers at the start of the new school year. ({Redact 38(1)(b)} and {Redact 38(1)(b)})
- Potential bias in marking by teachers and ensuring that there is some rigour in the system to analyse how the scoring measures against scoring in previous years of ME pupils to see whether there is a dip and for care to be taken about breaking that down in to ethnicity ({Redact 38(1)(b)} and {Redact 38(1)(b)}).
  - Generally to ensure there is robust data collection ({Redact 38(1)(b)}) and impact assessments across policy making in public bodies (I can provide lines on impact assessments but please chip in if you have anything to add).

I would be very grateful if you could provide lines for Graeme in order that he can talk to each of these points tomorrow. And apologies for the quick turnaround required, but if you could provide these **by 3pm** today, directly to the Director for Learning inbox and copying me in, that would be much appreciated.

Please do let me know if you can't meet the 3pm deadline. I can be contacted on {Redact 38(1)(b)} if it would be helpful to discuss in more detail.

Best wishes.

{Redact 38(1)(b)}.

{Redact 38(1)(b)} Teacher Education, Leadership & Reform Unit | Workforce, Infrastructure & Reform  
Directorate for Learning | Scottish Government  
Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ

**T:** {Redact 38(1)(b)} | **E:** {Redact 38(1)(b)} @gov.scot

<https://onescotland.org/equality-themes/advisory-council-women-girls/>

**From:** {Redact 38(1)(b)} @gov.scot>

**Sent:** 30 April 2020 10:30

**To:** Director for Housing and Social Justice <DirectorHSJ@gov.scot>; Gallagher S (Stephen) <Stephen.Gallagher@gov.scot>; {Redact 38(1)(b)} @gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; 'laic.khalique@{Redact 38(1)(b)} <laic.khalique@{Redact 38(1)(b)} >; Director of Learning <DirectorofLearning@gov.scot>; Social Security Scotland Chief Executive <ce@socialsecurity.gov.scot>; Wallace D (David) <David.Wallace@socialsecurity.gov.scot>; Director of Health Workforce <Directorofhealthworkforce@gov.scot>; Marr C (Claire) <Claire.Marr@gov.scot>; 'KHALIQUE, Laic (NHS TAYSIDE)' <laic.khalique@{Redact 38(1)(b)} >; Reid A (Adam) <Adam.Reid@gov.scot>; {Redact 38(1)(b)} @gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; Bird L (Lisa) <Lisa.Bird@gov.scot>; {Redact 38(1)(b)} @gov.scot>; {Redact 38(1)(b)} @gov.scot{Redact 38(1)(b)} @gov.scot>

**Cc:** DG Education, Communities & Justice <DGECJ@gov.scot>; Munro D (Dominic) <Dominic.Munro@gov.scot>; Richards N (Nicola) <Nicola.Richards@gov.scot>; {Redact 38(1)(b)} @socialsecurity.gov.scot>

**Subject:** Race Equality Action Plan Programme Board teleconference - 5 May 2020 - agenda and papers

{Redact 38(1)(b)} – awareness – added to OneNote

{Redact 38(1)(b)}

Dear All

Please see attached the agenda and papers for the Race Equality Action Plan Programme Board teleconference on Tuesday 5 May.

Teleconference call details are as follows:

Tel: [redacted – out of scope]

Pin: [redacted – out of scope]

Thanks

{Redact 38(1)(b)} | The Equality Unit | Scottish Government | 3H North, Victoria Quay, Edinburgh EH6 6QQ | e-mail: {Redact 38(1)(b)} @gov.scot

## Enclosure 2.1

### Extract from Race Equality Action Plan Programme Board teleconference discussion paper – Key issues around race around Covid-19

[information out of scope]

#### Education:

- The impact of poverty (eg lack of access to laptop/tablet to be able to do the term time homework while in lockdown) combined with parents that may not have English as a first language might mean that pupils from a minority ethnic background slip behind their peers at the start of the new school year.
- Potential bias in marking by teachers and ensuring that there is some rigour in the system to analyse how the scoring measures against scoring in previous years of ME pupils to see whether there is a dip and for care to be taken about breaking that down in to ethnicity.
- Generally to ensure there is robust data collection and impact assessments across policy making in public bodies.

[information out of scope]

## Enclosure 3

### Extract from Learning and Children hub Core Brief dated 4 May 2020

[information out of scope]

**The attainment gap between the wealthiest and the less well-off is widely recognised. This is not a result of the exam system – it is a result of poverty in society.**

- That said, there is no evidence that teachers in schools with higher proportions of pupils from less well-off backgrounds are less likely to estimate their attainment accurately. In fact, the professionalism of teachers in our hardest pressed schools is obvious to anyone familiar with those schools.

- So, there is no reason to believe that moderation of teacher judgement would disadvantage less-well off pupils.
- Furthermore, the comparison of the current year to previous years is only one factor in determining what the final award will be.

**The risk of potential bias in reaching estimated grades is acknowledged.**

- The SQA has included content in its SQA Academy training module designed to mitigate against the risk of unconscious bias at the point of giving the estimate.

**The certification model is there to ensure that the hard work of young people can be recognised and rewarded, and looks to do so in the fairest possible manner.**

- The SQA is having discussions with the Equalities and Human Rights Commission to ensure that the process delivers fairness, and these discussions will be included in an Equalities Impact Assessment, which they are taking forward.

[information out of scope]

**Enclosure 4**

**From:** Deputy First Minister and Cabinet Secretary for Education and Skills  
<DFMCSE@gov.scot>

**Sent:** 08 May 2020 19:03

**To:** {Redact 38(1)(b)}@gov.scot>

**Cc:** McAllister C (Colin); {Redact 38(1)(b)}@gov.scot>; {Redact 38(1)(b)}@gov.scot>; Ingebrigtsen R (Ross); Nicolson S (Stuart) Special Adviser; {Redact 38(1)(b)}@gov.scot>; News Desk <Newsdesk@gov.scot>; {Redact 38(1)(b)}@gov.scot>; SG Corona Virus Learning and Children <SGCoronavirusLearningandChildren@gov.scot>; {Redact 38(1)(b)}@gov.scot>; {Redact 38(1)(b)}@educationscotland.gov.scot>; Pentland MK (Malcolm); {Redact 38(1)(b)}@gov.scot>; Drought A (Andrew)

**Subject:** Re: Lines for clearance: SQA Guidance on exams - The Sun, Telegraph

Hi {Redact 38(1)(b)},

The DFM is content with the line.

Thanks

{Redact 38(1)(b)}

Sent from my BlackBerry 10 smartphone.

**From:** {Redact 38(1)(b)}

**Sent:** Friday, 8 May 2020 18:25

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills

**Cc:** McAllister C (Colin); {Redact 38(1)(b)}; {Redact 38(1)(b)}; Ingebrigtsen R (Ross); Nicolson S (Stuart) Special Adviser; {Redact 38(1)(b)}; News Desk; {Redact 38(1)(b)}; SG Corona Virus Learning and Children; {Redact 38(1)(b)}; {Redact 38(1)(b)}; Pentland MK (Malcolm); {Redact 38(1)(b)}; Drought A (Andrew)

**Subject:** Lines for clearance: SQA Guidance on exams - The Sun, Telegraph

{Redact 38(1)(b)}



{Redact 38(1)(b)} from The Sun, {Redact 38(1)(b)} from the Telegraph are looking for SG lines, on the below SQA story running on PA.

The Education and Skills Committee has called for more transparency over changes made to the examination process in the wake of the coronavirus outbreak

I have copied the SQA response at the foot of this email for reference.

Comms, Spads and officials have discussed and agreed the comment below.

Could you confirm if the DFM is content?

**A Scottish Government spokesperson said:**

“The SQA is working with partners to ensure the certification model is fair to pupils and recognises that teachers are best placed to make judgements on learners’ performance.

“To ensure the integrity of awards and consistency across the country and across years, the SQA will then check and moderate that information where necessary.”

“In developing its guidance the SQA engaged with teachers and range of other stakeholders. The SQA have subsequently provided a wide range of stakeholder support, including delivering further guidance through their online Academy.”

“SQA made clear its commitment to transparency and fairness in its evidence to the Committee”.

Background

- Ranking has previously been used in the Scottish examination system and is familiar to teachers with longer service. This approach is already used in other SQA marking settings.
- Teachers and lecturers are being asked to make important decisions about how learners may have otherwise performed in the exams they were due to sit this year. Their insights from working with learners in schools and colleges means they are best placed to make judgements on learners’ performance. The SQA will then check and moderate that information, in addition to any prior learner attainment, to ensure consistency across schools and colleges and with results from previous years. This process is designed to promote fairness – it is there to ensure that an ‘A’ in one school is the same as an ‘A’ in any other school. Taking these steps will ensure that the qualifications gained by this year’s learners will be as valid as those achieved in any other year and allow them to stand the test of time.

Thanks

{Redact 38(1)(b)}

| Communications DFM, Education and Justice | Scottish Government  
Tel – 0131-244-{Redact 38(1)(b)} / {Redact 38(1)(b)} | {Redact 38(1)(b)} @gov.scot

An SQA spokesperson said:

“SQA will, of course, respond robustly and in full to the letter from the Education and Skills Committee at the earliest opportunity.



“SQA made clear its commitment to transparency and fairness in its evidence to the Committee.”

We have also been approached by the Sunday Mail looking for a response to specific comments made by the Equality and Human Rights Commission, regarding an Equality Impact Assessment, with the following:

“As a public body, SQA is covered by equality legislation and we are, of course, ensuring we meet our obligations by producing an equality impact assessment on our approach to certification this year. We have already made that clear to the Education and Skills Committee and the Equality and Human Rights Commission. It is also, of course, our intention to publish the assessment.

“Fairness is at the heart of our approach to certification. SQA is committed to fairness for all learners.

“We have specifically addressed the issue of potential bias via our SQA Academy course to support the detailed guidance to support teachers and lecturers in the estimates process. Since 27 April, this course has been viewed almost 9,000 times.”

### **PA copy:**

More transparency is needed over changes made to the examination process in the wake of the coronavirus outbreak, Holyrood's education committee has said.

In a letter to Fiona Robertson, the chief executive of the Scottish Qualifications Authority (SQA), the committee raised problems with the use of a school's past performance to inform the grades of learners this year, which it said could affect those from more deprived backgrounds.

In response to the coronavirus outbreak, the Scottish Government cancelled this year's exam schedule, with teachers instructed to submit predicted grades and rankings of pupils in the absence of an examination.

Following up on an appearance by Ms Robertson, the committee pushed for more clarity on the moderation of the new system, an equalities impact assessment and the appeals process.

In the letter, convener Clare Adamson told the chief executive that the confidence of the public in the temporary replacement system is based on transparency.

She said: "Only by being able to understand the detail of the processes to be followed can the public be assured that the system for arriving at grades will be consistent and fair.

"On that basis the detail of processes being followed need to be published in full as quickly as possible."

The committee also asked for full details on the moderation process, including how much weight would be given to teachers' predictions, past coursework, mapping of estimates on a curve and the past performance of the school.

The convener also said there had been "deep unease" among teachers who were part of three focus group sessions held at the end of last month by the committee over the need to rank students.

She wrote: "The concerns include that ranking goes against the principles of the Curriculum for Excellence and that assessing students to within a fraction of a percentage point is, as one teacher in our focus groups put it, 'conflating precision with accuracy'.

"This is of particular concern in 'high stakes' subjects where a large proportion of the final grade is usually exam-based."

As well as asking for clarification, the convener also laid out the committee's position on some of the issues around the new system, recommending that an equalities impact assessment is published, which Ms Robertson told the committee during her evidence was being undertaken.

The convener also said the committee recommends the publication of details around the appeals process and the methodology put forward for the moderation of grades, the latter being made public before teachers are expected to submit estimates.